



December 14, 2022

Ioana Comaniciu
Division of Water Resources
1313 Sherman St #821
Denver, CO 80203

RE: Falcon Highlands Metropolitan District Legal Water Supply

This letter is in response to your letter dated September 20th, 2022, regarding the potential discrepancy of the total legal water supply for Falcon Highlands Metropolitan District (FHMD) between JDS-Hydro/RESPEC (JDS) and the Division of Water Resources (DWR).

Our original legal water supply table in the Water Resources Report for the Falcon Highlands South subdivision did not account for the following allocations (depicted in acre-feet of 100-year water (AF₁₀₀), and acre-feet of 300-year water (AF₃₀₀)):

- A 2% depletion/relinquishment of the non-tributary (NT) water in case number 01CW65
 - Amounting to 2.31 AF₁₀₀ or 0.71 AF₃₀₀.
- A 2% depletion of the non-tributary (NT) water in case number 83CW134
 - Amounting to 1.29 AF₁₀₀ or 0.43 AF₃₀₀

While return flows from the findings listed above more than meet the depletion requirements, said return flows are inside the designated basin and not in the same area of the water right.

The letter also mentions that our calculations do not take into account the 4% relinquishment requirement for not non-tributary (NNT) Denver aquifer water inside the designated groundwater basin. However, per the 143-BD findings:

"The Designated Basin Rules require that at least four percent (4%) of the amount of water withdrawn annually must be returned to the uppermost aquifer in the vicinity of the permitted point or points of withdrawal."

Since all of the water from findings 141-BD, 142-BD, and 143-BD are utilized by the FHMD system and sent to the Woodmen Hills wastewater treatment plant via various lift stations, roughly 50% of the water from these aquifers is discharged back into the designated basin. Therefore, much less than 96% (for 143-BD) and 98% (for 141-BD/142-BD) of the water is consumed, and full withdrawal is allowable. This has been accepted by the District 10 commissioner for depletions for approximately 20 years.

An exhibit showing the locations of FHMD's wells, Woodmen Hills' wastewater treatment plant, and the designated basin boundary is provided below, along with an updated legal supply table.

After reviewing FHMD findings, determinations, and decrees, our calculated updated legal supply available to the District is **638.20 AF₁₀₀**, and **212.73 AF₃₀₀**. This total includes calculated relinquishments/returns of **3.42 AF₁₀₀** and **1.14 AF₃₀₀**.

Also discussed in the letter is a well permit (272880) issued on March 6, 2007, for the historic use of a well first put to beneficial use on December 9, 1955. We were unable to find any record of the well stating that it was abandoned or put to beneficial use. There's also no physical record of the well that we have been able to find.



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RESPEC

If there are any questions or concerns, please do not hesitate to contact me.

Sincerely,



A handwritten signature in blue ink, appearing to read 'R Mangino'.

