

COLORADO  
RIVER DISTRICT



**SHOSHONE**

WATER RIGHTS PRESERVATION









# OVER 120 SHOSHONE WATER RIGHTS PRESERVATION COALITION MEMBERS



## **REGIONAL PARTNERS**

- 💧 ECONOMIC PARTNERSHIPS
- 💧 ENVIRONMENTAL & RECREATIONAL ORGS
- 💧 HIGHER EDUCATION & POWER PROVIDERS



## **GOVERNMENT & ELECTED OFFICIALS**

- 💧 STATE OF COLORADO ELECTED LEADERS
- 💧 COLORADO CONGRESSIONAL DELEGATION
- 💧 COLORADO BASIN ROUNDTABLES & CONSERVATION DISTRICTS
- 💧 FEDERAL AGENCIES



## **LOCAL GOVERNMENTS**

- 💧 COUNTIES
- 💧 MUNICIPALITIES



## **WATER PROVIDERS**

- 💧 IRRIGATION WATER
- 💧 DRINKING WATER



# OVER 120 SHOSHONE WATER RIGHTS PRESERVATION COALITION MEMBERS

U.S. Sen. Michael Bennet  
U.S. Sen. John Hickenlooper  
U.S. Rep. Joe Neguse (CD-2)  
U.S. Rep. Jeff Hurd (CD-3)  
U.S. Rep. Jason Crow (CD-6)  
U.S. Rep. Brittany Pettersen (CD-7)  
U.S. Rep. Diana DeGette (CD-1)  
Governor Jared Polis  
Sen. Dylan Roberts (SD-8)  
Speaker Julie McCluskie (HD-13)  
Former Sen. Perry Will (SD-5)  
Sen. Cleave Simpson (SD-6)  
Sen. Janice Rich (SD-7)  
Sen. Janice Marchman (SD-15)  
Sen. Jeff Bridges (SD-26)  
Rep. Karen McCormick (HD-11)  
Rep. Meghan Lukens (HD-26)  
Rep. Matt Soper (HD-54)  
Rep. Rick Taggart (HD-55)  
Rep. Elizabeth Velasco (HD-57)  
Rep. Marc Catlin (HD-58)  
Rep. Barbara McLachlan (HD-59)  
Rep. Matthew Martinez (HD-62)  
Rep. Mike Lynch (HD-65)  
Bureau of Reclamation  
U.S. Fish and Wildlife Service  
National Park Service  
Bureau of Land Management  
United States Forest Service  
Southwestern Water Conservation District

Basalt Water Conservancy District  
Clifton Water District  
Clinton Ditch & Reservoir Company  
Collbran Water Conservancy  
De Beque - Plateau Valley Soil Conservation District  
Eagle County Conservation District  
Eagle Park Reservoir Company  
Eagle River Water and Sanitation District  
Grand Valley Irrigation Company  
Grand Valley Water Users Association  
Kobe Water Authority  
Mesa County Irrigation District  
Middle Park Water Conservancy District  
Orchard Mesa Irrigation District  
Palisade Irrigation District  
Silt Project  
Snowmass Water & Sanitation District  
Tri-County Water  
Upper Eagle Regional Water Authority  
Upper Gunnison River Water Conservancy District  
Ute Water Conservancy District  
West Divide Water Conservancy District  
Associated Governments of Northwest Colorado Club 20  
Colorado Mesa University  
Colorado River Valley Economic Development Partnership  
Conscience Bay Company  
Craig Chamber of Commerce  
Fruita Area Chamber of Commerce

Gunnison Basin Roundtable  
Glenwood Springs Chamber Resort Association  
Grand Junction Economic Partnership  
Grand Valley Power  
Gunnison County Chamber of Commerce  
Grand Junction Chamber of Commerce  
Marble Distilling  
Palisade Chamber of Commerce  
Shoshone Outfitter Partnership  
Steamboat Springs Chamber  
The Summit Chamber  
The Vail Chamber & Business Association  
Vail Valley Partnership  
Western States Ranches  
Xcel Energy  
American Rivers  
American Whitewater  
Audubon Rockies  
Blue River Watershed Group  
Business for Water Stewardship  
Conservation Colorado  
Eagle River Coalition  
Environmental Defense Fund  
Middle Colorado Watershed Council  
RiversEdge West  
Roaring Fork Conservancy  
The Nature Conservancy  
The Sonoran Institute  
Theodore Roosevelt Conservation Partnership  
Trout Unlimited  
Western Resource Advocates

Yampa White Green Basin Roundtable  
Colorado Basin Roundtable  
Archuleta County  
Delta County  
Eagle County  
Garfield County  
Gunnison County  
Grand County  
Hinsdale County  
La Plata County  
Mesa County  
Montezuma County  
Montrose County  
Ouray County  
Pitkin County  
Routt County  
San Miguel County  
Summit County  
City of Glenwood Springs  
City of Grand Junction  
City of Rifle  
Town of Basalt  
Town of Breckenridge  
Town of De Beque  
Town of New Castle  
Town of Palisade  
Town of Parachute  
Town of Silt  
Town of Silverthorne



# SHOSHONE WATER RIGHT PRESERVATION COALITION

FINANCIAL COMMITMENTS  
- \$97 MILLION

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**BUREAU OF RECLAMATION  
STATE OF COLORADO  
COLORADO RIVER DISTRICT**

## MAINSTEM COUNTIES:

SUMMIT - GRAND - EAGLE  
GARFIELD - MESA - PITKIN

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- BASALT WATER CONSERVANCY DISTRICT
- CITY OF GLENWOOD SPRINGS
- CITY OF GRAND JUNCTION
- CITY OF RIFLE
- CLIFTON WATER DISTRICT
- CLINTON DITCH AND RESERVOIR COMPANY
- COLORADO MESA UNIVERSITY
- DE BEQUE SOIL CONSERVATION DISTRICT
- EAGLE RIVER WATER AND SANITATION DISTRICT
- EAGLE PARK RESERVOIR COMPANY
- GRAND VALLEY IRRIGATION COMPANY
- GRAND VALLEY POWER
- GRAND VALLEY WATER USERS ASSOCIATION
- KOBE WATER AUTHORITY
- MESA COUNTY IRRIGATION DISTRICT
- MIDDLE PARK WATER CONSERVANCY DISTRICT
- ORCHARD MESA IRRIGATION DISTRICT
- PALISADE IRRIGATION DISTRICT
- SNOWMASS WATER AND SANITATION DISTRICT
- TOWN OF BASALT
- TOWN OF DE BEQUE
- TOWN OF NEW CASTLE
- TOWN OF PALISADE
- TOWN OF PARACHUTE
- TOWN OF SILT
- TOWN OF SILVERTHORNE
- UPPER EAGLE REGIONAL WATER AUTHORITY
- UTE WATER CONSERVANCY DISTRICT
- WEST DIVIDE WATER CONSERVANCY DISTRICT







*“We cannot let this opportunity pass us by, because we all depend on a healthy Colorado River — whether we live on the Front Range or the West Slope.”*

**– Speaker Julie McCluskie, Dec. 13, 2023**

*“I have been an unequivocal supporter of preserving those rights. This is a once-in-a-lifetime opportunity... We will do everything we can to get this across the finish line.”*

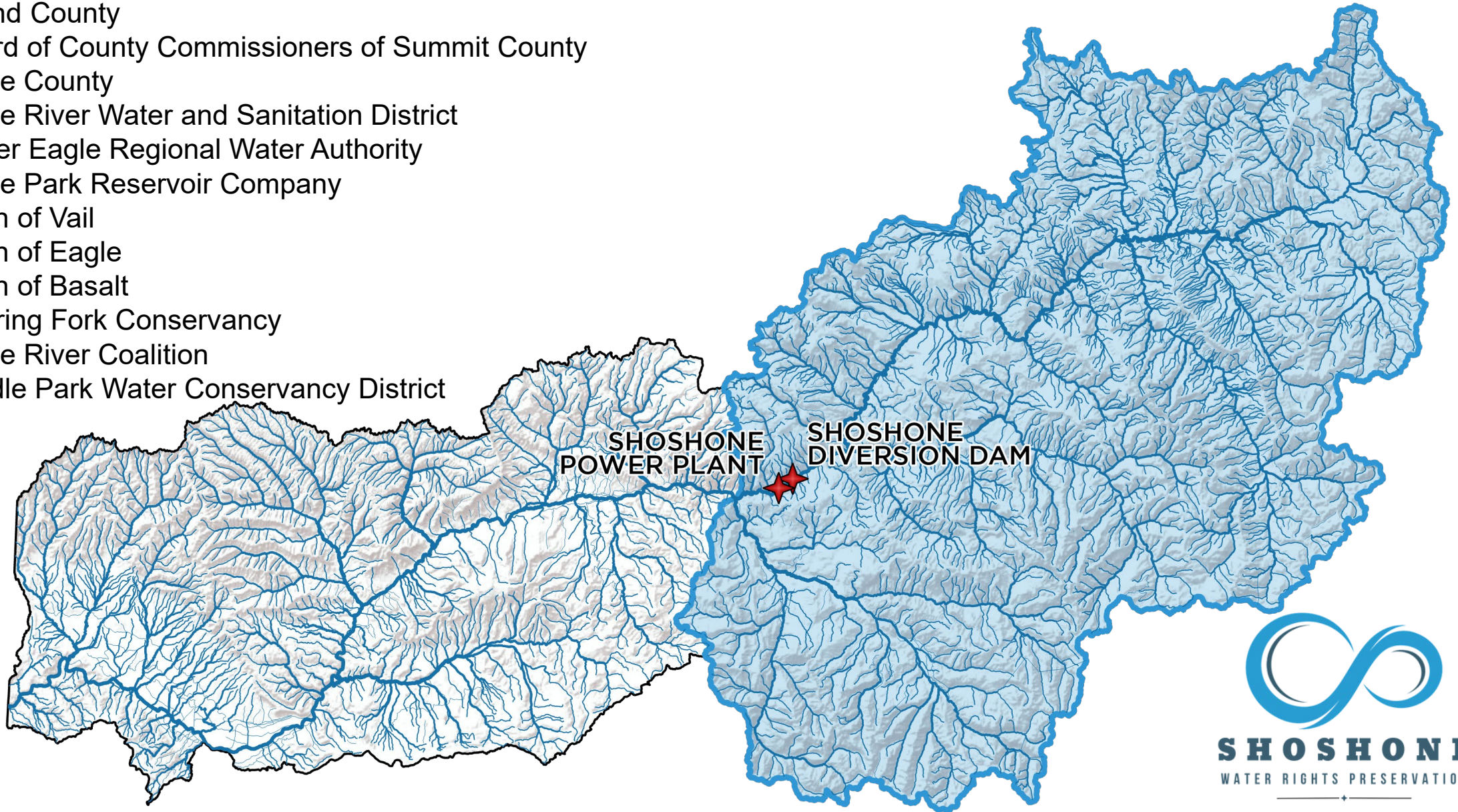
**– Governor Jared Polis, Aug. 19, 2025**



