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**PUEBLO COUNTY
DEPARTMENT OF PLANNING AND DEVELOPMENT**

December 10, 2012

(Via US Mail and email)

Jacklynn L. Gould, P.E.
Deputy Area Manager
Eastern Colorado Area Office
Great Plains Region
Bureau of Reclamation
11056 W. County Road 18E
Loveland, CO 80537
(JGould@usbr.gov)

RE: Reclamation Use of the North Outlet Works

Dear Ms. Gould:

Thank you for notifying the County that Reclamation plans to resume low-flow releases from the Pueblo Reservoir Dam through the River Gate, as now modified by the North Outlet Works as part of the construction of the Southern Delivery System. You advised us that the releases are to be bypasses of native Arkansas River water and releases of Fry-Ark Project water, and not deliveries of Southern Delivery System water. You also advised us that the SDS pipe is not connected to the North Outlet Works at this time.

Pueblo County has no objection to this resumed use by Reclamation of the modified River Gate. This use does not constitute the commencement of operation of the Southern Delivery System for purposes of certain provisions of the SDS 1041 Permit No. 2008-002 issued by the County. Specifically, such limited use, as described in your e-mail correspondence of November 13, 2012, does not in, and of itself, require releases this winter of stored water to the river pursuant to the Low Flow Program implemented under the Memorandum of Understanding dated April 17, 2009 between the Pueblo Board of Water Works and Colorado Springs Utilities, as contemplated by Condition 10 of the SDS 1041 Permit. Pueblo County, however, reserves its right to make a different determination should the use of the Southern Delivery System and/or any of its component parts change or expand beyond Reclamation's resumption of its use of the River Gate and North Outlet Works described in your correspondence.

Pueblo County had expected that the Low Flow Program and its resulting benefits would have been implemented during this year because the Southern Delivery System was projected, at the time of the SDS 1041 Permit, to be operational during 2012; subsequently, the SDS participants postponed its scheduled construction. Nonetheless, the Memorandum of Understanding

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concerning the Low Flow Program contained, among other terms, an express recognition that each party would work cooperatively with the State and other basin water users to encourage management decisions for the Winter Water Storage Program in Pueblo Reservoir so that it does not cause flows to fall below 50 c.f.s. measured at the Above Pueblo Location, which commitment was not tied to operation of SDS. Pueblo County encourages Reclamation and other parties to cooperate this year to maintain minimum flows of at least 50 c.f.s. in the river through Pueblo.

Again, thank you for your inquiry and correspondence. If you have any questions please do not hesitate to contact me at (719)- 583-6105.

Sincerely,



Joan Armstrong
Director

Cc: Ray Petros, Special Counsel to Pueblo County
Dan Kogovsek, Pueblo County Attorney
Gary Raso, Assistant County Attorney
Terry R. Book, Executive Director, Pueblo Board of Water Works
David Robbins, Hill and Robbins
Robert Schmidt, Director of Pueblo County Department of Engineering and Public Works
David Benbow, General Services Engineer, Pueblo County Department of Engineering and Public Works
Carly Ronca, Bureau of Reclamation (cronca@usbr.gov)