

*Submission to El Paso Co Planning and Community Development is prefaced with the understanding that entities associated with Eagle Rising Filing No.1 (project name) have proven extremely litigious individuals. No less than **three** adjacent property owners have had extensive lawsuits filed against them and **additional** land owners served with cease and desist letters from Eagle Rising land owners. Individual home owners are not in the position to enter into what is certain litigation with the Eagle Rising developers. Therefore comments will remain anonymous.*

Concern:

W.E. (E.W.) believe Eagle Rising developers have not fully resolved the water and fire protection plan for Eagle Rising Filing No.1. The County's Development Application Review webpage indicates that all concerns, issues, etc. regarding Park Forest Water District have been resolved. W.E. believe this is far from the truth.

The "Commitment letter from water service provider" provided on the Development Application Review webpage states "this letter is not a binding commitment by the district." Additionally, while not dated, the inclusion agreement appears to be over 5 years old.

As the attached letter from the Eagle Rising developers indicates, **extensive and significant legal action** between the Eagle Rising developers and Park Forest Water District have transpired and are still ongoing. These legal filings have extended to the state level.

W.E. believe Eagle Rising Filing No.1 does NOT meet the water requirements needed for the development? As the Eagle Rising developers have stated (attached) they believe Park Forest Water District will not be fully prepared to take on additional firefighting requirements until the District is connected to Cherokee Metro District pipes. The Eagle Rising developers have also determined that "excess return flow credits available to refill ponds" are needed to provide fire-fighting supplies (water). These ponds were drained and remain empty.

W.E. believe the Park Forest Water District **members** are being pushed aside with this dated and non-binding water commitment. Members have suffered financial losses due to existing, far from being resolved, legal actions. Allowing the Eagle Rising developers to proceed without a proper commitment for water and subsequent fire protection is a great concern.

Please require Eagle Rising developers to fully declare intentions regarding their water and fire hydrant supply plan.



Happy Thanksgiving Black Forest Neighbor and Park Forest Water District Member,

We are lucky and blessed to live here and to have access to sufficient water for household, irrigation and fire protection. I feel strongly enough about these matters to write to each of you. Please, join me in taking steps to mitigate fire fuels around your home along with the following actions.

1. Prepare for fire: According to the Black Forest Together organization, Fire Chief Jack and other experts, the open question about the next big forest fire is "when, not if." Fire is not taken seriously in the Park Forest Water District (PFWD). The Board of Directors refuses to add fire prevention and control objectives to the District's Mission. They seem to be misguided by the District's two attorneys, Paul Anderson and Julianne Woldridge of MacDougall, Woldridge & Worley. Henry Worley, formerly of the same firm, appears to have misled PFWD and several other parties in years past about water storage. Mission Statement aside, please take action to direct the District Board to take reasonable actions to provide better water resources to fight the next Black Forest fire.

The PFWD Board, led by Pam Sekac, recently allowed 20 acre feet (6,500,000 gals) of water controlled by the District as "return flow credits" to drain downstream for no good reason, nor gain, rather than allow it to remain in storage as a supplemental supply for fire protection. These "return flow credits" are generated when the District's water pumped from the Denver Basin aquifer well is used within the community for household and irrigation purposes, and can be recaptured as they flow into Cottonwood Creek for reuse by the District at its discretion, and without additional cost. The now wasted water was stored previously in the two large ponds on our property. As you may recall, the water stored in these ponds was used by military helicopters to fight the 2013 Black Forest Fire. Water delivered by these Blackhawk and Chinook helicopters saved many homes and structures in the Burgess and Vollmer Roads region. Perhaps water from these very ponds prevented the fire from crossing Burgess Rd. to burn your home in Park Forest Subdivision itself. But the PFWD Board was unwilling to provide excess return flow credits to allow for the refill of those ponds, thanks in part to an ongoing dispute with me, my family, and our business interests. The Board's failure to allow the refill of the ponds could permanently deprive the Black Forest community of this significant amount of water, ready and available for easy access by helicopter fire buckets and Fire Department pumpers, to fight the next fire. Moreover, District members have not been widely informed that this Board action so far has cost each and every household nearly \$200: \$60,000 in total. Please, take action and instruct the

PFWD Board to dedicate its excess return flow credits towards the refill of these ponds before the next Black Forest fire. This is the best use for the "return flow credits" water PFWD generates.

