



September 26, 2022

El Paso County Planning Department
2880 International Circle
Colorado Spring, CO 80910

RE: Homestead North at Sterling Ranch Filing 4
Final Plat
SW ¼, Sec. 33, Twp. 12S, Rng. 65W, 6th P.M.
NW ¼ NW ¼, Sec. 4, Twp. 13S, Rng. 65W, 6th P.M.
Water Division 2, Water District 10
CDWR Assigned Subdivision No. 30480

To Whom It May Concern:

We have received a referral regarding the above-referenced proposal to subdivide a 56.7155± acre tract of land into 159 single-family lots. According to the submittal, the proposed supply of water and wastewater disposal is to be served by the Falcon Area Water and Wastewater Authority (“District”). Proposed Lots 147 - 157 were previously commented on by this office as part of Sterling Ranch Filing No. 2 (lots 22 - 32) in letters dated July 8, 2020 and March 18, 2021. Proposed Lots 1 - 146 were previously commented by this office on as part of Sterling Ranch Phase Two (lots 67 - 212) in letters dated March 22, 2021 and June 10, 2021. The water supply demand for these lots has since been revised as part of Homestead North at Sterling Ranch Filing 4.

Water Supply Demand

According to the Water Supply Information Sheet received by this office, the estimated water demand for the development is 51.12 acre-feet/year for 159 residential lots (0.32 acre-feet/year per residential lot), and 6.67 acre-feet/year for turf/native grass irrigation. The total estimated demand is 57.79 acre-feet/year. The wastewater will return to the District’s central system. Of this, 3.883 acre-feet/year was previously committed by the District as part of the Sterling Ranch Filing No. 2 application. The remaining lots have a revised estimated demand for high density lots.

Source of Water Supply

The source of water for the proposed development is to be served by the Falcon Area Water and Wastewater Authority (“District”), which has taken on all assets of Sterling Ranch Metropolitan District No. 1. A letter of commitment dated August 31, 2022 from the District was provided with the referral materials. The letter commits 53.91 acre-feet/year, which is equal to the estimated demand for the development. According to the submittal, the District will provide water from a number of Denver Basin aquifer wells (both existing and proposed) to a central system and provide water to the proposed development. According to updated submittals, the District will provide water from Denver, Arapahoe and Laramie-Fox Hills aquifer wells 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
Laramie-Fox Hills	20CW3059	NT	2,780	27.80	9.27
Arapahoe	86CW18	NT	57,500	575	191.67
Arapahoe	08CW113	NNT	60	0.60	0.20
Arapahoe	20CW3059	NNT	4,311	43.11	14.37*
Denver	08CW113	NNT	72,893	728.93	242.98
Denver	20CW3059	NNT	4,556	45.56	15.19*
Total			196,044	1,960.44	653.48

*The available water as decreed from 20CW3059 varies slightly from the rates in a submitted Water Resources Report.

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 1,960.44 acre-feet/year would be reduced to one third of that amount, or 653.48 acre-feet/year. The estimated water demand for the development has already been committed to the project from available supplies. 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 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*, attached, 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

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 feel free to contact me directly.

Sincerely,



Kate Fuller, P.E.
Water Resource Engineer

Cc: Bill Tyner, Division Engineer
Jacob Olson, Water Commissioner District 10