



August 24, 2020

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Sent via online portal at: <https://epcdevplanreview.com/Agencies/Home>

RE: Sterling Ranch Phase II
Revised Preliminary Plan
Sec. 32, Twp. 12S, Rng. 65W, 6th P.M.
Water Division 2, Water District 10
CDWR Assigned Subdivision No. 25967

To Whom It May Concern:

We have received additional information for the above-referenced proposal to subdivide a 74.62 +/- acre tract of land into 212 single family lots, a commercial lot, and 10 tracts for landscaping, drainage, and utilities. This office previously provided comments regarding this subdivision on March 11, 2019; the comments provided herein shall supersede that previous letter. Future submittals will address an additional 66 single family lots on 19 acres. 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 74.836 acre-feet/year for 212 residential lots (0.35 acre-feet/year per residential lot), and 0.8830 acre-feet/year for commercial use in a lift station. The total estimated water demand is 75.719 acre-feet/year. The waste water 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”). An updated letter of commitment dated July 20, 2020 from the District was provided with the referral materials. According to the submittal, the District will provide water from 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
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. The May 2015 commitment for Sterling Ranch Phase I indicated that the estimated water demand for the development would be 255.96 acre-feet/year, leaving approximately 115.51 acre-feet/year, which is greater than the annual estimated demand of 75.719 acre-feet/year for Sterling Ranch Phase II. 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

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