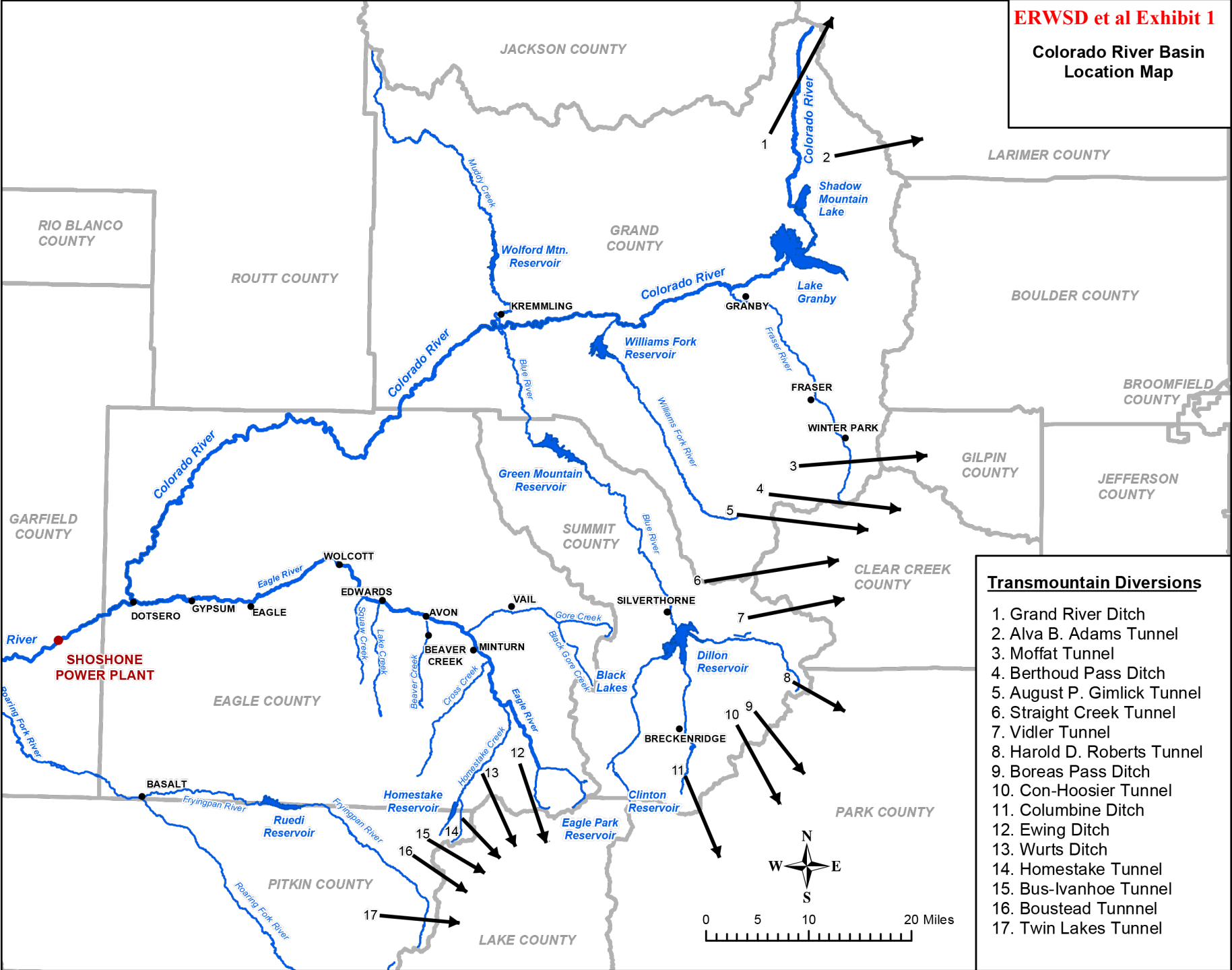


# Headwaters Parties

- Northwest Colorado Council of Governments Water Quality / Quantity Committee (QQ)
- Grand County
- Board of County Commissioners of Summit County
- Eagle County
- Eagle River Water and Sanitation District
- Upper Eagle Regional Water Authority
- Eagle Park Reservoir Company
- Town of Vail
- Town of Eagle
- Town of Basalt
- Roaring Fork Conservancy
- Eagle River Coalition
- Middle Park Water Conservancy District









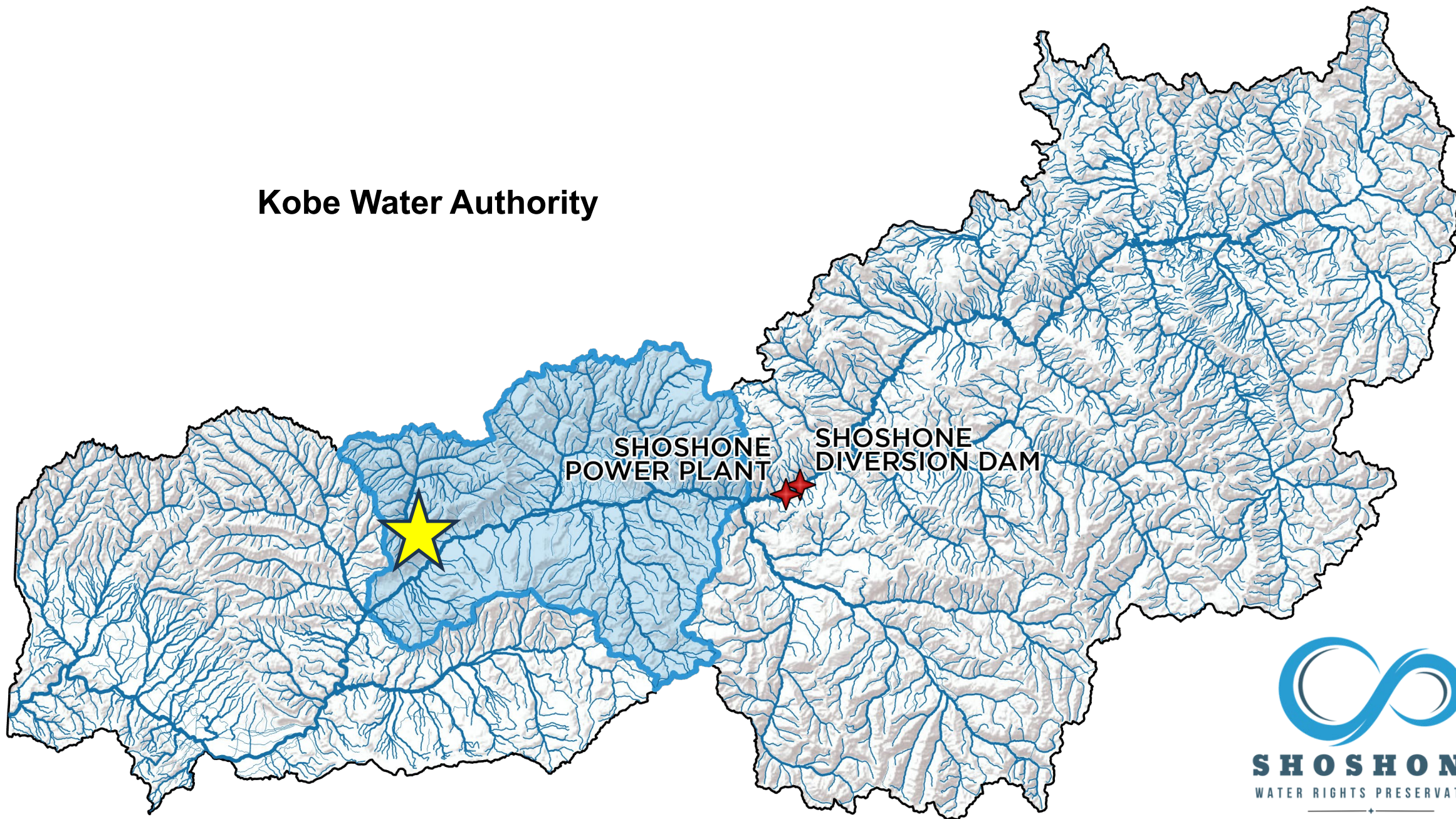
## Middle Colorado Entities

- Garfield County Board of County Commissioners
- City of Glenwood Springs
- City of Rifle





