

**FINDINGS AND RESOLUTION APPROVING  
THE NORTHERN INTEGRATED SUPPLY PROJECT  
1041 PERMIT**

The Petition of Northern Integrated Supply Project Water Activity Enterprise (Northern) for approval of a 1041 Permit to allow siting and development of the Northern Integrated Supply Project consisting of four separate raw water pipelines and associated facilities and appurtenances pursuant to Larimer County Land Use Code Section 14.4.J and the siting and development of a water storage facility and associated recreational uses, facilities, and appurtenances pursuant to Larimer County Land Use Code Section 14.4.K (collectively NISP or Project) upon the property described on Exhibit "A" attached hereto has been filed with the Board of County Commissioners of the County of Larimer.

The Planning Commission reviewed and considered the NISP 1041 Permit Application at public hearings on June 24, 2020, July 8, 2020, and July 15, 2020, and having duly considered the same recommended by a vote of 4 to 2 that the application be approved subject to certain conditions.

The Board of County Commissioners reviewed and considered the proposed NISP 1041 Permit Application at public hearings on August 17, 2020, August 24, 2020, August 31, 2020, September 1, 2020, and September 2, 2020, in the County Board Hearing Room of the Larimer County Courthouse, Fort Collins, Colorado. The Board of County Commissioners, having heard the testimony and evidence adduced at said hearings and having considered and carefully weighed the same, now makes the following findings:

**I. Notice of Hearings**

1. Notice of the hearings on the NISP 1041 Permit Application upon the property described on Exhibit "A" was advertised in a local newspaper of general circulation.
2. Written notice of the initial hearing before the Board of County Commissioners was delivered or mailed, first class, postage prepaid, to landowners within one-half mile of the proposed reservoir and within 500 feet of the proposed Northern Tier Pipeline (approximately 1,200 notices).
3. Notice of the hearings was also posted on the Larimer County webpage no less than twenty-four hours in advance of the hearings.

**II. Location of the Project and Site Characteristics**

1. The location of the Project is as follows and is generally depicted on Exhibit "B":
  - a. Pipelines:
    - i. Northern Tier Pipeline

After recording please return to: Larimer County Attorney's Office  
P.O. Box 1606, Fort Collins, CO 80522

Commences at Glade Reservoir and follows US 287 to CR 21, then east to Eagle Lake and SH1, then southeast to Grey Rock road, then east to I-25, then south east to CR 42, then east to County Line Pipeline.

ii. Glade Release/Poudre Release Pipeline

Commences at the reservoir and runs southwest to the Poudre River.

iii. Poudre Intake Pipeline

Withdraws water from the Poudre River upstream of the Mulberry Water Reclamation facility, then flows southeast to a settling pond and pump station south of Mulberry Avenue on Kingfisher Natural Area, then south and east to just north of the Poudre River, then across Summit View Avenue south of Sunrise Acres, then east and south of Boxelder Estates to I-25, then southeast crossing Prospect Road to the Platte River Power Authority power line, then east to the County Line.

iv. County Line Pipeline

Commences at the intersection of CR 1 or Weld County Road 13 and CR 52, then south following the alignment of the County Line through the Towns of Timnath, Windsor and Johnstown to the south County Line.

b. Glade Reservoir

Northwest of Fort Collins along Highway 287 (US 287) north of State Highway (SH) 14. The dam is proposed approximately one mile north of Ted's Place. The reservoir will extend north about five miles to south of Bonner Peak. The recreation area is proposed southeast of the dam.

2. The general characteristics of the subject property are as follows:

- a. Total Development Area:
- |  |
|--|
| Reservoir and recreation: 1,600 acres, including the reservoir, forebay, and pumping areas below the proposed dam. Recreation area: 170 acres. |
| Proposed water pipelines: 35 miles in new 60-foot wide permanent easements with a 40-foot temporary construction easement or existing          |

- |    |                             |   |
|----|-----------------------------|---|
| b. | Existing Land Use:          | rights-of-way in four separate alignments across the County<br>Developed single family residential, agriculture, vacant   |
| c. | Proposed Land Use:          | 170,000-acre-foot water storage reservoir, four 32- to 54-inch waterlines, appurtenant facilities, forebay, pumping facilities and visitor center and recreational facilities |
| d. | Adjacent Land Uses:         | Residential, Agricultural   |
| e. | Existing Zoning:            | Reservoir: O-Open. Pipelines: Zoning varies.  |
| f. | Adjacent Zoning:            | Reservoir: O-Open. Pipelines: Zoning varies.  |
| g. | Services:                   |   |
|    | Access:                     | US 287 & 14, CRs 52, 54 & 56, and Larimer CR 1/Weld CR 13   |
|    | Water:                      | West Fort Collins Water District  |
|    | Sewer:                      | Wastewater treatment system   |
|    | Fire Protection:            | Poudre Fire Authority and Livermore Fire Protection District (north end), multiple for pipeline   |
| h. | No. Trips Generated by Use: | Reservoir construction: 393-1,572 average trips/day (ATD)<br>Recreational use: 1,150 ATD<br>Pipeline construction: 82-300 ATD   |

### III. Nature of the Application

1. Section C.R.S. 24-65.1-101 *et seq.* titled Areas and Activities of State Interest was adopted by the Colorado General Assembly in 1974 and is generally referred to as “1041 powers.” This statute provides:

(2) It is the purpose of this article that:

(a) The general assembly shall describe areas which may be of state interest and activities which may be of state interest and establish criteria for the administration of such areas and activities;

(b) Local governments shall be encouraged to designate areas and activities of state interest and, after such designation, shall administer such areas and activities of state interest and promulgate guidelines for the administration thereof; and

(c) Appropriate state agencies shall assist local governments to identify, designate, and adopt guidelines for administration of matters of state interest.

2. As authorized by this statute, Larimer County adopted 1041 regulations in 2008. (Larimer County Land Use Code (LUC), Chapter 14 attached as Exhibit "C"). The following are among the areas and activities regulated by Larimer County:

Siting and development of new or extended domestic water or sewer transmission lines which are contained within new permanent easements greater than 30 feet or within new permanent easements greater than 20 feet that are adjacent to existing easements. Domestic water transmission lines include those used to transport both raw and treated water. This designation shall not include the maintenance, repair, adjustment or removal of an existing pipeline or the relocation, replacement or enlargement of an existing pipeline within the same easement or right-of-way, provided no additional permanent property acquisitions are required. The designation shall also not include the addition, replacement, expansion or maintenance of appurtenant facilities on existing pipelines. LUC 14:4 (J).

