

NAYLOR & GEISEL, P.C.

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October 9, 2012

Gary Raso
Assistant County Attorney
215 E. Pitkin
Pueblo, Colorado 81004

Dave Benbow
General Services Engineer
Pueblo County
33601 United Avenue
Pueblo, Colorado 81001

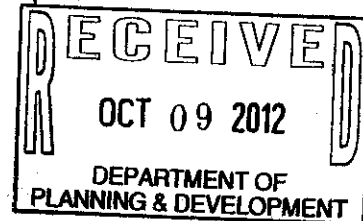
RE: SDS Pipeline – Walker

Gentlemen:

I am enclosing herewith a copy of Total Terrain's review of the revegetation on the Walker Ranch together with copies of a few cross sections of the pipeline prepared by Cardinal Surveying showing that the project has not been graded to pre-construction contours as required by the 1041 Permit.

The problems concerning the site restoration were pointed out to CSU employees prior to completing the revegetation and laying the water lines to water the project. At the end of June, Walker contacted Brian Whitehead at CSU explaining the problems to him and he had indicated that they would stop progressing with the project and this was before any of the pipe was down or seeding had been completed. That did not occur and they went ahead and completed the project without complying with the 1041 Permit. They have apparently chosen to disregard the requirements of the 1041 permit without correcting the problems with the site restoration. I had not been on the site since construction began until Monday but is obvious even to the naked eye that the site has been not been restored to the grade prior to construction and as the site currently exists it has affected the drainage pattern and will certainly cause an increase in erosion of the site.

Per your letter of August 29, 2012, you indicated that CSU and representatives from the Colorado National Heritage Program reviewed the information that we had submitted to you on behalf of Mr. Walker and came to the conclusion of nearly complete disagreement



Gary Raso
Dave Benbow
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Page 2

with the assertions made on behalf of Mr. Walker concerning the effort and current status of revegetation and reclamation. Please advise who the representative of CSU made these statements and who they consulted with at the Heritage Foundation upon which they based their opinion.

Also, in your letter you indicated that CSU indicated that within the next 10 days they would be in contact with Mr. Walker and/or his representatives in an attempt to schedule a meeting between CSU, its representatives, including CNHP to go over the issues point by point. Lyman Ho with CSU e-mailed Walker in September that he was going to be on vacation and probably at the end of September would set up a time to meet. Gary and Lyman met on October 4 and viewed the project and he is also received a copy of Total Terrain's report. Walker is still awaiting the meeting with CSU and CNHP.

We have requested some sort of proof of what seeds were used in the revegetation process and have not received a reply as of yet.

One of the purposes of a 1041 Permit is protect owners from damages caused to their property. It appears that there has been a complete lack of oversight of the construction by either CSU or Pueblo County or both to allow this situation to get to this point. We feel that we are not being protected by Pueblo County when they have allowed this situation to get to this point. We agree with Clyde Young's suggestion that the County review the terms of the 1041 Permit, make field inspections and insure that the terms and conditions of the permit are being complied with at the present time.

We would like to invite you out to review the site and come to your own conclusions concerning the compliance with the 1041 Permit.

Very truly yours,

NAYLOR & GEISEL, P.C.



John R. Naylor, Esq.

JRN/pnw

Enclosure

cc: Gary Walker

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1-800-542-8081

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725 Desert Flower Blvd. Pueblo, CO 81001 719/542-8080 Fax 719/545-0014

October 1, 2012

Walker Ranches
Attention: Gary Walker
7170 Turkey Creek Ranch Rd.
Pueblo, CO 81007-1282



Re: Southern Delivery System S-3 - Revegetation Review on September 25th, and 29th, 2012

Gary,

As you requested, Total Terrain conducted a site review of the S-3 revegetation and erosion control work being done on your property. Since we have a history of successful revegetation methods and outcomes, we are pleased that you have sought us out to review this final revegetation. We clearly understand the importance of this revegetation work to Walker Ranches. We also know the requirements as set forth by Colorado Department of Public Health and the Environment, Colorado Springs Utilities and the 1041 permit.

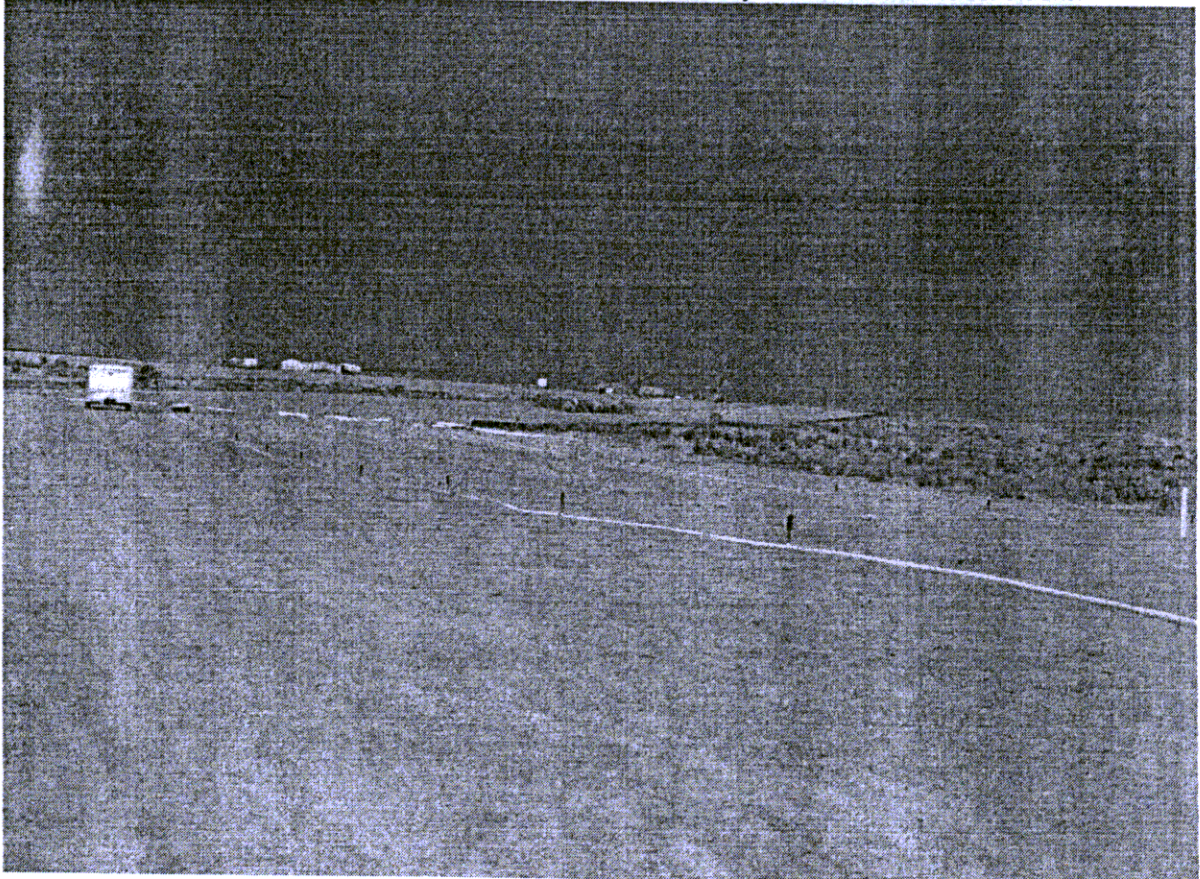
Irrigation at Steele Hollow

- At Steele Hollow, one zone on the irrigation system was running. The design and layout was unable to control the application of water to the intended area. The heads on this zone were delivering water in a haphazard and inaccurate method. Troubling issues included heads shooting off project, heads partially plugged and erosion ruts being created. The poor design, installation and monitoring was evident. It visibly does not account for actual site conditions. There was no S-3 contractor on-site to recognize and remedy these issues which are numerous.



