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April 5, 2024

VR-22-3 Circle K – US24 & Meridian
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 CST Metro LLC (“Applicant”), to redevelop an approximately 8.99 +/- acre tract of land into 2 lots (the “Property”). The property is zoned CS (Commercial Service).

Estimated Water Demand

2. Pursuant to the Water Supply Information Summary (“WSIS”), the subdivision demand is 1.714 acre-feet per year for commercial uses and 1.012 acre-feet per year for irrigation on future lot 1, 1.710 acre-feet per year future lot 2, and an additional 0.767 acre-feet per year to operate a car wash, for a total demand of 5.204 acre-feet per year. The Applicant must therefore be able to provide a supply of 1,561.2 acre-feet of water (5.204 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 January 2024 (“Report”), the average daily use for future lot 1 will be 1.714 acre-feet for indoor commercial use, 1.012 acre-feet for irrigation, and an additional 0.767 acre-feet per year to

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operate a car wash. It is estimated that the future lot 2 will utilize 1.710 acre-feet per year for a total demand of 5.204 acre-feet per year.

The Report states that the District has an annual supply of water in the amount of 1,457 acre-feet from both renewable and non-renewable sources, and that over the last decade the District has used from 48% to 63% of that supply.

4. The District provided a letter of commitment for Circle K – US 24 & Meridian dated January 23, 2024, in which the District stated that it “. . .the District commits 5.204 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 February 29, 2024, the State Engineer reviewed the proposal to redevelop a Circle K facility by combining and rezoning portions of the property. 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 211 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), 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 Circle K – US24 & Meridian is 5.204 acre-feet per year to be supplied by the Woodmen Hills Metropolitan District. **Based on the water demand of 5.204 acre-feet/year for the redevelopment and the District’s availability of water sources, the County Attorney’s Office recommends a finding of sufficient water quantity and dependability for Circle K – US24 & Meridian.**

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 January 24, 2024, the Woodmen Hills Metropolitan District letter dated January 23, 2024, and the State Engineer Office’s Opinion dated February 29, 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.
- B. Applicant shall comply with the requirements set forth in the February 29, 2024 letter from the Division of Water Resources.

cc. Ryan Howser, Project Manager, Planner