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September 24, 2024

SP-23-9 Retreat at PrairieRidge Filing Nos. 1-3

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

WATER SUPPLY REVIEW AND RECOMMENDATIONS

Project Description

1. This is a proposal by Classic SRJ Land LLC (“Applicant”), to subdivide an approximately 108.89 +/- acre tract of land into 193 lots (“Property”). The property is zoned RR5 (Rural Residential).

Estimated Water Demand

2. The Applicant has provided for the source of water to derive from a central water system – Falcon Area Water & Wastewater Authority (“FAWWA or Authority”). As described in the *Water Supply Information Summary* (“WSIS”), the Applicant estimates its annual water requirements to serve 193 single-family lots at 67.63 acre-feet and irrigation of 1.32 acres at 3.30 acre-feet per year for a total demand of 70.93 acre-feet per year. The Applicant would need to provide a supply of 21,279 acre-feet of water (70.93 acre-feet/year x 300 years) to meet El Paso County’s 300-year water supply requirement.

Proposed Water Supply

3. The Applicant has provided for the source of water to derive from FAWWA. The *Water Resources Report* (“Report”) indicates the Authority’s water supply is sourced from a variety of water rights, including on-site water from non-tributary and not non-tributary Denver, Arapahoe and Laramie-Fox Hills aquifer wells pursuant to the Water Decree in 20CW3059 and on-site rights at the Retreat at Timber Ridge. The *Report* indicates that the current total water commitment for FAWWA is currently at 1,033.87 annual acre-feet/300 years which includes

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active water commitments current through September 11, 2024. The current available water supply for FAWWA is now 928.36 annual acre-feet/300 years.

4. The Authority provided a letter of commitment for Retreat at PrairieRidge Filing Nos. 1-3 dated September 11, 2024, in which FAWWA committed to providing water service for 193 lots, for an annual water requirement of 70.93 acre-feet/year.

State Engineer's Office Opinion

6. In a letter dated September 17, 2024, the State Engineer's Office reviewed the application to subdivide the 108.89 +/- acres into 193 single-family lots. The proposed supply of water to the subdivision will be served by FAWWA.

Further, the State Engineer provided their opinion that "[p]ursuant to Section 30-28-136(1)(h)(I) and section 30-28-136(1)(h)(II), C.R.S., it is our opinion that the proposed water supply can be provided without causing injury to decreed water rights. . .". The letter goes on to include two points of clarification regarding Well nos. 34030 and 285607 that must be addressed by the Applicant.

Recommended Findings

7. Quantity and Dependability. Applicant's water demand is 70.93 acre-feet per year for a total demand of 21,279 acre-feet for the subdivision for 300 years, to be supplied by FAWWA. **Based on the Authority's available water supply of approximately 928.36 annual acre-feet, the County Attorney's Office recommends a finding of sufficient water quantity and dependability for the Retreat at PrairieRidge Filing Nos. 1-3.**

8. 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.

9. Basis. The County Attorney's Office reviewed the following documents in preparing this review: the *Water Supply Information Summary*, the *Water Resources Report* dated September 11, 2024, the *Falcon Area Water & Wastewater Authority* letter dated July 12, 2024, and the *State Engineer Office's Opinion* dated September 17, 2024. 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.***

10. Waiver. Applicant has requested a waiver of the provision of Section 8.4.7.E.1. of the Land Development Code designating a change in water supply from central water to wells

as a substantial change in water supply requiring Board of County Commissioners approval. They request that a future change for the 6 rural lots in the preliminary plan be evaluated and acted upon administratively by the Executive Director of Planning and Community Development. Based on my ongoing review of the water documentation in the file and discussions with the Applicant, I support this request and recommend approval of the waiver.

REQUIREMENTS:

- A. Prior to recording the first final plat of this preliminary plan, Applicant shall plug and abandon Well no. 34030, file a Well Abandonment Report with the Division of Water Resources, and submit a copy of such Report for inclusion in the final plat file.
- B. Prior to recording the final plat encompassing the 6 rural lots in this preliminary plan, Applicant shall ensure either that Well no. 285607 is augmented under case no. 24CW3007 or is plugged and abandoned and a Well Abandonment Report is filed with the Division of Water Resources, with a copy submitted for inclusion in the final plat file.
- C. 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: Kari Parsons, Project Manager, Planner