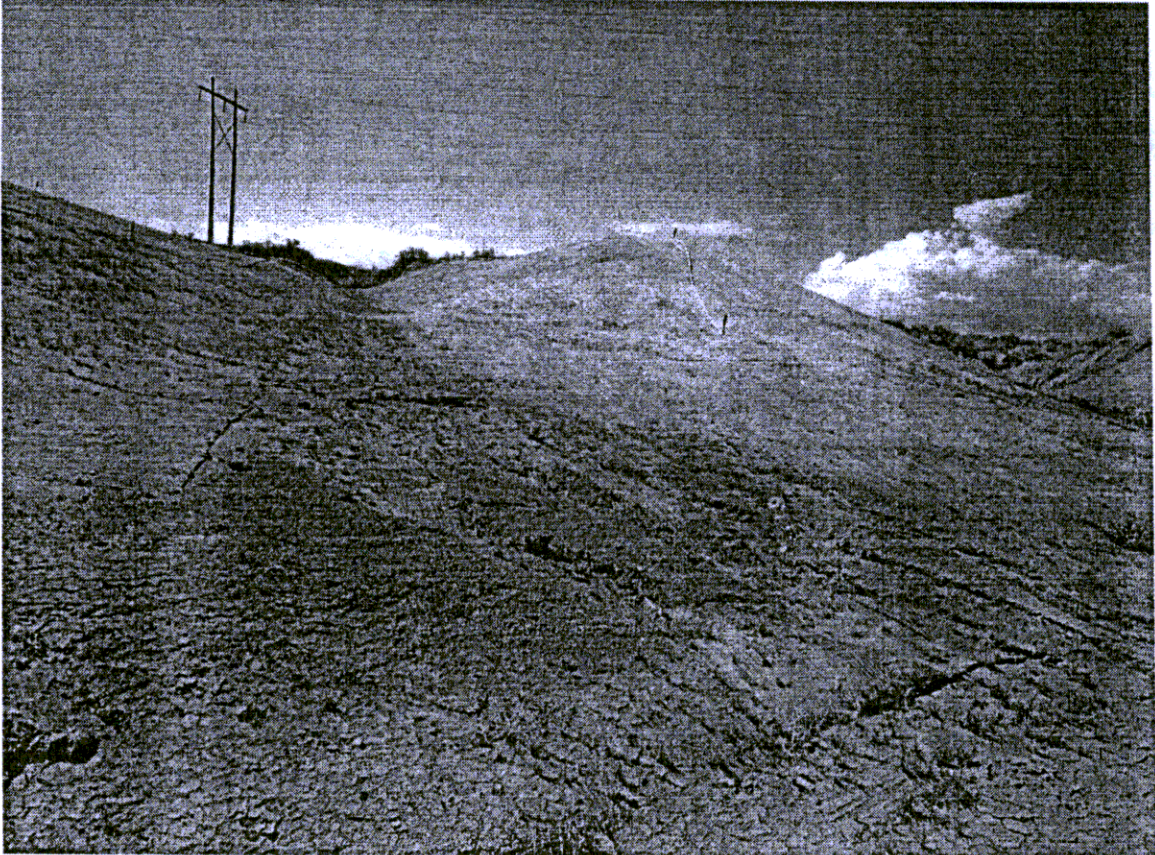
Irrigation at S-3

- S-3 irrigation system looks to be in place, and except for Steel Hollow, it does not seem to be operating. Examination of its layout shows it is not designed to industry standards. Industry standard states that rotor heads should be designed and installed to minimum head to head spacing. Head to head spacing means that the water from one sprinkler must spray all the way to the next sprinkler in all directions- to the right, left and also to the head(s) across from it. The current improper spacing is a critical error and will cause a multitude of problems that are already coming to light. Even and controlled water application is required to germinate and establish revegetation and provide erosion control. This short seasonal and contractual window is being wasted.
- Laterals and heads on the irrigation system are not buried. This makes it difficult to set the heads accurately for vital water application. Rotor heads are designed to be held in place by earth covering, less the top. As installed, a piece of rebar is holding the heads in place. You can already observe the irrigation failures at Steele Hallow.
- The irrigation installation does not replicate systems successfully implemented at SDS Test Plots and locally similar projects. At present, you must flood one area to get water to flow to others. Many parts of the right of way will never get beneficial irrigation water at all. Overspray will create mud holes on the two wheel access road and lead to access restrictions for providing monitoring and maintenance. Our professional recommendation is that the entire irrigation system should be redesigned and installed to a minimum of industry standards and adjusted to actual site conditions.



Revegetation Findings at Steel Hollow

- There are some pioneering grass species with several wash outs, erosion control blanket covered in silt, torn and being undermined by water. Stakes falling out of erosion blanket. Several banks are being cut into or silted over. This sensitive area is not getting the attention needed.





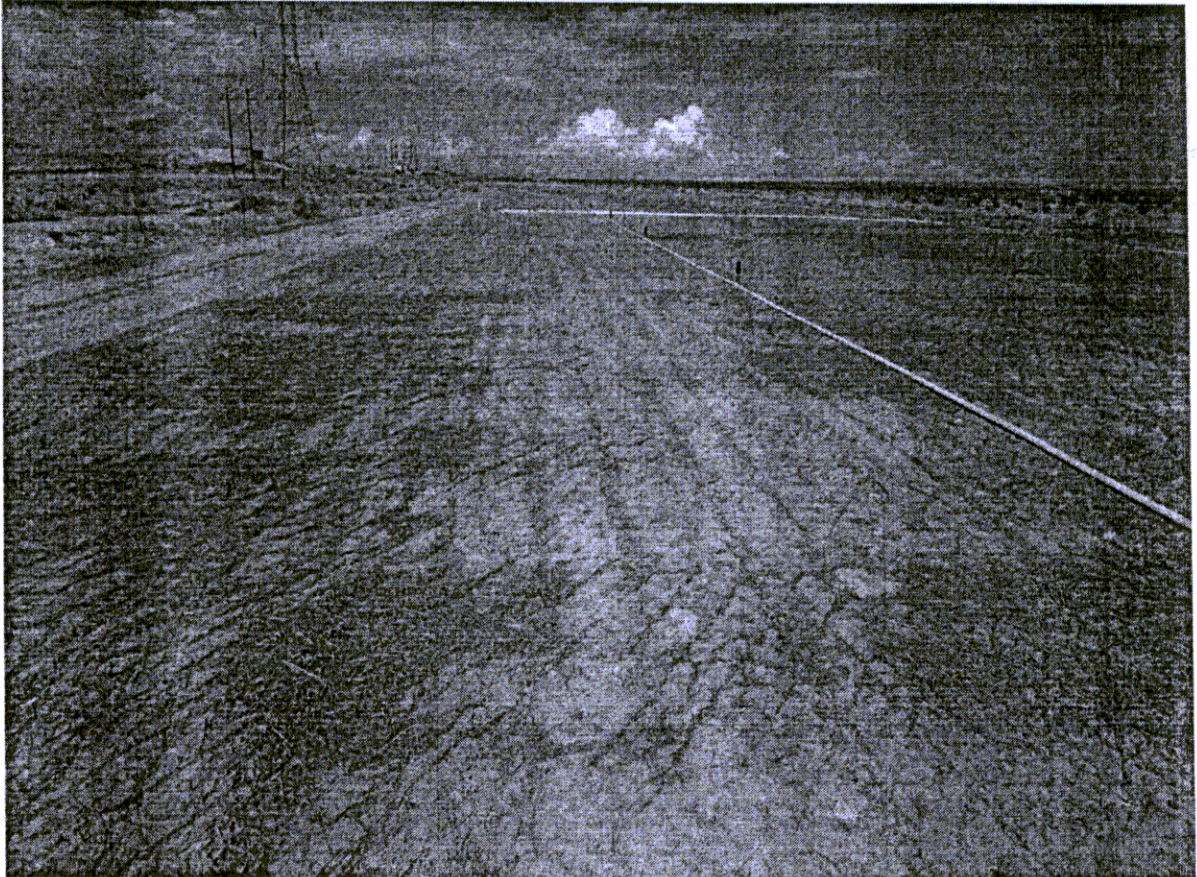
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Revegetation Findings at S-3

- Except for Steele Hollow, there is no grass growth evident to help control erosion or provide a permanent stand of grass through the winter. Soil preparation and crimping methods are not keeping the mulch in place. The mulching application on S-3 is spotty and of reduced value with no help from vegetation. It appears that the wind and storm events have blown and swept much of the mulch application away. The quantity of mulch should be maintained at a minimum of 1.5 tons per acre, no bare areas and 1 to 2 inches deep to help erosion control and promote final revegetation. Minimum standard is not being followed.
- There are several areas where topsoil is leaving the planned revegetation site due to a lack of mulch or vegetation. Changes in methods are needed now to comply with minimum stormwater management requirements and promote sustainable establishment.



