

**DEPARTMENT OF THE ARMY  
SECTION 404 PERMIT**

**Project Name:** Raw Water Diversion from Elk Creek  
**Permittee:** Will-O-Wisp Metropolitan District  
**Permit No:** NWO-2008-2659-DEN  
**Waterway:** Elk Creek  
**Location:** Section 26, Township 6 South, Range 72 West, Park County, Colorado.  
**Issuing Office:** Omaha District, Denver Regulatory Office

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- Contents:**
- 1. General Information, Signature Blocks**
  - 2. Detailed Description of Authorized Work**
  - 3. General Conditions**
  - 4. Special Conditions**
  - 5. Figures and Attachments**

**1. GENERAL INFORMATION, SIGNATURE BLOCKS**

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer. You are authorized to perform work in accordance with the terms and conditions specified below.

**1. Congressional Authorities:** You have been authorized to undertake the activity described above pursuant to:

( ) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

( X ) Section 404 of the Clean Water Act (33 U.S.C. 1344).

( ) Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

**2. Limits of this authorization.**

a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal project.

**3. Limits of Federal Liability.** In issuing this permit, the Federal Government does not assume any liability for the following:

- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
- b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
- c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
- d. Design or construction deficiencies associated with the permitted work.
- e. Damage claims associated with any future modification, suspension, or revocation of this permit.

**4. Reliance on Applicant's Data:** The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

**5. Reevaluation of Permit Decision.** This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

- a. You fail to comply with the terms and conditions of this permit.
- b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).
- c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

**6. Extensions.** The time limit for completing the work authorized ends on **April 8, 2013**. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

WILL-O-WISP METROPOLITAN DISTRICT

  
\_\_\_\_\_  
Permittee

April 27, 2010  
\_\_\_\_\_  
Date


Rick Angelica, President

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

Robert J. Ruch  
\_\_\_\_\_  
Colonel, Corps of Engineers  
District Commander

5/3/10  
\_\_\_\_\_  
Date

BY:

  
\_\_\_\_\_  
Timothy T. Carey  
Chief, Denver Regulatory Office

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, the transferee must sign and date below.

\_\_\_\_\_  
Transferee Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Transferee (Print or Type)

\_\_\_\_\_  
Title

\_\_\_\_\_  
Organization or Company (Print or Type)

\_\_\_\_\_  
Address (Print or Type)

\_\_\_\_\_  
Phone