Site selection and construction of a new water storage reservoir or expansion of an existing water storage reservoir resulting in a surface area at high water line in excess of 5 acres, natural or manmade, used for the storage, regulation and/or control of water for human consumption or domestic use and excluding a water storage reservoir used exclusively for irrigation. A water storage reservoir shall also include all appurtenant uses, structures and facilities, roads, parks, parking, trails and other uses which are developed as part of the water storage reservoir. This designation shall not include the maintenance and operation of irrigation ditches, canals or laterals nor shall it include the normal maintenance and operation of a reservoir solely used for irrigation or a reservoir serving both irrigation and domestic customers. LUC 14:4 (K).

3. Northern now seeks approval of a 1041 permit to allow siting and development of four separate raw water pipelines and associated facilities and appurtenances (Pipelines) pursuant to Larimer County Land Use Code Section 14.4.J and the siting and development of a water storage facility and associated recreational uses, facilities, and appurtenances (Glade Reservoir) pursuant to Larimer County Land Use Code Section 14.4.K.

#### **IV. General Project Findings and Procedural History**

1. NISP is a proposed water storage and distribution project that will supply 15 Northern Front Range water providers (participants) with 40,000-acre-feet of new, reliable water supply annually. The participants are a group of rapidly growing communities and domestic water districts located throughout Northern Water district boundaries, and include Central Weld County Water District, City of Dacono, Town of Eaton, Town of Erie, City of Evans, Town of

Firestone, Fort Collins-Loveland Water District, City of Fort Lupton, City of Fort Morgan, Town of Frederick, City of Lafayette, Left Hand Water District, Morgan County Quality Water District, Town of Severance and the Town of Windsor.

2. The water supplies made available through NISP will provide supplemental water to approximately 500,000 residents in Northern Colorado while also helping preserve tens of thousands of irrigated farm acres. Without these supplies, the northern Colorado region is likely to see tens of thousands of irrigated acres dried up by mid-century.

3. The two primary components of NISP are the Glade Reservoir Complex and the South Platte Water Conservation Project. Glade Reservoir would be a new off-channel reservoir and is the primary water supply reservoir from which all deliveries to NISP participants would be made. Diversions from the Poudre River into Glade Reservoir would be made via the existing Poudre Valley Canal diversion structure and canal, a new forebay reservoir, and new pump station from the forebay reservoir into Glade Reservoir. Conveyance to NISP participants will be made from Glade Reservoir via Poudre River delivery and the Pipelines.

4. The South Platte Water Conservation Project would divert and store water from the South Platte River. Stored water would be delivered to the existing Larimer and Weld Irrigation Company and New Cache la Poudre Irrigating Company. NISP would then exchange and convey a like amount of water from the diversion structures of these irrigation companies for storage in Glade Reservoir and/or delivery to NISP participants. South Platte Water Conservation Project facilities would include:

- A new off-channel reservoir, Galeton Reservoir

- A new diversion, forebay reservoir and pump station just downstream of the confluence of the Poudre and South Platte Rivers

- Pipelines from the pump station to Galeton Reservoir and from Galeton Reservoir to the existing ditches

5. The NISP participants group formed in 2002 and in 2004 began pursuit of various federal and state permits to commence the project. This included Section 404 permitting under the National Environmental Policy Act (NEPA) and the Clean Water Act. This permitting process included an environmental analysis led by the U.S. Army Corps of Engineers, the Corp's consultation with the Colorado State Historic Preservation Officer and the Advisory Council on Historic Preservation pursuant to the National Historic Preservation Act; and the Corps' consultation with the U.S. Fish and Wildlife Service pursuant to the Endangered Species Act.

6. NISP further underwent scrutiny of fish and wildlife resources through the separate state water quality and fish and wildlife approval processes. This included analyses, terms and conditions, implementation agreements, and mitigation and enhancement commitments made by Northern under the 401 Water Quality Certification from the Colorado Department of Public Health and Environment, and the Fish and Wildlife Mitigation and

Enhancement Plan entered into between Northern and the Colorado Department of Natural Resources (and approved by Colorado Parks and Wildlife Commission and the Colorado Water Conservation Board) pursuant to C.R.S. section 37-60-122.2.

7. Many of the federal and state permitting processes included components for review and comment by various agencies as well as by the public.

8. Concurrent with the federal and state permitting processes for NISP (in which the County participated as a coordinating entity directly with federal and state agencies) Northern coordinated with the County to satisfy information needs relative to the County's Land Use Code as applicable to NISP.

9. Section 14.8 of the LUC allows for approval of pipelines, reservoirs and other 1041 applicable projects via a negotiated bilateral intergovernmental agreement process in lieu of a unilateral quasi-judicial decision by the Board. In 2016 Northern and Larimer County signed a memorandum of understanding pursuant to Section 14.8(5) of the LUC in advance of commencing negotiation of an intergovernmental agreement for NISP. During this process, the County and Northern received questions from the public as to the adequacy of an approval through an intergovernmental agreement as compared to a quasi-judicial hearing process. Pursuant to Section 14.8(B) of the LUC and by letter dated November 14, 2019, Northern notified the Board that it wished to change from the intergovernmental agreement process to the quasi-judicial 1041 permit process for NISP. NISP determined that this process would provide greater transparency and a more vigorous and robust public participation process as benefits of the quasi-judicial process.

10. On February 21, 2020, Northern submitted to the County an application for quasi-judicial approval of a 1041 permit for NISP. Information generated during the intergovernmental agreement negotiations was migrated to the quasi-judicial process and additional needed information was generated to evaluate and respond to questions and concerns from the County staff and the public. Northern's 1041 permit application was deemed complete on March 18, 2020.

11. The process culminated in hearings before the Planning Commission and the Board of County Commissioners. Members of the public were given the opportunity to submit written evidence by hand delivery, mail, and email. Persons were also allowed to testify before the Planning Commission and Board in person and remotely by means of internet.

12. On September 2, 2020, at a public hearing and pursuant to its longstanding custom and routine, the Board deliberated and voted on whether to approve the NISP 1041 permit application. Pursuant to Section 14.10(C) of the LUC, the Board's decision is now reduced to writing and is set out in this Findings and Resolution which serves as the 1041 permit for NISP.

## V. Standards of Review and Findings

1. In order to approve a 1041 application, the Board must find that Northern has shown that each of the twelve review criteria set out in LUC 14:10 (B) and (D)(1-12) have been met for NISP. The Board finds that the twelve review criteria have each been met as follows:

i. *The proposal is consistent with the master plan and applicable intergovernmental agreements affecting land use and development.*

### **Met.**

Northern is obligated by many conditions and plans, such as the Wetland Mitigation Plan and Fish and Wildlife Mitigation and Enhancement Plan, to develop NISP in a way that respects the environment and sensitive areas. Through extensive federal and state review and required mitigation measures through those processes and the 1041 permit, NISP will sufficiently maintain an unfragmented land pattern. Northern will primarily use the natural terrain as the basin for Glade Reservoir and avoid changes to prominent landforms. Installation of the Pipelines underground and restoration of disturbed surface area will preserve natural groundcover and allow for existing land uses to continue.

