

<p>Larimer County District Court  201 La Porte Ave, Suite 100  Fort Collins, CO 80521</p> <hr/> <p><b>NO PIPE DREAM CORPORATION,  SAVE RURAL NOCO CORPORATION,  SAVE THE POUDRE</b>  <b>Plaintiffs</b></p> <p>v.</p> <p><b>COMMISSIONER TOM DONNELLY, in his official capacity as a Larimer County Commissioners.  COMMISSIONER STEVE JOHNSON, in his official capacity as a Larimer County Commissioners.  NORTHERN INTEGRATED SUPPLY PROJECT WATER  ACTIVITY ENTERPRISE.</b>  <b>Defendants.</b></p>	<p style="text-align: center;"><b>COURT USE ONLY</b></p>
<p>Michael Foote  Foote Law Firm LLC  357 S. McCaslin Blvd., Suite 200  Louisville, CO 80027  303-519-2183  <a href="mailto:mibfoote@gmail.com">mibfoote@gmail.com</a>  Counsel for No Pipe Dream Corporation</p> <p>Mike Chiropolos  Chiropolos Law  3325 Martin Drive  Boulder, CO 80305  <a href="mailto:mike@chiropoloslaw.com">mike@chiropoloslaw.com</a>  Counsel for Save Rural NoCo Corporation</p> <p>John M. Barth, Attorney at Law  P.O. Box 409  Hygiene, CO 80533  (303) 774-8868 (fax and phone)  <a href="mailto:barthlawoffice@gmail.com">barthlawoffice@gmail.com</a>  Counsel for Save the Poudre</p>	<p>Case Number:</p> <p>Division</p>

## AFFIDAVIT OF JOHN DETTENWANGER

I, John Dettenwanger, under penalty of perjury, declare as follows:

1. The facts set forth in this declaration are based on my personal knowledge and experience. If called as a witness, I could and would testify to these facts.
2. I am the Chairman of the Board of Plaintiff Save Rural NoCo Corporation ("Save Rural NoCo"). I am also an active member of Save Rural NoCo.
3. Save Rural NoCo is a non-profit organization organized under the laws of the State of Colorado. Save Rural NoCo maintains its headquarters at 5886 Obenchain Rd Laporte Colorado 80535.
4. The mission of Save Rural NoCo is to protect existing land, water, and communities in rural northern Colorado from harmful development through research, public education, including 1) identifying and evaluating impacts from proposed large construction projects; 2) supporting alternatives to new dams on or diversions from the Cache la Poudre River watershed including water conservation, recycling, reuse, growth management and water-sharing agreements with farmers; and 3) opposing construction projects that would negatively impact rural northern Colorado's land, water, and communities, including but not limited to NISP.
5. Save Rural NoCo has approximately 200 members and supporters, most of whom are landowners in Larimer County, Colorado. Our members live, work, and recreate in Larimer County including on and around the Poudre River watershed.
6. The Northern Integrated Supply Projects' impacts will be significant and permanent on the members we represent. Our members choose to live in rural Larimer County because of the natural beauty of the environment, the relatively dark sky's away from the city lights, the quiet environment, the abundant variety of wildlife that roam the area and the community of likeminded neighbors. All of the aspects of the rural environment that are deeply valued and critical to our members are at serious risk of being lost if this project is approved. This project will destroy the natural beauty of the Hook and Moore Glade and the valley mouth of the Poudre River. It will require a 10-year construction project of enormous scale with significant noise, dust, and disruption of travel in the area. The project will also inject over 300,000 visitors a year into our rural neighborhoods which will generate the real potential for high noise levels from boating, light pollution from the recreational areas, and the real potential for increase in wildfires that will threaten out homes.

