

**Headley, Kim**

**From:** Cruz, Rochelle  
**Sent:** Thursday, December 11, 2008 4:11 PM  
**To:** Headley, Kim; 'rasopc@aculink.net'  
**Subject:** FW: SDS Application

FYI.

**From:** Jack Gillespie [mailto:mcgille@juno.com]  
**Sent:** Thursday, December 11, 2008 4:07 PM  
**To:** Cruz, Rochelle  
**Subject:** SDS Application

I do not believe County Commissioners are sufficiently informed to make a reasoned decision concerning construction impacts on Pueblo County of the SDS proposal.

From the outset of the SDS proposal, I have encouraged the Bureau of Reclamation to look at the cost of advanced treatment (reverse osmosis) to potable water of the sewage effluent at the outfall to be reused by the city compared to the costs of SDS – building pipelines, storage facilities, and pumping costs to lift the water about 1,000 feet so it can be used in Colorado Springs. Both Reclamation and Colorado Springs bureaucrats resisted such economic analyses until CH2M Hill concocted a manipulative analytical scheme designed to persuade the public that advanced treatment was much too costly to be considered. It is important to note CH2M Hill not only exaggerated the cost, but relied heavily for its science on a 1998 National Research Council committee report concluding that such reclaimed water should be used for drinking "only as a last resort." However, Jim Crook, chair of that committee, is quoted by the Wall Street Journal, May 15, 2008, "We know a lot more than we did back then, and we can treat to higher levels." Mr. Crook sits on an advisory panel created to review the Orange County, California, system. The new system, launched in January 2008, produces some 70 million gallons per day. The cost is reported to be \$481 Million to construct and \$29 Million per year to operate. The Orange County project is comparable in yield to the SDS proposal. The SDS participants need to explain why they would tax their constituents for a \$1.1 Billion capital expenditure when the same yield could be obtained by reuse. Commissioners need an answer to that question.

Commissioners need an elaboration on the SDS statement of need in the Environmental Impact Statement.. As stated in the document:

- *To use developed and undeveloped water supplies to meet most or all projected future demands through 2046.*
- *To develop additional water storage, delivery, and treatment capacity to provide system redundancy.*
- *To perfect and deliver the Participants' existing Arkansas River Basin water rights.*

Commissioners need to be aware that the bulk of the water rights which SDS proposes to use for exchanges are not yet perfected. During the Colorado Springs exchange cases in 1987 some 28,000 acre feet was decreed absolutely, 90,000 acre feet was decreed conditionally. About 1994, USGS learned that obstacles such as stream minimum flow requirements, and the 6,000 acre foot storage account Colorado Springs maintained in Pueblo reservoir at the time, would not support exchanging the conditional decree as proposed in the 1987 court proceedings. Apparently, Colorado Springs turned to the Bureau of Reclamation for help in perfecting those conditional rights. Unfortunately, Reclamation bureaucrats were found willing to encroach into the State's water rights laws by considering the Colorado Springs SDS proposal and is now using the federal facilities to perfect conditional rights that

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cannot be perfected as described to the court. Commissioners need to be aware that the Colorado Springs' and Pueblo's conditional decrees are further jeopardized by Reclamation's paper trade of stored high quality water upstream with Aurora for its lesser quality water stored in Pueblo reservoir. By Reclamation making such trade with Aurora, both the Pueblo Water Board and Colorado Springs lost the integrity of their agreement on priority of exchanges as contemplated prior to the decrees.

Since 2003, I have responded to the Bureau at all stages of their developing the EIS for SDS. However, because I represent no constituency, bureaucrats simply ignore the implications of concerns I suggest--as if they were from "the crazy old aunt shouting from the attic." Certainly, my review of the EIS of SDS suggests both the economics and the science throughout the project are substantially below the caliber required for competent government to approve. Commissioners would be well advised to clarify such points.

Thanks for considering these comments in your deliberation the SDS application for a county permit. Feel free to call if I can be of further help.

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