NISP will also help preserve irrigated agriculture in Larimer County through water sharing arrangements, rather than buy-and-dry. NISP also will help provide for the present and future water needs of communities and is in furtherance of recreational and land preservation goals in Larimer County's Reservoir Parks Master Plan and Open Lands Master Plan. The retention of productive irrigated agriculture and added outdoor recreation from NISP will have a positive economic impact within Larimer County.

Some segments of Pipeline are within Growth Management Areas of Fort Collins and Windsor. Windsor does not identify any issues related to the Pipelines, and Windsor and Timnath have agreements with Northern that relate to the project. Fort Collins noted some concerns about its natural areas. As principally underground facilities, there will be minimal long-term impacts to these areas. Further, Northern has committed to ongoing discussions and cooperation with Fort Collins.

The Pipelines will be installed underground, and the routes avoid homes and other substantial improvements on private property. This is consistent with maintaining compatibility with surrounding uses as existing land uses can continue after the Pipelines are installed. Further, disturbed areas will be restored so the existence of the pipelines will not be apparent.

NISP is also consistent with predictable land planning. Despite the breadth of the project, a specific route for the Pipelines has been identified and installation must occur within 100 feet on either side of the centerline of the route. This accounts for the need to

accommodate unknown obstructions and preferences of property owners during installation while providing reasonable predictability about the Pipeline location.

ii *The applicant has presented reasonable siting and design alternatives or explained why no reasonable alternatives are available.*

**Met.**

Northern's application presents a lengthy review of over 200 alternatives to NISP including alternative reservoir locations, expansion of existing reservoirs, use of ground aquifers in lieu of NISP, and a "No Action" plan where NISP would not be developed. Per the Army Corp of Engineers in the FEIS, the proposed Glade Reservoir is the most appropriate and least impactful option when considering the mitigation plans imposed.

Many alternative pipeline routes for each segment were studied and presented in the application. These route alternatives were along a specific line which allowed for evaluation of actual impacts. Numerous factors for the route combinations were evaluated, including disruption to surrounding property, existing development and utilities, the number of properties impacted, residential and urbanized areas, natural hazards, and environmental and wildlife impacts.

iii. *The proposal conforms with adopted county standards, review criteria and mitigation requirements concerning environmental impacts, including but not limited to those contained in Section 8 of this Code.*

**Met.**

Environmental impacts have been evaluated extensively through various state and federal processes. County staff has considered those evaluations and the resulting plans and conditions for NISP. The plans and conditions mitigate impacts to aquatic resources, wildlife and wetlands through habitat improvement and/or habitat replacement, flow regulation, and land conservation.

8.2. Wetland Areas: The purpose of this section is to protect wetlands, their buffer areas and their water sources from encroachment that would adversely affect the wetlands' ability to maintain water quality, provide wildlife habitat, provide flood protection and maintain other critical environmental functions. When encroachment cannot be avoided, this section provides for mitigation of the impacts resulting from the encroachment. Northern is required to obtain permits from the Army Corp of Engineers for all wetland impacts and to mitigate wildlife impacts through project specific plans and limitations.

8.3. Hazard Areas: The purpose of this section is to protect county residents and their property by securing safety from natural hazards. Hazard areas have been evaluated by County staff and through the EIS process and are sufficiently accounted for. Seismic



by County staff and through the EIS process and are sufficiently accounted for. Seismic considerations have been evaluated by three studies, with the findings incorporated into final design. The FEIS provides a procedure for addressing the inactive faults in the area of Glade Reservoir, as does required permitting for the Dam through the Colorado State Engineer's Office. Wildfire hazards will be addressed through limiting recreation areas and activities, and continued planning and coordination with wildfire management entities.

8.4. Wildlife: The purpose of this section is to maintain and enhance the diversity of wildlife species and habitat in Larimer County and to plan and design land uses to be harmonious with wildlife habitat and the species that depend on that habitat for the economic, recreational, and environmental benefit of county residents and visitors. Northern's obligations under the "Fish and Wildlife Mitigation and Enhancement Plan" and various other permits required for NISP satisfy or exceed Larimer County standards and requirements for wildlife and environmental impacts. NISP includes preservation of 1,380 acres of wildlife habitat and natural ecosystems.

8.8. Irrigation Facilities: Irrigation is necessary for agricultural operations in the County. Development has the potential of disrupting the delivery of irrigation water. This section of the Code is intended to protect irrigation facilities from adverse development impacts. Where NISP will impact the Monroe Canal, Northern is obligated to maintain the delivery of irrigation water and proposes to pipe the canal in essentially its current alignment through the Glade Reservoir site. The Poudre Valley Canal will be re-constructed where temporarily disturbed and a new diversion structure constructed. These irrigation companies have not commented in opposition, and Northern is required to coordinate and reach agreement with them to ensure irrigation facilities are maintained and irrigation water delivery is not disrupted.

8.11. Air Quality Standards: Developments must comply with all county, state and federal air quality standards and must reduce potential emissions where feasible. Northern is required to obtain air quality permits to ensure NISP satisfies all applicable air quality standards. Air quality impacts are mitigated through conditions imposed on NISP such as a Fugitive Dust Control Plan and Air Quality Mitigation Plan, and other conditions and requirements of state-level air quality permits.

8.12. Water Quality Management Standards: Water quality standards are imposed through stormwater quality permits, and state and federal water quality standards and permitting requirements. Northern is required to obtain various water quality permits to ensure NISP satisfies all applicable standards. Northern is further required to implement a Private Well Water Monitoring Plan.

iv. The proposal will not have a significant adverse effect on or will adequately mitigate significant adverse effects on the land on which the proposal is situated and on lands adjacent to the proposal.

**Met.**

NISP will not have a significant adverse effect on the land on which it will be developed or adjacent lands. Glade reservoir is primarily using the natural terrain for the basin and will not injure prominent natural features in the area. The Pipeline impacts to land will be mostly temporary, and once installed the ground will be available for continuation of existing uses and the existence of the Pipeline will not be apparent. Any project of this magnitude will impact some property owners more than others; however, the impacts will not be significantly adverse and have been mitigated to a great extent.