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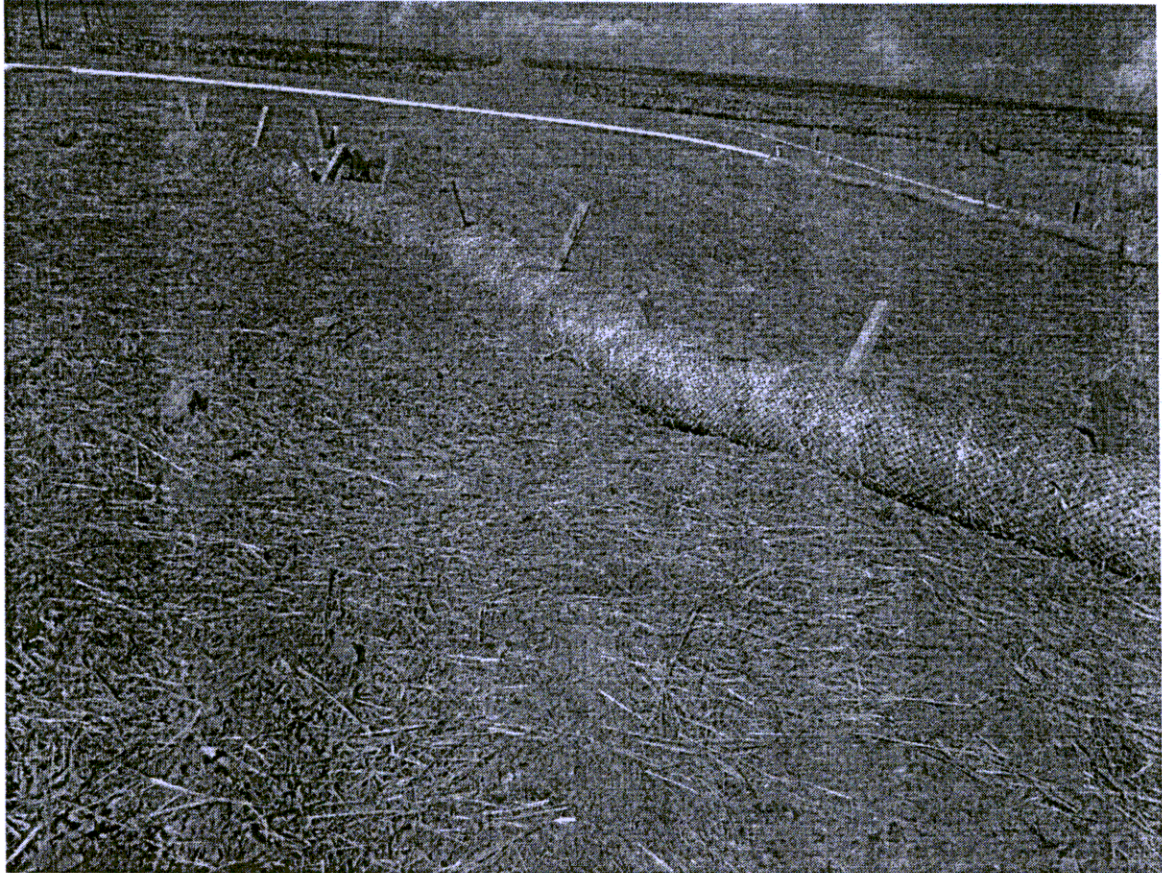
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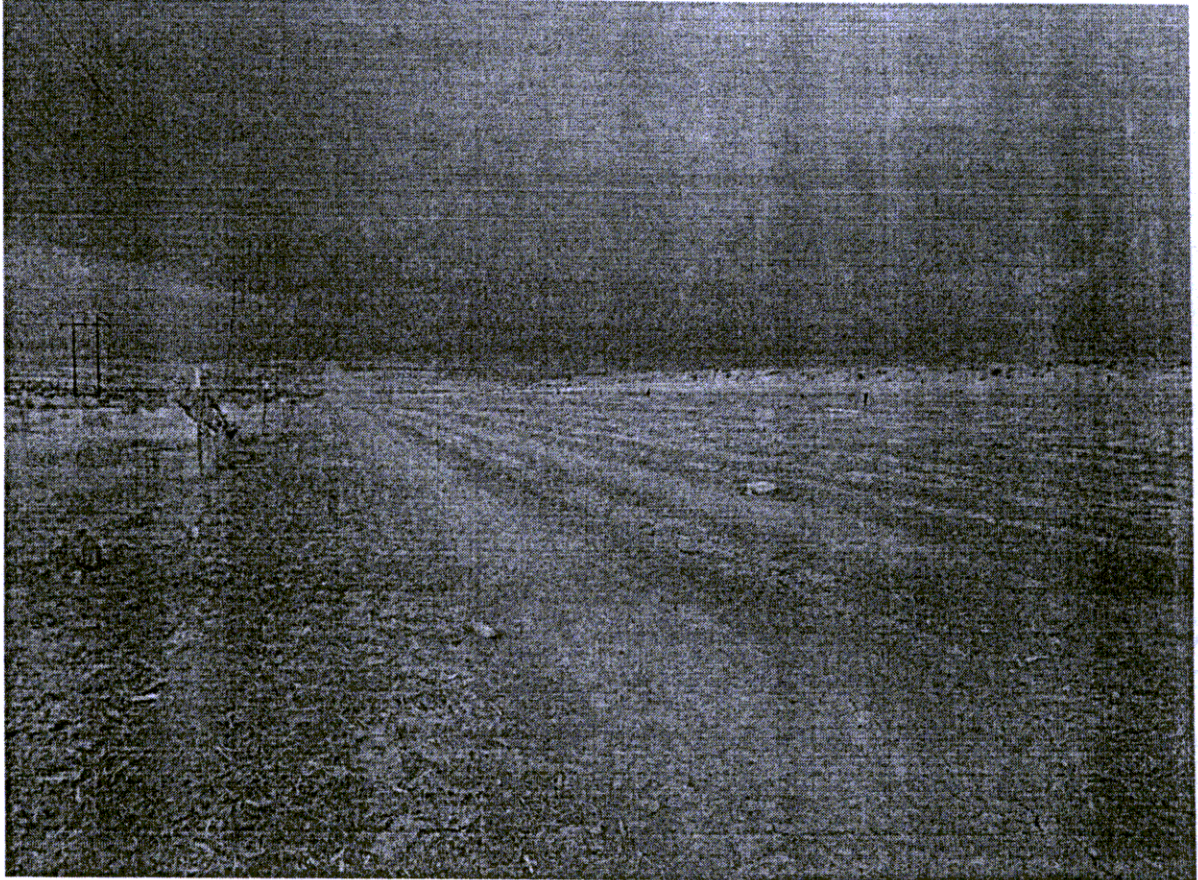
Revegetation into Subsoil and Erosion Logs at S-3

- Establishment of final revegetation on subsoil is highly difficult. Site acceptance required that soil preparation was completed according to the project specification and that it is in a condition that is ready for revegetation. This is not the case with several areas of subsoil occupying the revegetation area.
- Erosion logs should be buried 2" into the soil. As you can see this is not occurring. Drainage is undermining and eliminating essential erosion log function.



Crown on Right of Way at S-3

- It is visible that the current finished grade of the S-3 SDS right of way does not keep the undisturbed historic existing water movements in place. This will change your drainage patterns and its future impact is unpredictable.





Overall it's sad that many opportunities were missed to complete the restoration of your property. The current implementation, monitoring and maintenance state is unsatisfactory. The apparent indifference for even minimum industry standards is troublesome. The initial establishment of grass species has been missed completely. Because of this, it will be required to use less favorable or sustainable methods to provide erosion control and revegetation. Your concerns with the crowning should be resolved. It is obvious that the unique erosion control and revegetation requirements of this work are not being executed by the existing contractor as required.

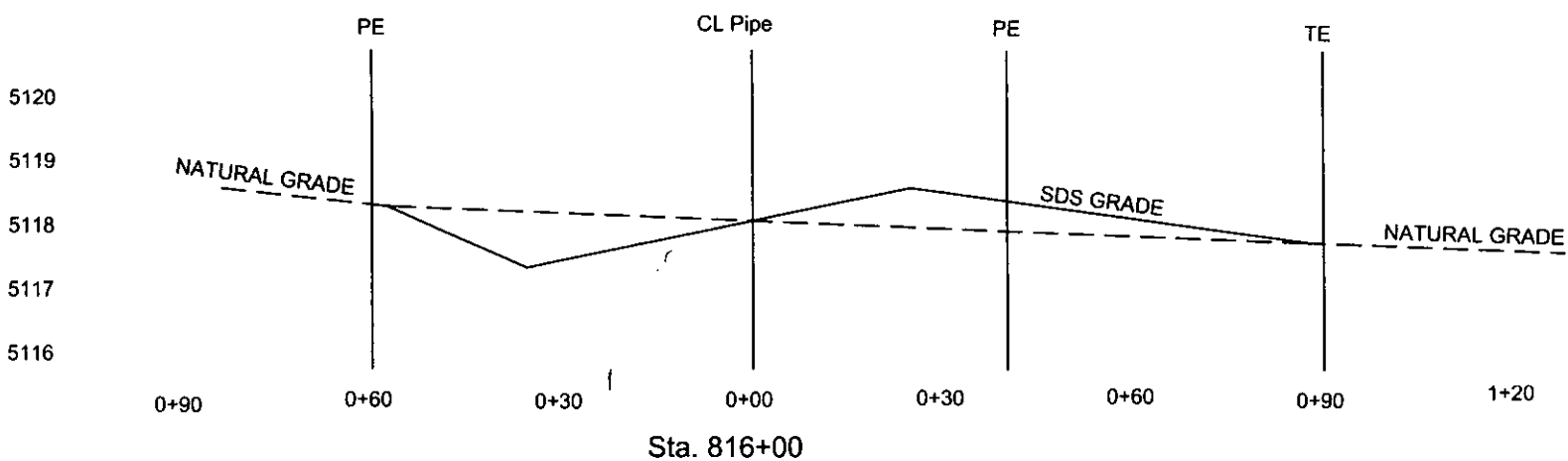
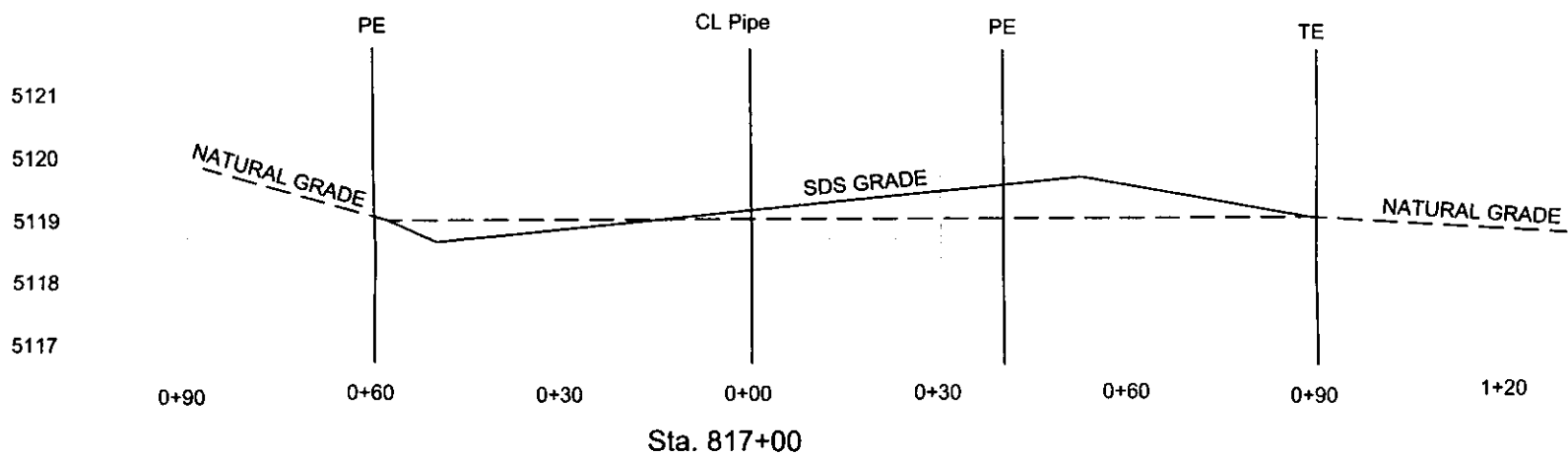
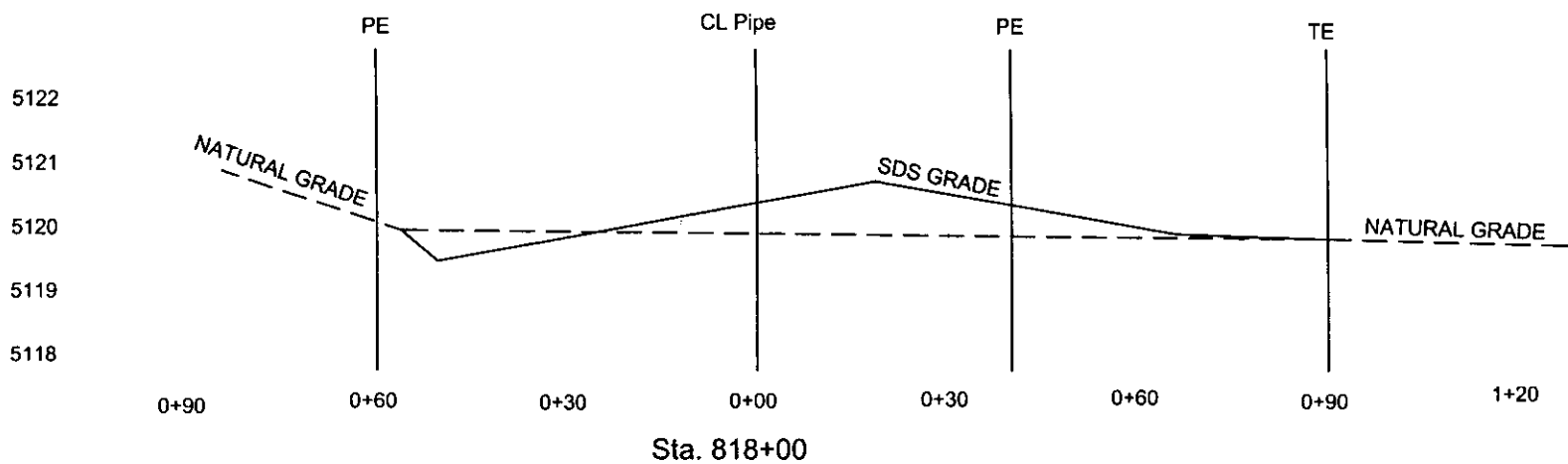
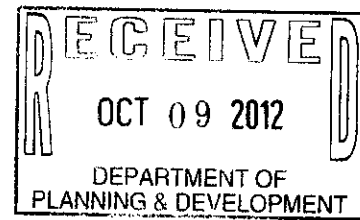
Sincerely,

