



County approves SDS permit despite lawsuit

Action comes after years of talks

April 22, 2009

**By PETER ROPER
THE PUEBLO CHIEFTAIN**

After six years of sometimes bitter disagreements, Pueblo County commissioners approved and signed a permit Tuesday morning for Colorado Springs to build its Southern Delivery System water pipeline from the Pueblo Dam north.

After the formalities of reviewing and adopting the agreement, the commissioners and officials from Colorado Springs Utilities and the Pueblo Board of Water Works gathered for a photograph to commemorate the agreement. Not participating in the photo were officials from the Pueblo West Metropolitan District, which has filed a lawsuit in Pueblo District Court over portions of the agreement that require a guaranteed flow in the Arkansas River.

The metro board claims it never signed a 2004 intergovernmental agreement that guarantees all participants in the SDS project will give up water if necessary to maintain a flow in the Arkansas River. Pueblo West officials insist that meeting the flow requirement would cost their district too much water.

The Pueblo West dispute is only the latest turbulence in what has been a long, contentious debate over the proposed \$1.1 billion pipeline. The debate has entangled Pueblo County and city officials with Colorado Springs, Fountain and Aurora officials, as well as area water districts.

The agreement worked out in the past year and signed Tuesday morning gives the county's pipeline permit to the SDS partnership of Colorado Springs, Pueblo West, Fountain and Security. Much of the hourlong meeting Tuesday was dedicated to reviewing the history of the Arkansas River flow agreement, which Pueblo West is now challenging.

Ray Petros, special counsel to the county, noted that guaranteeing a flow in the Arkansas River had been part of the SDS discussions since 2003. He said the flow program has been part of public hearings and community meetings that Colorado Springs Utilities conducted on behalf of all the SDS partners, including Pueblo West.

Petros told the commissioners that if one of the partners, such as Pueblo West, is allowed to opt out of the guaranteed flow program, it would void that requirement for all the partners.

Commissioner Jeff Chostner said that guaranteeing the Arkansas River always has a flow through Pueblo has been an important goal of the project negotiations.

"It's important that the public see a living river through Pueblo and the contributions we are asking are minimal," he said.

The Pueblo West dispute did not deflect officials from celebrating the end of a long negotiation over the pipeline project.

Bruce McCormick, of Colorado Springs Utilities, said the agreement was properly being described as "historic."

"Your process has been fair. You've protected the interests of your community," McCormick said. "While the word 'historic' has been used to define this process agreement, I'd also use the word - cooperation. This agreement paves the way for two communities to come together for a common goal."

Commissioners John Cordova and Anthony Nunez also congratulated the participants and county staff for the long work of negotiating the land-use permit with the SDS partners.

"This is a historic day," Nunez said. "In the future, my grandkids will be able to look back and say, 'Grandpa helped get this pipeline built.' "