The impacts on natural resources, considering the requirements imposed through the state and federal review and permitting processes, and the conditions in this 1041 permit, are significantly mitigated and are not significantly adverse. NISP provides for additional flows for the Poudre River during low-flow times and maintenance of beneficial water temperatures by adding cooler water from the reservoir. NISP also includes fish habitat improvements, wetland construction projects, habitat for the Prebles Jumping Mouse, big-game habitat, and other components that sufficiently mitigate wildlife impacts while also providing enhancements.

The peak flow obligations that are part of NISP will maintain sufficient peak flows for substrate cleaning and sediment flushing in the Poudre River, and were studied and approved as part of the Colorado Fish and Wildlife Mitigation Plan.

The added water flows to the Poudre River in lower-flow months will improve flows over what they are now for a majority of the year. For recreation, there is a projected decrease of about 30% in the number of days available for expert-level recreation, but there is a projected increase in the number of available days for intermediate and beginner level recreation on the river.

NISP also accounts for climate change impacts, which were evaluated and accounted for in the federal review processes. Earlier snow melt as may be caused by climate change is projected to fill the Glade Reservoir more quickly than traditional snow melt because of the nature of Northern's water rights. Also, water storage provided by Glade Reservoir will help reduce the amount of time demand for water exceeds water supply.

v. The proposal will not adversely affect any sites and structures listed on the State or National Registers of Historic Places.

**Met.**

Northern has a Programmatic Agreement applicable to NISP that requires compliance with the National Historic Preservation Act, and includes the Colorado Historic Preservation Office. This agreement ensures NISP will not adversely affect sites or structures listed on the Colorado or National Registers of Historic Places by imposing obligations to protect them during construction, whether currently known or discovered along the way.

- vi. *The proposal will not negatively impact public health and safety.*

**Met.**

NISP will provide additional water supply and redundancy supply to Larimer County and surrounding communities that will have a positive impact in times when water quality of other sources suffers, such as after wildland fires. Water quality is ensured through Army Corp of Engineer permitting and certification. The Corps evaluated the potential for negative impacts from the Atlas Missile Silo area and concluded NISP will not impact water quality.

The added recreation at Glade Reservoir will reduce congestion at other area reservoirs which helps provide a safer experience for users, and additional outdoor recreation provides more opportunity for active lifestyles.

The absence of negative impacts on public health and safety is reflected in the Board's findings for other approval criterion which touch on health and safety considerations. For example, as described for Criterion 3, air and water quality standards, and safety from natural hazards will be ensured through various permits and requirements imposed on NISP through the 1041 permit and various federal and state permits and approval requirements.

- vii. *The proposal will not be subject to significant risk from natural hazards including floods, wildfire or geologic hazards.*

**Met.**

Hazard areas have been evaluated by County staff and through the EIS process and are sufficiently accounted for so as not to pose significant risk. Seismic considerations have been evaluated by three studies, with the findings incorporated into final design. The two faults in the area of Glade Reservoir are inactive and have been extensively studied by bedrock drilling and rock water loss tests directly on the fault. The Dam will require permitting by the State Engineer to account for natural hazards, including seismic activity, and will be subject to regular inspections.

Wildfire hazards will be addressed through limiting recreation areas and activities, and continued planning and coordination with wildfire management entities. Glade Reservoir and the Pipelines themselves will not be at risk during wildfires, and

wildfire mitigation steps have been identified for the recreational areas. The recreational areas are also located to avoid hazard areas such as rockfall.

The reservoir is not in a floodplain, and flood risks to the pipeline have been mitigated as evidenced by a floodplain report showing compliance with floodplain regulations.

*viii. Adequate public facilities and services are available for the proposal or will be provided by the applicant, and the proposal will not have a significant adverse effect on the capability of local government to provide services or exceed the capacity of service delivery systems.*

**Met.**

The Board concurs with the staff findings and Northern's Technical Memo No. 2 dated February 2020 which conclude there are adequate public facilities and services for NISP and there will not be any significant adverse impacts on the provision and capacity of existing systems. Sewage disposal will be on site and water needs will be met by using both potable and non-potable water. While relocating Highway 287 is not part of the 1041 permit, the project provides for impacts to the County road system and property access that could be a consequence of the relocation. A traffic impact study focused on County roads will be done and inform the design and construction of Highway 287. Northern has committed to create an access road for properties adjacent to the new Highway 287 during the relocation project, and the relocation will be completed before Glade Reservoir is constructed. The impacts of the Pipeline on County roads will be temporary and sufficiently mitigated through the County's applicable construction and permitting standards.

*ix. The applicant will mitigate any construction impacts to county roads, bridges and related facilities. Construction access will be re-graded and re-vegetated to minimize environmental impacts.*

**Met.**

As also mentioned for Criterion 8, NISP adequately mitigates impacts to county roads, bridges, and related facilities during construction. The timing of NISP ensures the relocated Highway 287 is finished before the existing road is closed, and access will be retained for property owners affected by the relocation. Impacts from hauling of materials and temporary closures will be sufficiently mitigated through the County's applicable permitting requirements, and any disturbed roads will be returned to their pre-construction state. There are also conditions of approval from staff to ensure impacts on county road right of way is sufficiently minimized.

x. *The benefits of the proposed development outweigh the losses of any natural resources or reduction of productivity of agricultural lands as a result of the proposed development.*

**Met.**

Findings of the Board for other criteria are also relevant to this Criterion 10, such as criteria 1, 3 and 4.

NISP will help preserve productive agriculture in Larimer County by using water sharing arrangements in lieu of a buy-and-dry approach. The 95 acres of agricultural land displaced by the forebay of Glade Reservoir is outweighed by the likely consequences of not implementing NISP. The “No Action” plan estimated a potential dry up of 64,200 agricultural acres. Northern presently has the water rights it needs to fill Glade Reservoir, and through the use of substitutions and exchanges that rely on water continuing to be applied to farms, the pressure to meet water needs through buy-and-dry in Larimer County will be minimized. The retention of productive irrigated agriculture is important to the community and a benefit of NISP that outweighs its impacts.

NISP will also provide a reliable and redundant water source for the present and future water needs of area communities. This will be a benefit of NISP, especially when the water quality of other water sources is negatively impacted from events such as large fires.

By providing additional recreational areas, NISP will reduce congestion at other reservoirs and provide more opportunity for outdoor recreation which is important to Larimer County citizens and a benefit of the project.

