



4. Applicant also provided a *Water Resources Report for Estates at Rolling Hills Ranch Filing 2 PUD dated September 2020* (“Water Resources Report”) which detailed the District’s water supply. The Report notes that the District’s water supply includes both “renewable sources and Denver Basin non-renewable sources.” The District’s total legal supply on a 300-year basis is 2,119 annual acre-feet.

5. In a letter dated August 27, 2020, the State Engineer reviewed the application to subdivide the 117 acres into 98 single-family residential lots. The Engineer reviewed this proposal which estimated a water demand of 32.5 acre-feet/year, including the District’s commitment to supply the same. The State Engineer indicated that information in their files indicates “the District’s water rights total approximately 2,088 acre-feet/year for a period of 300 years (1,888 acre-feet/year from bedrock aquifers and 200 acre-feet/year from the alluvial aquifer), and it has approximately 1,671 acre-feet/year committed to supplying subdivisions and 30.2 acre-feet/year committed to replacement obligations, for a total commitment of 1,701 acre-feet/year.” And further, an “uncommitted annual water supply of 387 acre-feet/year<sup>1</sup> is more than the estimated annual demand of 32.5 acre-feet/year for Estates at Rolling Hills Ranch, Filing No. 2.” Finally, the Engineer stated that “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.”

6. Analysis: As indicated above, the Applicant provided a Water Resources Report dated September 2020, detailing the sources of the District’s water supply, which is based on both renewable and non-renewable sources. With a proposed annual demand of 32.5 acre-feet, plus the current commitments of the District of 1,669 acre-feet per year, the available resulting water supply of 2,119 acre-feet, and the remaining surplus of 387 acre-feet per year (based on the State Engineer’s figures), it appears the proposed water supply will be sufficient for the Estates at Rolling Hills Ranch Filing No. 2.

7. Section 8.4.7(B)(10)(g), of the El Paso County Land Development 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. Therefore, based upon the finding of sufficiency and no injury by the State Engineer, the District’s commitment, and based on the requirements below, the County Attorney’s Office recommends a finding that the proposed water supply is **sufficient** in terms of quantity and dependability. The El Paso County Health Department may wish to confirm that the District is in compliance with the water quality regulations.

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<sup>1</sup> This number (387 acre-feet) differs slightly from the number provided by the District (418 acre-feet). Notwithstanding, the amounts set forth by both entities reflect an adequate water supply available for this subdivision.

**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 I