

<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 POUFRE</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:mjbfoote@gmail.com">mjbfoote@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 BARRY FELDMAN**

I, Barry Feldman, 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 an active dues-paying member of No Pipe Dream Corporation.
3. No Pipe Dream Corporation (NPD”) is a non-profit organization organized under the laws of the State of Colorado. NPD maintains its headquarters at P.O. Box 2465, Fort Collins, CO 80522
4. The mission of NPD is to protect citizens from the intense adverse impacts of multiple proposed water pipeline and reservoir projects in Larimer County, including but not limited to NISP.
5. NPD has approximately 140 dues-paying members, most of who are in Larimer County, Colorado. NPD’s members live, work, and recreate in Larimer County including on and around the Poudre River.
6. I also personally recreate in Larimer County and on the Poudre River.
7. I own a home in Larimer County. The construction and operation of the Northern Integrated Supply Projects will adversely impacts my life by causing include noise, road closures, traffic backups, dust; temporary and permanent loss of use of my property; inability to build on or use of my land; lower my property value. Further, resale of my property will therefore be made more difficult.
8. At present my property has a road easement on the northern property line and an access easement on the eastern property line. If the NISP pipeline route goes along our west property line and then across the southern portion of our property as planned it will completely box us in with easements. In addition we will lose the use of one of our corrals; part of our vinyl fencing; a loafing shed; and part of our riding arena. Depending on how much of the easement is on our property and how much is on our neighbors, we will lose our existing driveway or our neighbors will lose their entire back yard. During construction and any future repairs we will have to find temporary space for our horses.
9. 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, and Great Outdoors Colorado.
10. I also recreate in Larimer County including on and near the Poudre River. My recreational activities include fly fishing on the Poudre River, hiking the Poudre Trail, the roads around our home, and trails up the canyon, wildlife

watching along the river, watching the new and expensive kayak course, which may no longer (or at least for years to come while filling the reservoir) have enough water to be viable, and horseback ride parks and trails.

11. NISP will negatively impact the downstream riparian ecosystem, including fish populations, insects, birds, mammals and the wetland and riparian vegetation along the river. This will have will have direct and indirect negative impacts on most of my recreational activities in both functionality and aesthetics. Less fish, more low water when fly fishing is inadvisable due to stressed fish, less habitat for all kinds of mammals and birds, etc.

12. If Commissioners Donnelly and Johnson are allowed to serve as quasi-judicial adjudicators of Northern's 1041 NISP application, it would violate No Pipe Dream's due process rights and my due process rights as a member of the No Pipe Dream Corporation. For the reasons stated in the Motion for Preliminary Injunction, Commissioners Donnelly and Johnson have been 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. Commissioners Donnelly and Johnson have directly communicated with employees of Northern regarding NISP.

13. As a member of NPD, I am concerned that Commissioner Donnelly and Johnson's apparent decade long public support for NISP has created a justifiable impression among myself and citizens of Larimer County that that they do not have un-conflicted loyalty to the interests of the citizens of the County, they cannot make fair and impartial quasi-judicial decisions with regard to NISP quasi-judicial proceedings before the County, and that the public trust has been violated.

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

*/s/ Barry Feldman*