A handwritten signature in dark ink, appearing to read 'Marty Garcia'. The signature is stylized with long, sweeping strokes.

Marty Garcia
President

SDS CROSS SECTIONS

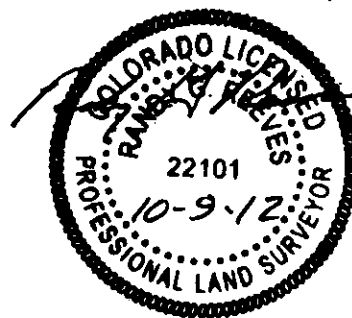
(WALKER RANCH)



I, **RANDY G. REEVES**, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO HEREBY STATE THAT THESE CROSS SECTIONS SHOWN HEREON WERE DONE BY ME OR UNDER MY DIRECT RESPONSIBLE CHARGE ON OCTOBER 2, 2012 AND IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Randy G. Reeves
RANDY G. REEVES
 PROFESSIONAL LAND SURVEYOR NO. 22101

OCT. 9, 2012
 DATE



NOTE:

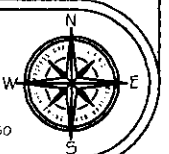
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PROJECT: GARY WALKER	
DESCRIPTION: SDS CROSS SECTIONS	
SHEET: 1 OF 6	JOB NUMBER: 2012-093
DATE: 10-8-2012	FILE NAME: 2012-093EXB
SCALE: 1" = 30' HORIZONTAL / 1" = 3' VERTICAL	

Cardinal Points
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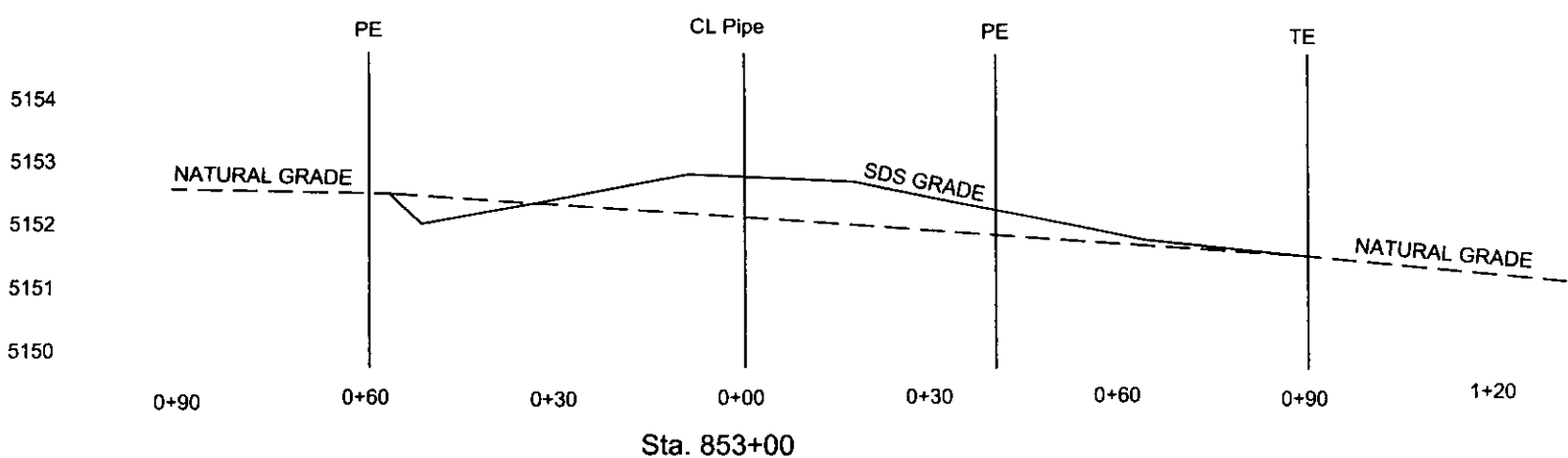
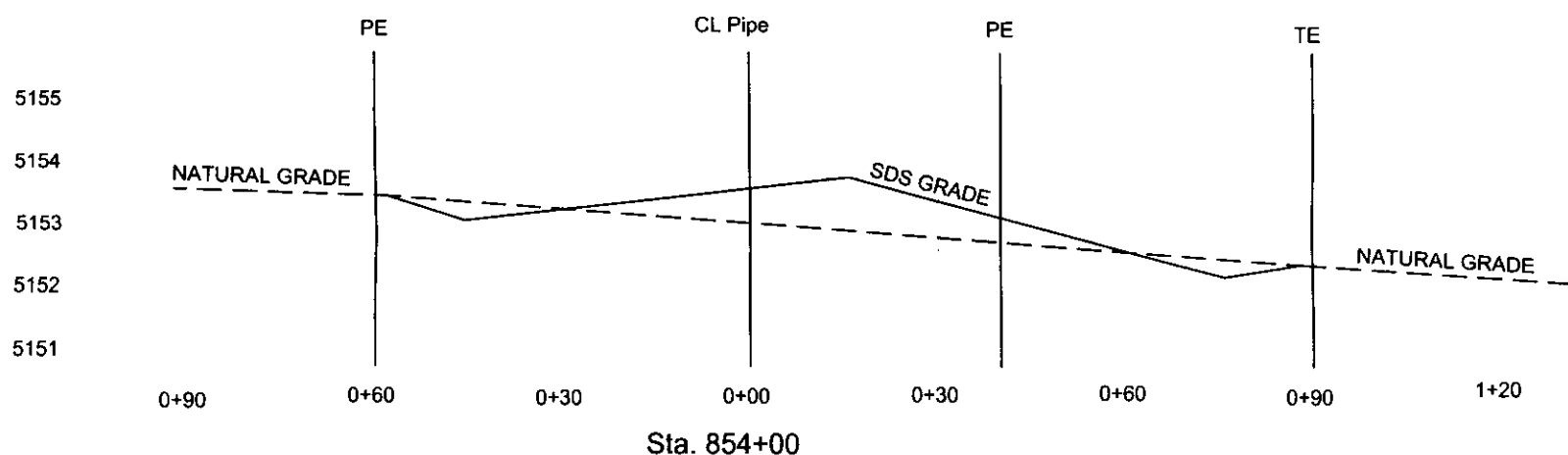
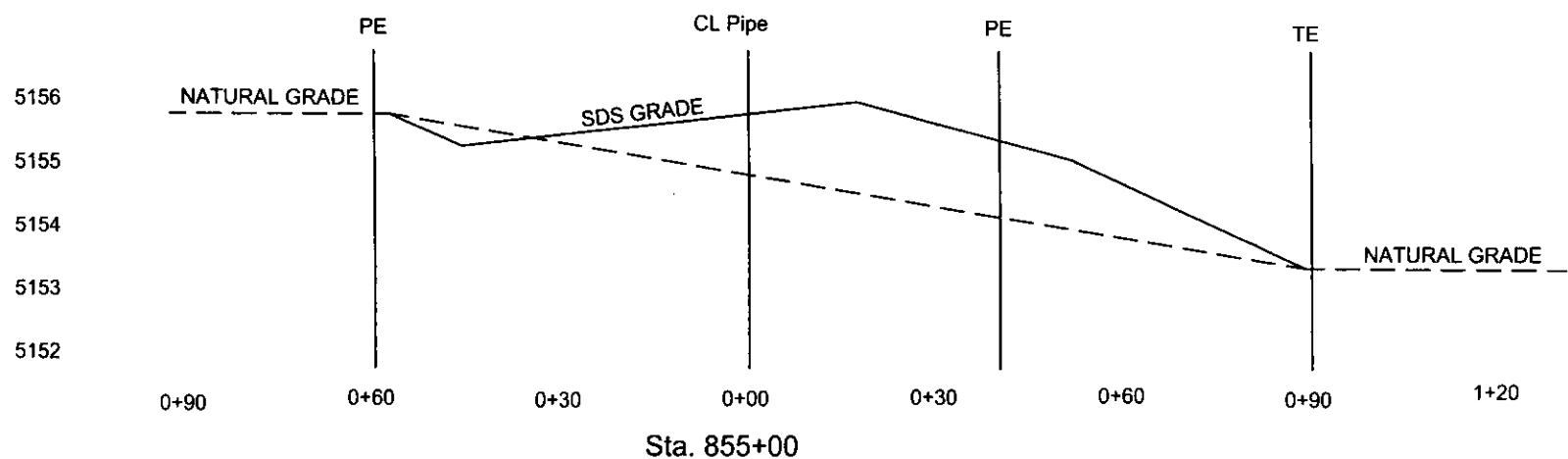
(719) 253-0874 · (719) 253-0878 fax

