

# EL PASO COUNTY



## OFFICE OF THE COUNTY ATTORNEY CIVIL DIVISION

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March 31, 2021

SF-20-15 Sterling Ranch Filing No. 2 (Phase I)  
Final Plat

Reviewed by: Lori L. Seago, Senior Assistant County Attorney  
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### **FINDINGS AND CONCLUSIONS:**

1. This is a proposal by SR Land, LLC ("Applicant"), for a final plat to subdivide approximately 49.64 +/- acres of land (the "Property") into 49 single-family residential lots, plus tracts for future development, right-of-way, and landscaping. Applicant's Property is zoned RS-5000 (Residential Suburban). This filing is included in the original Phase I preliminary plan approved in 2015.

2. The Applicant has provided for the source of water to derive from a central water system – Sterling Ranch Metropolitan District No. 1 ("District"). As described in the Water Supply Information Summary ("WSIS"), the Applicant estimates its annual water requirements to serve 49 single family lots at 17.297 acre-feet annually (0.353 acre-feet per lot), plus 4.29 acre-feet for community landscaping, for a total of 21.59 acre-feet/year for the subdivision. The Applicant will need to provide a supply of 6,477 acre-feet of water (21.59 acre-feet/year x 300 years) to meet El Paso County's 300-year water supply requirement.

3. A *Water Resources Report for Sterling Ranch Metropolitan District #1* by JDS-Hydro dated February 2021 ("Report"), details the source of water supply for the District. A Water Resources Report was originally prepared in May of 2015 and has since been updated to include several addendums, additional service area, advancement of platting activities, and construction of the physical water system. The District's water supply will originate from Arapahoe and Laramie-Fox Hills aquifer wells, provided through 3 decrees granted in District Court Water Division 2: Case No. 86CW18, providing an allocation of 575 acre-feet per year (191.67 acre-feet per year for 300 years); Case No.

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86CW19, providing an allocation of 539 acre-feet per year (179.67 acre-feet per year for 300 years); and Case No. 08CW113, providing an allocation of 0.4 acre-feet per year (0.13 acre-feet per year for 300 years). Therefore, the existing water supply on a 300-year basis available for the Sterling Ranch Subdivision Phases I and II is 371.47 acre-feet. *The Report concludes that the District “has adequate supply on a 300 year basis to meet all current commitments including Sterling Ranch Filing #2.”*

4. In a letter dated February 10, 2021, the District Board President committed to serve the Sterling Ranch Filing No. 2 subdivision, stating the “Sterling Ranch Metropolitan District #1 will provide central water and sewer to the above named subdivision which includes approximately 49 single family lots and several tracts. The annual water committed is 21.59 acre-feet/year ....”

5. In a letter dated March 18, 2021, the State Engineer’s Office reviewed the subdivision of 49 +/- acres (Tract A, Sterling Ranch Phase No. 1) into 49 single family lots. They reviewed the WSIS and District letter and confirmed water demand for the subdivision at 21.59 acre-feet/year. They further detailed the source of the District’s water supply

<b>Aquifer</b>	<b>Decree</b>	<b>Tributary Status</b>	<b>Volume (AF)</b>	<b>Annual Allocation 100 Year (AF Year)</b>	<b>Annual Allocation 300 Year (AF/Year)</b>
Laramie-Fox Hills	86CW19	NT	53,900	539	179.67
Laramie-Fox Hills	08CW113	NT	40	0.4	0.13
Arapahoe	86CW18	NT	57,500	575	191.67
<b>Total</b>			111,440	1,114.4	<b>371.47</b>

Based on the table above, the total Denver Basin water rights available to serve the entire Sterling Ranch subdivision, through Sterling Ranch Metropolitan District No. 1 are 371.47 acre-feet/year (for 300 years). The State Engineer states that the allowed average annual amount of withdrawal for a period of 300 years is 371.47 acre-feet, “which is greater than the annual estimated demand of 255.96 acre-feet/year for Sterling Ranch Phase I” which includes the Sterling Ranch Filing No. 2 subdivision and of which “the water may be withdrawn in that annual amount for a maximum of 300 years.” Finally, the State Engineer opined that pursuant to C.R.S. § 30-28-136(1)(h)(II), the State Engineer’s Office is of the opinion that the proposed water supply “is expected to be adequate and can be provided without injury to existing water rights.”

6. Section 8.4.7(B)(10)(g), of the El Paso County Land Development 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.

7. Analysis: Based on the information provided in the Water Supply Information Summary, the *Water Resources Report* dated February 2021, and the District's commitment to serve Sterling Ranch Filing No. 2 (Phase I) in the amount of 21.59 acre-feet per year, it appears the proposed water supply will be sufficient to meet the needs of the proposal. The El Paso County Public Health Department may wish to confirm that the District is in compliance with water quality regulations.

8. Based upon the finding of sufficiency and no injury by the State Engineer, the District's commitment to serve, and pursuant to the requirements below, the County Attorney's Office recommends a finding that the proposed water supply is **sufficient** in terms of quantity and dependability.

**REQUIREMENTS:**

A. Applicant and all future owners of lots within this filing shall be advised of, and comply with, any conditions, rules, regulations, limitations, and specifications set by the Sterling Ranch Metropolitan District No. 1.

cc: Kari Parsons, Planner III