

County Attorney

Kenneth R. Hodges, County Attorney
719-520-6485
Centennial Hall
200 S. Cascade, Suite 150
Colorado Springs, CO 80903
www.ElPasoCo.com

Board of County Commissioners
Holly Williams, District 1
Carrie Geitner, District 2
Stan VanderWerf, District 3
Longinos Gonzalez, Jr., District 4
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January 26, 2023

SF-22-35 Sterling Ranch East Filing No. 1
Final Plat

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

WATER SUPPLY REVIEW AND RECOMMENDATIONS

Project Description

1. This is a Final Plat proposal by Classic Consulting Engineers & Surveyors LLC (“Applicant”), to subdivide an approximately 122.977 +/- acre tract of land into 294 single-family lots. The property is zoned RR-5000 (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 144.15 acre-feet/year. The Applicant estimates a single-family equivalent of 0.33 acre-feet per lot, which results in an annual water demand of 97.13 acre-feet for 294 lots, plus irrigation of 18.809 acres for a demand of 47.02 annual acre-feet, for a total water demand of 144.15 acre-feet/year for Sterling Ranch East Filing No. 1. Based on these figures, the Applicant must provide a supply of 43,245 acre-feet of water (144.15 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 Authority was recently created to serve Sterling Ranch and The Retreat at TimberRidge, previously served by Sterling Ranch Metropolitan District. The *Water Resources Report* (“Report”), which applies to the entire preliminary plan area for Sterling Ranch East Phase One within which this subdivision lies,

ASSISTANT COUNTY ATTORNEYS

NATHAN J. WHITNEY
CHRISTOPHER M. STRIDER

STEVEN A. KLAFFKY
TERRY A. SAMPLE

LORI L. SEAGO
DOREY L. SPOTTS

BRYAN E. SCHMID
STEVEN W. MARTYN

MERI GERINGER

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 1901.83 annual acre-feet/300 years. The total water commitment is currently at 877.21 annual acre-feet. "This leaves a net excess of currently available water of 1024.62 annual AF/300 years and therefore there is more than sufficient water supply to meet the needs of Sterling Ranch East Phase 1 on the 300-year basis."

4. The Falcon Area Water & Wastewater Authority District provided a letter of commitment for Sterling Ranch East Filing No. 1 dated November 15, 2022, in which the District committed to providing water service for the 294 single family lots plus irrigation of landscaping, for an annual water requirement of 144.15 acre-feet/year.

State Engineer's Office Opinion

5. In a letter dated December 22, 2022, the State Engineer's Office reviewed the application to subdivide the 122.977 +/- acres into 294 single-family lots. The State Engineer stated that "[t]he proposed source of water supply . . . is to be served by the Falcon Area Water and Wastewater Authority (FAWWA)." Further, the State Engineer stated that "[p]ursuant to the provision of C.R.S. 30-28-136(1)(h)(II), it is the opinion of this office that the proposed water supply is expected to be adequate and can be provided without injury to existing water rights." The Engineer further advised that their opinion that the water can be provided without injury is based on the determination that the amount of water that is legally available on an annual basis, according to the statutory allocation approach is greater than the annual amount of water required to supply existing water commitments and the estimated demands of the proposed subdivision.

Recommended Findings

6. Quantity and Dependability. Applicant's water demand for Sterling Ranch East Filing No. 1 is 144.15 acre-feet per year for a total demand of 43,245 acre-feet for the subdivision for 300 years, to be supplied by FAWWA. **Based on the Authority's available water supply of approximately 1024.62 annual acre-feet, the County Attorney's Office recommends a finding of sufficient water quantity and dependability for Sterling Ranch East 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* provided December 7, 2022, the *Water Resources Report* dated October 2022, the *Falcon Area Water & Wastewater Authority* letter

dated November 15, 2022, and the *State Engineer Office's Opinion* dated December 22, 2022. 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.

cc: Kari Parsons, Senior Planner