



March 30, 2022

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: Homestead North Phase 1  
Preliminary Plan  
Sec. 27, 28, 33, Twp. 12S, Rng. 65W, 6<sup>th</sup> P.M.  
Water Division 2, Water District 10  
CDWR Assigned Subdivision No. 27446

To Whom It May Concern:

We have received additional information regarding the above-referenced proposal to subdivide a 60.623 ± acre tract of land into 147 single-family lots. According to the submittal, the proposed supply of water and wastewater disposal is to be served by the Sterling Ranch Metropolitan District No. 1 (“District”).

### **Water Supply Demand**

According to the Water Supply Information Sheet received by this office, the estimated water demand for the development is 51.89 acre-feet/year for 147 residential lots (0.35 acre-feet/year per residential lot) and 10.58 acre-feet/year for 4.23 acres of irrigation to start native grasses (0.05 acre-feet/year per 1,000 square-feet). The total estimated demand is 62.47 acre-feet/year. The wastewater will return to the District’s central system.

Please note that standard water use rates, as found in the Guide to Colorado Well Permits, Water Rights, and Water Administration, are 0.3 acre-foot/year for each ordinary household, 0.05 acre-foot/year for four large domestic animals, and 0.05 acre-foot/year for each 1,000 square feet of lawn and garden irrigation.

### **Source of Water Supply**

The source of water for the proposed development is to be served by the Sterling Ranch Metropolitan District No. 1 (“District”). A letter of commitment dated March 7, 2022 from the District was provided with the referral materials. The letter commits 62.47 acre-foot/year to the subdivision. According to the submittal, the District will provide water from Arapahoe, Denver, 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	728.9	242.97
Denver	20CW3059	NNT	4,556	45.56	15.19
<b>Total</b>			196,040	1,960.37	<b>653.47</b>

According to Water Court Case No. 20CW3059, well permit no. 26947-F must be re-permitted pursuant to the augmentation plan described in that decree. This will require that the applicant apply for, and obtain a new well permit issued pursuant to Section 37-90-137(4) C.R.S.

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 annual estimated demand, for Homestead North Phase 1 is 62.47 acre-feet, less than the water that is available to the District. 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*, 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 on the above, it is our opinion, pursuant to CRS 30-28-136(1)(h)(I), that the anticipated water supply can be provided without causing material injury to decreed water rights so long as the applicant obtains well permits issued pursuant to C.R.S. 37-90-137(4) and the plan for augmentation noted herein, for all wells in the subdivision and operates the wells in accordance with the terms and conditions of any future well permits.

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

ec: Bill Tyner, Division Engineer  
Doug Hollister, North Regional Team Lead