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June 15, 2023

VR-22-13 Westview at Woodmoor Filing No. 1A
Vacation and Replat

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

WATER SUPPLY REVIEW AND RECOMMENDATIONS

Project Description

1. This is a Vacation and Replat proposal by Murphy's Custom Homes, Inc. ("Applicant"), to subdivide an approximately 3.81-acre lot into 4 single-family lots. The property is zoned RR-0.5 (Residential Rural).

Estimated Water Demand

2. Pursuant to the *Water Supply Information Summary* ("WSIS"), the Applicant estimates its annual water needs to serve this subdivision at 1.312 acre-feet/year for four lots. The Applicant estimates annual household use at 0.328 acre-feet per lot, with no additional estimated demand for irrigation, which results in a total annual water demand of 1.312 acre-feet for Westview at Woodmoor Filing No. 1A. Based on these figures, the Applicant must provide a supply of 393.6 acre-feet of water (1.312 acre-feet/year x 300 years) to meet the County's 300-year water supply requirement for the subdivision.

Proposed Water Supply

3. The Applicant has provided for the source of water to derive from the Woodmoor Water & Sanitation District No. 1. The *Water Resources Report* ("Report") estimates the total annual water demand for the subdivision at 1.312 acre-feet/year, consisting solely of household use with no estimated demand for irrigation. The *Report* indicates that the District's decreed Denver Basin water rights annual entitlement available for use totals 6,322.4 acre-feet per year. This amount is in addition to exchange water rights and senior surface water rights owned by the District. The total water commitment to serve existing development from Denver Basin water

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as of 2022 is 2,575 annual acre-feet. "...[T]he District has an excess of 3,747 af/yr of Denver Basin water rights annual entitlement available for future water commitments."

4. The Woodmoor Water & Sanitation District No. 1 District provided a letter of commitment dated September 26, 2022 for Westview at Woodmoor Filing No. 1A (identified as the 1384 Buckwood Lane Re-Plat in the letter), in which the District committed to providing water service for the 4 single family homes in an annual amount of 1.434 acre-feet per year. This commitment is contingent upon the Applicant entering into a Supplemental Water Service agreement with the District and complying with all District rules, regulations, specifications, and policies.

State Engineer's Office Opinion

5. In a letter dated March 14, 2023, the State Engineer's Office reviewed the application to subdivide the 3.8 +/- acres into 4 single-family lots. The State Engineer stated that "[t]he proposed source of water supply...is to be served by the Woodmoor Water and Sanitation District ("District")." The State Engineer noted the estimated water demand of 1.312 acre-feet per year for the subdivision. Further, the State Engineer stated that "[p]ursuant to Section 30-28-136(1)(h)(II) C.R.S., it is the opinion of this office that the proposed water supply can be provided without injury to decreed water rights, and the supply is expected to be adequate. The applicant should be expected to finalize the water supply commitment with the District prior to final approval from the County."

Recommended Findings

6. Quantity and Dependability. Applicant's water demand for Westview at Woodmoor Filing No. 1A is 1.312 acre-feet per year for a total demand of 393.6 acre-feet for the subdivision for 300 years, to be supplied by Woodmoor Water & Sanitation District No. 1. **Based on the District's available water supply of approximately 3,747 annual acre-feet, the County Attorney's Office recommends a finding of sufficient water quantity and dependability for Westview at Woodmoor Filing No. 1A.**

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* provided March 13, 2023, the *Water Resources Report* dated January 17, 2023, the *Woodmoor Water & Sanitation District No. 1* letter dated September 26, 2022, and the *State Engineer Office's Opinion* dated March 14, 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. 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.
- B. Prior to recording the final plat, Applicant must provide proof that it has entered into an approved Supplemental Water Service Agreement with the District.

cc: Ashlyn Mathy, Planner I