



December 12, 2024

Kari Parsons

El Paso County Development Services Department

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Colorado Springs, CO 80910-3127

Sent via online portal at: <https://epcdevplanreview.com/Agencies/Home>

RE: Villages at Sterling Ranch East PUD
Preliminary Plan
Sec. 34, Twp. 12S, Rng. 65W, 6th P.M.
Water Division 2, Water District 10
CDWR Assigned Subdivision No. 30370

To Whom It May Concern:

We have received updated referral materials regarding the above-referenced proposal to subdivide a 39.2± acre tract of land into now 227 high density residential lots (which include 38 possible Accessory Dwelling Units). According to the submittal, the proposed supply of water and wastewater disposal is to be served by the Falcon Area Water and Wastewater Authority (“FAWWA”). This office previously provided comments regarding this subdivision on October 25, 2024, July 8, 2024 and July 26, 2022. This letter will supersede those prior comments.

Water Supply Demand

According to the Water Supply Information Sheet received by this office, the estimated water demand for the development is 62.8 acre-feet/year (based on the Districts SFE equivalency for high-density lots) for 227 residential lots and 4.84 acre-feet/year for turf/native grass irrigation. The total estimated demand is 67.64 acre-feet/year. The wastewater will return to FAWWA’s central system.

Source of Water Supply

The source of water for the proposed development is to be served by Falcon Area Water and Wastewater Authority. A revised letter of commitment dated November 5, 2024 from FAWWA was provided with the referral materials. The letter commits 67.64 acre-feet/year, which is equal to the estimated demand for the development. According to the submittal, FAWWA will provide water from a number of Denver Basin aquifers to a central system and provide water to the proposed development. The updated information provided claims that the 38 potential accessory dwelling units are accounted for using a higher anticipated water demand for those lots.



According to the updated Water Resources Report prepared by RESPEC dated August 30, 2024, FAWWA has a total of 1034.34 acre-feet/year of commitment. According to the Report, there are 929.2 acre-feet/year of uncommitted supply available to FAWWA based on an estimated total available supply of 1,963.54 acre-feet/year of supply available to FAWWA. Based on current tracking done by the Division of Water Resources there are 792.28 acre-feet/year of uncommitted supply available to FAWWA based on an estimated total available supply of 1962.05 acre-feet/year of supply available to FAWWA. Therefore, there appears to be more than sufficient legal supply to supply this development on a 300-year basis.

In the *El Paso County Land Development Code*, effective November 1986, Chapter 5, Section 49.5, (D), (2) states: “-Finding of Sufficient Quantity - The water supply shall be of sufficient quantity to meet the average annual demand of the proposed subdivision for a period of three hundred (300) years.”

The State Engineer’s Office does not have evidence regarding the length of time for which this source will “meet the average annual demand of the proposed subdivision.” However, treating El Paso County’s requirement as an **allocation** approach based on 300 years, the allowed average annual amount of withdrawal would be reduced to one third of that amount which is **greater** than the annual demand of FAWWA’s commitments. As a result, the water may be withdrawn in those annual amounts for 300 years.

Additional Comments

Should the development include construction and/or modification of any storm water structure(s), the applicant should be aware that, unless the structure can meet the requirements of a “storm water detention and infiltration facility” as defined in section 37-92-602(8), Colorado Revised Statutes, the structure may be subject to administration by this office. The applicant should review DWR’s *Administrative Statement Regarding the Management of Storm Water Detention Facilities and Post-Wildland Fire Facilities in Colorado*, located at <https://dnrweblink.state.co.us/dwr/ElectronicFile.aspx?docid=3576581&dbid=0> to ensure that the notification, construction and operation of the proposed structure meets statutory and administrative requirements. The applicant is encouraged to use *Colorado Stormwater Detention and Infiltration Facility Notification Portal*, located at <https://maperture.digitaldataservices.com/gvh/?viewer=cswdif>, to meet the notification requirements.

State Engineer’s Office Opinion

Based upon the above and pursuant to section 30-28-136(1)(h)(I) and section 30-28-136(1)(h)(II), 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.

Our opinion that the water supply is **adequate** is based on our determination that the amount of water required annually to serve the subdivision is currently physically available, based on current estimated aquifer conditions.

Our opinion that the water supply can be **provided without causing injury** is based on our determination that the amount of water that is legally available on an annual basis, according to the statutory **allocation** approach, for the proposed uses is greater than the

annual amount of water required to supply existing water commitments and the demands of the proposed subdivision.

Our opinion is qualified by the following:

The Division 1 Water Court, Division 2 Water Court, and Ground Water Commission have retained jurisdiction over the final amount of water available pursuant to the above-referenced water rights, pending actual geophysical data from the aquifer.

The amounts of water in the Denver Basin aquifers as identified in this letter are calculated based on estimated current aquifer conditions. The source of water is from non-renewable aquifers, the allocations of which are based on a 100-year aquifer life. The county should be aware that the economic life of a water supply based on wells in a given Denver Basin aquifer may be less than the 100 years (or 300 years) used for allocation due to anticipated water level declines. We recommend that the county determine whether it is appropriate to require development of renewable water resources for this subdivision to provide for a long-term water supply.

Should you or the applicant have questions regarding any of the above, please feel free to contact me directly at Ivan.Franco@state.co.us or (303) 866-3581 x8243 with any questions.

Sincerely,



Ivan Franco, P.E.
Water Resource Engineer

cc: FAWWA File