



September 5, 2018

Ms. Kari Parsons  
El Paso County Development Services Department  
2880 International Circle, Suite 110  
Colorado Springs, CO 80910  
Sent via online portal at: <https://epcdevplanreview.com/Agencies/Home>

RE: Branding Iron at Sterling Ranch Filing No. 1  
Final Plat  
Sec. 33, Twp. 12S, Rng. 65W, Sixth P.M.  
Water Division 2, Water District 10  
CDWR Assigned Subdivision No. 24193

Dear Ms. Parsons,

We have received additional information concerning the above-referenced submittal to divide a 10.545 +/- acre tract of land (Tract BB, Sterling Ranch Filing No. 1) into 51 single-family lots, which appears to be located within the Sterling Ranch Phase I Preliminary Plan for which this office most recently provided comments dated March 19, 2015. Per correspondence from the Applicant, the 51 single-family lots are a portion of the 457 residential lots and 6 commercial lots in the Sterling Ranch Phase I Preliminary Plan. The proposed source of water supply is to be served by the Sterling Ranch Metropolitan District No. 1 and wastewater disposal is to be served by the Sterling Ranch Metropolitan District No. 1 and the Meridian Service Metropolitan District.

### **Water Supply Demand**

According to additional information received by this office, the estimated water demand for the development is 17.85 acre-feet/year for 61 residential lots (0.35 acre-feet/year per residential lot), which is a portion of the total estimated water demand of 201.11 acre-feet/year for Sterling Ranch Phase I Preliminary Plan.

### **Source of Water Supply**

The proposed water supplier is Sterling Ranch Metropolitan District No. 1 (“District”) and a December 4, 2017 letter of commitment from the District was included with the submittal. According to the submittal, the District will provide water from Arapahoe and Laramie-Fox Hills aquifer well(s) to a central system utilizing the water rights shown in Table 1, below.



**Table 1 - Denver Basin Ground Water Rights**

Aquifer	Decree	Tributary Status	Volume (AF)	Annual Allocation 100 Year (AF/Year)	Annual Allocation 300 Year (AF/Year)
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>

According to 37-90-137(4)(b)(I), C.R.S., “Permits issued pursuant to this subsection (4) shall allow withdrawals on the basis of an aquifer life of one hundred years.” Based on this allocation approach, the annual amounts of water decreed is equal to one percent of the total amount available as determined by Rules 8.A and 8.B of the Statewide Nontributary Ground Water Rules, 2 CCR 402-7. Therefore, the water may be withdrawn in those amounts for a maximum of 100 years.

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 three hundred years, the allowed average annual amount of withdrawal of 1,114.4 acre-feet/year would be reduced to one third of that amount, or 371.47 acre-feet/year, which is greater than the annual estimated demand of 201.11 acre-feet/year for Sterling Ranch Phase I. As a result, the water may be withdrawn in that annual amount for a maximum of 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 storm water structure(s) 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, available on the website for the Colorado Division of Water Resources at: <http://water.state.co.us/DWRIPub/Documents/DWR%20Storm%20Water%20Statement.pdf>, to ensure that the notice, construction and operation of the proposed structure meets statutory and administrative requirements.

**State Engineer’s Office Opinion**

Pursuant 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.

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 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 (none at this time) and the estimated demands of the proposed subdivision.

Our opinion is qualified by the following:

The Division 2 Water Court has retained jurisdiction over the final amount of water available pursuant to the above-referenced decrees, pending actual geophysical data from the aquifer.

The amounts of water in the Denver Basin aquifers, and identified in this letter, are calculated based on estimated current aquifer conditions. For planning purposes 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 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 contact Caleb Foy of this office.

Sincerely,



Caleb Foy, P.E.  
Water Resource Engineer

cc: Bill Tyner, Division 2 Engineer (via email)  
Doug Hollister, District 10 Water Commissioner (via email)

CRF:crf