4776 Englewood Circle, Suite 150
 Fort Collins, Colorado 81008



SDS CROSS SECTIONS

(WALKER RANCH)



PROJECT: GARY WALKER
DESCRIPTION: SDS CROSS SECTIONS

SHEET: 2 OF 6

DATE: 10-8-2012

SCALE: 1" = 30' HORIZONTAL / 1" = 3' VERTICAL

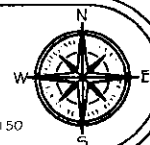
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FILE NAME: 2012-093EXB

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Surveying Inc.

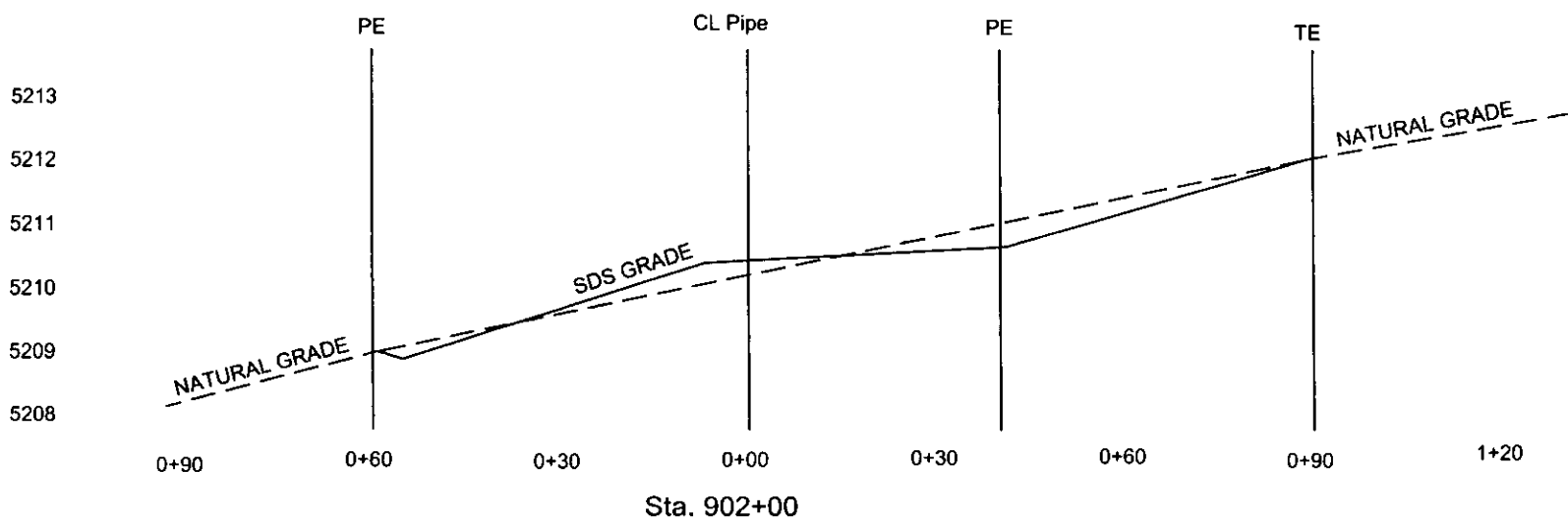
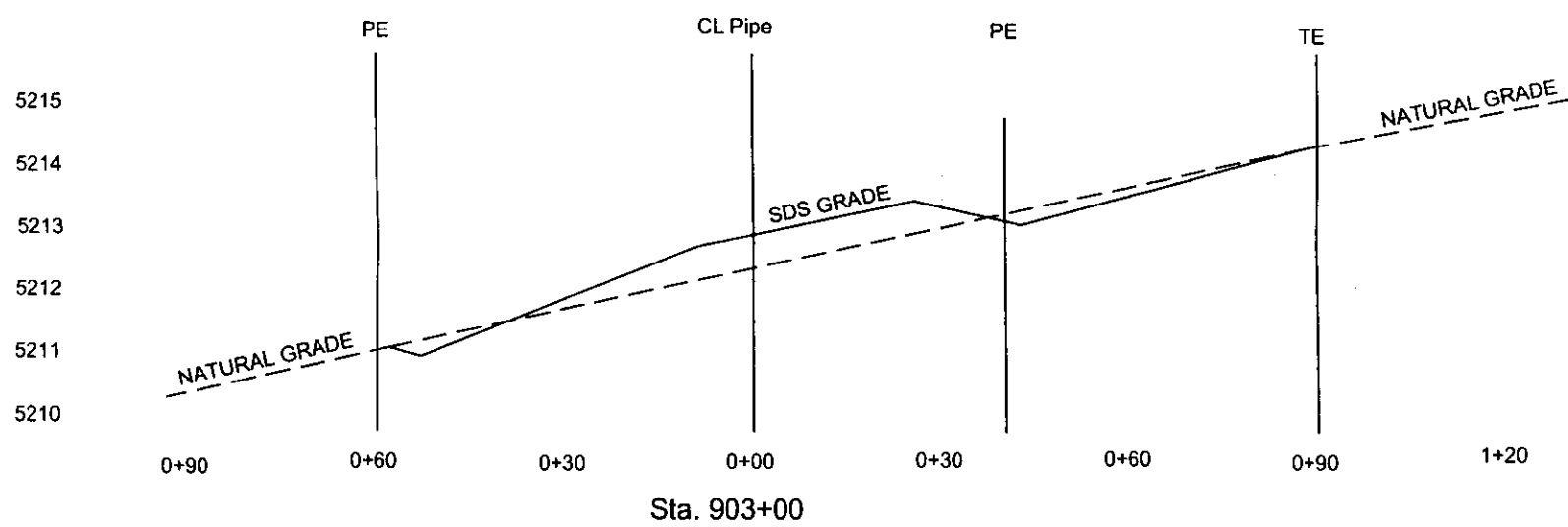
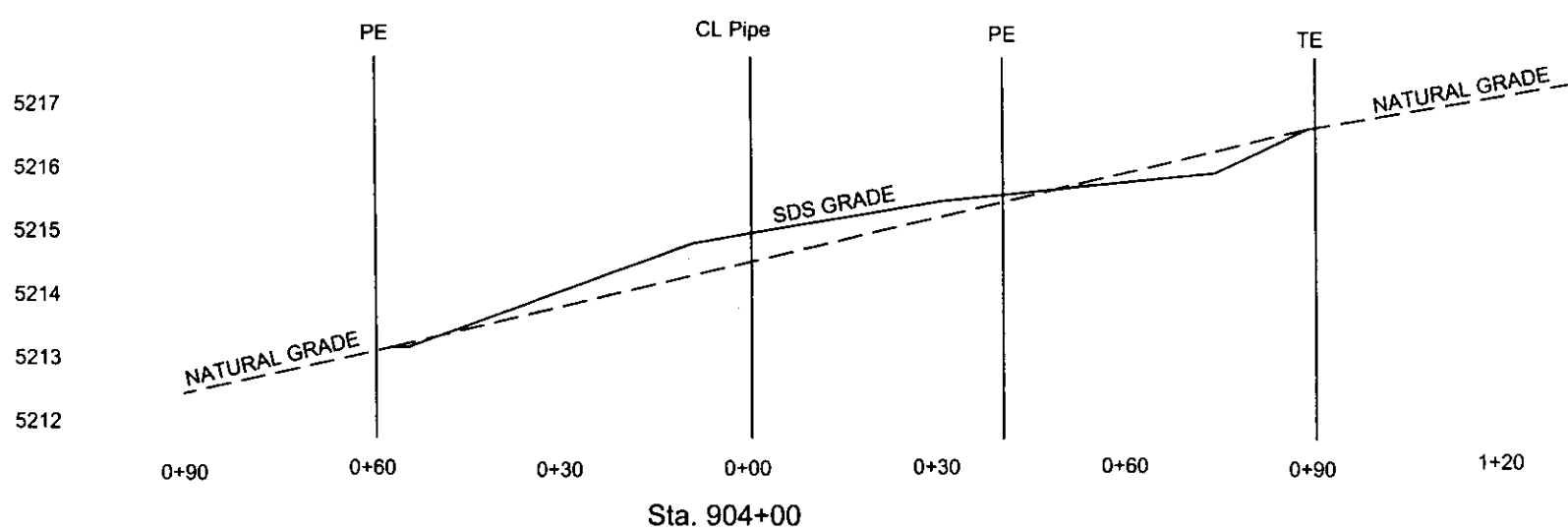
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SDS CROSS SECTIONS

(WALKER RANCH)



