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September 24, 2024

PUDSP-22-9 Waterside at Lake Woodmoor

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

WATER SUPPLY REVIEW AND RECOMMENDATIONS

Project Description

1. This is a proposal by Lake Woodmoor Holdings, LLC (“Applicant”), to subdivide an approximately 7.5 +/- acre tract of land into 40 multi-family units and 4 single-family units. The property is zoned PUD (Planned Unit Development).

Estimated Water Demand

2. Pursuant to the *Water Supply Information Summary* (“WSIS”), the Applicant estimates its annual water needs to serve this subdivision at 7.348 acre-feet/year for 40 multi-family units, 0.735 acre-feet/year for 4 single-family units as well as irrigation of 1.72 acres with an estimated 4.104 acre-feet/year for a total demand of 12.187 acre-feet per year.¹ Based on these figures, the Applicant must provide a supply of 3,656.1 acre-feet of water (12.187 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 12.187 acre-feet/year, consisting of household uses and irrigation. Correspondence from the District in Appendix B of the *Report* states that the lower

¹ Note that this equates to an estimated demand for indoor use of 0.1837 acre-feet/year each for both multi-family and single-family homes. This is lower than the presumptive demand set forth in Section 8.4.7 of the Land Development Code, which is 0.20 acre-feet/year for multi-family and 0.26 acre-feet/year for single family.

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demand figures cited in the WSIS are supported by the District's 2022 analysis of average water usage. The *Report* also 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 as of 2022 is 2,575 annual acre-feet. "...[T]he District has an excess of 3,747.4 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 August 26, 2024, for Waterside at Lake Woodmoor, in which the District committed to providing water service for the 40 multi-family units and 4 single-family units in an annual amount of 12.187 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 July 8, 2024, the State Engineer's Office reviewed the application to subdivide the 7.5 +/- acres into 44 condominiums. The State Engineer stated that "[t]he proposed source of water for the development continues to be Woodmoor Water and Sanitation District." The State Engineer noted the estimated water demand of 12.236 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 is expected to be adequate."

Recommended Findings

6. Quantity and Dependability. Applicant's water demand for Waterside at Lake Woodmoor is 12.187 acre-feet per year for a total demand of 3,656.1 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, but given the District's requirement of a Supplemental Water Service Agreement, the County Attorney's Office recommends a finding of conditional sufficiency as to water quantity and dependability for Waterside at Lake Woodmoor.**

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 August 27, 2024, the *Woodmoor Water & Sanitation District No. 1* letter dated August 26, 2024, and the

State Engineer Office's Opinion dated February 29, 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.***

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: Ryan Howser, Project Manager, Planner