There was significant conflicting testimony about impacts of NISP on the Poudre River. The Board is most persuaded by the evaluations and conclusions that were part of the state and federal review and permitting processes that were submitted as part of Northern’s 1041 application, specifically the FEIS and Fish & Wildlife Mitigation and Enhancement Plan. NISP will provide additional flows for the Poudre River during low-flow times and provide for temperature regulation by adding cooler water from Glade Reservoir. These benefits will mitigate adverse effects of NISP and provide some enhancements to the benefit of the Poudre River. The added water flows in lower-flow months will improve flows over what they are now for a majority of the year. The peak flow obligations that are part of NISP will be sufficient for substrate cleaning and sediment flushing and were studied and approved as part of the Colorado Fish and Wildlife Mitigation Plan.

Overall, the Board finds that the benefits of NISP outweigh the impacts to natural resources and is unlikely to cause a reduction in the productivity of agricultural lands in Larimer County.

xi. The proposal demonstrates a reasonable balance between the costs to the applicant to mitigate significant adverse effects and the benefits achieved by such mitigation.

**Met.**

A project of this nature and scope is very expensive to implement and requires expensive mitigation efforts. For example, Northern is required to mitigate impacts to the Poudre River, sensitive areas, wildlife, and residential neighborhoods. While the cost of mitigation for these items is high, given their significant importance and the effectiveness of the mitigation proposed by Northern, the cost/benefit is reasonably balanced. The Board finds NISP does not have unreasonable impacts for a project of its nature, and the mitigation requirements imposed on Northern are in line with impacts from the project and achieve a reasonable balance between cost and effectiveness.

xii. The recommendations of staff and referral agencies have been addressed to the satisfaction of the county commissioners.

**Met.**

The Board is satisfied that the recommendations of staff and referral agencies have been considered and sufficiently addressed. More than 30 referrals were made to internal and external agencies for technical and planning input. That input has been evaluated and helped form conditions of approval and commitments from Northern. Many referral agencies have independent requirements applicable to NISP, providing further opportunity for those agencies to ensure compliance with applicable requirements.

2. Many citizens and groups spoke in opposition to NISP. The Board carefully and fully considered all the citizen and group testimony, evidence and information. As factfinder and decision maker the Board was required to weigh the strength and credibility of all evidence. Even considering all evidence in opposition, the majority of the Board was not persuaded that the review criteria were not met.

## **VI. Resolution**

WHEREAS, the Board of County Commissioners has made its findings upon the petition and upon the recommendation of the Larimer County Planning Commission and the Larimer County Community Development Staff, which findings precede this Resolution, and by reference are incorporated herein and made a part hereof; and

WHEREAS, the Board of County Commissioners has carefully considered the petition, evidence and testimony presented to it, and has given the same such weight as it in its discretion deems proper, and is now fully advised in the premises;

NOW, THEREFORE, BE IT RESOLVED that the Petition of Northern Integrated Supply Project Water Activity Enterprise for approval of a 1041 Permit to allow siting and development of four separate raw water pipelines and associated facilities and appurtenances pursuant to Larimer County Land Use Code Section 14.4.J and the siting and development of a water storage facility (Glade Reservoir) and associated recreational uses, facilities, and appurtenances pursuant to Larimer County Land Use Code Section 14.4.K upon the property described on Exhibit "A" be and the same hereby is approved subject to the following conditions:

***1. General***

- a. The activity authorized by this 1041 Permit, and any plans, reports, permits, and applications submitted for review and approval after the approval of this 1041 Permit application shall be consistent with the plans, reports and information contained in Northern Integrated Supply Project file # 20-ZONE2657, unless modified by the conditions of approval as set forth by the Board of County Commissioners.
- b. Prior to any construction for this project, a Development Agreement shall be prepared and recorded, which document shall include all relevant verbal and written representations and commitments made by the applicant that are part of the public record for the application. Said development agreement shall also include a phasing and project outline.
- c. All technical reports, plans or documents required as part of the conditions contained herein will be submitted to the Larimer County Community Development Department for referral to the applicable County Departments and referral agencies. The review period of such plans and reports will not exceed 21 working days, unless requested in writing by the referral agencies and approved by the Community Development Director.

***2. Development Review and Construction Permitting***

- a. Prior to any construction, the applicant shall obtain all necessary local, state, and federal permits and approvals. Such approvals and permits could include, but are not limited to:
  - i. Site Plan Review and other technical review as noted,
  - ii. Building Permits,
  - iii. Floodplain Development Permits,
  - iv. Development Construction Permits,
  - v. Access Permits,
  - vi. Heavy equipment and vehicle oversize/overweight permits,
  - vii. Right-of-Way Permits, and
  - viii. Stormwater Permits.
- b. Prior to any construction, the applicant shall submit a Traffic Control and Management Plan. The Plan shall address the traffic control topics identified in the comments received from Larimer County Engineering Department as prepared by Steven Rothwell and dated May 9, 2020.

- c. Crossings, closures, or obstructions to roads, driveways, and walks, whether public or private, will require the applicant to provide and maintain suitable and safe detours or other temporary expedients for accommodation of public and private travel, emergency vehicles, delivery services, garbage pickup, school bus stops, etc.
- d. Prior to crossing any irrigation company ditch, utility or other infrastructure impacted by the reservoir or by pipeline crossings, the Applicant shall obtain all necessary permits, permissions, or licenses from the owner of the affected structure.
- e. Prior to any construction activity associated with approval of this 1041 permit, the applicant shall:
  - i. Provide a pre-construction video and inventory of the pre-construction condition of all roads to be used for construction traffic. When construction is complete, or if during construction the County Engineer requires for safety reasons, the applicant shall return the roads used for construction traffic to their pre-construction condition.
  - ii. Provide notification of the completion of a website for the project. Said website shall provide workday updates regarding construction activity, including traffic impacts and routes for the upcoming workday and workweek. The website shall also provide a public information contact, including contact information, for the public to contact for project questions, concerns or for updates.
  - iii. Provide documentation demonstrating compliance with the Colorado Department of Public Health & Environment Air Pollution Control Division (APCD) construction permitting process. This would include the appropriate APCD applications, any required emissions analysis, and the Fugitive Dust Control Plan for dust mitigation during construction.
  - iv. Submit for review and approval an Air Quality Management Plan for construction demonstrating how emissions from equipment and mobile sources not operating under APCD permits shall be minimized.
  - v. Submit applicable engineering design documents and construction plans for the applicable portion, phase, or component of the project. The applicant shall reimburse Larimer County for time and expenses incurred with Project coordination, design review, permit review and processing.
  - vi. Submit a Geotechnical Report. This report shall be utilized to monitor identify mitigation measures for groundwater impacted by construction activities. Additionally, the report will be used to determine trench backfill and compaction specifications, subgrade mitigation and pavement design for areas disturbed by the pipeline installation.
  - vii. Submit for review and approval a Wetland Mitigation Plan for any disturbances to existing wetlands as defined by Section 8.2 of the Land Use Code. Where wetlands on City of Fort Collins Natural Resources properties are disturbed or impacted, the plan shall demonstrate



conformance with the City of Fort Collins Environmental Protection standards as noted in the City of Fort Collins referral comments dated May 13, 2020.