7. I own a home in Larimer County. On a personal level, my life and property will be adversely impacted by the construction and operation of NISP if approved. My property is in the same valley as part of the proposed reservoir. With the proposed recreation, the light pollution and noise levels will be heard and felt directly by myself and many of my neighbors that are on the eastern slope of the foothills. In addition, the relocation of highway 287 from the present valley floor of the Hook and Moore Glade to the top of the hog back on the east will cause a direct line of site for the highway noise to impact all properties along the eastern slope of the foothills. These issues weren't even studied in the proposed project!
8. I pay property taxes to the government agency which is the NISP applicant, the "Northern Colorado Water Conservancy District." I also pay sales and property taxes to federal, state, and local agencies that have invested in preserving the Poudre River corridor through Fort Collins including the City of Fort Collins, Larimer County.
9. The Poudre River is one of the defining natural resources of Larimer County, including the canyon, the stretch where it leaves the mountains and flows through Fort Collins, and the lower stretch between Fort Collins and the Weld County line. This river and its ecosystem that flows through Fort Collins and down through the 1,800 acres of wetland areas that Fort Collins's citizens have paid for through their tax dollars are a huge economic and aesthetic asset for the community. This project will further reduce the water flows which will deprive Fort Collins and the citizens of this asset. All for the benefit of the 15 participants that are not largely in the county.
10. My personal family use and appreciation, including scientific aspects and quality of life aspects, requires a healthy river to sustain the eco-system and are essential to the very beauty that we call the rural environment where we and the community have chosen to live.
11. If Commissioners Donnelly and Johnson sit as quasi-judicial adjudicators of Northern's 1041 NISP application, I am concerned that Save Rural NoCo will not get a fair hearing. An impartial decision maker will take our comments and concerns about impacts seriously and into account in the final decision. But how can we get a fair hearing from two officials who have officially endorsed NISP multiple times, who have appeared at rallies for NISP, and who have allowed Northern Water to list their names as supporting the project in NISP written materials? My understanding is that as a resident and homeowner in unincorporated Larimer County I and Save Rural NoCo have the right to due process and a fair hearing. In a court of law a Judge who had publicly proclaimed his belief as to a criminal defendant's guilt (or innocence) would obviously be biased and require recusal. How is this different?

12. As stated in the Motion for Preliminary Injunction, Commissioners Donnelly and Johnson have been long-time public supporters and endorsers of NISP for nearly a decade. Commissioners Donnelly and Johnson have attended and/or spoken at rallies sponsored by Northern for the purpose of advocating for NISP. I am also aware of communications where Commissioner Donnelly offered advice to NISP on obtaining approval of the project, in addition to stating his unwavering support. That seems like a clear conflict of interest.

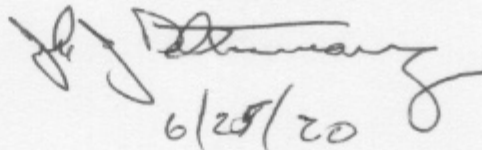
13. As a member of Save Rural NoCo, I am concerned that Commissioner Donnelly and Johnson's decade long public support for NISP has created a justifiable impression among myself and citizens of Larimer County that that have actual conflicts that would prevent them from giving citizens the fair and impartial hearing required by law.

14. I believe that an objective hearing before decision-makers who did not make up their mind on approving the project almost ten years ago would likely result in denying the project as proposed in the current 1041 application. Through the County Land Use Code and Master Plan, Larimer County is committed to comprehensive land use planning, wise management of growth, and protection of rural landowners, natural resources, our agricultural heritage, quality of life, a healthy and diverse economy with a substantial recreation and outdoors component, and numerous other principles which NISP would threaten or violated.

15. Minor mitigation measures such as hours of operation of the proposed Glade Reservoir or limiting motorized use to certain areas would do little or nothing to address my fundamental concerns and those of other Save Rural NoCo measures. We are entitled to fair and impartial decision makers committed to judge the project on its merits as to whether it satisfies our County Code, Master Plan, and 1041 review criteria. But by enthusiastically and publicly endorsing NISP, we have no reason to believe Commissioners Donnelly and Johnson can give the application a fair hearing.

I declare under penalty of perjury that the foregoing is true and correct and was executed this 26th day of June 2020.

*/s/ John Dettenwanger*

  
6/26/20