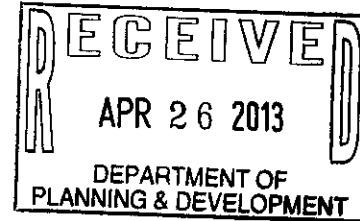


April 25, 2013

Via email: [DOstrander@dodpc.com](mailto:DOstrander@dodpc.com)

Donald M. Ostrander, Esq.  
Duncan, Ostrander & Dingess, P.C.  
3600 S. Yosemite Street, Suite 500  
Denver, Colorado 80237-1829



Re: South Raw Water Pipeline 3 Post-Construction Grading on Walker Ranches,  
Southern Delivery System

Dear Don:

I am writing in response to your letter of April 4, 2013. We appreciate Mr. Walker's input during the reclamation effort. The City is not asking Mr. Walker to undertake this work for the City. The parties did, however, enter into an agreement in March of 2009 whereby they committed to work with each other in good faith to resolve any disputes that Mr. Walker had concerning the City's construction operations or reclamation of disturbed lands. Mr. Walker has, in the past, asked questions and raised issues with the City and City representatives have gone to the property to view areas at issue and address the owner's concerns in accordance with that agreement. If Mr. Walker has a dispute regarding Colorado Springs Utilities or its conduct of the SDS project we ask that he continue to follow the parties' agreement.

As referenced in Mr. Pifher's March 14, 2013 letter, the City has undertaken additional efforts to address certain areas of concern, such as further rehabilitation of the Two-Track Access Road and the Steele Hollow crossing. A portion of that work was recently performed, and we now simply await re-seeding of the road area. This work was accomplished without use of any additional soil currently located near the pond<sup>1</sup> adjacent to the SDS alignment.

On the second page of your letter you noted that there are areas where the post construction ground elevation is causing detrimental impacts due to the flow pattern of water on the property. Your letter, however, does not identify any specific locations where the situations you describe are occurring. Without identifying the location of these problems, there is little the City can do to address them. In the spirit of the parties' agreement, we hope that Mr. Walker will show the City the areas described in your letter so that the City can examine them and determine the appropriate response. The City would like to accomplish this as soon as possible, preferably before, but if not then during, a future site visit with the parties and their drainage and reclamation consultants. We will contact you regarding an agreeable date and time.

Your letter referred to C.R.S. §§ 38-1-101.5 and 38-1-101.7. As you know, the City of Colorado Springs is a home rule city and not a pipeline company so those provisions are not

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applicable to this situation; nevertheless, the City remains committed to completing the reclamation process in accordance with all applicable laws, permits and industry standards.

As always, please feel free to contact me with any question regarding this information.

Sincerely,



Edward J. Blieszner

cc: Joan Armstrong, Pueblo County Planning  
David Benbow, Pueblo County Engineering  
Brian Whitehead, SDS Project Manager (S3)  
Mark Pifher, SDS Permitting and Compliance Manager  
Lyman Ho, SDS Land Acquisition Manager  
Richard Griffith, Esq., Assistant City Attorney – Colorado Springs