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January 5, 2023

SF-21-36 Latigo Trails Filing No. 9
Final Plat

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 Cheyenne Mountain Development Company, LLC (“Applicant”), to subdivide an approximately 107 +/- acre tract of land into 39 single-family detached residential dwelling units (the “Property”). The property is zoned RR-2.5 (Rural Residential).

Estimated Water Demand

2. Pursuant to the *Water Supply Information Summary* (“WSIS”), the subdivision demand is 13 acre-feet per year for 39 lots which includes irrigation. All other documents provided by Applicant are based on an estimated demand of 12 acre-feet per year for 39 lots, however, and this review is based on the lower figure.¹ The Applicant must therefore be able to provide a supply of 3,600 acre-feet of water (12 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 Meridian Service Metropolitan District (“District”). As detailed in the *Water Resources Report* dated July

¹ It is recommended that Applicant be required to update the Water Supply Information Summary. See Requirement B.

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2022 (“Report”), the average daily use for each of the 39 lots will be 0.31 acre-feet per dwelling unit/year for a total water demand of 12.09 acre-feet/year.

4. The District’s Manager provided a letter of commitment for Latigo Trails Filing No. 9 dated July 18, 2022, in which the District General Manager stated that the District will provide water service to the Property in the amount of 12 acre-feet per year.

State Engineer’s Office Opinion

5. In a letter dated September 29, 2022, the State Engineer reviewed the proposal to subdivide the 107 +/- acre parcel into 39 single-family lots. The State Engineer stated that the “Meridian Service Metropolitan District (MSMD) is committed to serving Filing No. 9.” The State Engineer indicates the correct number of lots as 39 and indicates a water demand of 12 acre-feet/year based on the Letter of Intent from June 23, 2022. The State Engineer indicates they received a letter of commitment dated July 18, 2022 from the District which indicated that “[t]he total demand on MSMD is approximately 1,751 acre-feet/year. The additional demand of Filing No. 9 brings the demand on MSMD up to approximately 1,763 acre-feet/year.... [T]he District owns and controls... 2,058 acre-feet/year based on a 300-year supply.” Finally, “pursuant to sections 30-28-136(1)(h)(II) and 300-28-136(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 vested water rights.”

Recommended Findings

6. Quantity and Dependability. Applicant’s water demand for Latigo Trails Filing No. 9 is 12 acre-feet per year to be supplied by the Meridian Service Metropolitan District. **Based on the water demand of 12 acre-feet/year for the development and the District’s availability of water sources, the County Attorney’s Office recommends a finding of sufficient water quantity and dependability for Latigo Trails Filing No. 9.**

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* provided June 23, 2022, the *Water Resources Report* dated July 2022, the *Meridian Service Metropolitan District letter* dated July 18, 2022, and the *State Engineer Office’s Opinion* dated September 29, 2022. 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 must upload a corrected *Water Supply Information Summary* to match the current water demand of the project.
 - Applicant must remove the Commitment Letter from water service provider dated September 7, 2021, and upload the correct version currently named “Latigo Fig. 9 will serve – signed” dated July 18, 2022 in the space where the prior version occupies.

cc. Ryan Howser, Planner III