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November 12, 2024

VR-23-21 Owl Marketplace Filing No. 1  
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 Final Plat proposal by Meridian & Owl X LLC (“Applicant”), to redevelop an approximately 4.61 +/- acre tract of land into 4 commercial lots (the “Property”). The property is zoned RR-5 (Rural Residential).

Estimated Water Demand

2. Pursuant to the Water Supply Information Summary (“WSIS”), the subdivision demand is 4.88 acre-feet per year for commercial uses. The Applicant must therefore be able to provide a supply of 1,464 acre-feet of water (4.88 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 September 2024 (“Report”), the total demand for commercial use is 4.88 acre-feet per year based on a planning value of 3.0 Single Family Equivalent (SFE) per acre of commercial land calculated. This total includes irrigation.

**ASSISTANT COUNTY ATTORNEYS**

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The Report states that the District has an annual supply of water on a 300-year basis in the amount of 2,157 acre-feet from both renewable and non-renewable sources. The District reports use of 817.02 acre-feet of water in 2023, leaving an excess of available water to serve this subdivision.

4. The District provided a letter of commitment Owl Marketplace Filing No. 1 dated May 2, 2024, in which the District stated that “. . .the District commits 4.88 acre-feet of water per year for the subdivision. WHMD has adequate water supplies to meet the anticipated additional demand.”

#### State Engineer’s Office Opinion

5. In a letter dated November 8, 2023, the State Engineer reviewed the proposal to subdivide 4.61 acres into 4 lots. The State Engineer stated that the proposed supply of water is to be served by Woodmen Hills Metropolitan District (“WHMD”) and estimates that WHMD has 1,186 annual acre-feet available for additional commitments.

Finally, the State Engineer offered their opinion that “[b]ased upon the above and pursuant to section 30-28-136(1)(h)(I) and 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.”

#### Recommended Findings

6. Quantity and Dependability. Applicant’s water demand for Owl Marketplace Filing No. 1 is 4.88 acre-feet per year to be supplied by the Woodmen Hills Metropolitan District. **Based on the water demand of 4.88 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 Owl Marketplace Filing No. 1.**

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 September 2024, the *Woodmen Hills Metropolitan District letter* dated May 2, 2024, and the *State Engineer Office’s Opinion* dated November 8, 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.
- B. Prior to recording the final plat, Applicant shall upload to the file written confirmation from the SEO's office that its records have been corrected to reflect a 4-lot commercial subdivision served by the District.

cc. Kylie Bagley, Project Manager, Planner