



EL PASO COUNTY

Office of the County Attorney
Civil Division

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September 16, 2026

SP-26-2 The Markets at Bent Grass
Preliminary Plan

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

WATER SUPPLY REVIEW AND RECOMMENDATIONS

Project Description

1. This is a proposal by Cindy and Randy Deyoung ("Applicants"), to subdivide an approximately 53.91 +/- acre tract of land into 14 commercial lots (the "Property"). The property is zoned I-2 (Limited Industrial).

Estimated Water Demand

2. Pursuant to the *Water Supply Information Summary* ("WSIS"), the subdivision demand is 41.527 acre-feet per year for commercial uses and 15.774 acre-feet per year for irrigation. The Applicant must therefore be able to provide a supply of 17,190 acre-feet of water (57.30 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 Woodmen Hills Metropolitan District ("District"). As detailed in the *Water Resources Report* dated May 2026 ("Report"), the estimated water use will be 57.3 acre-feet per year for The Markets at Bent Grass. The Report states that the District has a total annual water supply of 2,157.4 acre-feet which is equal to 6,111 single-family equivalent (SFE) users. Currently, 3,892 SFEs are being served by the District leaving an excess of 2,219 to serve future projects.

4. The District provided a letter of commitment for The Markets at Bent Grass dated May 26, 2026, in which the District commits to providing water service for this subdivision for an estimated commitment of 57.3 acre-feet per year. The letter states the District has adequate water resources to meet the demand.

State Engineer's Office Opinion

5. In a letter dated September 2, 2026, the State Engineer reviewed the proposal for the subdivision. The State Engineer stated that the proposed supply of water is to be served by Woodmen Hills Metropolitan District ("WHMD"). The State Engineer advises the information within their office and the revised May 2026 Water Resources Report indicates that "the District's water supply totals, at a minimum, approximately [are] 1,586.55¹ acre-feet/year for a period of 300 years. . . and it has approximately 1,373.9 acre-feet/year committed to supplying subdivisions and replacement obligations, including the Markets at Bent Grass subdivision's estimated water demand of 57.3 acre-feet/year." The uncommitted amount of water available from WHMD is 212.6 acre-feet/year which is more than the estimated annual demand.

Further, the State Engineer offers their opinion that ". . . pursuant 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 existing water rights."

Recommended Findings

6. Quantity and Dependability. Applicant's water demand for The Markets at Bent Grass is 57.3 acre-feet per year to be supplied by the Woodmen Hills Metropolitan District. **Based on the water demand of 57.3 acre-feet/year for the subdivision and the District's availability of water sources, the County Attorney's Office recommends a finding of sufficient water quantity and dependability for The Markets at Bent Grass.**

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 May 2026, the *Woodmen Hills Metropolitan District letter* dated May 26, 2026, and the *State Engineer Office's Opinion* dated September 2, 2026. 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.***

¹ These amounts do not include the water from determination of water right nos. 503-BD, 504-BD, and 505-BD since the place of use of these water rights does not include land located in the District's service area and a deed showing the district owns these water rights was not provided. These amounts do not include the water from determination of water right nos. 1312-BD, 1313-BD, and 1314-BD since a deed showing the district owns these water rights was not provided. These amounts also do not include the water from Case No. 99CW214 since a deed showing the district owns these water rights was not provided.

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.

cc. Joe Letke, Project Manager, Planner