

Office of the County Attorney – Civil Division

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February 3, 2025

SF-24-21 The Trails Filing No. 10 (Latigo)
Final Plat

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

WATER SUPPLY REVIEW AND RECOMMENDATIONS

Project Description

1. This is a Final Plat proposal by Falcon Latigo LLC (“Applicant”), to subdivide an approximately 125.6 +/- acre tract of land into 43 single-family detached residential dwelling units (the “Property”). The property is zoned RR-2.5 (Rural Residential).

Estimated Water Demand

2. Pursuant to the *Water Supply Information Summary* (“WSIS”), the subdivision demand is 13.3 acre-feet per year for 43 lots (0.31 acre-feet per year per lot) which includes irrigation. The Applicant must therefore be able to provide a supply of 3,990 acre-feet of water (13.3 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 Meridian Service Metropolitan District (“District”). As detailed in the *Water Resources Report* dated June 2024 (“Report”), the average daily use for each of the 43 lots will be 0.31 acre-feet per dwelling unit/year for a total water demand of 13.3 acre-feet/year.

ATTORNEYS

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4. The District's Manager provided a letter of commitment for The Trails Filing No. 10 dated June 20, 2024, in which the District General Manager stated that the District will provide water service to the Property in the amount of 13.0 acre-feet per year.

State Engineer's Office Opinion

5. In a letter dated December 11, 2024, the State Engineer reviewed the proposal to subdivide the 125.6 +/- acre parcel into 43 single-family lots. The State Engineer stated that the "Meridian Service Metropolitan District (MSMD) will serve the filing." The State Engineer indicates they received a letter of commitment dated June 20, 2024 from the District which indicated that "[t]he present demand on MSMD's water supplies is approximately 1,874 acre-feet/year, including Latigo Trails Filing No. 10." Finally, ". . . pursuant to section 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 Latigo Trails Filing No. 10 is 13.33 acre-feet per year to be supplied by the Meridian Service Metropolitan District. **Based on the water demand of 13.33 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 Latigo Trails Filing No. 10.**

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 June 2024, the *Meridian Service Metropolitan District letter* dated June 20, 2024, and the *State Engineer Office's Opinion* dated December 11, 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 either:

- Upload a Water Supply Information and Water Resource Report that reduce the estimated demand per SFE to 0.30 acre-feet, in accordance with the commitment letter and State Engineer's analysis, OR
- Upload a commitment letter and updated State Engineer's Office letter committing to serve and analyzing the project based on the SFE estimated demand to 0.31 acre-feet, as set forth in the WSIS and Water Resource Report.

cc. Ashlyn Mathy, Project Manager, Planner