

## County Attorney

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March 5, 2024

MS-23-4          Guntzelman Porcelain Pines Subdivision  
Minor Subdivision

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 Kristian and Christa Guntzelman (“Applicant”) to subdivide the existing 35.16 acres into 3 single-family residential lots. The property is currently zoned RT (Residential-Topographic).

#### Estimated Water Demand

2. Pursuant to the *Water Supply Information Summary* (“WSIS”), the annual subdivision demand is 3.05 total annual acre-feet, comprised of 0.78 annual acre-feet for domestic use (0.26 acre-feet per lot), 2.207 annual acre-feet for irrigation (0.74 acre-feet per lot) and 0.066 annual acre-feet for animal watering (0.011 per head). Based on this, the Applicant must provide a supply of 915 acre-feet of water (3.05 acre-feet/year x 300 years) to meet the County’s 300-year water supply requirement for the subdivision.

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### Proposed Water Supply

3. The Applicant has provided for the source of water to derive from Colorado Springs Utilities (“CSU”). As identified in the *Water Resources Report* (“Report”) dated November 2023, the annual water demand for the development is 3.05 acre-feet per year. Per information obtained from CSU, CSU is able to supply a total of 95,000 acre-feet per year while meeting the goal of maintaining indoor water demand 100% of the time. In 2015, the most recent year for which information was available, water demand totaled less than 70,000 acre-feet for a population of 470,513. Based on these figures, the Report calculated an estimated demand of 75,673 acre-feet for a population of 498,879 in 2021.

4. CSU provided a letter dated February 16, 2024, stating that “CSU has available water supplies to serve the amounts needed to meet the estimated demand of 3.05 ac/ft per year and can provide water service to the Property. . . .”

### State Engineer’s Office Opinion

5. In a letter dated February 29, 2024, the State Engineer reviewed the application to subdivide the 35.16-acre tract into 3 lots. The State Engineer confirmed that CSU has sufficient water resources to supply this development. Further, the State Engineer states that “[b]ased upon the above and pursuant to Section 30-28-136(1)(h)(II) and 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 Guntzelman Porcelain Pines is 3.05 acre-feet per year to be supplied by Colorado Springs Utilities. **Based on the water demand of 3.05 acre-feet/year for the development and CSU’s availability of water sources, the County Attorney’s Office recommends a finding of sufficiency as to water quantity and dependability for Guntzelman Porcelain Pines.**

7. **Quality.** Section 8.4.7(B)(10)(g) of the El Paso County Land Development Code allows for a presumption of water quality when water is supplied from an existing Community Water Supply operating in conformance with the 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 November 2023, the *Colorado Springs Utilities* letter dated February 16, 2024, and the *State Engineer’s Office 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 requirement 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, and specifications set by CSU.

cc: Ryan Howser, Project Manager, Planner