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June 13, 2024

VR-23-9 Falcon Ranchettes Filing No. 1A
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 proposal by Mike and Brittany Texer (“Applicant”), to vacate and replat 2 lots of approximately 9.6 +/- acres 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 .096 acre-feet per year for commercial uses and .718 acre-feet per year for irrigation for a total demand of .813 acre-feet per year. The Applicant must therefore be able to provide a supply of 243.9 acre-feet of water (0.813 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 April 2024 (“Report”), the average annual use will be .10 acre-feet for commercial use and .72 acre-feet for irrigation for a total demand of .82 acre-feet per year.

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The Report states that the District has an annual supply of water in the amount of 2,157.4 acre-feet on a 300-year basis 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 Falcon Ranchettes Filing No. 1A dated May 14, 2024, in which the District stated that it “[t]he estimated water usage demand per year is .82 AF-YR (acre-feet per year). The above said development property can be provided water and wastewater services by WHMD.”

State Engineer’s Office Opinion

5. In a letter dated May 25, 2023 the State Engineer reviewed the proposal to vacate and replat two lots in order to dedicate a right of way. The State Engineer stated that the proposed supply of water is to be served by Woodmen Hills Metropolitan District (“WHMD”) and advised that this project does not qualify as a subdivision and therefore provided only a cursory review, without any comments addressing water adequacy.

Recommended Findings

6. Quantity and Dependability. Applicant’s water demand for Falcon Ranchettes Filing No. 1A is .82 acre-feet per year to be supplied by the Woodmen Hills Metropolitan District. **Based on the water demand of .82 acre-feet/year and the District’s availability of water sources, the County Attorney’s Office recommends a finding of sufficient water quantity and dependability for Falcon Ranchettes Filing No. 1A.**

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 April 2024, the Woodmen Hills Metropolitan District letter dated May 14, 2024, and the State Engineer Office’s Opinion dated May 25, 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 an updated Commitment Letter from WHMD listing the correct name for the development.

cc. Kylie Bagley, Project Manager, Planner