AFFIDAVIT

I, the undersigned, being duly sworn, upon my oath hereby state that the following matters, facts, and things set forth are true and correct to the best of my knowledge:

1. I am the Construction Manager of the Chatfield Reservoir Mitigation Company, Inc. ("CRMC").

2. As set forth in more detail in CRMC's General Manager's affidavit, the Water Storage Agreement sets forth environmental mitigation and recreational modification requirements for the Project. CRMC is required to satisfy these requirements by October 2020 to ensure that the Water Providers are allowed to begin storing water under the reallocated storage in Chatfield Reservoir.

3. The Chatfield Storage Reallocation Project ("CSRP") involves the in-kind reconstruction of existing day use areas around the reservoir to operate under the new reservoir level of 5,444 feet above sea level, and compensatory environmental mitigation efforts along Plum Creek, South Platte River, Marcy Gulch, and Sugar Creek. Additionally, CRMC will be conducting an Adaptive Tree Management Program within the reservoir fluctuation zone (5,432-5,444 feet above sea level) to remove and monitor tree health within that zone. When factoring in all the other ancillary items associated with the CSRP, such as planning, design, management, and fixed costs, the estimated total project cost is $171,000,000.

4. In order to minimize disruptions to the Park from the Project construction, almost no construction is planned during the summer months. In order to schedule around the summer season, and allow the Water Providers to take advantage of the spring 2020 run-off to fill their allocated water storage space in Chatfield Reservoir, CRMC developed its construction schedules to complete construction by April 2020.

5. Under the constraints set forth by the construction schedules, the contractors have secured sub-contractors and allocated employees and other resources to complete construction by April 2020.

6. There are only approximately 640 working days to meet the April 2020 construction deadline (once the days between Memorial Day and Labor Day, and all holidays are excluded).

7. To quantify the amount of economic harm that results from construction delays alone, the total number of construction days was divided by the total amount of construction costs under CRMC's construction contracts.

8. Each day construction is enjoined, CRMC will incur additional costs of approximately $140,000. A one-week delay would result in additional costs of just less than $1,000,000.

9. A loss of $140,000 per day is the economic harm CRMC and the Water Providers suffer from construction delays alone. However, construction schedules are like dominos; a single delay can create a ripple effect that continues to result in additional delays and cost increases.

10. If there are significant delays in the current construction schedule, in order to meet the April 2020 deadline, CRMC will have to require its contractors to work during the summer months.

11. CRMC is required to compensate CPW for all lost revenue from Park operations. In addition to CPW, there are additional Park concessionaires (including horse stables and a marina) that CRMC is required to compensate for lost revenues. Park closures during the summer months will result in significant lost revenue to CPW and other park concessionaries, which must be paid for by CRMC. Additionally, the public would lose out on the significant benefits of utilizing the Park and its amenities during these summer months.

12. Area closures, and construction work will occur in selected areas of the Park during specified and limited periods of time, leaving other portions of the Park undisturbed and open to public use and enjoyment.

13. As part of the mitigation and modification activities in the Park, CRMC is required to plant over 60,000 plants on Plum Creek alone, at a cost of over $1,000,000. Delays in the construction schedule may result in delays in getting plants in the ground and established, thereby adversely affecting CRMC's ability to get final sign off on project Ecological Function Units that are required prior to storing water. Additionally, many of the plants already planted at the Park or to be planted were grown from seeds that were collected at the Park. CRMC contracted with growers to begin the growing process more than one year ago. If construction activities are enjoined, and the plants cannot be cared for during the delay, many of these plants will die. Not only will CRMC incur thousands of dollars of additional cost to replace these plants, but CRMC will incur additional significant delays while suitable replacement plants are grown.

14. Weather and seasonal changes in Colorado are also important factors to consider in planning construction. Most of the construction has been scheduled for the period outside of the summer months, which means CRMC is performing much of the mitigation and modification work during the winter and spring, which are months of unpredictable weather in Colorado. So far this winter has provided favorable conditions of which CRMC should be able to take advantage. Additionally, some of the mitigation and modification requirements must be completed at certain times or during certain seasons. For example, work along Plum Creek has to be completed prior to spring run-off in order to preserve the work from being impacted by the higher flows of spring. If an injunction is granted, closed portions of the Park would remain closed through the spring and summer, until the appeal is resolved.

CHATFIELD RESERVOIR
MITIGATION COMPANY, INC.

Tim Feehan, Construction Manager

STATE OF COLORADO }

} ss.

COUNTY OF Jefferson }

The foregoing was signed and sworn to before me this 17th day of January 2018, by Tim Feehan as Construction Manager for Chatfield Reservoir Mitigation Company, Inc.

Witness my hand and official seal.

My commission expires: 08/01/2021

Notary Public

ERICK BALDERRAMA
Notary Public
State of Colorado
Notary ID: 20174023797
My Commission Expires 08/01/2021