- viii. Submit for review and approval a Wildlife Conservation Plan for any disturbances to wildlife as defined by Section 8.4 of the Land Use Code.
  - ix. Provide documentation that applicable fire and emergency response providers have been consulted with and that their standards have been complied with.
  - x. Submit a Haul Routing Plan for the applicable portion/phase/component of the project.
  - xi. Submit a Noise Mitigation Plan outlining monitoring and control methods to be utilized during construction that will ensure compliance with the construction noise levels and timing found in the Larimer County Noise Ordinance. Temporary exceptions to the construction noise levels shall be requested in writing at least 72 hours prior to the noise disturbance and shall be approved by the Community Development director after consultation with the Engineering Department and Department of Health and Environment.
- f. The applicant shall be required to comply with the Larimer County floodplain regulations and shall also adhere to the requirements noted in the applicants Attachment C - Memo regarding NISP Floodplain Review Comments.

### **3. Construction**

- a. All construction activities associated with the approval of this 1041 Permit shall be in compliance with all required Larimer County, state, and federal permits (including but not limited to: right-of-way construction permit, Stormwater permit, floodplain permit, groundwater discharge permit, etc.).
- b. Authorized Larimer County staff, including consultants, shall be allowed access for construction observations and inspections throughout the construction life of the Project, and for follow-up/warranty inspections after construction has ceased.
- c. The applicant shall reimburse Larimer County for reasonable costs associated with County-provided construction observation/inspection staff and/or independent, supplemental geotechnical or materials testing deemed appropriate by the County Engineer for purposes of quality assurance/control. The applicant shall also reimburse Larimer County for time and expenses incurred with Project coordination, design review, permit review and processing and related Project activities during the duration of Project construction and closeout for the work conducted in unincorporated Larimer County.
- d. The applicant shall invite Larimer County staff to attend regularly scheduled coordination meetings during construction, at a frequency to be determined, to understand planned construction activities and stay abreast of issues arising from construction impacts to County infrastructure or the public.

- e. As-built construction plans, coordination meetings, inspections, material and construction testing, and similar engineering requirements as noted in the Larimer County Engineering referral comments as prepared by Steven Rothwell and dated May 9, 2020 shall be provided by the applicant.
- f. In the event that septic systems and/or well components are damaged during construction activities, the applicant will be responsible for immediate repair/replacement and all associated costs to prevent extended disruption of the property owner's normal access to and use of such facilities.
- g. Acceptable workdays and hours for the project are subject to approval by the County Engineer after consultation with the County Department of Health and Environment and Community Development in consideration of potential nuisance issues such as noise or traffic.
- h. The applicant shall develop and provide Larimer County with accurate as-built horizontal and vertical survey data (state plane coordinates and elevations in NAVD 88) and GIS shapefiles describing the location of the pipeline and all appurtenant structures.
- i. Construction noise levels for all phases shall comply with the Larimer County Noise Ordinance with any exceptions to be evaluated by Larimer County.

#### RESERVOIR CONDITIONS

This set of conditions applies to all the reservoir and its associated facilities, not including the recreation facility which is addressed below.

##### ***1. Next Steps***

- a. The site plan review application for the Glade Unit shall include the expanded Poudre Valley Canal (PVC), forebay, glade pump station, electrical/control building, surge building, buried conduits, utilities (including power supplies, water lines and septic system components), and other components of the reservoir site.

##### ***2. Development Review***

- a. Prior to any construction of Glade Unit, the applicant shall demonstrate that the traffic, safety access concerns regarding the re-alignment of US 287 as identified in the comments from the County Engineering Department as prepared by Steven Rothwell and dated May 9, 2020 have been addressed to the satisfaction of the County Engineer.
- b. Prior to any construction of Glade Unit, the applicant shall demonstrate that all transportation safety concerns for the intersection of the US 287 (re-aligned) and County Road 21 as identified in the comments from the County Engineering Department as prepared by Steven Rothwell and dated May 9, 2020 have been addressed to the satisfaction of the County Engineer.

##### ***3. Noise***

- a. To address operational noise, the applicant shall submit a predictive noise analysis demonstrating that the Glade Unit facilities will comply with the residential noise

levels required by the Larimer County Noise Ordinance and shall identify any mitigation measure necessary to achieve such compliance.

**4. Other**

- a. Prior to any construction of the Glade Unit, the applicant shall provide a Well Water Monitoring Plan for water wells found in the east ½ of Section 10, all of Sections 11 and 12, those portions of Sections 13 and 14 lying north of Highway 14, and the NE ¼ of Section 15 of Township 8 North, Range 70 West. The Plan will address potential contamination as the result of trichlorethylene levels in the vicinity of the historic F.E. Warren Missile Silo. The plan will be prepared and managed by a third-party entity and will be funded by the applicant.

**RECREATION FACILITY CONDITIONS**

This set of conditions applies to the recreation facility only.

**1. Development Review**

- a. Prior to any construction of the Glade Unit, the applicant shall enter into a legally binding agreement with the County outlining a timeline for the Recreational Development Plan. The agreement shall address the funding, operations management and maintenance comments provided by the Department of Natural Resources in their referral comments as prepared by Larimer County Department of Natural Resources, dated May 15, 2020. Any agreement should consider an initial term of 35 years with a renewal term of 25 years.
- b. All recreational facilities to be constructed at the Glade Unit shall require approvals as required by the Larimer County Land Use Code.
- c. To address operational noise, the applicant shall submit a predictive noise analysis demonstrating that the Glade Unit facilities will comply with the residential noise levels required by the Larimer County Noise Ordinance and shall identify any mitigation measure necessary to achieve such compliance.

**PIPELINES CONDITIONS**

This set of conditions applies to the pipelines only.

**1. Development Review**

- a. In locations where the conveyance pipeline is located outside of the existing County ROW, it shall do so in a manner to either:
  - i. Be located outside of the ultimate ROW width corresponding to the functional classification of the roadway, or
  - ii. Obtain and convert to a Larimer County road right-of-way easement for any additional pipeline easement widths falling within the ultimate roadway ROW.
- b. Pipelines crossing a Larimer County road right-of-way shall generally only be perpendicular to the road right-of-way, no diagonal crossing will be allowed at intersections.

- c. The applicant shall submit a Geotechnical Report. This report shall be utilized to monitor identify mitigation measures for groundwater impacted by construction activities. Additionally, the report will be used to determine trench backfill and compaction specifications, subgrade mitigation and pavement design for areas disturbed by the pipeline installation.

