



July 9, 2025

Jaclyn M. Calicchio  
Senior Assistant Attorney  
1300 Broadway, 6th Floor  
Denver, CO 80203

Via Email: Jackie.Calicchio@coag.gov

Re: Colorado Springs Utilities' Notice of Party Status

Dear Ms. Calicchio,

Pursuant to Rule 6m(5)(d) of the Rules Concerning the Colorado Instream Flow and Natural Lake Level Program (2 CCR 408-2) (ISF Rules), and the July 2, 2025 Notice of Hearing and Deadline for Notice of Party Status, the City Colorado Springs, through its enterprise Colorado Springs Utilities (Utilities) hereby submits this Notice of Party Status in the hearing regarding the Colorado Water Conservation Board's (CWCB) proposed acquisition of an interest in the Shoshone Water Rights for instream flow use on the Colorado River, Water Division 5 (Hearing). Utilities' mailing physical address is 111 S. Cascade Ave., Colorado Springs, CO 80903 and its mailing address is P.O. Box 1103, Colorado Springs, CO 80947.

Utilities plans to participate in the Hearing because it believes the terms and conditions included in the proposed acquisition agreement (Draft Agreement) between the CWCB, the Colorado River Water Conservation District, a political subdivision of the State of Colorado, and Public Service Company of Colorado, a Colorado corporation, may result in the expansion of the junior Shoshone water right at a minimum. Such an expansion could materially injure Utilities' decreed water rights including its water rights on the Blue River and its interest in the water rights for the Homestake Project by reducing the volume of water available for diversion under those rights.

Utilities supports the concept of adding instream flow use to the senior Shoshone water right but has a significant interest in ensuring that the proposed acquisition agreement maintains the flow regime water users have historically experienced and does not result in an expansion of the Shoshone water rights, injury to existing water rights, or diminished operational reliability of Utilities' municipal water supply. Utilities believes it is important for the CWCB to be fully informed about how the Draft Agreement, without revisions, may impact all Colorado River water users, before making the decision to accept the Draft Agreement as submitted.

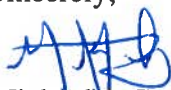
Utilities shared many of its concerns with the Draft Agreement in its May 8, 2025 letter to the CWCB as well as its June 9, 2025 hearing request letter, which included Utilities' initial comments on the Draft Agreement, including proposed terms and conditions to prevent injury from an expansion of the junior Shoshone water right. The upcoming hearing process will allow parties to

formally propose terms conditions that are necessary to ensure that the junior Shoshone water right can be operated for instream flow purposes without injury to water users who rely on the Colorado River.

The name and address of the persons who may participate in the hearing on behalf of Utilities are included in Attachment 1 hereto. Utilities reserves the right to modify this list and present additional data, documents, witnesses and testimony as provided for under the ISF Rules and the pre-hearing order once it is provided to the parties.

Thank you and the CWCB for providing Utilities with the opportunity to present its concerns about the proposed acquisition as part of the hearing process. Please direct all notices, pleadings, and correspondence to me using the contact information provided in Attachment 1.

Sincerely,



Michael J. Gustafson  
Senior Attorney

## **Attachment 1**

Michael J. Gustafson  
Senior Attorney  
Colorado Springs City Attorney's Office  
30 S. Nevada Ave., Suite 510  
Colorado Springs, CO 80907

Abigail Ortega  
General Manager, Infrastructure & Resources Planning  
Colorado Springs Utilities  
1521 Hancock Expressway  
Colorado Springs, CO 80903-1813

Kim Gortz  
Manager, Water Resources Management  
Colorado Springs Utilities  
1521 Hancock Expressway  
Colorado Springs, CO 80903-1813

Maria Pastore  
Project Manager IV  
Colorado Springs Utilities  
1521 Hancock Expressway  
Colorado Springs, CO 80903-1813

Tyler Benton  
Engineer IV  
Colorado Springs Utilities  
1521 Hancock Expressway  
Colorado Springs, CO 80903-1813