PROJECT: GARY WALKER DESCRIPTION: SDS CROSS SECTIONS	
SHEET: 3 OF 6	JOB NUMBER: 2012-093
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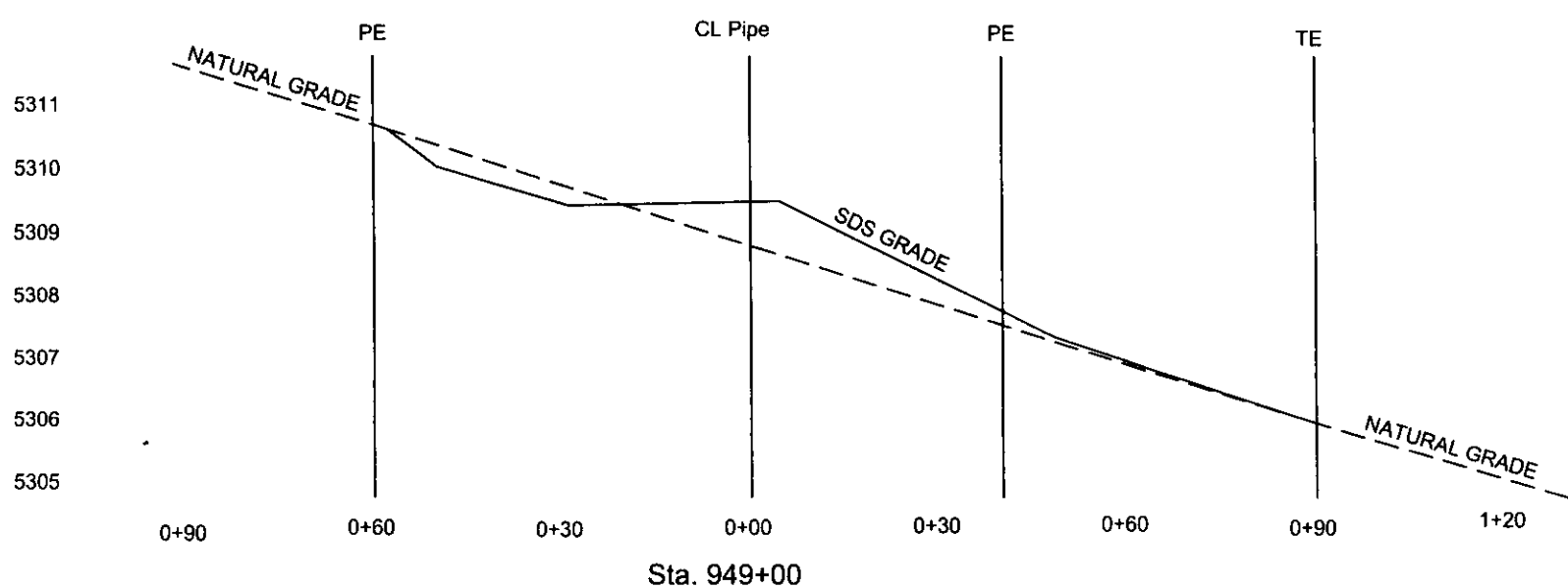
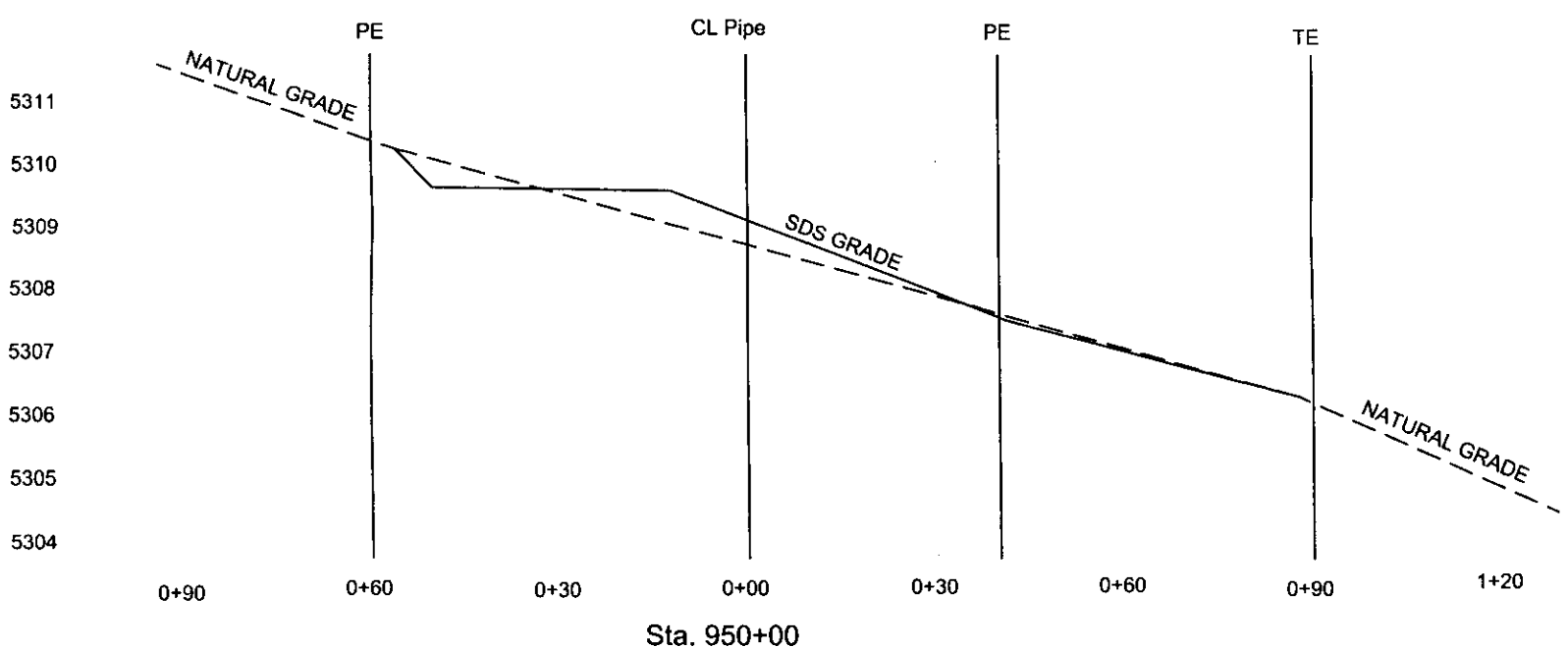
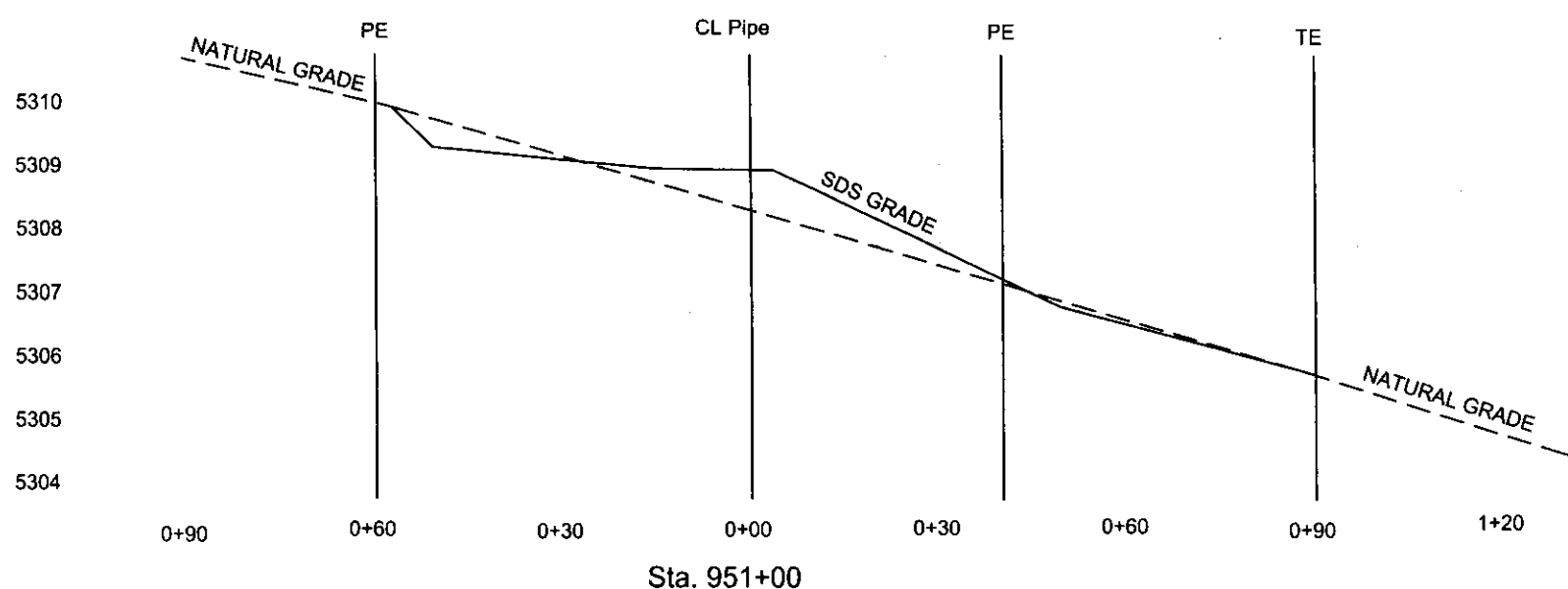
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SDS CROSS SECTIONS

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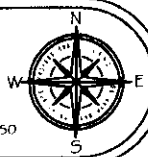


