

## County Attorney

**Kenneth R. Hodges, County Attorney**  
719-520-6485  
Centennial Hall  
200 S. Cascade, Suite 150  
Colorado Springs, CO 80903  
www.ElPasoCo.com

**Board of County Commissioners**  
Holly Williams, District 1  
Carrie Geitner, District 2  
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August 15, 2024

VR-23-24            Ponderosa Pine Estates

Reviewed by:    Lori L. Seago, Senior Assistant County Attorney  
April Willie, Paralegal

### **WATER SUPPLY REVIEW AND RECOMMENDATIONS**

#### Project Description

1.        This is a proposal by Clifford Joyner (“Applicant”), to subdivide two adjoining parcels of approximately 3.07 acres into 4 lots (the “Property”). The property is zoned RR-0.5 (Residential Rural).

#### Estimated Water Demand

2.        Pursuant to the *Water Supply Information Summary* (“WSIS”), the subdivision demand is 0.94 acre-feet per year, comprised of 0.235 acre-feet/lot for household use. The Applicant must therefore be able to provide a supply of 282 acre-feet of water (0.94 acre-feet per year x 300 years) to meet the County’s 300-year water supply requirement.

#### Proposed Water Supply

3.        The Applicant has provided for the source of water to derive from the Forest View Acres Water District. As detailed in the Water Resources Report (“Report”), the estimated average daily use for the subdivision will be 1.0 acre-feet per year. The Report states that the District has a total annual firm water supply of 85 acre-feet per year from their Arapahoe well supply. The District reported that their average annual water demand is 80 acre-feet per year. The addition of .94 acre-feet per year to supply Ponderosa Pine Estates leaving an excess of 4.06 acre-feet.

#### **ASSISTANT COUNTY ATTORNEYS**

NATHAN J. WHITNEY  
CHRISTOPHER M. STRIDER

STEVEN A. KLAFFKY  
TERRY A. SAMPLE

LORI L. SEAGO  
DOREY L. SPOTTS

BRYAN E. SCHMID  
STEVEN W. MARTYN

MERI GERINGER  
ERIKA KEECH

4. The District provided a letter of commitment for Ponderosa Pine Estates dated August 8, 2024, in which the District commits to providing water service for this subdivision for up to 4 lots with an estimated commitment of 0.235 acre-feet per lot, for a total of 0.94 annual acre-feet for residential uses. The letter was not signed, however; submission of a signed letter will be required prior to final plat recording.

#### State Engineer's Office Opinion

5. In a letter dated December 28, 2023, the State Engineer reviewed the proposal to subdivide 3.07 acres into 4 residential lots and cited information provided by Applicant that estimated a total demand of 1.0 acre-feet per year. The State Engineer stated that the proposed supply of water is to be served by the District. The State Engineer advises the information within their office indicates that the District has approximately 11.65 annual acre-feet of Denver Basin groundwater available for additional commitments and thus appears to have sufficient water resources to supply the proposed subdivision.

Further, the State Engineer offers their opinion that “. . . pursuant to Sections 30-28-136(1)(h)(II), C.R.S., it is our opinion that the proposed water supply is adequate and can be provided without causing injury to decreed water rights.”

#### Recommended Findings

6. Quantity and Dependability. Applicant's water demand for Ponderosa Pine Estates is 0.94 acre-feet per year to be supplied by the Forest View Acres Water District. **Based on the water demand of 0.94 acre-feet/year for the subdivision and the District's availability of water sources, the County Attorney's Office recommends a finding of sufficient water quantity and dependability for the Ponderosa Pine Estates.**

7. Quality. The water quality requirements of Section 8.4.7.B.10 of the Code must be satisfied. Section 8.4.7.B.10.g. of the Code allows for the presumption of acceptable water quality for projects such as this where water is supplied by an existing Community Water Supply operating in conformance with Colorado Primary Drinking Water Regulations unless there is evidence to the contrary.

8. Basis. The County Attorney's Office reviewed the following documents in preparing this review: the Water Supply Information Summary, the Water Resources Report dated December 12, 2023, the Forest View Acres Water District letter dated August 8, 2024, and the State Engineer Office's Opinion dated December 28, 2023. The recommendations herein are based on the information contained in such documents and on compliance with the requirements set forth below. ***Should the information relied upon be found to be incorrect, or should the below requirements not be met, the County Attorney's Office reserves the right to amend or withdraw its recommendations.***

**REQUIREMENTS:**

A. Prior to recording the final plat:

1. Applicant must amend Section 3.1 on p. 3 and Section 4.3 on p. 4 of the Water Resource Report to reflect the same water demand as the Water Supply Information Summary. Applicant must also remove pp. 7 and 9 (the WSIS and Commitment Letter) as they conflict with the more current documents in the project file.
2. Applicant must upload a signed pdf of the water provider Commitment Letter.

B. Applicant and all future owners of lots within this filing shall be advised of, and comply with, the conditions, rules, regulations, limitations, and specifications set by the District.

cc. Ryan Howser, Project Manager, Planner