



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
DENVER REGULATORY OFFICE, 9307 S. WADSWORTH BOULEVARD
LITTLETON, COLORADO 80128-6901

January 5, 2009

Will-O-Wisp Metropolitan District
c/o Mr. Rick Angelica
956 Wisp Creek Road
Bailey, Colorado 80421

**RE: Department of the Army (DA) Permit Number NWO-2008-2659-DEN
Elk Creek Stream Raw Water Diversion and Pipeline**

Dear Mr. Angelica:

Reference is made to the Department of the Army (DA) permit application you submitted to disturb 1.3 acres of wetlands to construct a metering weir, an infiltration gallery, an intake structure, a grit chamber, a diversion dam and a raw water line to a pump station [constructed in uplands]. The project impacts are located in Section 26, Township 6 South, Range 72 West, Park County, Colorado. The project was assigned number NWO-2008-2659-DEN.

As you are aware, the public notice for this project was extended until January 18, 2008. One of the reasons for this was that the project is far more complex than first realized and additional time is needed to evaluate the proposal. Toward that end, we will be contacting your consultant shortly to set up a meeting to explain our permitting process with regard to your project, the responsibilities (finding the least environmentally damaging, practicable, alternative the meets your purpose and need) as well as limitations (such as not getting involved in property rights – this includes water rights) of this office. It is our intent to invite federal, state and county representatives so that they can understand some of our concerns and solicit input from them in their responses to the public notice. It will not be to debate the issues. For your information some items/concerns are listed below:

- Downstream consequences of diversion
- Permanent diversion from one watershed into a different watershed
- Downstream consequences of receiving watershed
- Diversion is not sufficient to meet your stated purpose and need
- Exploration of other potential alternatives to meet your purpose and need
- Potential requirements to ensure the benefits outweigh project detriments

The parties involved will then have the opportunity for clarifying questions and to comment, in writing, to the public notice. Upon receipt of those comments, this office will formulate our position and forward all items to you for comment. Any questions concerning the meeting should be directed to Ms. Margaret Langworthy at the letterhead address or by telephone at (303) 979-4120.

Sincerely,

Timothy Carey
Chief, Denver Regulatory Office

Copy Furnished:

Ms. Kelly LaValley
The Engineering Company
2310 East Prospect Road, Suite B
Fort Collins, Colorado 80525