## Kobe Water Authority



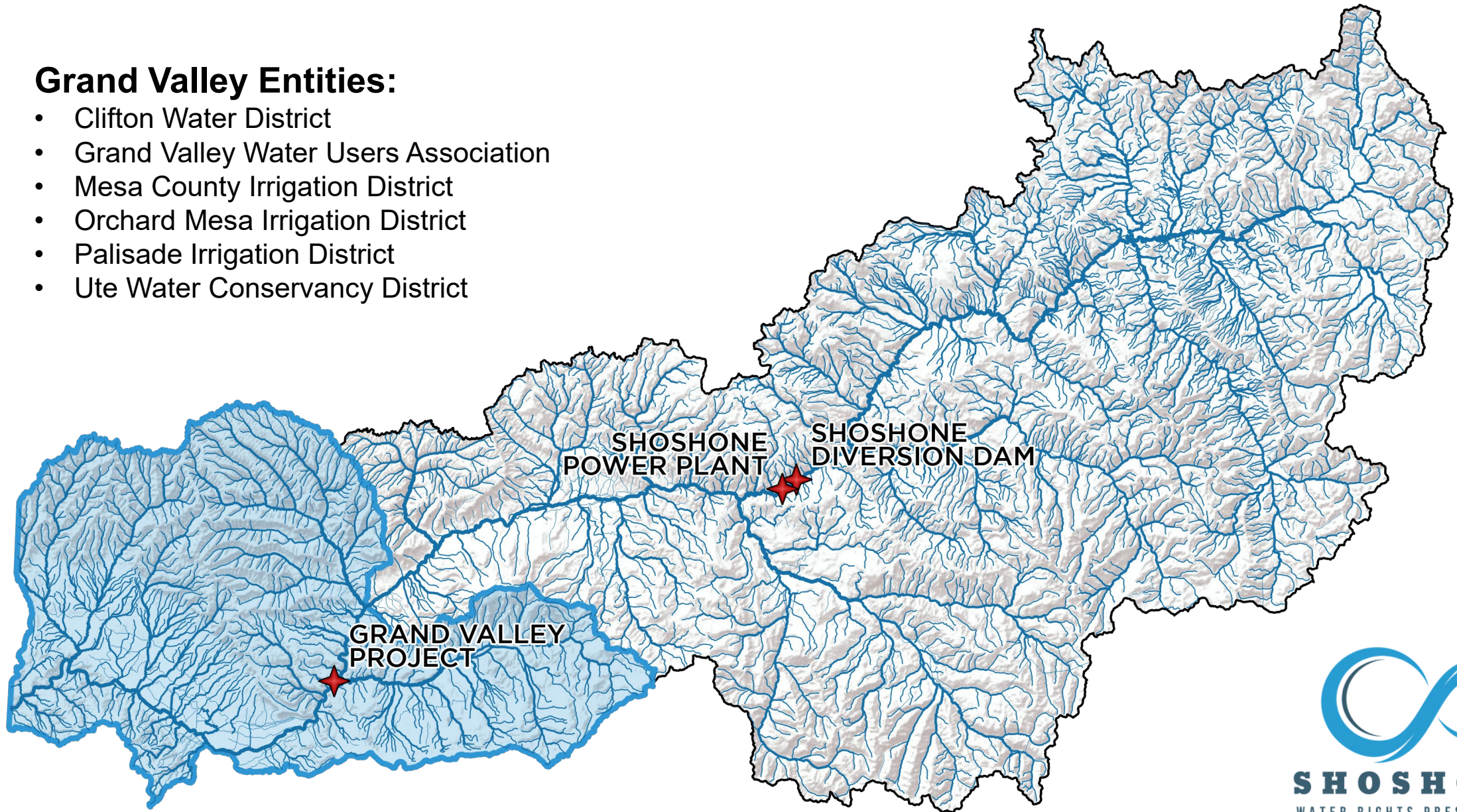




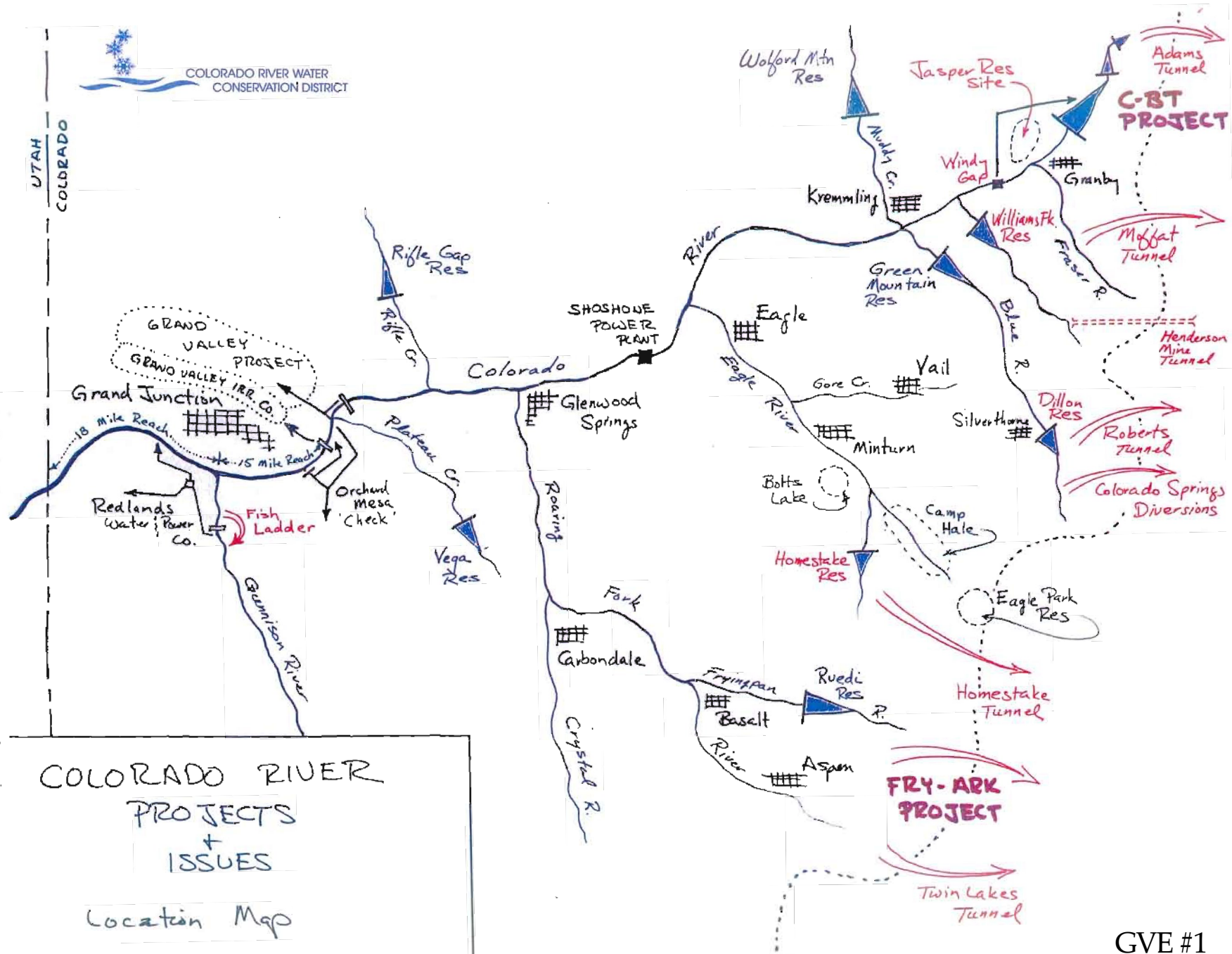


## Grand Valley Entities:

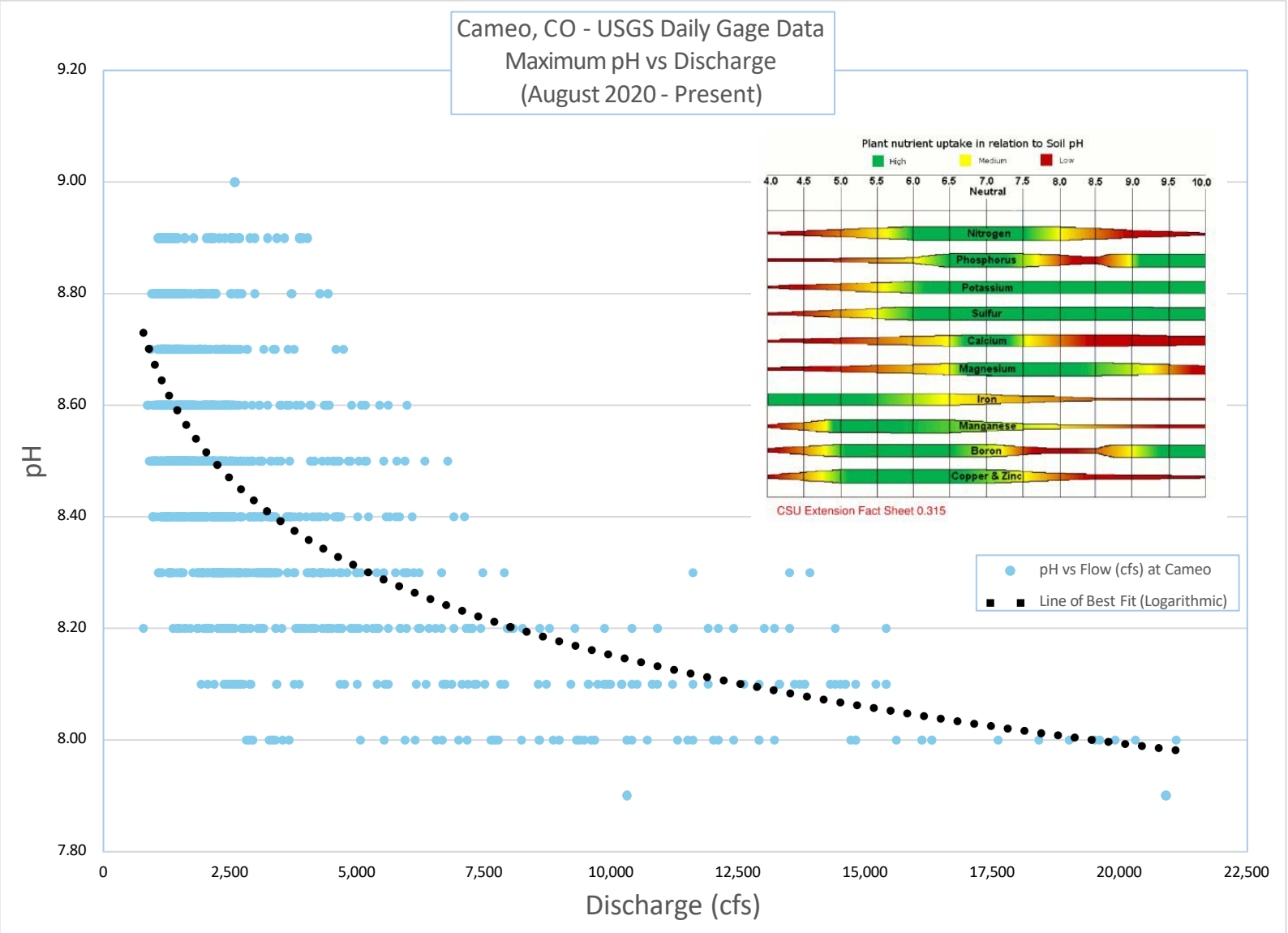
- Clifton Water District
- Grand Valley Water Users Association
- Mesa County Irrigation District
- Orchard Mesa Irrigation District
