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June 5, 2024

SF-18-27 Retreat at TimberRidge Filing No. 4
Final Plat

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

WATER SUPPLY REVIEW AND RECOMMENDATIONS

Project Description

1. This is a Final Plat proposal by TimberRidge Development Group LLC (“Applicant”), to subdivide an approximately 34.47 +/- acre tract of land into 10 single-family lots (“Property”). The property is zoned PUD (Planned Unit Development).

Estimated Water Demand

2. The Applicant has provided for the source of water to derive from a central water system – Falcon Area Water & Wastewater Authority (“FAWWA or Authority”). As described in the *Water Supply Information Summary* (“WSIS”), the Applicant estimates its annual water requirements to serve 10 single-family lots, including irrigation, at 3.53 acre-feet annually (0.353 acre-feet per lot). The Applicant would need to provide a supply of 1,059 acre-feet of water (3.53 acre-feet/year x 300 years) to meet El Paso County’s 300-year water supply requirement.

Proposed Water Supply

3. The Applicant has provided for the source of water to derive from FAWWA. The Authority was recently created to serve Sterling Ranch and The Retreat at TimberRidge, previously served by Sterling Ranch Metropolitan District. The *Water Resources Report* (“Report”) indicates the Authority’s water supply is sourced from a variety of water rights, including on-site water from non-tributary and not non-tributary Denver, Arapahoe and Laramie-Fox Hills aquifer wells pursuant to the Water Decree in 20CW3059 and on-site rights at the Retreat at Timber Ridge. The *Report* indicates that the current total water commitment for

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FAWWA is currently at 1,040.29 annual acre-feet/300 years which includes active water commitments current through February 15, 2024. The current available water supply for FAWWA is now 921.94 annual acre-feet/300 years.

4. The Authority provided a letter of commitment for Retreat at TimberRidge Filing No. 4 dated February 20, 2024, in which FAWWA committed to providing water service for the 10 single family lots, for an annual water requirement of 3.53 acre-feet/year.

State Engineer's Office Opinion

6. In a letter dated May 14, 2024, the State Engineer's Office reviewed the application to subdivide the 34.47 +/- acres into 10 single-family lots. The proposed supply of water to the subdivision will be served by FAWWA.

Further, the State Engineer provided their opinion that "[p]ursuant to Section 30-28-136(1)(h)(II) C.R.S., it is the opinion of this office that the proposed water supply can be provided without causing material injury to decreed water rights, and the supply is expected to be adequate."

Recommended Findings

7. Quantity and Dependability. Applicant's water demand is 3.53 acre-feet per year for a total demand of 1,059 acre-feet for the subdivision for 300 years, to be supplied by FAWWA. **Based on the Authority's available water supply of approximately 921.94 annual acre-feet, the County Attorney's Office recommends a finding of sufficient water quantity and dependability for the Retreat at TimberRidge Filing No. 4.**

8. 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.

9. 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 *Falcon Area Water & Wastewater Authority* letter dated February 20, 2024, and the *State Engineer Office's Opinion* dated May 14, 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 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: Kari Parsons, Senior Planner