PROJECT: GARY WALKER DESCRIPTION: SDS CROSS SECTIONS	
SHEET: 4 OF 6	JOB NUMBER: 2012-093
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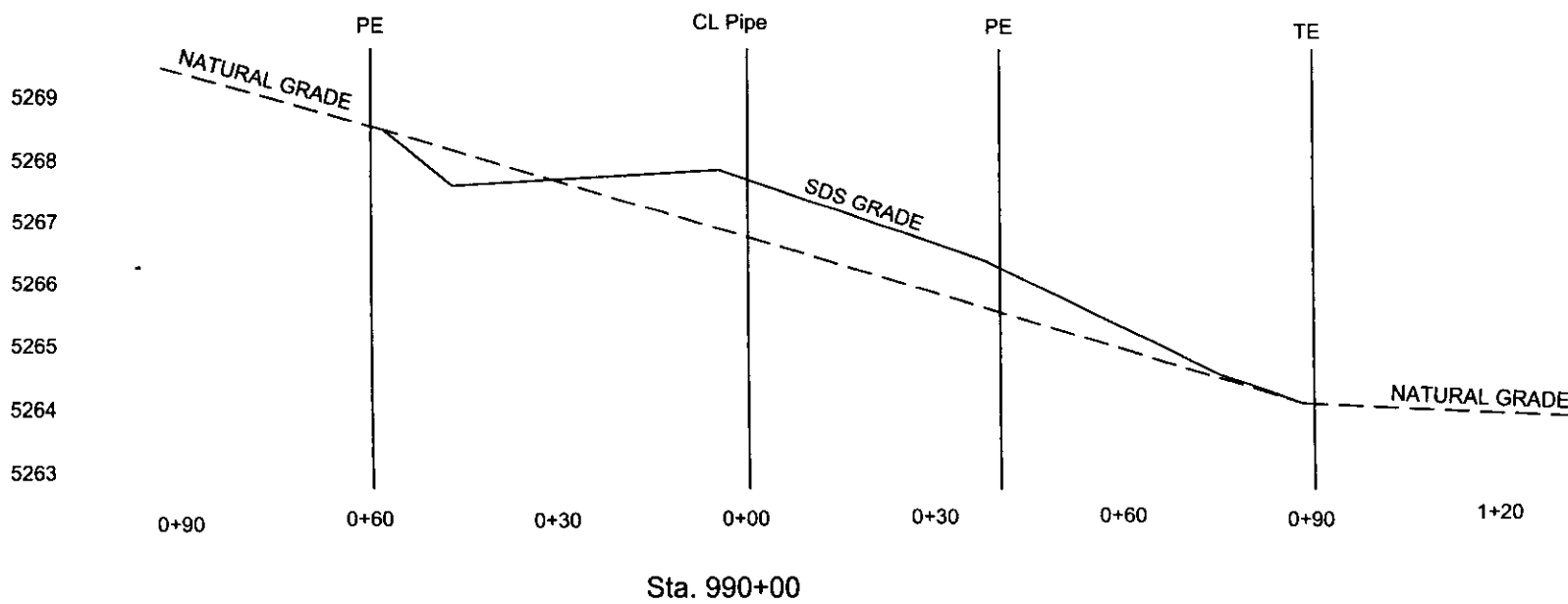
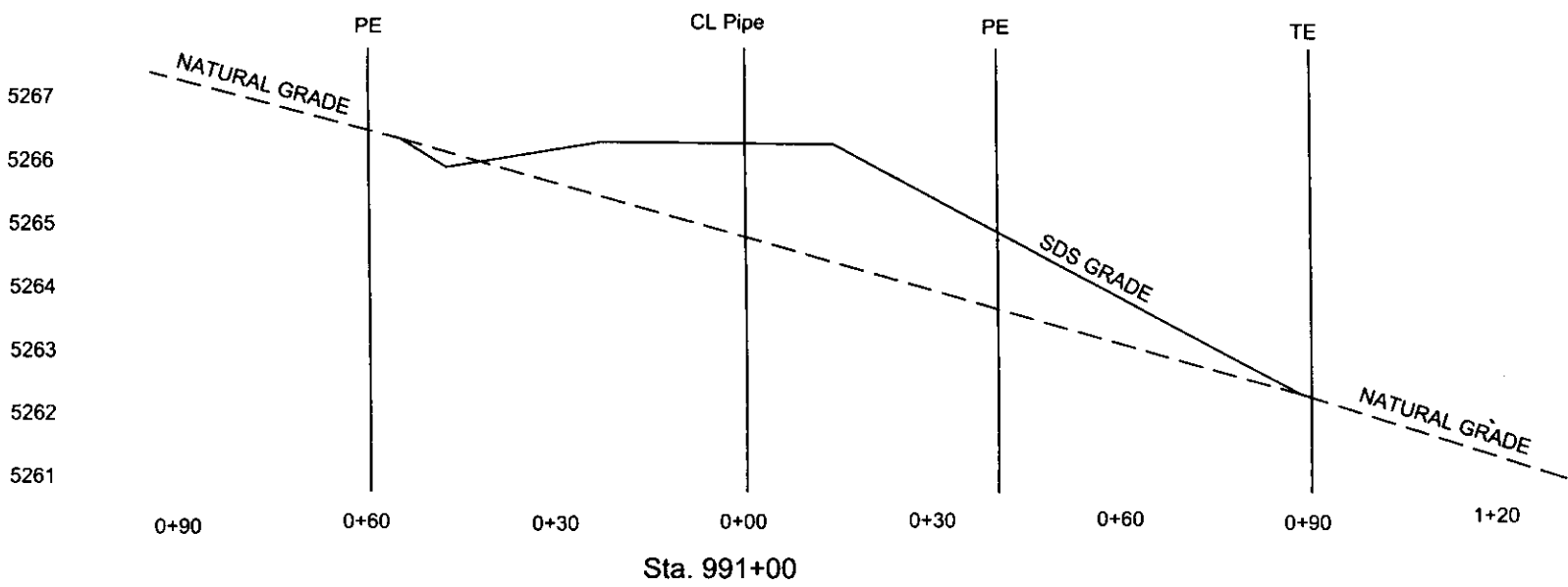
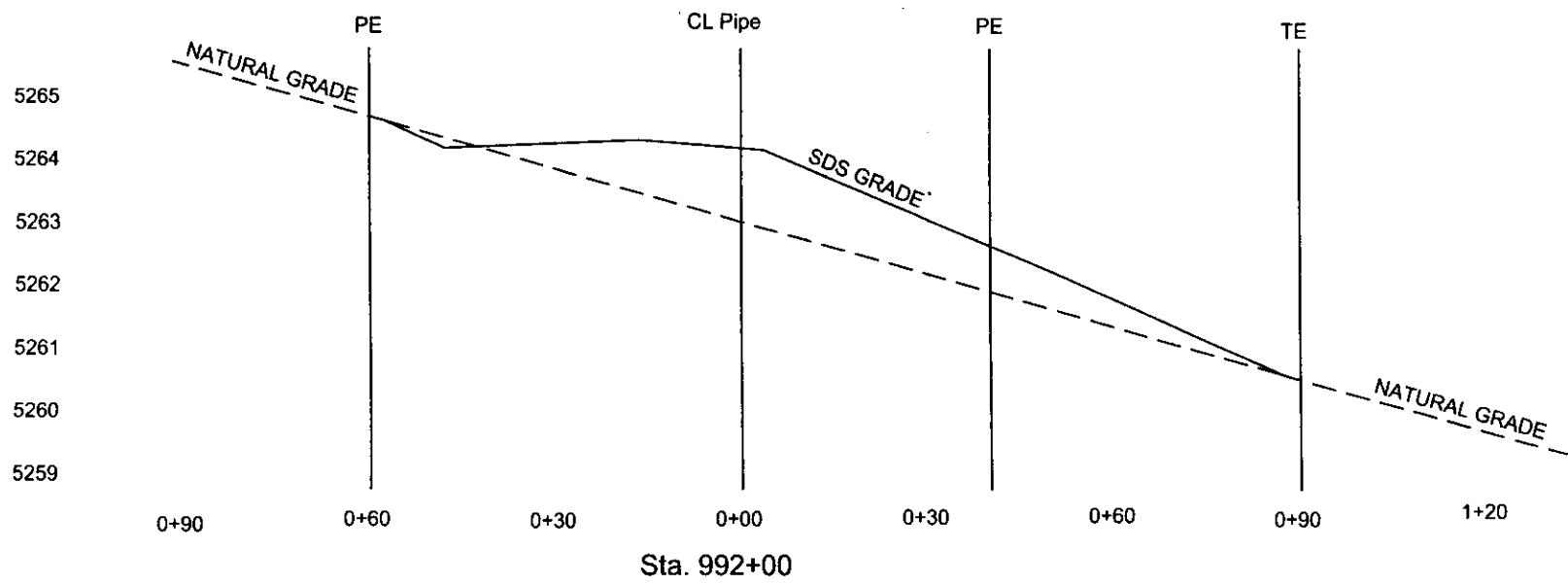
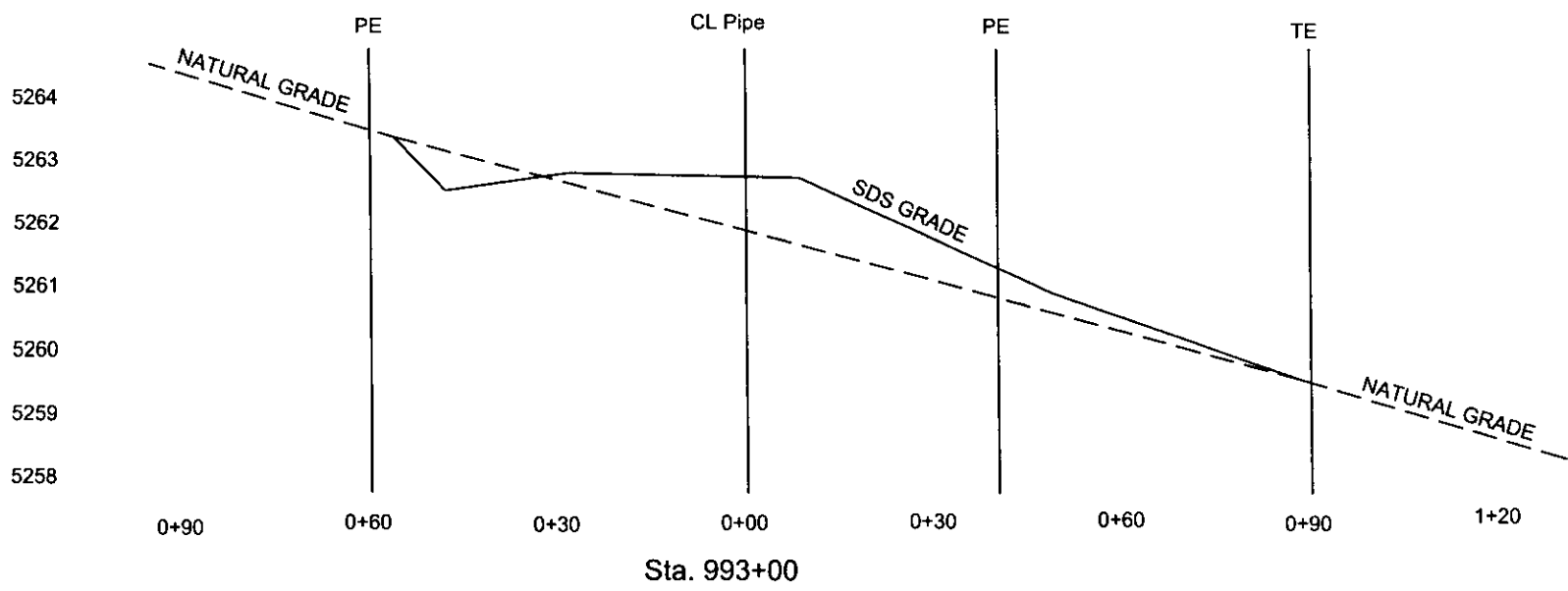