- Palisade Irrigation District
- Ute Water Conservancy District





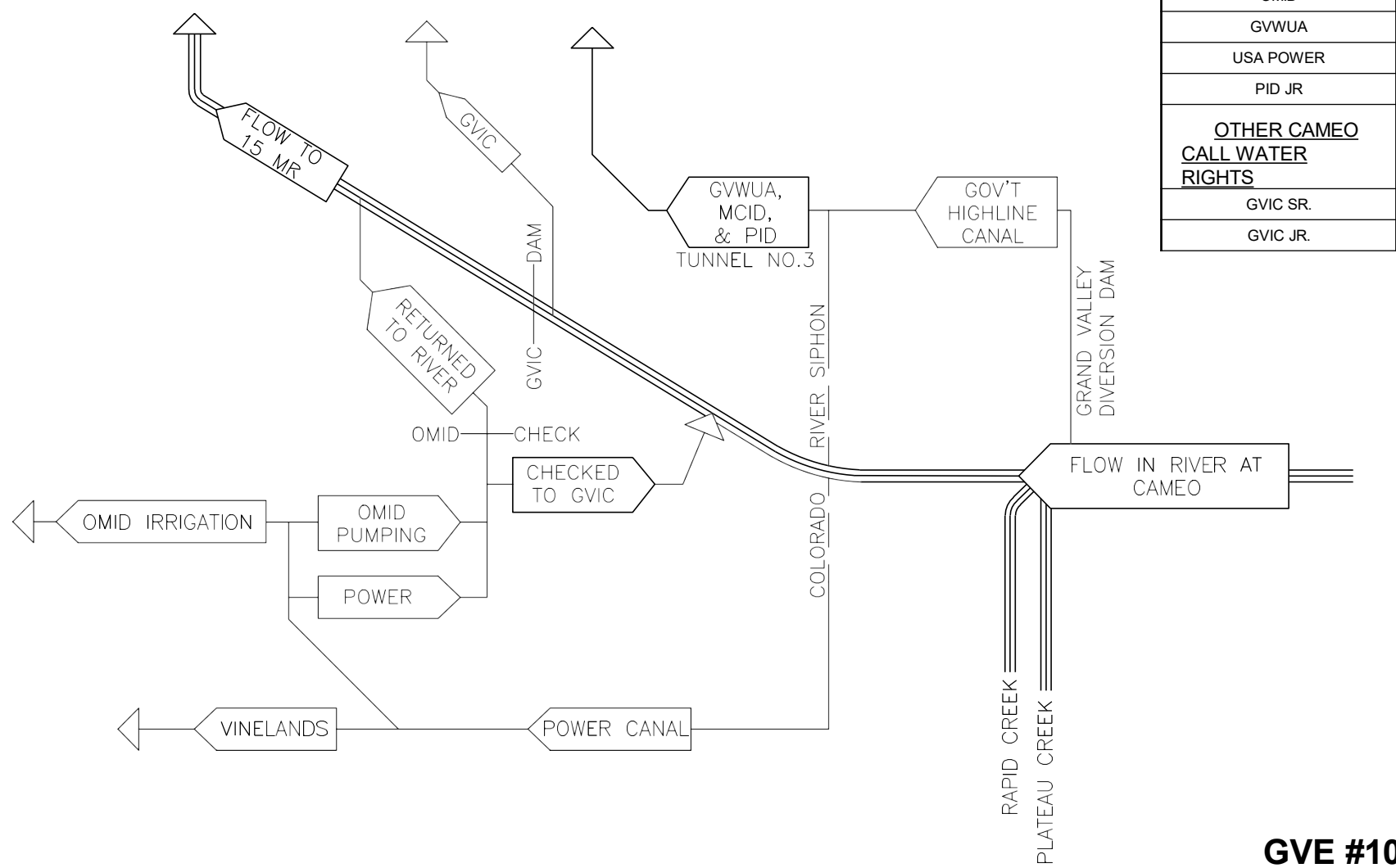








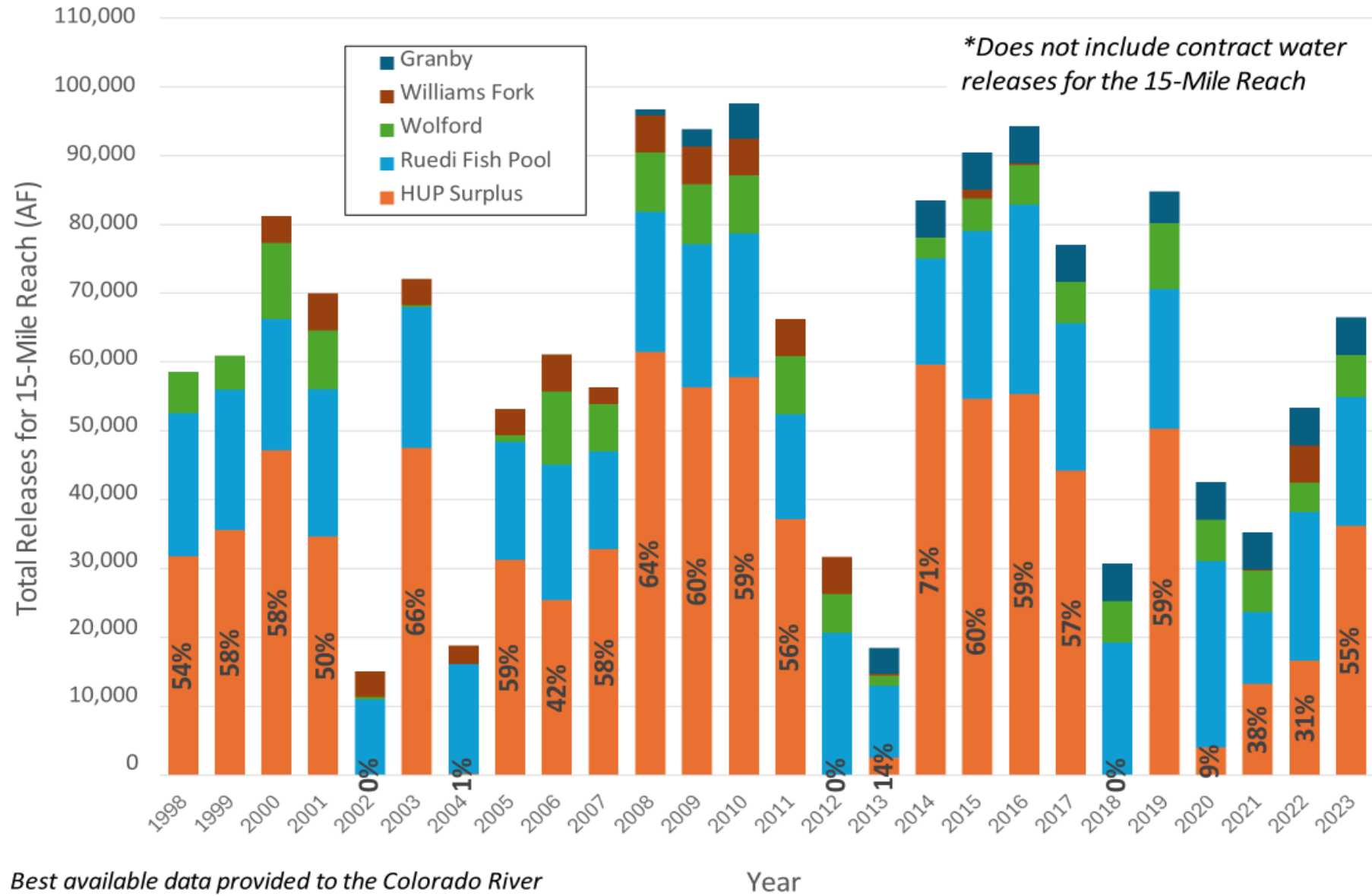
CAMEO CALL – OPERATIONAL SCHEMATIC



GVP WATER RIGHTS
PID SR.
OMID VINELANDS
MCID
OMID
GVWUA
USA POWER
PID JR
OTHER CAMEO CALL WATER RIGHTS
GVIC SR.
GVIC JR.



