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January 3, 2023

SP-22-7 Homestead North Filing No. 3
Preliminary Plan

Reviewed by: Lori Seago, Senior Assistant County Attorney
April Willie, Paralegal

WATER SUPPLY REVIEW AND RECOMMENDATIONS

Project Description

1. This is a Preliminary Plan proposal by N.E.S. ("Applicant"), to subdivide an approximately 40.827 +/- acre tract of land into 77 single-family lots. The property is zoned RR-5 (Residential Rural).

Estimated Water Demand

2. Pursuant to the *Water Supply Information Summary* ("WSIS"), the Applicant estimated its annual water needs to serve this subdivision at 41.31 acre-feet/year. The Applicant estimates a single-family equivalent of 0.353 acre-feet per lot, which results in an annual water demand of 27.18 acre-feet for 77 lots, plus irrigation of 5.65 acres for a demand of 14.13 annual acre-feet, for a total water demand of 41.31 acre-feet/year for Homestead North Filing No. 3. Based on these figures, the Applicant must provide a supply of 12,393 acre-feet of water (41.31 acre-feet/year x 300 years) to meet the County's 300 year water supply requirement for the subdivision.

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 – Homestead North at Sterling Ranch Filing 3 Preliminary Plan* ("Report") 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

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to pursuant to the Water Decree in 20CW3059. The *Report* indicates that the current developed physical supply is 1901.83 annual acre-feet/300 years. The total water commitment 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 Homestead North at Sterling Ranching Filing #3 on the 300 year basis."

4. The Sterling Ranch Metropolitan District's Board President provided a letter of commitment for Homestead North at Sterling Ranch Filing 3 dated June 10, 2022, in which the District committed to providing water service for the 77 single family lots plus irrigation of landscaping, for an annual water requirement of 41.31 acre-feet/year.

State Engineer's Office Opinion

5. In a letter dated November 29, 2022, the State Engineer's Office reviewed the application to subdivide the 40.8271 +/- acres into 77 single-family lots. The State Engineer stated that "[t]he proposed supply of water . . . is to be served by the Falcon Area Water and Wastewater Authority." Further, the State Engineer stated 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 Engineer further advised that their opinion that the water can be provided without injury is based on the determination that the amount of water that is legally available on an annual basis, according to the statutory allocation approach (100 years) is greater than the annual amount of water required to supply existing water commitments and the estimated demands of the proposed subdivision.

The State Engineer further qualifies her opinion with the following:

"The amounts of water in the Denver Basin aquifers . . . 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."

Recommended Findings

6. Quantity and Dependability. Applicant's water demand for Homestead North at Sterling Ranch Filing No. 3 is 41.31 acre-feet per year for a total demand of 12,393 acre-feet for the subdivision for 300 years, to be supplied by FAWWA. **Based on the Authority's available water supply of approximately 1024.62 annual acre-feet, the County Attorney's Office recommends a finding of sufficient water quantity and dependability for Homestead North at Sterling Ranch Filing No. 3.**

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 June 23, 2022, the *Water Resources Report* dated October 2022, the *Sterling Ranch Metropolitan District* letter dated June 10, 2022, and the *State Engineer Office's Opinion* dated November 29, 2022. 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.
- B. Prior to recording the first final plat for this preliminary plan, Applicant must upload an updated Water Supply Information Summary and Commitment letter citing that the requested water will be provided by the Falcon Area Water and Wastewater Authority.

cc: Kari Parsons, Senior Planner