



EL PASO COUNTY

Office of the County Attorney
Civil Division

KENNETH R. HODGES, COUNTY ATTORNEY

Nathan J. Whitney, First Assistant County Attorney | Steven A. Klaffky, Chief Deputy County Attorney

MEMORANDUM

TO: Ryan Howser
FROM: Lori L. Seago
DATE: February 19, 2026
RE: PUDSP252 Flying Horse North PUDSP Amendment

A conditional finding of sufficient water supply was previously made by the BoCC for this development under SP17012. This Office's review recommending such finding contemplated the following uses and annual water demands:

283 residential lots	170.2 AF (including indoor use, irrigation, stock watering)
Golf course	180.0 AF
<u>Open space</u>	<u>27.8 AF</u>
Total	378 AF

The applicant seeks to increase the number of lots to 299. They have provided an updated calculation of estimated demand as follows:

299 residential lots	209.30 AF
Open space	43.15 AF
Golf course	164.70 AF
<u>Golf Course clubhouse</u>	<u>5.32 AF</u>
TOTAL	422.47 AF

The additional annual demand of 44.47 acre-feet for this development represents an 11.7% increase from the original 378 acre-feet.

Per LDC § 8.4.7 (E)(2), the PCD Director is to make an administrative determination as to whether a proposed change in water supply for a subdivision is substantial. It is my recommendation, based on the percentage increase in estimated water demand, that the proposed change is substantial and must therefore be approved by the Board of County Commissioners pursuant to LDC § 8.4.7 (E)(3).

The Water Resources Report supplied by the applicant and dated February 12, 2026 states that water for this development will be provided by the Dawson (for residential lots) and Denver and Arapahoe

(for open space and golf course irrigation and the clubhouse) aquifers and delivered through installation of individual wells on each lot. The applicant controls, through ownership or lease, sufficient water rights to meet the estimated demand, as concluded by the State Engineer's Office in its letter dated February 17, 2026.

Based on the foregoing and the supporting documentation in the PUDSP file, I recommend approval of the change in water supply.