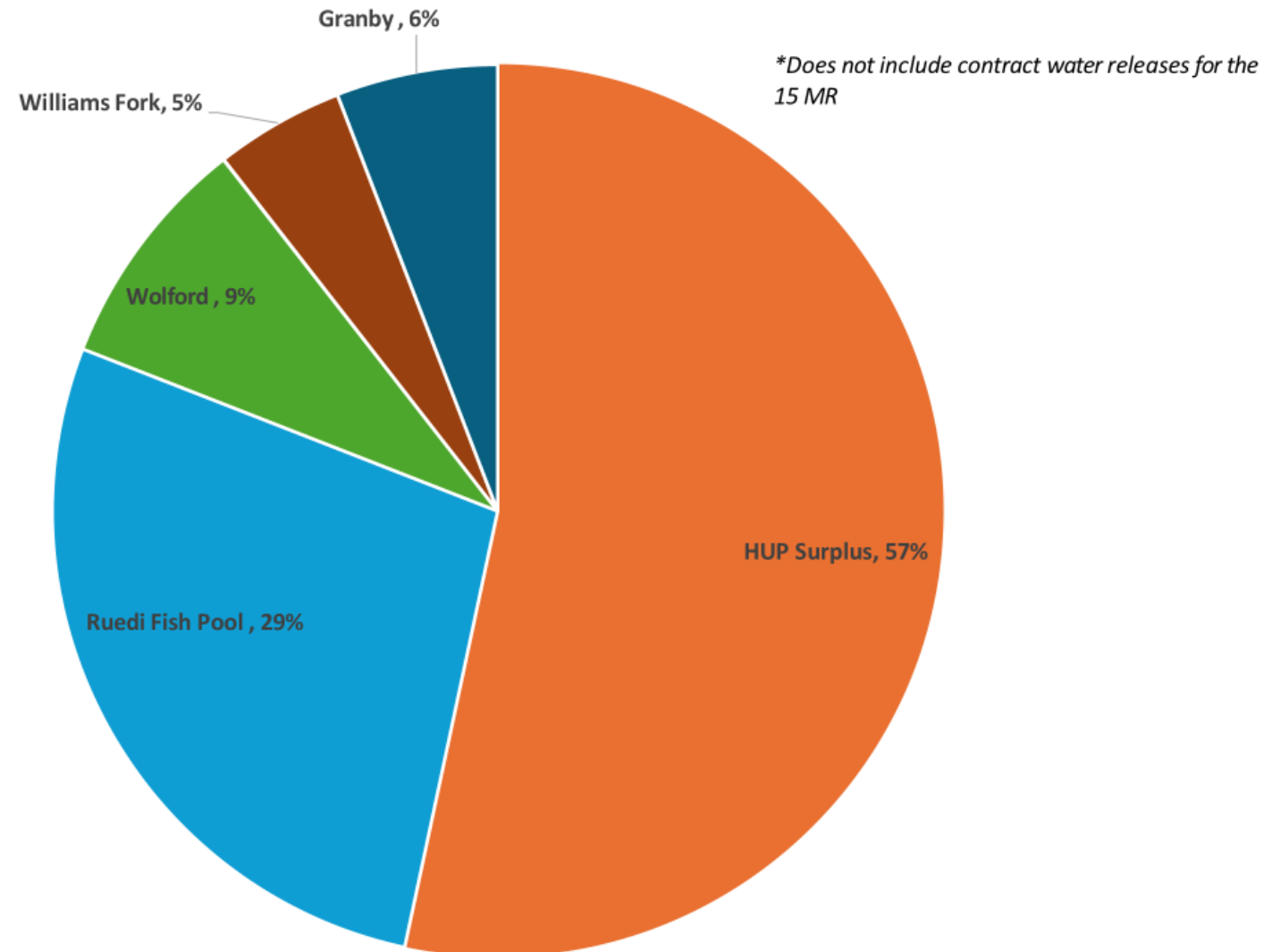
# Total Annual Reservoir Releases for the 15-Mile Reach



Best available data provided to the Colorado River  
District from the Division of Water Resources, Division 5



Median % of Total Annual Releases for 15 MR



*Best available data provided to the Colorado River District from the Division of Water Resources, Division 5*





**Western Resource Advocates  
Conservation Colorado  
American Rivers  
National Audubon Society  
Trout Unlimited**





**SUPPORT FOR THE PROPOSED  
ACQUISITION OF AN INTEREST IN THE  
SHOSHONE WATER RIGHTS FOR INSTREAM  
FLOW USE**

Testimony of  
Thomas Chart, Grand River Consulting LLC

*On behalf of  
Western Resource Advocates; Conservation Colorado; American Rivers;  
The National Audubon Society, and Trout Unlimited*

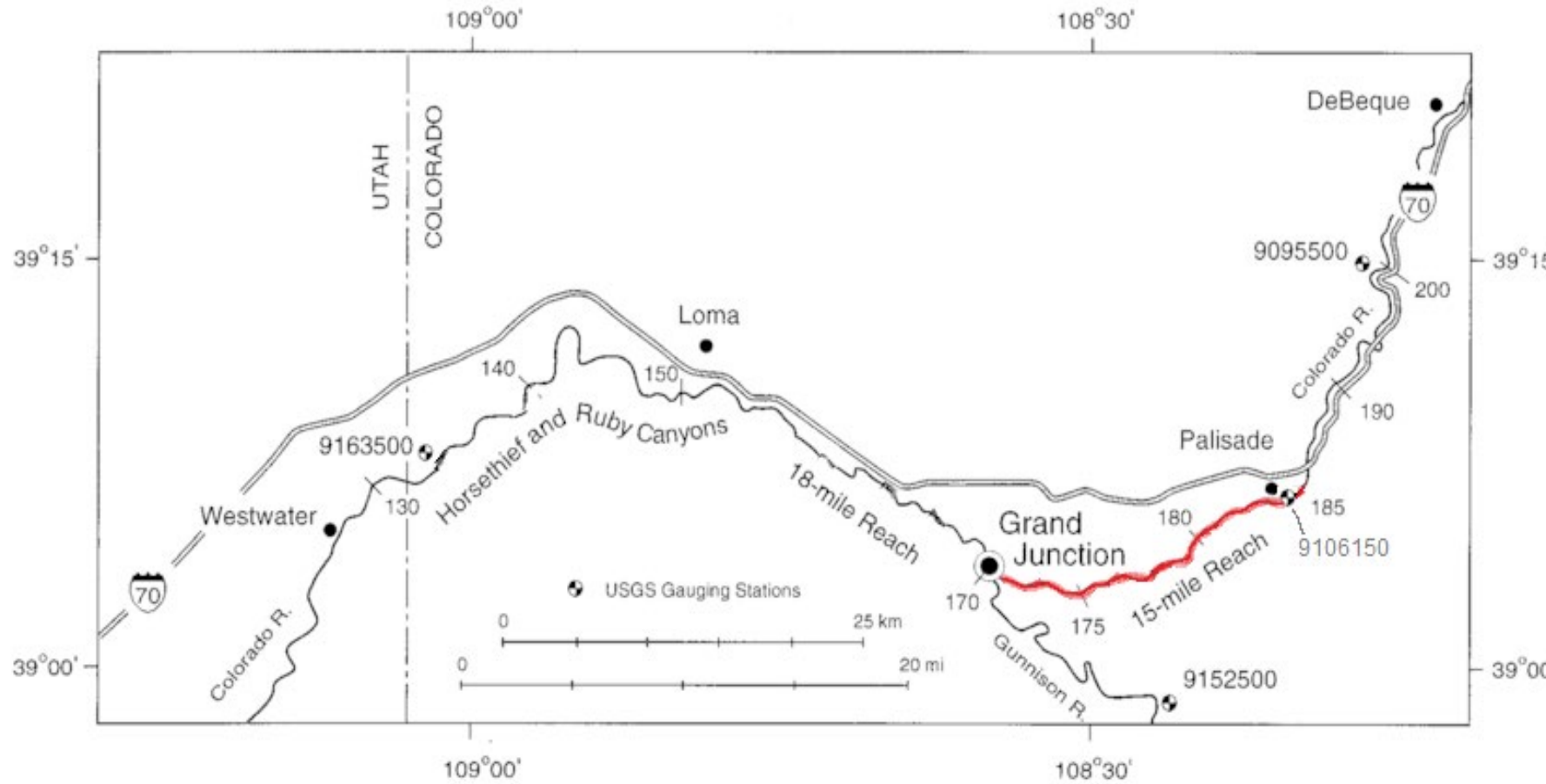


# OUTLINE

- Introduction
- Importance of the '15 Mile Reach' to ESA Listed Species
- The Water User Community and the 15 MR PBO
- Past Performance of Meeting the Fish Flow Targets
- Shoshone Water Rights Sustain Flows in the 15MR
- Shoshone Water Rights and Green Mountain HUP
- Conclusion