## **2. Construction**

- a. Acceptable workdays and hours for the project are subject to approval by the County Engineering Department.
- b. The pipelines shall be installed within 100 feet on either side of the centerline of the approved pipeline route in the application, which provides an installation envelope of 200 feet. If the Applicant determines a pipeline needs to or should be installed outside this 200-foot envelope, such deviation may occur without further review or approval by Larimer County only if both of the following conditions are satisfied:
  - i. The deviation will not move the location of the pipeline from one property to a different property; and
  - ii. The property owner(s) where the deviation will occur consent in advance to the deviation.

If either condition is not satisfied, review and approval by the Board of County Commissioners shall be required if Larimer County Staff considers an alignment deviation outside the 200-foot envelope to have significant additional impacts to the landowner or directly adjoining landowners. If the deviation is deemed by Larimer County staff to not have such significant additional impacts, the Larimer County Development Director shall review and decide the deviation request.

Reconsideration by the Board of County Commissioners or Larimer County Development Director shall only reopen the portion of the pipeline alignment for that particular land parcel and will not reopen the entire 1041 permit. A deviation within this condition is not considered a 1041 Permit Amendment.

- c. If a relocation of the pipeline(s) should in the future be desirable to accommodate some other or enlarged use of the County road right-of-way by any party or entity other than the County, and provided that applicant agrees to such relocation, then all expenses of such relocation shall be paid for entirely by the party or entity desiring such relocation; provided, however, that if the relocation is to be made at the request of the County to accommodate changes in or improvements of public roadways or associated infrastructure, and not for purposes of accommodating any third party, then the applicant shall provide for pipeline relocations on a reasonable schedule established by the County Engineering Department.
- d. The applicant shall be required to designate planned haul routes. The existing surface condition of all planned haul routes will need to be evaluated prior to construction. If it is determined by the County Engineer that there has been an acceleration in deterioration of the roadway surface during or after construction as a result of construction traffic, equipment, or hauling, the applicant will be required to restore the roadways to their prior condition. This may include the need for regrading and or resurfacing.
- e. The applicant shall be responsible for arranging and paying all costs of:

- i. utility relocations and irrigation company requirements necessary to accommodate the water pipeline in the road ROW.
  - ii. the replacement of existing storm drainage infrastructure, culverts, roadway signage, pavement striping/symbols, landscaping and property fencing necessary to accommodate the water pipeline in the ROW.
  - iii. damage or relocation of private property services as necessary to accommodate the water pipeline corridor if a reasonable alternative is not possible.
- f. To mitigate Eagle Lake impacts, the Applicant shall:
- a. minimize the use of Eagle Lake Homeowner's Association (HOA) owned roads for construction of the pipeline by accessing the pipeline alignment from State Highway No.1 and Travis Road.
  - b. also access the pipeline construction alignment by any private access acquired.
  - c. limit the use of Eagle Lake Drive during construction to the eastern most 500 feet for access to Hood Lane from State Highway No.1. In addition, Eagle Lake Drive will also be crossed by the pipeline installation.

Commissioners Johnson and Donnelly voted in favor of the Findings and Resolution. Kefalas voted against the Findings and Resolution. By majority vote, the Findings and Resolution was duly adopted.

DATED this 27<sup>th</sup> day of October, 2020.

BOARD OF COMMISSIONERS OF  
LARIMER COUNTY, COLORADO

By: Steve Johnson  
Chair

(SEAL)

ATTEST:

Elizabeth LeFort  
Deputy Clerk



DATE: 10 20 20  
APPROVED AS TO FORM:

J. Naag  
COUNTY ATTORNEY

## Exhibit A

### Pipeline Route Descriptions

## **Northern Integrated Supply Project Conveyance Pipeline Alignment Descriptions**

### **Northern Tier Pipeline**

The preferred alignment for the Northern Tier Pipeline begins at the proposed Glade Reservoir Dam Outlet Works, about 6,500 feet north of the intersection of State Highway 14 and U.S. Highway 287 in T8N, R70W, sec11. From the dam, it traverses generally south until encountering U.S. Highway 287, where it briefly enters T8N, R70W, sec12 and follows the U.S. Highway 287 right-of-way across the Poudre Valley Canal and across State Highway 14 within T8N, R70W, sec11 and sec14. It then follows the south side west property lines of two parcels before converging with the south ROW of State Highway 14.

From there, the Northern Tier Pipeline follows the south ROW of State Highway 14 for about 1,000 feet within T8N, R70W, sec13 before crossing to the north side of the highway in T8N, R70W, sec24. The alignment then parallels the north side of State Highway 14 through T8N, R69W, sections 19, 18 and 17 until diverging from the highway to turn to the southeast over a ridge in T8N, R69W, sec20 and passing through the concrete plant. The alignment then follows the proposed ROW of the U.S. Highway 287 relocation. It continues east, crossing Weld County Road 56, until reaching the back of Homes of Distinction development where it turns briefly to the north and then back to the east to parallel County Road 56. The alignment then parallels County Road 56 for approximately 1,500 feet before turning north to cross the road and the railroad spur, entering T8N, R69W, sec16, the line traverses northeasterly towards the feed lot at North Taft Hill Road. After crossing North Taft Hill Road and entering T8N, R69W, sec15, the line traverses easterly to the west shore of Water Supply and Storage Reservoir 3 to intersect with Travis Road into T8N, R69W, sec14. At Travis Road, the line turns south for approximately 1,700 feet before turning east to pass between Water Supply and Storage Reservoirs #3 and #4.

After passing between the two Water Supply Reservoirs, the Northern Tier line then heads northeast between Water Supply Reservoir #3 and #4 and north of Dixon Reservoir. It then enters T8N, R69W, sec13 and turns south east of Dixon Reservoir before heading east at CR 56 into T8N, R69W, sec24. It continues southeast through rural residential and agricultural properties, adjacent to Annex Reservoir #8 to Grey Rock Drive. It turns east and into T8N, R68W, sec19, paralleling Grey Rock Drive until it crosses an open farmland diagonally into T8N, R68W, sec20, and then follows CR 54, crossing briefly into and out of T8N, R68W, sec29 until the intersection with Giddings Road.

At the intersection of Giddings Road and County Road the line continues east, briefly entering T8N, R68W, sec21 then following CR 54 for a mile in T8N, R68W, sec28 before heading southeast through agricultural property in T8N, R68W, sec27. It then heads south until reaching CR 52, which it follows until the intersection with County Road 1 where it crosses into T8N, R68W, sec26, sec35, sec 25, and sec36 where it connects to the County Line Road Pipeline.

