

To: Interested Parties

From: Denver Regulatory Office

Re: NWO-2008-2659-DEN, Will-O-Wisp Raw Water Diversion Project

Thanks to the effort of concerned citizens and input of the public in response to the public notice for this project, the Department of the Army Regulatory Program (Regulatory) was able to conduct a more thorough and comprehensive evaluation of this application. The information below provides both a synopsis, as well as a greater, in-depth, review of the permit as it was finally issued for this work.

The permit authorizes the diversion of water from Elk Creek under conditions that are designed to minimize the impact on the Creek. Only 250 additional residences can be constructed – additional units have to wait until a reservoir is constructed and filled. This ensures there will be adequate water storage at build-out (570 total ‘taps’) to minimize drawing down Elk Creek. In the interim, the applicant agrees to maximize storage and use of existing wells to meet the demand for water. If, and when, flows on Elk Creek drop to 1.0 CFS or less, water will be diverted at a rate that is 65% of that authorized by the Park County 1041 process.

To further protect the aquatic organisms, the Colorado Division of Wildlife (CDOW) and the applicant’s engineer revised the design of the diversion structure so that fish entrainment was minimized and fish passage was maximized.

Before the permit could be issued, special conditions had to be developed that were (1) site specific, (2) able to be done, and (3) enforceable. Some of the special conditions include the installation of a continuous flow recording device in the still well upstream of the diversion structure on Elk Creek and the integration of it with the Supervisory Control and Data Acquisition system (SCADA) of the raw water pump station. The recorded stream flow measurements and the raw water pump station flow rates will be provided to the Regulatory office at weekly intervals (including the storage tank fillings) when Elk Creek flows reach 2.8 CFS. The reason for this is when the flow in Elk Creek drops below 2.8 CFS, the applicant will adjust the operation of their storage tanks to maximize water storage. If, and when, the flows drop below 1.0 CFS, this office will receive the data in weekly intervals to ensure that only 65% of the diversion authorized during Park County’s 1041 process is being diverted.

The water right consequences of the diversion on the potential loss of water to downstream users is the responsibility of the State of Colorado who assures downstream users will have adequate water resources. The State issued a Section 401 Water Quality Certification with extensive monitoring conditions that have to be followed to ensure the water quality is not degraded as a result of this project. Therefore, the major focus of our permitting process was to address the consequences to Elk Creek as a result of the diversion, such as adverse impacts to aquatic organisms and habitats and other public interest factors.