# 15 Mile Reach of the Colorado River



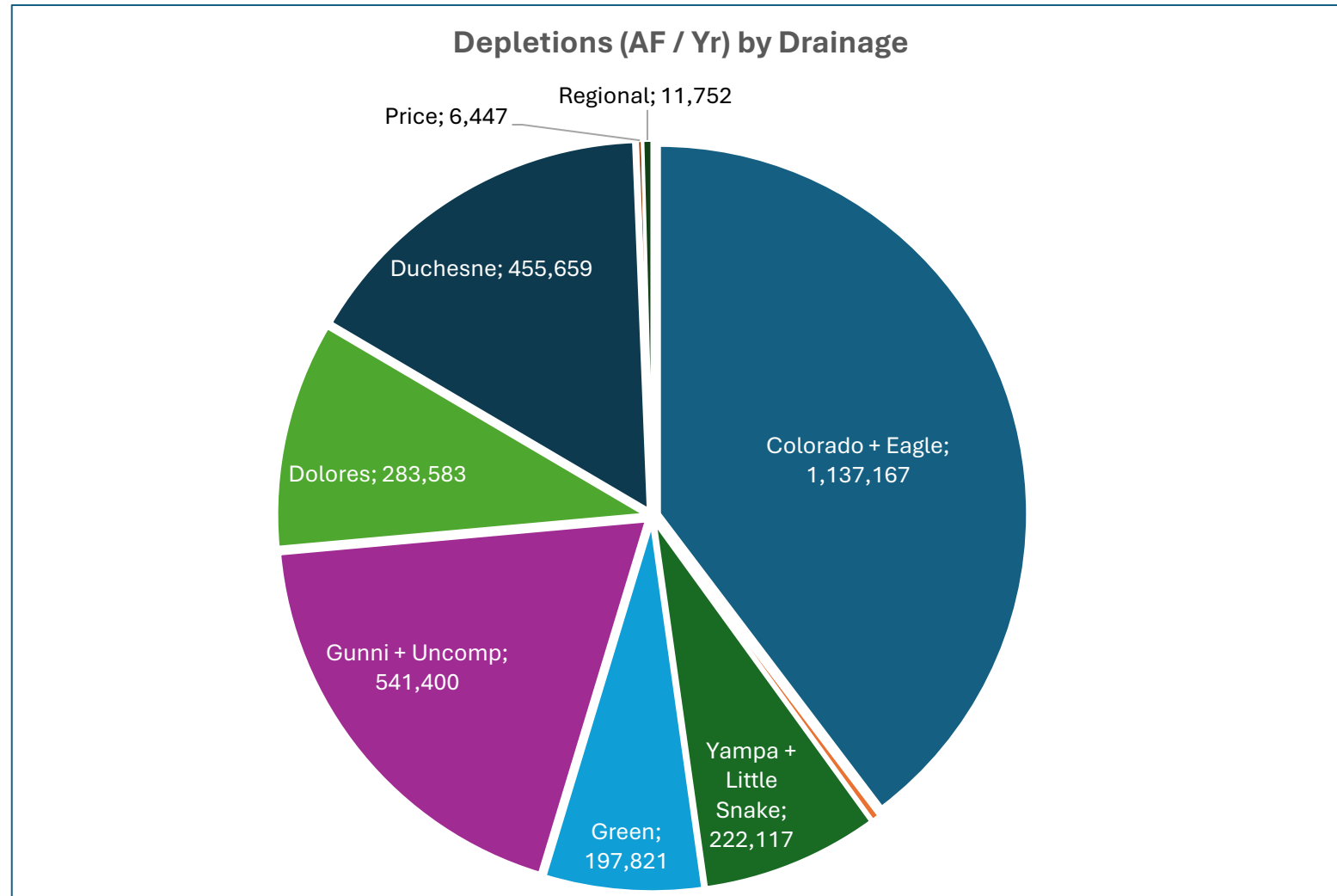
*Colorado Pikeminnow*



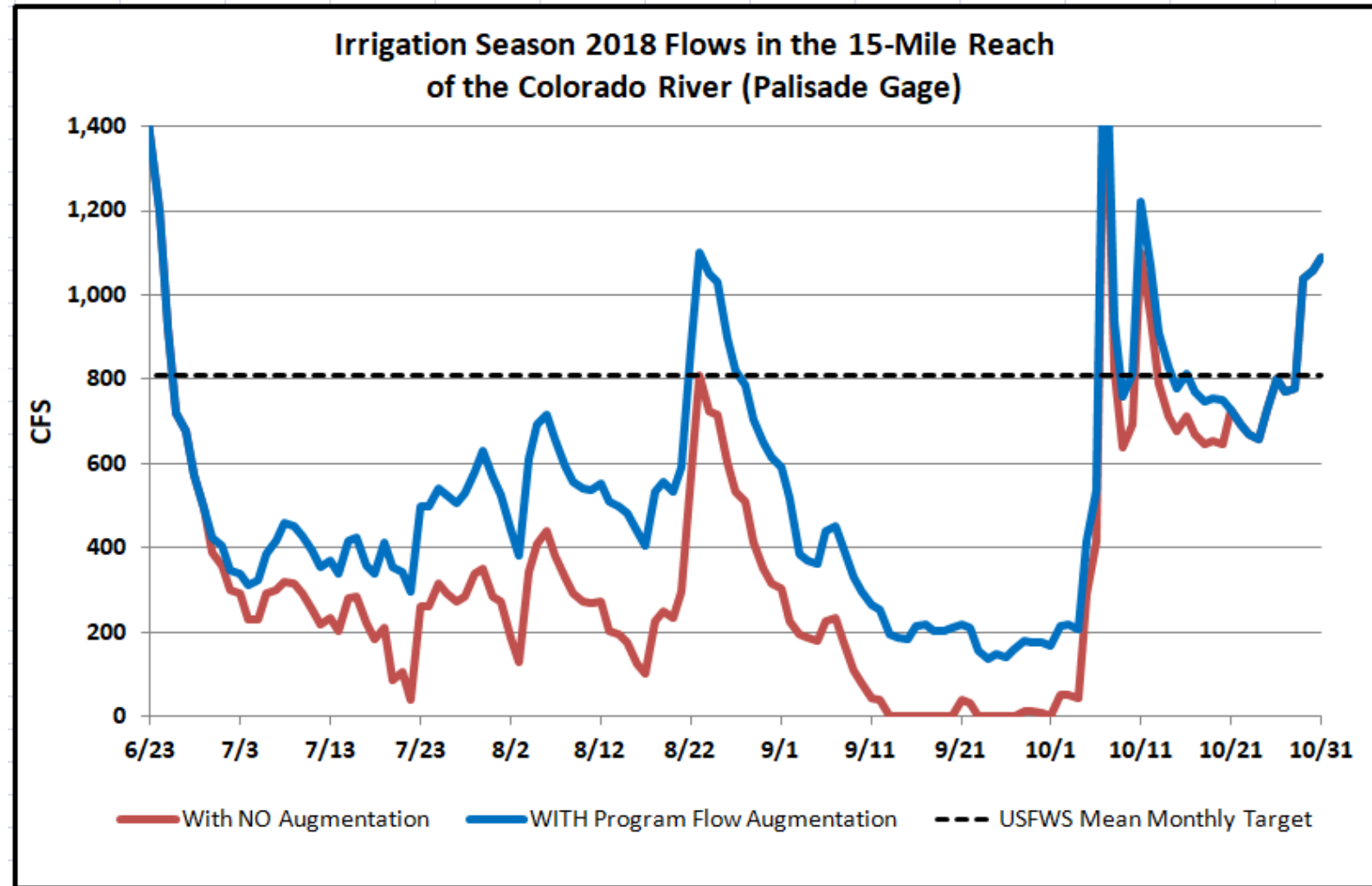
*Razorback sucker*



# The Endangered Fish Recovery Program provides ESA compliance for 2,214 Projects depleting 2.86 MAF/yr



15MR Fish  
Flow Targets: a  
requirement of  
PBO, have  
proven  
challenging to  
meet





