



COLORADO

**Colorado Water
Conservation Board**

Department of Natural Resources

1313 Sherman Street, Room 718, Denver, Colorado 80203

Phone: (720) 854-3240

www.cwcb.state.co.us

**TO: Subscribers Instream Flow Mailing List (*via email*)
State Engineer's Substitute Water Supply Plan Notification List for Water
Division 5 (*via email*)**

DATE: May 13, 2025

**RE: Proposed Acquisition of an Interest in the Shoshone Water Rights for
Instream Flow Use on the Colorado River, Water Division 5**

At its May 21-22, 2025 meeting in Steamboat Springs, CO, the Colorado Water Conservation Board ("CWCB") will evaluate the proposed acquisition offered by the Colorado River Water Conservation District ("River District") and Public Service Company of Colorado ("PSCo") to the CWCB for an interest in the Shoshone Water Rights for instream flow ("ISF") use on the mainstem of the Colorado River. The reach of stream proposed for the ISF use is the 2.4-mile stretch of the Colorado River between the Shoshone Power Diversion Dam and the Shoshone Power Plant Discharge Outlets in Glenwood Canyon ("Shoshone Reach"). **The Board will not take formal action** on this proposal at this Board meeting. The meeting agenda with associated Board memos can be found at:

<https://cwcb.colorado.gov/events/board-meeting-may-21-22-2025>

Consideration of this proposal initiates the 120-day period for Board review pursuant to Rule 6b. of the Board's Rules Concerning the Colorado Instream Flow and Natural Lake Level Program ("ISF Rules"). Information concerning the ISF Rules and water acquisitions can be found at:

<https://dnrweblink.state.co.us/CWCB/0/edoc/214232/2%20CCR%20408-2.pdf>

The following information concerning the proposed water acquisition is provided pursuant to ISF Rule 6m(1).

Proposed Method of Acquisition:

Under this proposal, the River District would purchase and maintain ownership of the water rights, the CWCB would hold perpetual ISF use rights, and PSCo would hold a lease for hydropower use. The Shoshone Water Rights are decreed for non-consumptive hydropower generation use at the Shoshone Hydroelectric Power Plant, currently owned by PSCo, a subsidiary of Xcel Energy. Through a Purchase and Sale Agreement (“PSA”), the River District agreed to purchase, and PSCo agreed to sell, the Shoshone Water Rights, so long as the water rights will be used for instream flow purposes to the extent they are not being used for power generation, contingent on a number of conditions including a PSCo lease for continued hydroelectric power generation while the power plant remains operable. The Shoshone Water Rights offered to CWCB total 1,408 cubic feet per second (cfs), comprised of the Senior Shoshone Water Right in the amount of 1,250 cfs for power, mining, milling, manufacturing, lighting, heating, and traction purposes; and the Junior Shoshone Water Right in the amount of 158 cfs for manufacturing and generation of electrical energy (together, the “Shoshone Water Rights”).

Case Number	Appropriation Date	Adjudication Date	Priority Number	Amount (cfs)
CA466/ CA553	01/07/1902	12/09/1907	2	1,250
CA1123	05/15/1929	02/07/1956	328	158

To effectuate the proposal, a joint water court application will be required, in which CWCB, PSCo, and the River District will be co-applicants. In the water court application, the co-applicants will request a change of the beneficial use of the water rights to add instream flow use by the CWCB when the rights are not being used, or only partially being used, to generate hydropower. The ISF use will be subsequently

limited by any terms and conditions imposed by the change of water right final water court decree, as required to prevent injury to other water users, both upstream and downstream of the Shoshone Reach.

Proposed Use of the Acquired Water:

The CWCB would use the Shoshone water rights, pursuant to their individual priorities with respect to water rights administration, in the combined amount of up to 1,408 cfs in the Shoshone Reach. Colorado Parks and Wildlife (“CPW”) analysis indicates that the best use of the acquired water rights is to preserve and improve the natural environment in the Shoshone Reach of the Colorado River at any rate up to full decreed amount of 1,408 cfs. Administration and use of the Shoshone Water Rights for ISF use in the Shoshone Reach is intended to replicate the historical administration and use of the Shoshone Water Rights.

Supporting Data:

Available information concerning the purpose of the acquisition and the degree of preservation/improvement of the natural environment, as well as any available scientific data, can be found at:

<https://dnrweblink.state.co.us/cwcb/0/edoc/227127/10d%20Shoshone%20ISF%20Acquisition%20w%20Encl.pdf?searchid=d61e127b-9c64-439f-aca8-f3d5fd6c78c4>

If you have any questions or comments regarding this proposed water acquisition to preserve/improve the natural environment to a reasonable degree, please contact:

Kaylea White

Stream and Lake Protection Section

Colorado Water Conservation Board

1313 Sherman Street, Room 718

Denver, CO 80203

kaylea.white@state.co.us

720-854-3240