



February 13, 2012

To: Chandler Peter, US Army Corps of Engineers

Cc: Jim Martin, U.S. Environmental Protection Agency

From: Save the Poudre: Poudre Waterkeeper

RE: Cumulative impacts on the Poudre River given Fort Collins change case for water rights

Hello Mr. Peter,

It has come to our attention that the City of Fort Collins is trying to get a change case through water court that would potentially alter the point of diversion for some of the water it currently owns in the Water Supply and Storage Company. This change case is described below in an email exchange between the City of Fort Collins and Save The Poudre (dated 1/27/2012).

Assuming the email from the City correctly describes the amount of water and the change in diversion locations, this change case would divert up to 2,600 acre feet of water upstream from its current diversion point. If granted, such a change would further dewater the mainstem of the Cache la Poudre River.

Because this change case is definitely in the reasonably foreseeable future, we request that its impact be analyzed as part of the cumulative impacts study on the Cache la Poudre River for the NISP, Seaman, and Halligan EIS processes. Failure to analyze this change case would, we believe, violate the National Environmental Policy Act, the Clean Water Act, and the Endangered Species Act. Thank you for considering our request.

Respectfully,

Gary

A handwritten signature in black ink that reads "Gary Wockner".

Gary Wockner, PhD, Director

Save the Poudre: Poudre Waterkeeper

PO Box 20, Fort Collins, CO 80522

<http://savethepoudre.org>

970-218-8310

----- Original Message -----

Subject:RE: signs along the poudre river

Date:Fri, 27 Jan 2012 20:28:40 +0000

From:Dennis Bode <DBODE@fcgov.com>

To:'Gary Wockner' <garywockner@comcast.net>

CC:Donnie Dustin <DDUSTIN@fcgov.com>, Susan Smolnik <SSMOLNIK@fcgov.com>, Brian Janonis <BJANONIS@fcgov.com>

References:<4F221071.2060500@savethepoudre.org>
<10D2D1DD34AE6D44B716943EA38CA685A4A783@mbxchw03.city.fcgov.com>
<4F230186.30706@comcast.net>

Gary,

I'll try to respond to your questions more specifically before I head out for a meeting.

1. The Water Supply and Storage Company owns the Larimer County Canal, the headgate of which is located on the Poudre River just west of Hwy 287, not far from Ted's Place. This is where they have historically diverted all, or at least, most of their water.
2. The primary diversion points for the City to get this water to our Water Treatment Facility is through our original pipeline near Gateway Park or the Munroe Canal, upstream about one mile. We have listed other diversion points as well to provide some future flexibility in where we divert water, how we might use it, etc.
3. How much water we divert will vary considerably depending on the type of runoff year we have, City demands, and a lot of factors that are not yet well defined. We have some 26+ shares of WSSC and each share will deliver in the range of 50-100 AF per year. And, then of course, we'll need to consider ditch seepage, return flow obligations, etc.

Sorry for the short response, but I hope this helps a bit. We would be glad to sit down with you if you like so that we can provide a more complete picture of how all this works. Just let us know if you would like to do that.

Thanks!

Dennis

From: Gary Wockner [mailto:garywockner@comcast.net]

Sent: Friday, January 27, 2012 12:57 PM

To: Dennis Bode

Cc: Donnie Dustin; Susan Smolnik; Brian Janonis

Subject: Re: signs along the poudre river

Hi Dennis,

Thank you for the response.

Respectfully, please answer these questions:

1. Where is the current diversion point of this water?
2. Where would be the proposed diversion point of this water (if the court allows it)? (Your pipeline in the canyon, yes?)
3. How much water?

Thank you,

Gary

Dennis Bode wrote:

Hi Gary,

Thanks for your inquiry. I almost missed your email since it showed up in my mailbox without any name on it. I'm not sure why that happens??

The paper signs posted along the Poudre are part of the public notice for a change case that we've been working on during the past year or so. As you may recall, the City has some shares in the Water Supply and Storage Company that we need to convert from agricultural to municipal use before we can use them for municipal purposes. We submitted an application to the water court at the end of last year. As part of the public process, signs were posted at various locations to give notice to folks that we are changing the use of these shares. Notice was also printed in the Coloradoan and included in a "Water Resume" that is available to anybody interested.

The end-product of this process will be a decree that allows us to take our share of WSSC water and use it for municipal purposes. The amount we can take and where it can be taken is based on an extensive engineering analysis that considers historic consumptive use, location of use, return flow obligations, etc. We'll know within a few months who all will object and then we'll work toward addressing any concerns of the objectors. This process can be pretty lengthy and often lasts a few years.

Our overall objective is to get a decree that allows us to take the water at locations that are beneficial to the City, like our pipeline, and at the same time provide some operational flexibility of where and how we use it.

Susan Smolnik (ssmolnik@fcgov.com or 224-6156) is the manager for this project, so feel free to contact her if you have additional questions.

Thanks!
Dennis

-----Original Message-----

From:
Sent: Thursday, January 26, 2012 7:48 PM
To: Dennis Bode; Donnie Dustin
Subject: signs along the poudre river

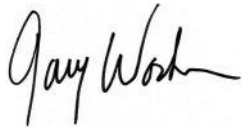
Hi Dennis and Donnie,

There are some small paper signs posted along the Poudre River about the transference of the City's water rights. Can you explain this to me? And can you tell me what will be the end-product of this? It appears that you are transferring a diversion point for water upstream and you are publicly posting to see if there are any objectors.

How much water? From what diversion point, to what diversion point?
What is the timing?

Thank you,

Gary



Gary Wockner, PhD, Director

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