Ryan Mangino, PE

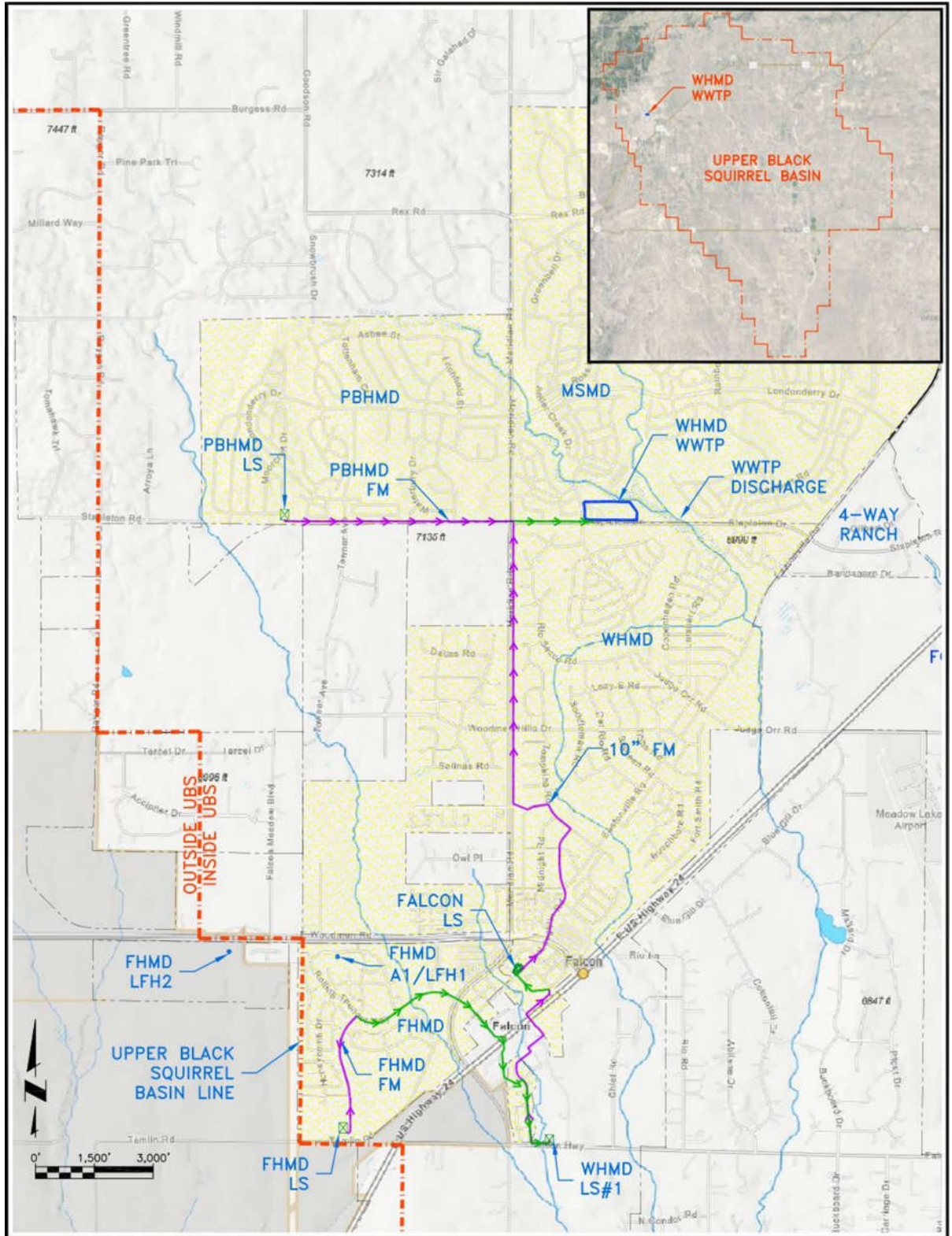
Ryan.mangino@respec.com



RESPEC



Basins and Infrastructure Exhibit





RESPEC



Updated Legal Supply Table

Land Formation/Aquifer	Finding/Determination/Decree	Tributary Status	Volume (Acre-Feet)	Annual Allocation 100 Year (AF/Year)	Annual Allocation 300 Year (AF/Year)	Approved Well Permits	Notes	Area
Inside Upper Black Squirrel								
Laramie-Fox Hills	141-BD	NT	12,796	127.96	42.65	57949-F	Roughly 90% of water from this aquifer is discharged back into the UBS basin via the Woodmen Hills WWTP. Therefore, much less than 98% of the water is actually consumed, and full withdrawal is allowable.	Area A (449 Acres)
Arapahoe	142-BD	NT	11,820	118.20	39.40	57950-F	Roughly 90% of water from this aquifer is discharged back into the UBS basin via the Woodmen Hills WWTP. Therefore, much less than 98% of the water is actually consumed, and full withdrawal is allowable. Original 130.00 annual AF ₁₀₀ was reduced by 11.80 annual AF ₁₀₀ due to prior appropriation.	
Denver	143-BD	NNT	18,931	189.31	63.10		Roughly 90% of water from this aquifer would be discharged back into the UBS basin via the Woodmen Hills WWTP. Therefore, the required 4% return would be achieved and full withdrawal is allowable.	
			SUBTOTALS	435.47	145.16			
Outside Upper Black Squirrel								
Laramie-Fox Hills	01CW065	NT	4,910	49.10	16.37		2% "relinquishment" of NT has been accounted for (Outside UBS) Use on or off Property	Area C (183 Acres)
Arapahoe	01CW065	NT	5,760	57.60	19.20		2% "relinquishment" of NT has been accounted for (Outside UBS) Use on or off Property	
2% Relinquishment	01CW065			(2.13)	(0.71)		Only applies to NT Arapahoe and LFH allocations	
			SUBTOTALS	104.57	34.86			
Laramie-Fox Hills	83 CW 134	NT	6,455	48.70	16.23	66364-F	Split by SEO in September, 2007.	Area B (179 Acres)
Laramie-Fox Hills Sands Less 2% of NT				15.85	5.28		64.55 Annual AF set aside as augmentation-- Vacated for 00 CW 110	
Laramie-Fox Hills	01 CW 110	Augmentation--Vacated					Requires an augmentation plan	
Arapahoe	83 CW 133 00 CW 110 06 CW 102	NNT Augmentation Vacated Aug by Bissel	5,970 3,490	0.00 34.90	0.00 11.63		19.9 Annual AF augmented by 00 CW 110 Can be used anywhere in current future District boundaries.	
Denver	83 CW 135 00 CW 110 06 CW 102	NNT Augmentation Vacated Augmentation	480	0.00	0.00		Requires an augmentation plan 1.6 Annual AF augmented by 00 CW 110 Can only be used on 179 acres	
			SUBTOTALS	98.16	32.72			
GRAND TOTALS			70,612	638.20	212.73			