

## County Attorney

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July 15, 2024

SP-24-2 Eagle Rising Filing No. 1

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

### **WATER SUPPLY REVIEW AND RECOMMENDATIONS**

#### Project Description

1. This is a proposal by CASAS Limited Partnership #4 ("Applicant"), to subdivide approximately 70.79 +/- acre tract of land into 17 residential lots (the "Property"). The property is zoned RR-2.5 (Residential Rural).

#### Estimated Water Demand

2. Pursuant to the *Water Supply Information Summary* ("WSIS"), the subdivision demand is 23.8 acre-feet per year, comprised of 0.26 acre-feet/lot for household use and 0.06 acre-feet/year/lot for landscaping, 5.0 acre-feet for stock watering of up to 68 head and irrigation of 10+ acres, and an additional 13.33 acre-feet to meet augmentation requirements for the evaporation of water from three ponds on the property. The Applicant must therefore be able to provide a supply of 7,140 acre-feet of water (23.8 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 Park Forest Water District. As detailed in the Water Resources Report dated May 21, 2024 ("Report"), the average daily use for each lot will be 0.32 acre-feet per year comprised of 0.26 acre-feet for household use and 0.06 acre-feet for landscaping. The Report states that the District has a total

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annual water supply of 667.04 acre-feet and reported pumping 77.10 acre-feet of water commitments from that supply in 2019 leaving an excess of 589.94 acre-feet.

4. The District provided a letter of commitment for Eagle Rising dated March 20, 2024, in which the District commits to providing water service for this subdivision for up to 18 lots with an estimated commitment of 0.35 per lot, for a total of 6.3 annual acre-feet for residential uses. The District notes that the Water Supply Information Summary has a lower demand of 0.32 acre-feet per year for each of 17 lots. The District also commits to supplying 5.0 acre-feet per year for the additional uses identified in the Water Supply Information Summary, as well as the 13.33 acre-feet per year required to augment pond evaporation losses. The District has thus committed to supplying up to 24.63 acre-feet per year to this property.

#### State Engineer's Office Opinion

5. In a letter dated June 20, 2024, the State Engineer reviewed the proposal to subdivide 70.79 acres into 17 residential lots. The State Engineer stated that the proposed supply of water is to be served by the District. The State Engineer advises the information within their office indicates that the District appears to have sufficient water resources to supply the proposed subdivision.

Further, the State Engineer offers their opinion that “. . . pursuant to sections 30-28-136(1)(h)(II), C.R.S., it is our opinion that the proposed water supply can be provided without causing injury to decreed water rights and is expected to be adequate.”

#### Recommended Findings

6. Quantity and Dependability. Applicant's water demand for Eagle Rising Filing No. 1 is 23.8 acre-feet per year to be supplied by the Park Forest Water District. **Based on the water demand of 23.8 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 the Eagle Rising 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 May 1, 2024, the Park Forest Water District letter dated March 20, 2024, and the State Engineer Office's Opinion dated June 20, 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, as well as the Inclusion Agreement between the Applicant and the District dated September 19, 2013.

cc. Ryan Howser, Project Manager, Planner