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November 1, 2022

SP-21-5 Waterbury Filings Nos. 1 and 2
Preliminary Plan

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 William Guman & Associates, LTD (“Applicant”), for a PUD preliminary plan of 198 residential lots on 61.9 acres of land (the “Property”). The preliminary plan parcels are zoned PUD (Planned Unit Development).

Estimated Water Demand

2. Pursuant to the Water Supply Information Summary (“WSIS”), the subdivision demand is 69.89 acre-feet for the 198 lots (0.3529 acre-feet/year) for household use, plus 3.46 acre-feet for irrigation of open space, for a total of 73.35 acre-feet/year for the subdivision. Based on these figures, the Applicant must be able to provide a supply of 22,005 acre-feet of water (73.35 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 4 Way Ranch Metropolitan District No. 2 (“District”). As detailed in the *Water Resource Report for Waterbury PUD Development and Preliminary Plan* as updated March 3, 2022 (“Report”), the average daily use for each of the 198 lots will be 0.353 acre-feet/year for a water demand of 69.89 acre-feet/year, plus irrigation of open space of 3.46 acre-feet/year for a total water demand of 73.35 acre-feet/year. The *Report* states that the District has the rights to 610 annual acre-feet of Laramie – Fox Hills and Arapahoe

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aquifer water and existing commitments of 17.64 annual acre-feet, for commitments totaling 90.99 annual acre-feet including this project. This leaves a balance of 519 annual acre-feet of uncommitted water for the District.

4. The District's Manager provided a letter of commitment for the Waterbury Filings Nos. 1 and 2 development dated October 5, 2022, in which the District committed to providing water service to the 198 single-family detached homes. The District Manager stated that the development is located within the service boundaries of District No. 2. The Manager stated that as "the District will commit to serve and has sufficient capacity within its existing water system that can provide water for the buildout of Filing 1 and Filing 2."

State Engineer's Office Opinion

5. In a letter dated March 21, 2022, the State Engineer reviewed the proposal to develop the 61.9 +/- acre parcel into 198 single-family lots. The State Engineer stated that the "proposed water supply source is service provided by 4-Way Metropolitan District No. 2." The State Engineer indicates that "[a]ccording to the Subdivision Summary Form dated March 9, 2022 and the Water Resource Report . . . the estimated water demand is 73.35 acre-feet/year for single-family residential use including irrigation of 1.4 acres." The State Engineer summarizes the water rights owned and controlled by the District as furnished in the Water Resource Report. The District controls 610 acre-feet/year of nontributary Denver Basin groundwater. The District will furnish the water supply through well permit nos. 64017-F and 64018-F. This includes determination of Water Right no. 510-BD which allocated 2,429 acre-feet/year from the nontributary Laramie-Fox Hills aquifer and determination of Water Right no. 511-BD which allocated 2,615 acre-feet/year from the nontributary Arapahoe aquifer, both amounts being based on a 100-year aquifer life. Further, the State Engineer included that according to the District Letter, the "District is committed to providing 78 acre-feet/year to serve the proposed water uses for Filings 1 & 2."¹ The State Engineer states that "[o]ur opinion that the water supply is adequate is based on our determination that the amount of water required annually to serve the subdivision is currently physically available, based on current estimated aquifer conditions." Finally, "[p]ursuant to sections 30-28-136(1)(h)(I) and 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 the Waterbury Filings Nos. 1 and 2 development is 73.35 acre-feet per year to be supplied by the 4 Way Ranch Metropolitan District No. 2.

Based on the water demand of 73.35 acre-feet/year for the development and the District's availability of water sources, the County Attorney's Office recommends a finding of sufficient water quantity and dependability for the Waterbury Filings Nos. 1 and 2 development.

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.

¹ In the letter dated October 5, 2022, the District commits to serve the subdivision and identifies the total water demand for the buildout as 73.35 acre-feet/year.

8. Basis. The County Attorney's Office reviewed the following documents in preparing this review: the Water Supply Information Summary dated October 13, 2022, the *Water Resource Report* as updated March 3, 2022, the 4 Way Ranch Metropolitan District No. 2 District letter dated October 5, 2022, and the State Engineer Office's Opinion dated March 21, 2022. 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, Applicant shall update the Water Resources Report to indicate whether the purchase of water rights described in Recital F of the Second Amended Water Rights Lease occurred and include proof thereof, and whether the Second Amended Water Rights Lease or the First Amended Lease is currently in effect. If the First Amended Lease is the operative lease now in effect, Applicant shall add both the 2 missing pages of the Amendment to First Amended Water Rights Lease and the First Amended Water Rights Lease to the Water Resources Report exhibits.
- 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, Planner III