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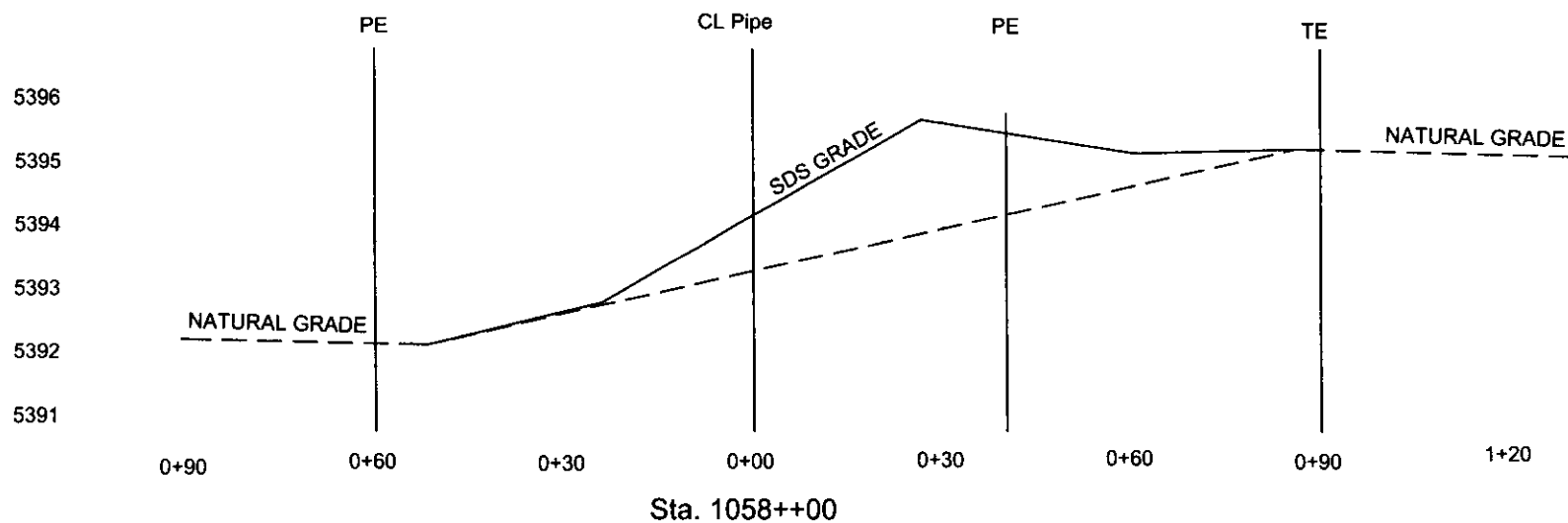
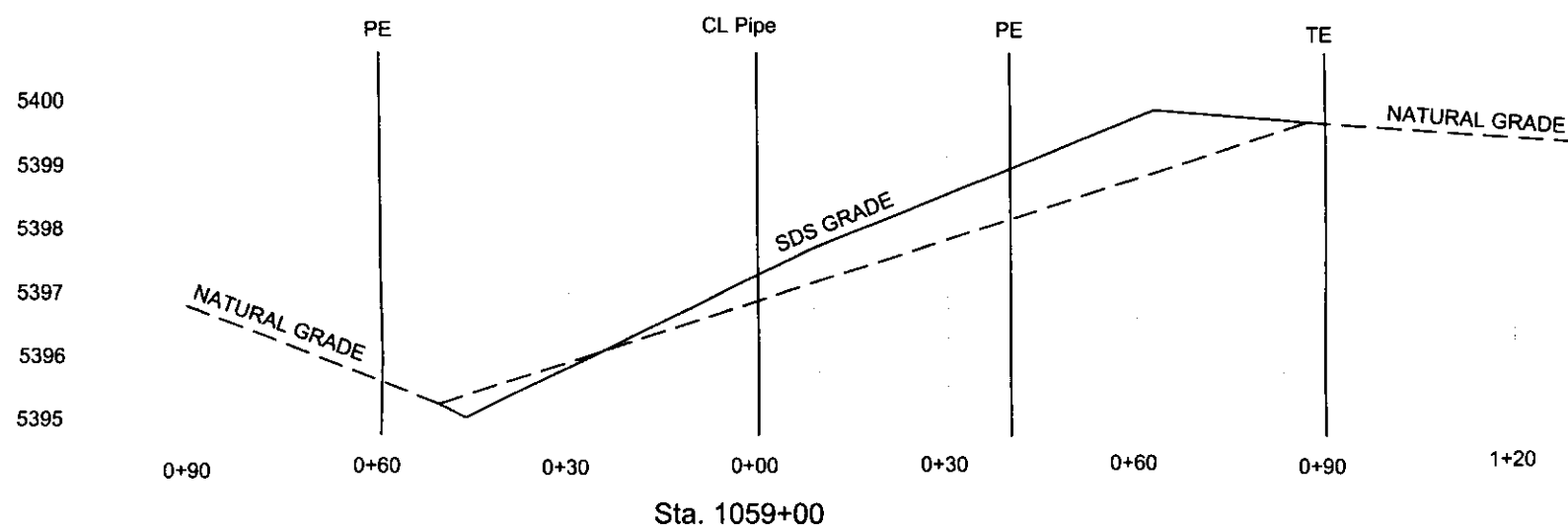
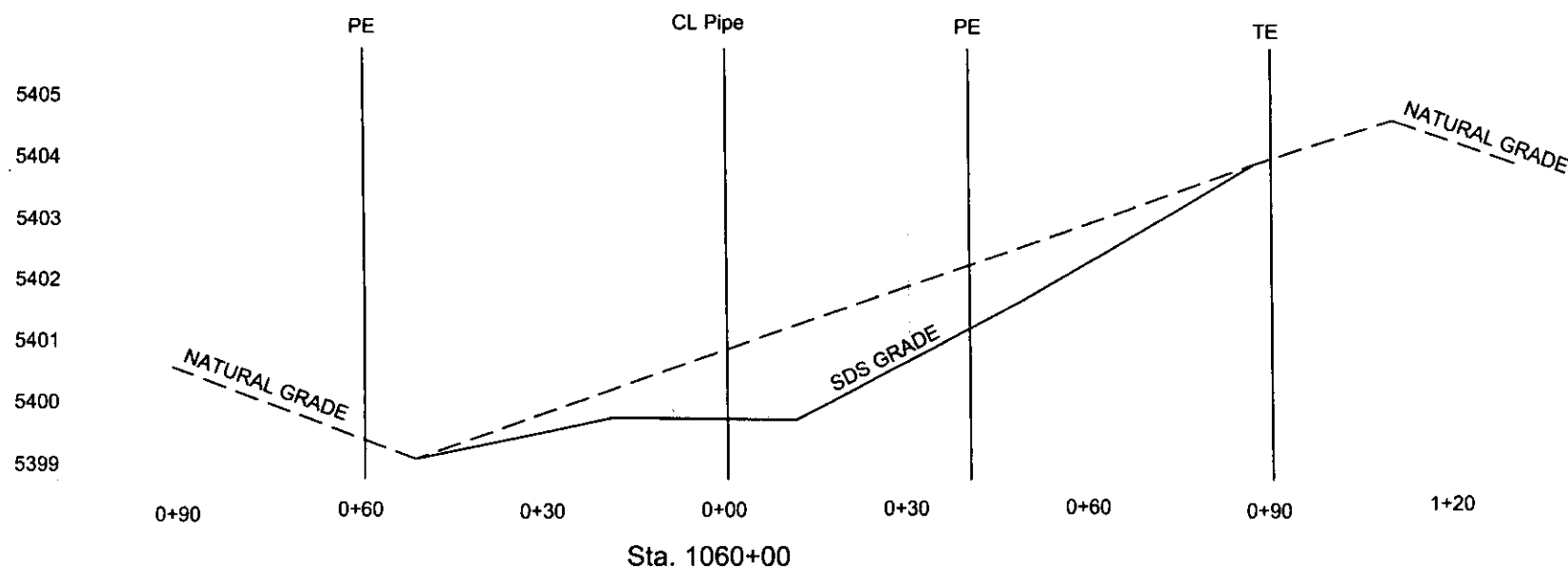
SDS CROSS SECTIONS

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PROJECT: GARY WALKER
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