

## County Attorney

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March 3, 2023

SP-22-4 Sterling Ranch East Phase 1  
Preliminary Plan

Reviewed by: Lori Seago, Senior Assistant County Attorney

### WATER SUPPLY REVIEW AND RECOMMENDATIONS

#### Project Description

1. This is a Preliminary Plan proposal by Classic SRJ Land, LLC (“Applicant”), to subdivide an approximately 320.73-acre tract of land into 761 single-family lots and tracts for a community park, two schools, and neighborhood parks, open space, and drainage. The property is zoned RS-5000 (Residential Suburban) and RR-0.5 (Residential Rural).

2. This Review replaces and supersedes the Water Supply Review and Recommendations submitted on January 26, 2023 for the final plat of Sterling Ranch East Filing No. 1, PCD File No. SF-22-35. The Applicant is requesting a finding of water sufficiency at the preliminary plan stage to allow for administrative review of final plats.

#### Estimated Water Demand

3. Pursuant to the *Water Supply Information Summary* (“WSIS”), the Applicant estimated its annual water needs to serve this subdivision at 335.68 acre-feet/year. The Applicant estimates household use at 0.335 acre-feet per lot, which results in an annual water demand of 255.02 acre-feet for 761 lots, plus irrigation of 28.31 acres with a demand of 70.78 annual acre-feet and 9.88 annual acre-feet for one of the school sites<sup>1</sup>, for a total water demand of 335.68 acre-feet/year for Sterling Ranch East Phase 1. Based on these figures, the Applicant must provide a supply of 100,704 acre-feet of water (335.68 acre-feet/year x 300 years) to meet the County’s 300-year water supply requirement for the subdivision.

<sup>1</sup> The water demand for the 12-acre elementary school site was included in the review for the final plat of Branding Iron at Sterling Ranch Filing No. 2, PCD File No. SF-1918 and is not included here.

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### Proposed Water Supply

3. The Applicant has provided for the source of water to derive from the Falcon Area Water and Wastewater Authority (“FAWWA” or “Authority”). The Authority was recently created to serve Sterling Ranch and The Retreat at TimberRidge, previously served by Sterling Ranch Metropolitan District. The *Water Resources Report* (“Report”), which applies to the entire preliminary plan area for Sterling Ranch East Phase One, indicates the Authority’s water supply is sourced from on-site non-tributary water rights, including water from Denver, Arapahoe and Laramie-Fox Hills aquifer wells, and from off-site sources known as the McCune, Bar X, and Shamrock water rights. The *Report* indicates that the current developed physical supply is 1901.83 annual acre-feet/300 years. The total water commitment for the Authority is currently at 877.21 annual acre-feet. “This leaves a net excess of currently available water of 1024.62 annual AF/300 years and therefore there is more than sufficient water supply to meet the needs of Sterling Ranch East Phase 1 on the 300-year basis.”

4. Sterling Ranch Metro District No. 1 provided a letter of commitment for Sterling Ranch East Filing No. 1 dated October 18, 2022, in which the District committed, on behalf of itself and the Authority, to providing water service for the 761 single family lots plus irrigation of landscaping and a school site, for an annual water requirement of 335.68 acre-feet/year.

### State Engineer’s Office Opinion

5. In a letter dated January 5, 2023, the State Engineer’s Office reviewed the application to subdivide the 321.4 +/- acres into 761 single-family lots. The State Engineer stated that “the proposed supply of water . . . is to be served by the Sterling Ranch Metropolitan district No. 1 / Falcon Area Water and Wastewater Authority (“District”).” The letter noted that the estimated water demand for the development is 335.68 acre-feet/year and that the amount of decreed water owned by the District exceeds its annual estimated commitments. The State Engineer offered the opinion that “[p]ursuant 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.” The State Engineer further advised that their opinion that the water supply is adequate is based on the “determination that the amount of water required annually to serve the subdivision is currently physically available, based on current estimated aquifer conditions.

### Recommended Findings

6. Quantity and Dependability. Applicant’s water demand for the Sterling Ranch East Phase 1 Preliminary Plan is 335.68 acre-feet per year for a total demand of 100,704 acre-feet for the subdivision for 300 years, to be supplied by FAWWA. **Based on the Authority’s available water supply of approximately 1901.83 annual acre-feet, the County Attorney’s Office recommends a finding of sufficient water quantity and dependability for Sterling Ranch East Phase 1.**

7. Quality. The water quality requirements of Section 8.4.7.B.10 of the Code must be satisfied. Section 8.4.7.B.10.g. of the Code allows for the presumption of acceptable water quality for projects such as this where water is supplied by an existing Community Water Supply operating in conformance with Colorado Primary Drinking Water Regulations unless there is evidence to the contrary.

8. Basis. The County Attorney's Office reviewed the following documents in preparing this review: the *Water Supply Information Summary* provided October 19, 2022, the *Water Resources Report* dated October 2022, the *Sterling Ranch Metro District No. 1* letter dated October 18, 2022, and the *State Engineer Office's Opinion* dated January 5, 2023. The recommendations herein are based on the information contained in such documents and on compliance with the requirements set forth below. ***Should the information relied upon be found to be incorrect, or should the below requirements not be met, the County Attorney's Office reserves the right to amend or withdraw its recommendations.***

**REQUIREMENTS:**

- A. Applicant and all future owners of lots within this filing shall be advised of, and comply with, the conditions, rules, regulations, limitations, and specifications set by the District.

cc: Kari Parsons, Senior Planner