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March 1, 2024

VR-23-16 Bent Grass East Commercial Filing No. 4
Vacation and Replat

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

WATER SUPPLY REVIEW AND RECOMMENDATIONS

Project Description

1. This is a Vacation and Replat proposal by John Sponseller (“Applicant”), to redevelop an approximately 1.46 +/- acre tract of land into 2 lots (the “Property”). The property is zoned CS (Commercial).

Estimated Water Demand

2. Pursuant to the *Water Supply Information Summary* (“WSIS”), the subdivision demand is 1.96 acre-feet per year for commercial uses (0.98 acre-feet per lot). The Applicant must therefore be able to provide a supply of 588 acre-feet of water (1.96 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 February 20, 2024 (“Report”), the average daily use will be 1.96 acre-feet per year for both lots. The Report states that the District has a total annual water supply of 1,457 acre-feet and in the last decade has used no more than 63% of that supply to meet the water needs of its customers.

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4. The District provided a letter of commitment for Bent grass East Commercial Filing No. 4 dated February 20, 2024, in which the District commits to providing water service for this subdivision for an estimated commitment of 1.96 acre-feet per year divided between the two lots. The letter states the District has adequate water resources to meet the demand.

State Engineer's Office Opinion

5. In a letter dated July 24, 2023, the State Engineer reviewed the proposal to replat Lot 1A. 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 from 2021 indicates that WHMD's "water supply totals approximately 1,426.5 acre-feet/year for a period of 300 years (or 987.5 acre-feet/year from bedrock aquifers and 439 acre-feet/year from the alluvial aquifer), and it has approximately 1,211 acre-feet/year committed to supplying subdivisions and replacement obligations. The uncommitted annual water supply of 215.5 acre-feet/year is more than the estimated annual demand of 1.96 acre-feet/year for this development."

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 decreed water rights."

Recommended Findings

6. Quantity and Dependability. Applicant's water demand for Bent Grass East Commercial Filing No. 4 is 1.96 acre-feet per year to be supplied by the Woodmen Hills Metropolitan District. **Based on the water demand of 1.96 acre-feet/year for the redevelopment and the District's availability of water sources, the County Attorney's Office recommends a finding of sufficient water quantity and dependability for the Bent Grass East Commercial Filing No. 4.**

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 February 20, 2024, the *Woodmen Hills Metropolitan District letter* dated February 20, 2024, and the *State Engineer Office's Opinion* dated July 24, 2023. 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.

cc. Ryan Howser, Project Manager, Planner