2. Network water resources: Members of the PFWD, prospective homebuyers and the insurance industry are misled by the number of fire hydrants evident in the Park Forest Water

District. All PFWD hydrants connect to two tanks supplied by wells and pumps which can only supply enough water to operate two or three of these fire-hydrants at any one time, according to Lynn Willow, PFWD's Operator. Need it be said that two or three fire-hydrants are insufficient to effectively fight multiple fires or a big fire? Supplemental water supplies for fire-fighting, including pond storage, were necessary for the 2013 fire, and will be necessary for the next fire, as well. During the Black Forest Fire, PFWD could not supply water through its hydrants at all after Mountain View Electric turned off power because the District had not installed back-up electricity generators. Just like it was prudent subsequently to install onsite electricity generation, it is now prudent for the District to use its excess return flow credits to refill the large ponds on our property and to take steps to encourage other pond owners in the District to maintain full ponds. Park Forest Subdivision homeowners and PFWD are fortunate to be located near Cottonwood Creek where ponds are possible, and to have sufficient return flow credits available to allow those ponds to be refilled out-of-priority for future fire-fighting needs. Now all that remains is for the Board to take action to allow the ponds to be filled.

Many Black Forest residents disparage the deep wells and pipeline installed by the Cherokee Water District without recognizing the positive upside. Cherokee's tanks located uphill from PFWD and the 24" pipeline routed on a diagonal through the Forest supply more than 20 new fire-hydrants with several million gallons of gravity-pressured water at the ready. PFWD members would benefit from connecting PFWD pipes to the Cherokee pipeline to increase the supply of water under pressure available to power more fire hydrants. The same pipeline could also be used by PFWD to sell excess water. Please, take action and instruct the PFWD Board to connect PFWD pipes with the Cherokee pipeline now and with Colorado Springs Utilities pipes in the future as that opportunity may develop.

3. Install residential sprinklers: Ample misinformation and public confusion abounds regarding residential fire sprinkler systems, which function differently than commercial fire sprinkler systems. When a residential sprinkler head is exposed to 165 degrees F, the plug melts and water is sprayed over the nearby area. Other sprinklers in the system do not spray until they are exposed to 165 degrees. The goal is to allow time for people to escape from the fire and the building. If the person in the vicinity of the fire is old, very young or infirm, the additional time made possible by the water discharge can be life-saving. The sprinkler may also slow the fire for the Fire Department. Residential fire sprinkler systems are relatively simple devices so their cost is modest. PFWD could join Colorado Springs Utilities and other responsible government entities to endorse, and take steps to encourage, installation of residential fire sprinkler systems. Instead, as has been consistent with the attitude and actions regarding fire prevention and protection listed above, PFWD Board of Directors neglects their role in educating PFWD members about residential fire sprinklers and instead has adopted Rules and Regulations that discourage installation of residential sprinklers, including a proposed fire sprinkler tap fee increase to \$40,000 per tap beginning in 2019, a four-fold increase over that set in January 2018.

PFWD Board of Directors' current actions neglect public service, assume unnecessary liabilities and make all of us less safe. I respectfully request that you take notice of the harm their actions may cause, and actively participate in causing the Board to reverse course on these issues.

In a related matter, companies in which I am a member are parties to a lawsuit against the District for Breach of Contract stemming in part from their denial of service. A letter from the PFWD Board to members on this matter dated March 2018 contains many false statements. See pfwd.co for more of the PFWD story. You may contact me via the web site or my P O Box.

Please, do what you can to prevent and fight fires:

1. Direct the PFWD Board to make excess return flow credits available to refill ponds within the District for fire-fighting supplies
2. Direct the PFWD Board to connect PFWD pipes to Cherokee Metro District pipes
3. Install residential fire sprinklers in your home, and direct the Board to reduce the fire protection tap fee to zero.
4. Mitigate fire fuels on your property to the "drip torch standard".

Thank you,

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