### Low Flows in the 15MR:

- Restrict fish mobility
- Increase predation
- Reduce productivity



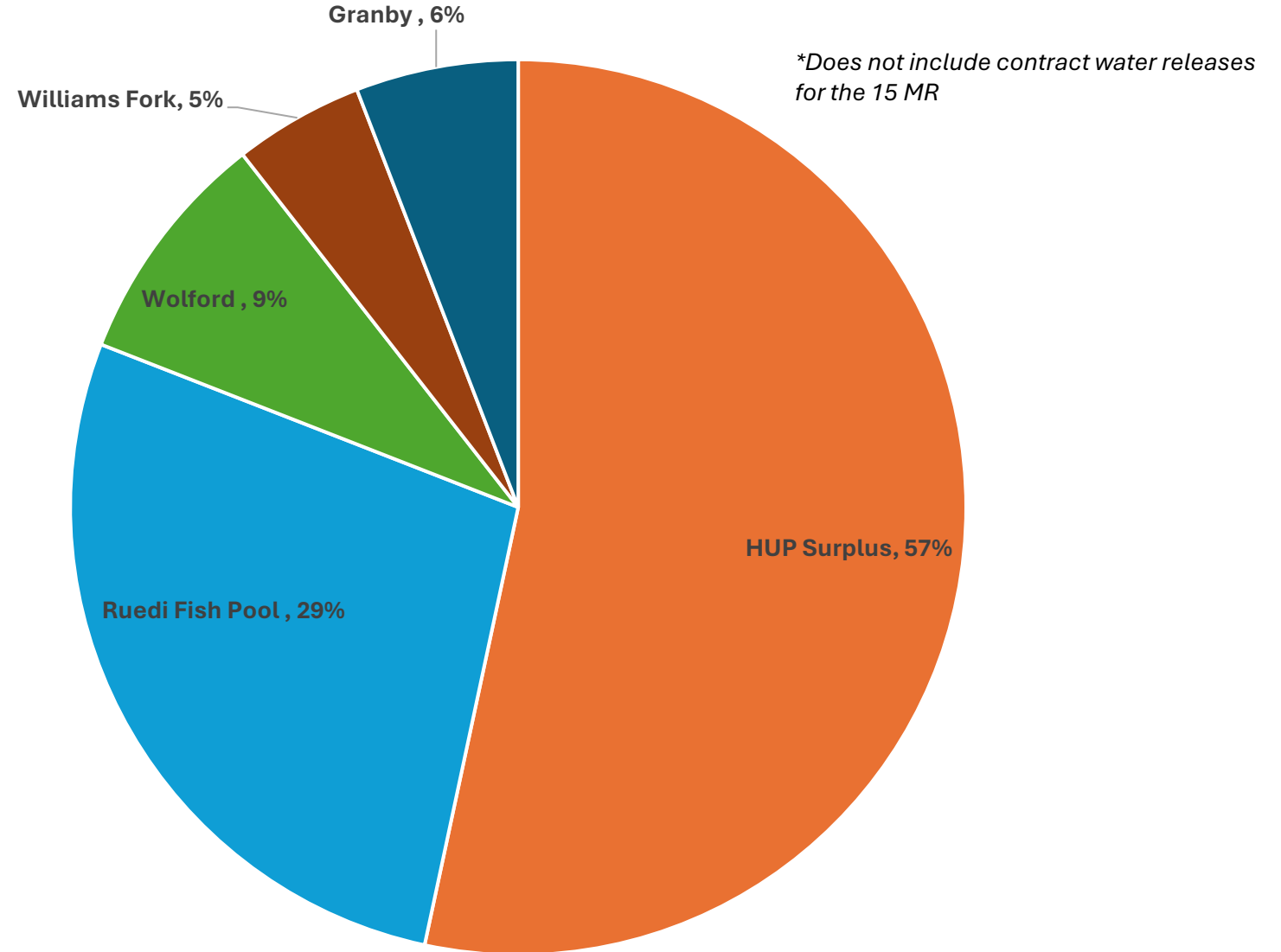
*15MR, April 2013; 400-450cfs (photo by D.Osmundson)*

## Green Mtn HUP

*-Historically, a critical component of 15MR flow augmentation when “surplus” declared*

*-Relies on “historical exercise of the Shoshone Water Rights” (as per OMID Check Case)*

Median % of Total Annual Releases for 15 MR



*Best available data provided to the Colorado River District from the Division of Water Resources, Division 5*



# Conclusions

## Permanent Protection of the Shoshone Water Rights will:

- Continue to contribute to meeting 15 MR fish flow targets
- Support the USFWS' 15 MR PBO, which offers ESA compliance for East and West Slope water users
- Reinforce the Recovery Program's collaborative approach to implementing the ESA





**American Whitewater  
Colorado River Outfitters  
Association**







*“Preserving the Shoshone water rights is vital for environmental health, economic stability, and community well-being in the Colorado River basin.”*

**- Bill K., Carbondale**



## **ISF RULE 6 - ACQUISITION OF WATER, WATER RIGHTS OR INTERESTS IN WATER FOR INSTREAM FLOW PURPOSES.**

*The Board may acquire water, water rights, or interests in water for ISF purposes by the following procedures:*

**ISF Rule 6e. Appropriateness of an Acquisition.** *The Board shall evaluate the appropriateness of any acquisition of water, water rights, or interests in water to preserve or improve the natural environment. Such evaluation shall include the following factors:*

- (1) The reach of stream for which the use of the acquired water is proposed
- (2) The natural flow regime;
- (3) Any potential material injury to existing decreed water rights;
- (4) The historical consumptive use and historical return flows of the water right proposed for acquisition that may be available for instream flow use;





# **ISF RULE 6 - ACQUISITION OF WATER, WATER RIGHTS OR INTERESTS IN WATER FOR INSTREAM FLOW PURPOSES.**

## **ISF Rule 6e. Appropriateness of an Acquisition.**

- (5) The natural environment that may be preserved or improved by the proposed acquisition, and whether the natural environment will be preserved or improved to a reasonable degree by the water available from the proposed acquisition;
- (6) The location of other water rights on the subject stream(s);
- (7) The effect of the proposed acquisition on any relevant interstate compact issue, including whether the acquisition would assist in meeting or result in the delivery of more water than required under compact obligations;



# **ISF RULE 6 - ACQUISITION OF WATER, WATER RIGHTS OR INTERESTS IN WATER FOR INSTREAM FLOW PURPOSES.**

## **ISF Rule 6e. Appropriateness of an Acquisition.**

- (8) The effect of the proposed acquisition on the maximum utilization of the waters of the state;
- (9) Whether the water acquired will be available for subsequent use or reuse downstream;
- (10) The cost to complete the transaction or any other associated costs; and
- (11) The administrability of the acquired water right when used for instream flow purposes.





# Why Water Court?

The change of water rights process in water court is the exclusive venue for resolving all issues regarding enlarged use and potential injury to vested water rights.



## Water Court will ensure that...

...all affected water users will have an opportunity to get involved to protect their interests

...the actual historical use of the Shoshone Water Rights will be properly quantified to avoid expansion of use

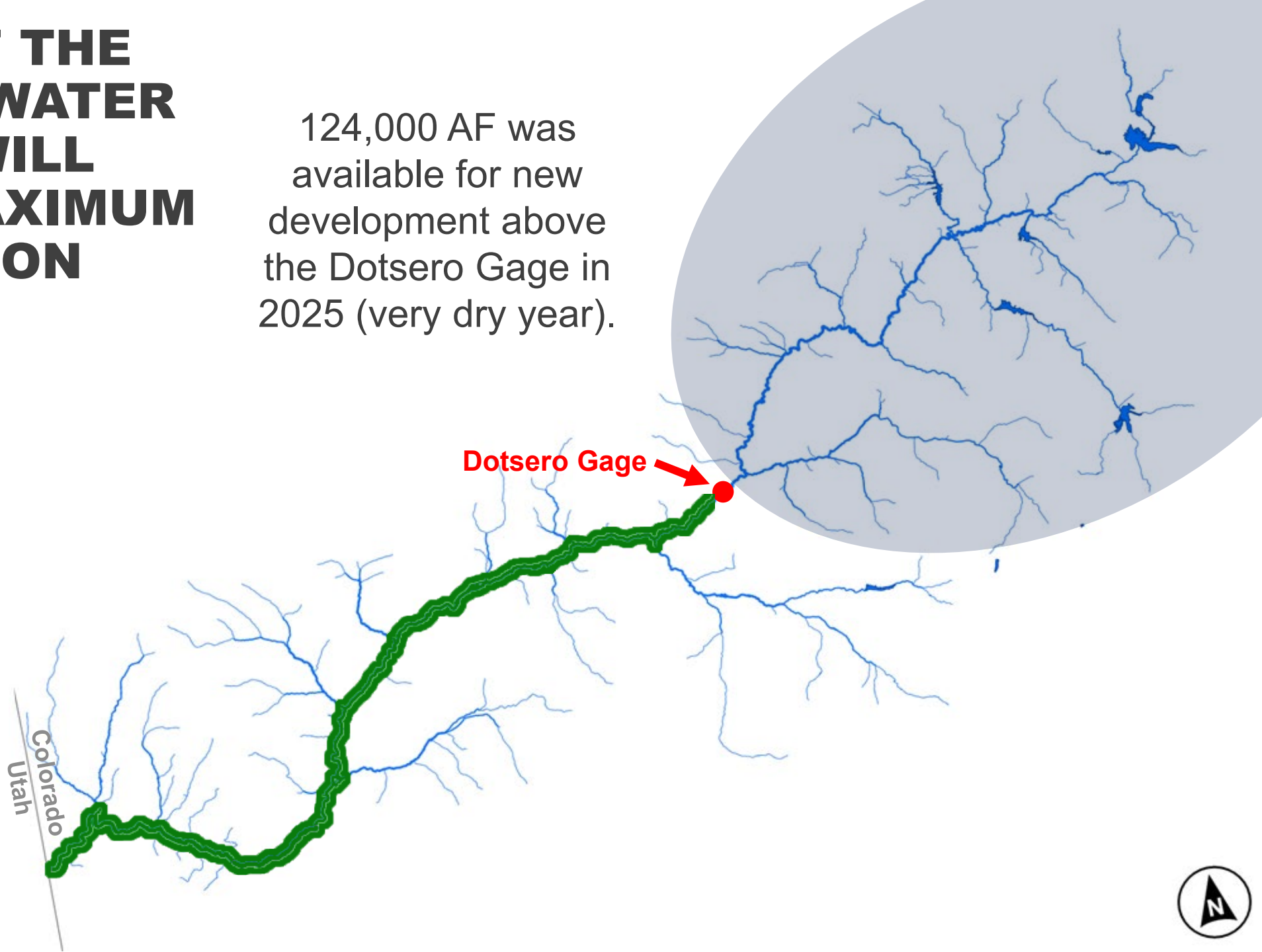
...protective terms and conditions are included in the change decree to prevent injury to vested water rights and maintain historical return flows



# ISF USE OF THE SHOSHONE WATER RIGHTS WILL PROMOTE MAXIMUM UTILIZATION

There are 145 river miles between the Shoshone Power Plant and the Colorado-Utah State Line in which consumptive water rights can be developed for use on both sides of the Continental Divide.

