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September 10, 2024

MS-24-4 Stimple Subdivision Filing No. 1
Minor Subdivision

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

WATER SUPPLY REVIEW AND RECOMMENDATIONS

Project Description

1. This is a proposal by Stimple Family LLLP (“Applicant”), for a one-lot subdivision of an approximately 7.58 +/- acre tract of land (“the property”). The property is currently zoned RR-5 (Residential Rural).

Estimated Water Demand

2. Pursuant to the *Water Supply Information Summary* (“WSIS”), the Applicant estimated its annual water needs to serve this subdivision at 0.35 acre-feet/year. The *Water Resources Report* (“Report”), however, identifies the estimated demand as 0.353 acre-feet/year.¹ There is no irrigation anticipated. Based on the higher figure, the Applicant must provide a supply of 105.9 acre-feet of water (0.353 acre-feet/year x 300 years) to meet the County’s 300-year water supply requirement for the subdivision.

Proposed Water Supply

3. The Applicant has provided for the source of water to derive from the Falcon Area Water and Wastewater Authority (“FAWWA” or “Authority”). The *Water Resources Report* (“Report”) indicates the Authority’s water supply is sourced from on-site non-tributary water rights, including water from Denver, Arapahoe and Laramie-Fox Hills aquifer wells. The *Report* indicates that the current developed physical supply is 1,966.14 annual acre-feet/300 years. The

¹ Applicant will be required to submit an updated WSIS prior to recording the plat.

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total water commitment is currently at 1,036.03 annual acre-feet/300 years as of August, 2024. There is thus a net excess of currently available water of 930.11 acre-feet/300 years.

4. The Falcon Area Water & Wastewater Authority provided a letter of commitment for Stimple Subdivision Filing No. 1 dated August 12, 2024, in which the Authority committed to providing water service for the one lot, for an annual water requirement of 0.353 acre-feet/year.

State Engineer's Office Opinion

5. In a letter dated September 2, 2024, the State Engineer's Office reviewed the application for a one-lot subdivision of a 7.58-acre parcel. The State Engineer stated that "[t]he proposed source of water supply is service provided by the Falcon Area Water and Wastewater Authority (FAWWA)." Further, the State Engineer stated that ". . . pursuant to section 30-28-136(1)(h)(l), 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 Stimple Family LLLP is 0.353 acre-feet per year for a total demand of 105.9 acre-feet for the subdivision for 300 years, to be supplied by FAWWA. **Based on the Authority's available water supply of approximately 930.11 annual acre-feet, the County Attorney's Office recommends a finding of sufficient water quantity and dependability for Stimple Subdivision 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 August 2024, the *Falcon Area Water & Wastewater Authority* letter dated August 12, 2024, and the *State Engineer Office's Opinion* dated September 2, 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. Prior to recording the final plat, Applicant shall submit an updated WSIS that shows an estimated demand of 0.353 acre-feet/year for the subdivision, consistent with the Water Resource Report and commitment letter.

cc: Joe Letke, Project Manager, Planner