



June 16, 2023

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Division of Water Resources  
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Denver, CO 80203

**RE: Falcon Highlands Metropolitan District Legal Water Supply**

This letter is in response to your letter dated May 5, 2023, regarding the discrepancy of the total legal water supply for Falcon Highlands Metropolitan District (FHMD, the District) between RESPEC, LLC and the Division of Water Resources (DWR). This letter also updates the information provided in our letter dated December 14, 2022.

We have updated our legal supply calculation table to show the 100-year annual return flow obligations for the various water rights owned by the District, and subsequently, updated the Water Resources Report and commitment letter for the *Falcon Highlands South Preliminary Plan*. The updated legal supply table can be found at the end of this document.

Additional items in the May 5<sup>th</sup> letter are discussed below:

- Regarding the District's current commitments noted in the Water Resources Report
  - The commercial taps listed in the report are in the areas referred to as Rolling Thunder Business Park, Falcon Highlands Marketplace, The Shoppes, and Meridian Crossing. All commitments listed in the report are up to date.
- Regarding the existing well permit no. 272880:
  - As stated in our letter dated December 14, 2022, we were unable to find any physical evidence of the well.
  - The Colorado Decision Support Systems website shows this well as plugged on 12/16/2022. The property owner stated that the well no longer exists on the property.
- Regarding the water in case 83CW133 and augmented in case 06CW102:
  - The water right in case 83CW133 and subsequent augmentation plan in case 06CW102 reflect the District's water right. The 300-year rule is an El Paso County platting rule, not a water right. Therefore, this supply remains included in the District's inventory.

As mentioned in our letter dated December 14, 2022, return flow obligations are being met via wastewater flows. Therefore, full accounting of the water rights is acceptable.

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

Sincerely,

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# 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) | Annual Return Flow Obligation 100-Year (AF/Year) | Approved Well Permits | Notes  | Area               |
|-------------------------------------|---|--|--------------------|--------------------------------------|--------------------------------------|--|-----------------------|--|--------------------|
| <b>Inside Upper Black Squirrel</b>  |   |  |                    |                                      |                                      |  |                       |  |                    |
| Laramie-Fox Hills                   | <a href="#">141-BD</a>  | NT   | 12,796             | 127.96                               | 42.65                                | (2.56)   | 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 (49 Acres)  |
| Arapahoe                            | <a href="#">142-BD</a>  | NT   | 11,820             | 118.20                               | 39.40                                | (2.36)   | 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 <sub>100</sub> was reduced by 11.80 annual AF <sub>100</sub> due to prior appropriation. |                    |
| Denver                              | <a href="#">143-BD</a>  | NNT  | 18,931             | 189.31                               | 63.10                                | (7.57)   |                       | 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.   |                    |
|                                     |   |  | <b>SUBTOTALS</b>   | <b>435.47</b>                        | <b>145.16</b>                        | <b>(12.50)</b>                                   |                       |  |                    |
| <b>Outside Upper Black Squirrel</b> |   |  |                    |                                      |                                      |  |                       |  |                    |
| Laramie-Fox Hills                   | <a href="#">01CW065</a>   | NT   | 4,910              | 49.10                                | 16.37                                | (0.98)   |                       | 2% "relinquishment" of NT has been accounted for (Outside UBS) Use on or off Property  | Area C (183 Acres) |
| Arapahoe                            | <a href="#">01CW065</a>   | NT   | 5,760              | 57.60                                | 19.20                                | (1.15)   |                       | 2% "relinquishment" of NT has been accounted for (Outside UBS) Use on or off Property  |                    |
|                                     |   |  | <b>SUBTOTALS</b>   | <b>106.70</b>                        | <b>35.57</b>                         | <b>(2.13)</b>                                    |                       |  |                    |
| Laramie-Fox Hills                   | <a href="#">83 CW 134</a>   | NT   | 6,455              | 48.70                                | 16.23                                | (0.97)   | 66364-F               | Split by SEO in September, 2007.   | Area B (179 Acres) |
| Laramie-Fox Hills Sands             | <a href="#">01 CW 110</a>   | Augmentation Vacated                         |                    | 15.85                                | 5.28                                 | (0.32)   |                       | 64.55 Annual AF set aside as augmentation-- Vacated for 00 CW 110  |                    |
| Arapahoe                            | <a href="#">83 CW 133</a><br><a href="#">00 CW 110</a><br><a href="#">06 CW 102</a> | NNT<br>Augmentation Vacated<br>Aug by Bissel | 5,970              | 0.00                                 | 0.00                                 |  |                       | Requires an augmentation plan<br>19.9 Annual AF augmented by 00 CW 110<br>Can be used anywhere in current future District boundaries.  |                    |
| Denver                              | <a href="#">83 CW 135</a><br><a href="#">00 CW 110</a><br><a href="#">06 CW 102</a> | NNT<br>Augmentation Vacated<br>Augmentation  | 480                | 0.00                                 | 0.00                                 | (1.29)   |                       | Requires an augmentation plan<br>1.6 Annual AF augmented by 00 CW 110<br>Can only be used on 179 acres   |                    |
|                                     |   |  | <b>SUBTOTALS</b>   | <b>99.45</b>                         | <b>33.15</b>                         | <b>(1.29)</b>                                    |                       |  |                    |
| <b>GRAND TOTALS</b>                 |   |  | <b>70,612</b>      | <b>641.62</b>                        | <b>213.87</b>                        | <b>(15.92)</b>                                   |                       |  |                    |