



COLORADO
Division of Water Resources
Department of Natural Resources

Office of the State Engineer
1313 Sherman St, Suite 818
Denver, CO 80203

March 19, 2015

Kari Parsons
El Paso County Development Services Department
2880 International Circle, Suite 110
Colorado Springs, CO 80910
Sent via email to: DSDcomments@elpasoco.com

RE: Sterling Ranch Phase I
Preliminary Plan and PUD Revision
Secs. 28, 32 & 33, Twp. 12S, Rng. 65W, 6th P.M.
Secs. 4 & 5, Twp. 13S, Rng. 65W, 6th P.M.
Water Division 2, Water District 10
CDWR Assigned Subdivision No. 22158

Dear Ms. Parsons,

We have received a second revision of the Sterling Ranch Phase I Preliminary Plan and PUD Plan in El Paso County on February 12, 2015. This office previously provided comments regarding this development dated August 28, 2009 and December 18, 2014, which are to be replaced by the comments provided herein for the second revision as submitted. According to the materials, it appears the development consists of 457 residential lots and 6 commercial lots on 182.86 acres. 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 Water Supply Information Summary received on February 12, 2015, the estimated water demand for the development is 161.32 acre-feet/year for 457 residential lots, 26.16 acre-feet/year for commercial use, and 13.63 acre-feet/year for irrigation of landscaping and parks, for a total estimated water demand of 201.11 acre-feet/year for the entire development.

Source of Water Supply

The proposed water supplier is Sterling Ranch Metropolitan District No. 1 ("District") and a November 17, 2014 preliminary 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
Total			111,440	1,114.4	371.47

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.

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: Steve Witte, Division 2 Engineer (via email)
Doug Hollister, District 10 Water Commissioner (via email)

CRF:crf

