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| <p>Larimer County District Court 201 La Porte Ave, Suite 100 Fort Collins, CO 80521</p> <hr/> <p>NO PIPE DREAM CORPORATION, SAVE RURAL NOCO CORPORATION, SAVE THE POUFRE Plaintiffs</p> <p>v.</p> <p>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. Defendants.</p> | <p style="text-align: center;">COURT USE ONLY</p> |
| <p>Michael Foote Foote Law Firm LLC 357 S. McCaslin Blvd., Suite 200 Louisville, CO 80027 303-519-2183 mjbfoote@gmail.com Counsel for No Pipe Dream Corporation</p> <p>Mike Chiropolos Chiropolos Law 3325 Martin Drive Boulder, CO 80305 mike@chiropoloslaw.com 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) barthlawoffice@gmail.com Counsel for Save the Poudre</p> | <p>Case Number:</p> <p>Division</p> |

AFFIDAVIT OF GARY WOCKNER

I, Gary Wockner, 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 co-founded Save Poudre in 2004. I currently work as the “Executive Director” of Save The Poudre. I am also an active dues-paying member of Save The Poudre.
3. Save the Poudre is a non-profit organization organized under the laws of the State of Colorado and is a charitable corporation under 501(c)(3) of the Internal Revenue Code. Save the Poudre maintains its headquarters in Fort Collins, CO, at the street address of 2820 Cherry Lane, 80521, and at PO Box 20, 80522.
4. The mission of Save The Poudre is to protect and restore the Cache la Poudre River of northern Colorado.
5. Save The Poudre focuses on opposing irresponsible water projects, supporting alternatives to dams and diversions, education, advocacy, litigation, and community outreach to achieve its mission.
6. Save The Poudre has approximately one thousand dues-paying members and about 5,000 followers and supporters, most of whom are in Larimer County, Colorado. Our members live, work, and recreate on and around the Poudre River in Larimer County.
7. I also personally recreate on the Poudre River.
8. Save The Poudre supports our members by advocating on their behalf. Save The Poudre members’ interests in clean water and maintaining flows for swimming, fishing, kayaking, and aesthetic enjoyment would be detrimentally impacted by the Northern Integrated Supply Project (NISP) which would remove approximately 40,000 acre feet of what’s left of the peak flow of the Poudre River water through much of Fort Collins.
9. Keeping that water in the Poudre River is integral to the health of the river through Fort Collins, especially late spring and summer which is the prime recreational season for our members, including at the new “Poudre River Whitewater Park” in downtown Fort Collins.
10. Removing this peak flow would have severe negative impacts on the ecological health of the river, the cleanliness of the river, the riparian forest along the river, and the recreational opportunities offered by the river. Our members’ interests, including my own interests, in clean water and a healthy, flowing Poudre River for swimming, fishing, paddling, and aesthetic enjoyment would be detrimentally impacted by the Northern Integrated Supply Project. The interests that Save The Poudre seeks to advance in this case fall squarely

within its missions and its respective individual contributing members.

11. The Northern Integrated Supply Project is poorly planned and would create harm to the Cache la Poudre River by diverting the river's water at the mouth of Poudre Canyon and not letting that water flow down the river through Fort Collins. Save The Poudre is involved because its mission is to protect and restore the Poudre River, so we oppose the Northern Integrated Supply Project because of the project's negative impacts.

12. The Northern Integrated Supply Projects' impacts will include diminishing water quantity, and worsening water quality, in the Cache la Poudre River through Fort Collins. In addition, technical analyses have clearly shown that NISP communities can achieve their goal of getting more water by focusing on better land-use planning and water conservation, and by working pro-actively with farmers to secure water.

13. Save The Poudre has been heavily involved with the history and permitting for the Northern Integrated Supply Project at the federal, state, and local level for the last 17 years. Save The Poudre was established in 2004 in response to the threat of NISP. As NISP permitting has moved forward, we have been deeply engaged at every level including:

- Reached out to the media and our supporters over a hundred times and have generated hundreds of news articles in the local, state, and national press about the Poudre River and the threat of NISP,
- Provided testimony and comments many times to federal, state, and local regulators, decision-makers, and legislative bodies including the Colorado State Legislature's Water Committee and Agriculture/Natural Resource Committee,
- Provided comments to the Colorado Water Quality Control Division during the comment period for NISP in 2019.
- Submitted a NISP comment letter to the Larimer County Planning Commission on June 9, 2020.

14. I own a home in Fort Collins a few blocks from the Poudre River, and I recreate on the Poudre River through Fort Collins in the area that would be negatively impacted by the Northern Integrated Supply Project. 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 landscape corridor through Fort Collins including the City of Fort Collins, Larimer County, and Great Outdoors Colorado. I recreate on and near the Poudre River in Fort Collins several times per year including standup paddleboarding, tubing, running, walking, biking, and nature watching. The Poudre River corridor through Fort Collins is a natural gem with thousands of acres of

protected natural areas and parks surrounding it. I greatly appreciate the Poudre River's aesthetic value, enjoy the beauty and the way the river looks, and the natural wildlife areas around it. The more water the Poudre River has in it, the healthier it is and looks.

15. The Northern Integrated Supply Project would continue the long, sad history of draining the ecological health and beauty of the Poudre River through Fort Collins. The Northern Integrated Supply Project stands to negatively change the Poudre River and its natural areas that are deeply important to me. If the Northern Integrated Supply Project is built, my recreational and aesthetic enjoyment through all my uses of the Poudre River will be greatly diminished.

16. If Commissioners Donnelly and Johnson are allowed to serve as quasi-judicial adjudicators of Northern's 1041 NISP application, it would violate Save the Poudre's due process rights and my due process rights as a member of the Save the Poudre. 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.

17. Commissioner Johnson recently disparaged Save the Poudre by stating in a public email that Save the Poudre has lost all credibility with him. This is the same as stating that Commissioner Johnson will give no credibility to Save the Poudre's opposition to NISP in a 1041 public hearing. Thus, not only has Commissioner Johnson stated that he publicly favors NISP, he will also disregard any arguments by Save the Poudre in opposition to NISP.

17. As a member of Save the Poudre, 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 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/ Gary Wockner

A handwritten signature in black ink that reads "Gary Wockner". The signature is written in a cursive, flowing style.