### **Glade Release/Poudre Release Pipeline**

The preferred alignment for the Glade Release/Poudre Release Pipeline begins as an offshoot of the Northern Tier Pipeline (approximately 250 feet west of the intersection of State Highway 14 and U.S. Highway 287) in T8N, R70W, sec14. It continues generally west, following the north side of State Highway 14 for about a mile, before crossing to the south side of the highway. At this crossing, the alignment enters T8N, R70W, sec15. It continues to traverse westerly along the south side of State Highway 14 for about 1,000 feet until turning southwest and terminating at the Poudre River.

### **Poudre Intake Pipeline**

The preferred alignment for Poudre Intake Pipeline begins in T7N, R69W, sec12 at the proposed diversion structure just northeast of the City of Fort Collins Mulberry wastewater facility and routes northeast away from the Poudre River. It turns southeast, paralleling the Poudre River, until reaching East Mulberry Street. It then turns east for roughly 150 feet, it then turns south crossing East Mulberry Street. From this point the alignment turns east, crosses South Lemay Avenue, and continues along South Frontage Road for approximately 2,600 feet before turning south crossing the Timnath Reservoir Inlet Canal, finally terminating at the Poudre Diversion Sediment Pond located near the Poudre Diversion Pump Station location, just southeast of the Timnath Canal. The alignment then travels into T7N, R68W, sec18 and stays on the north of the Poudre River as it traverses easterly passing through the garden center property before turning south east to cross Timberline Road within T7N, R68W, sec17. From the south side of Timberline Road, it traverses generally to the east between the backs of residences and the ponds in the Fort Collins Natural Areas. The alignment then follows the south side of the Cache la Poudre Inlet canal within T7N, R68W, sec16 until it crosses to the north side of the canal prior to crossing I-25. After crossing I-25 in T7N, R68W, sec15, the alternative stays on the south side of the Cache la Poudre Inlet canal and the north side of East Prospect Road. The alignment then enters T7N, R68W, sec122 as it crosses East Prospect Road at McLaughlin Lane, paralleling the east side of McLaughlin Lane for 990 feet. The alignment continues along the south side of a frontage road. The alignment then turns south, paralleling the east side of South County Road 5 for 450 feet. It then crosses South County Road 5 and parallels the north side of East County Road 24E, entering T7N, R68W, sec23. The alignment continues due east, entering T7N, R68W, sec24 as it passes to the north of the Timnath Reservoir until it ends at the intersection with South County Line Road.

### **County Line Pipeline**

This preferred alignment section begins at the intersection of CR 52 and CR 13 in T8N, R68W, sec36. The alignment crosses CR 13 into T7N, R67W, sec06. 2,650 feet south of CR 86 for approximately 800 feet before crossing CR 13 back into T7N, R68W, sec01. At East Vine Drive, the preferred alignment crosses into T7N, R68W, sec12 and then at East Mulberry Street (State Highway 14) crosses into T7N, R68W, sec13. In this section, the preferred alignment crosses a canal and moves away from S CR 13. After crossing East Prospect Road, the preferred alignment



moves into T7N, R68W, sec24. Approximately 3,300 feet south of East Prospect Road, the pipeline jogs across S CR 13 into T7N, R67W, sec19 and further south into T7N, R67W, sec30. At E CR 40, the preferred alignment crosses southwest diagonally across the intersection with South County Road 13 back into T7N, R68W, sec36.

Around Timnath and Windsor, the preferred alignment crosses southeast across the intersection of East Harmony Road and South County Road 13 into T6N, R67W, sec6. Approximately 3,200 feet south of East Harmony Road, the preferred alignment moves east, away from the South County Road 13, and into T6N, R67W, sec7 before heading back west to South County Road 13 and continuing south further south into T6N, R67W, sec18. Approximately 1,300 feet after crossing into this section, the preferred alignment crosses South County Road 13 (where the county road turns into Colorado Boulevard) back to the west and follows along South County Road 13 crossing Weld County Road 68 into T6N, R68W, sec24. Approximately 1,900 feet south of Weld County Road 68 the preferred alignment crosses South County Road 13 to the east into T6N, R67W, sec19 before continuing south into T6N, R67W, sec30 and then T6N, R67W, sec31.

The pipeline crosses East County Road 62 into T5N, R67W, sec06. Approximately 2,500 feet south of East County Road 62 the preferred alignment crosses Larimer County Road 1 to run along the west side of the road in T5N, R68W, sec1 for 2,000 feet before crossing back into T5N, R67W, sec06. To the south, the preferred alignment then crosses into T5N, R67W, sec7 and then crosses U.S. Highway 34 into T5N, R67W, sec18. Approximately 900 feet south of the U.S. Highway 34 intersection the pipeline crosses Larimer County Road 1 into T5N, R68W, sec13 and south into T5N, R68W, sec24. 900 feet south of this section boundary, the preferred alignment crosses South County Line Road to the east into T5N, R67W, sec19. At County Road 18, the pipeline crosses the intersection with South County Line Road and moves into T5N, R68W, sec25 and further south into T5N, R68W, sec36.

After crossing East County Road 14, the preferred alignment enters T4N, R68W, sec01 and then crosses Colorado Boulevard into T4N, R67W, sec06. After crossing CR 60, the pipeline enters T4N, R67W, sec07 and travels near Colorado Boulevard south for approximately 2,700 feet before crossing into T4N, R68W, sec12 and continuing into T4N, R68W, sec13. Approximately 1,500 feet south of County Road 46, the preferred alignment crosses Colorado Boulevard into T4N, R67W, sec18 and continues into T4N, R67W, sec19. The pipeline crosses Colorado Boulevard approximately 2,000 feet south of CR 44 into T4N, R68W, sec24 before continuing south along the west side of Colorado Boulevard into sec25 and T4N, R68W, sec36. Approximately 2,200 feet north of CR 38 in sec36, the preferred alignment crosses east and enters T4N, R67W, sec31.

When the alignment hits the intersection of Colorado Boulevard and County Road 38 the preferred alignment shifts west and runs south along Colorado Boulevard in T3N, R68W, sec01. At the intersection of Colorado Boulevard and County Road 36, the preferred alignment shifts to the east and runs through T3N, R67W, sec07, crosses County Road 34 into T3N, R67W, sec18,

and then enters T3N, R67W, sec19. Approximately 2,600 feet south of County Road 32, the pipeline ties into the existing Southern Water Supply Project pipeline.

## Legal Descriptions

### Glade Unit

#### Properties Owned by Northern Water

Recording numbers for the Legal Descriptions for the properties owned by Northern can be found in the table on page 7 of this Exhibit.