124,000 AF was available for new development above the Dotsero Gage in 2025 (very dry year).







**S H O S H O N E**

**WATER RIGHTS PRESERVATION**

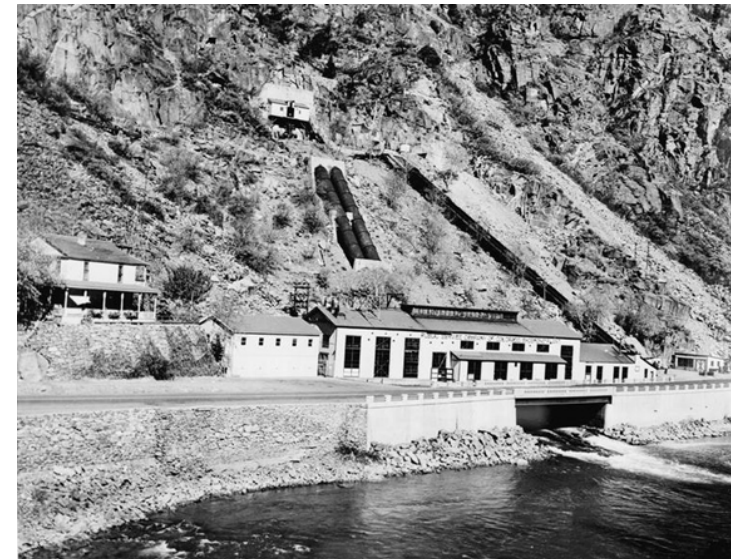


# Exhibits for Rebuttal John Carron, Ph.D.

September 17-18, 2025



**COLORADO RIVER DISTRICT**  
PROTECTING WESTERN COLORADO WATER SINCE 1937





# Shoshone Power Plant the Upper Colorado River Basin



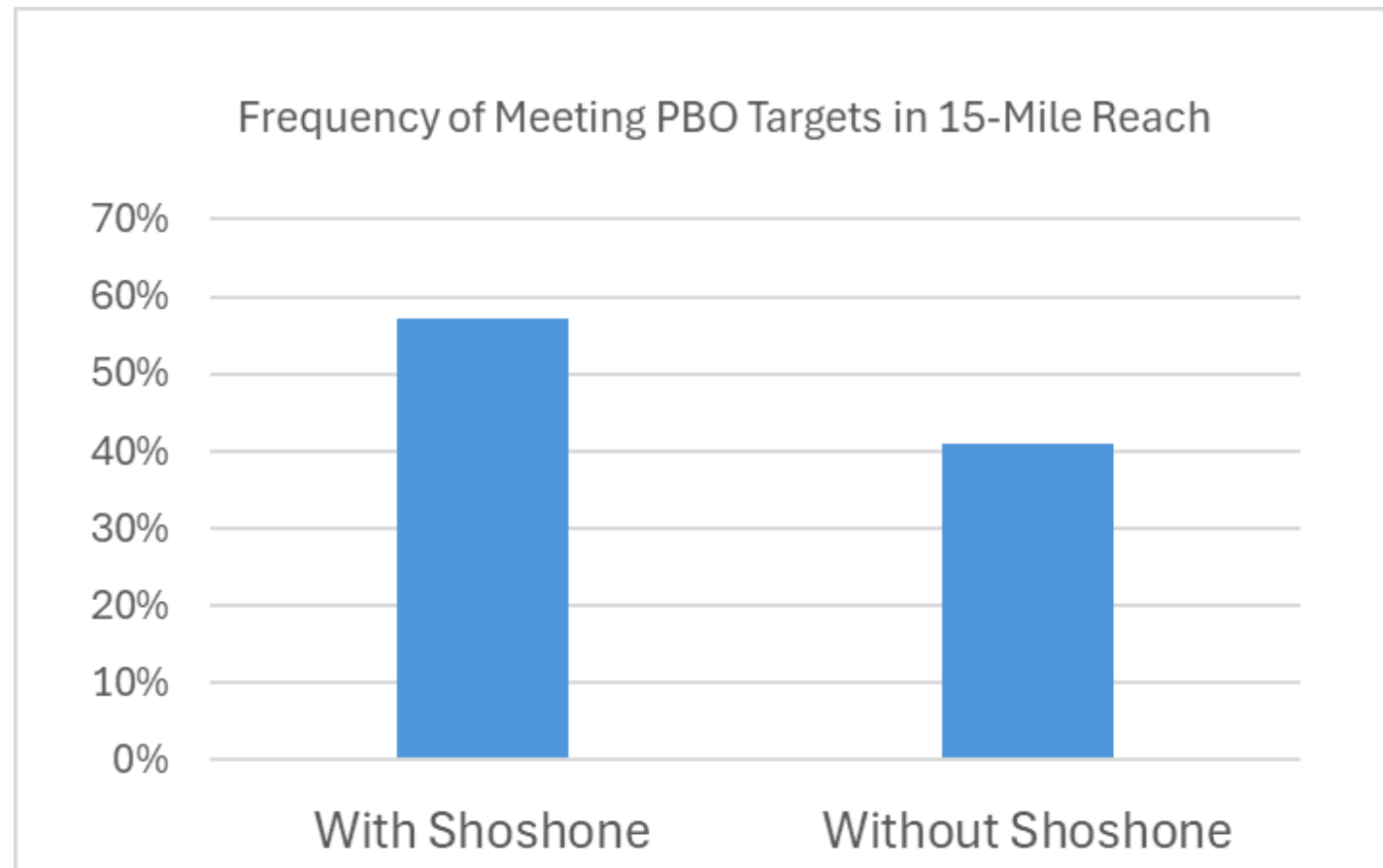
When you ask Google AI to write a Haiku  
about Shoshone Water Rights:

***Two thirsty divides,  
River flows through canyon walls,  
Tug of war ensues***

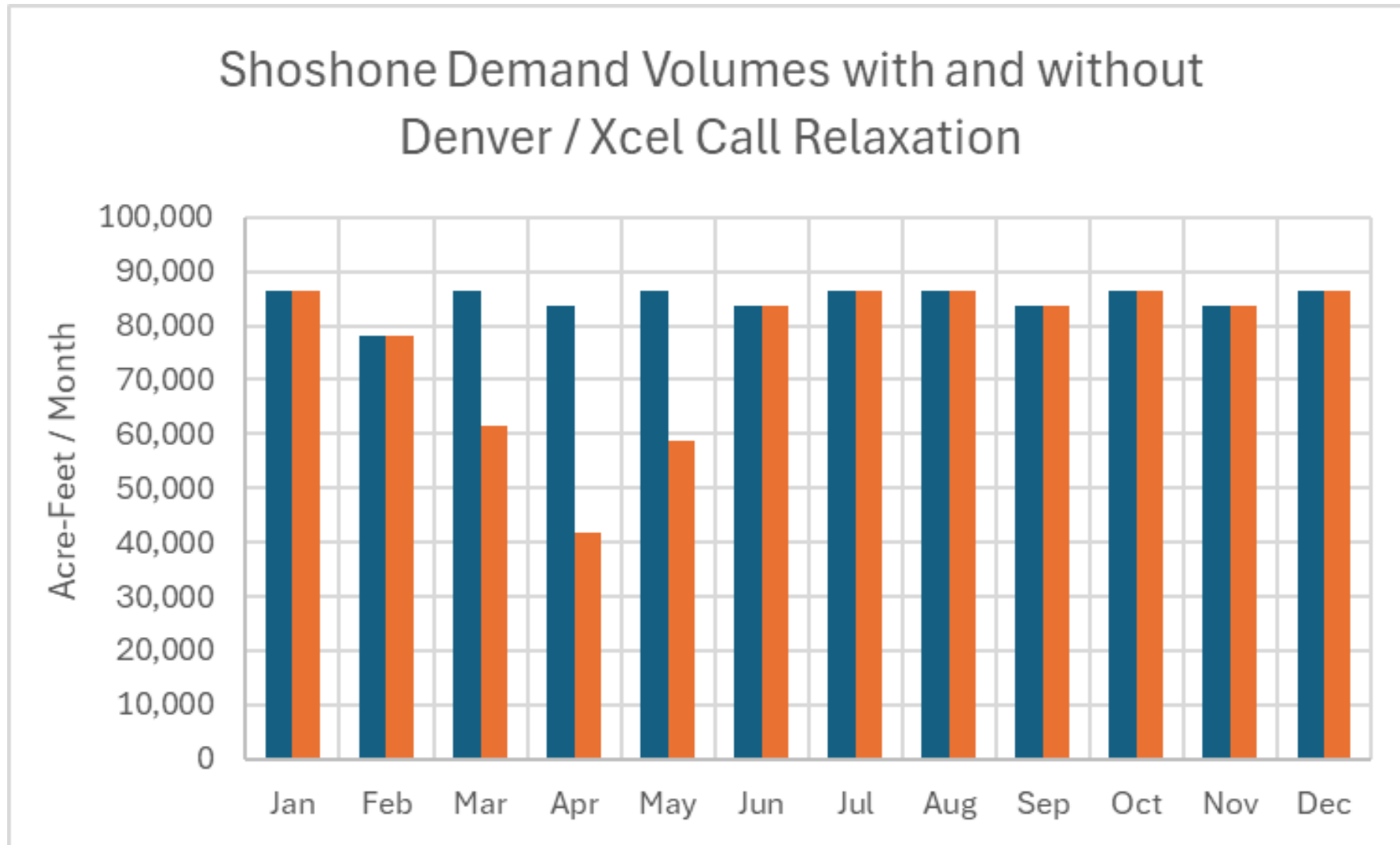
HAER No. CO-5-3



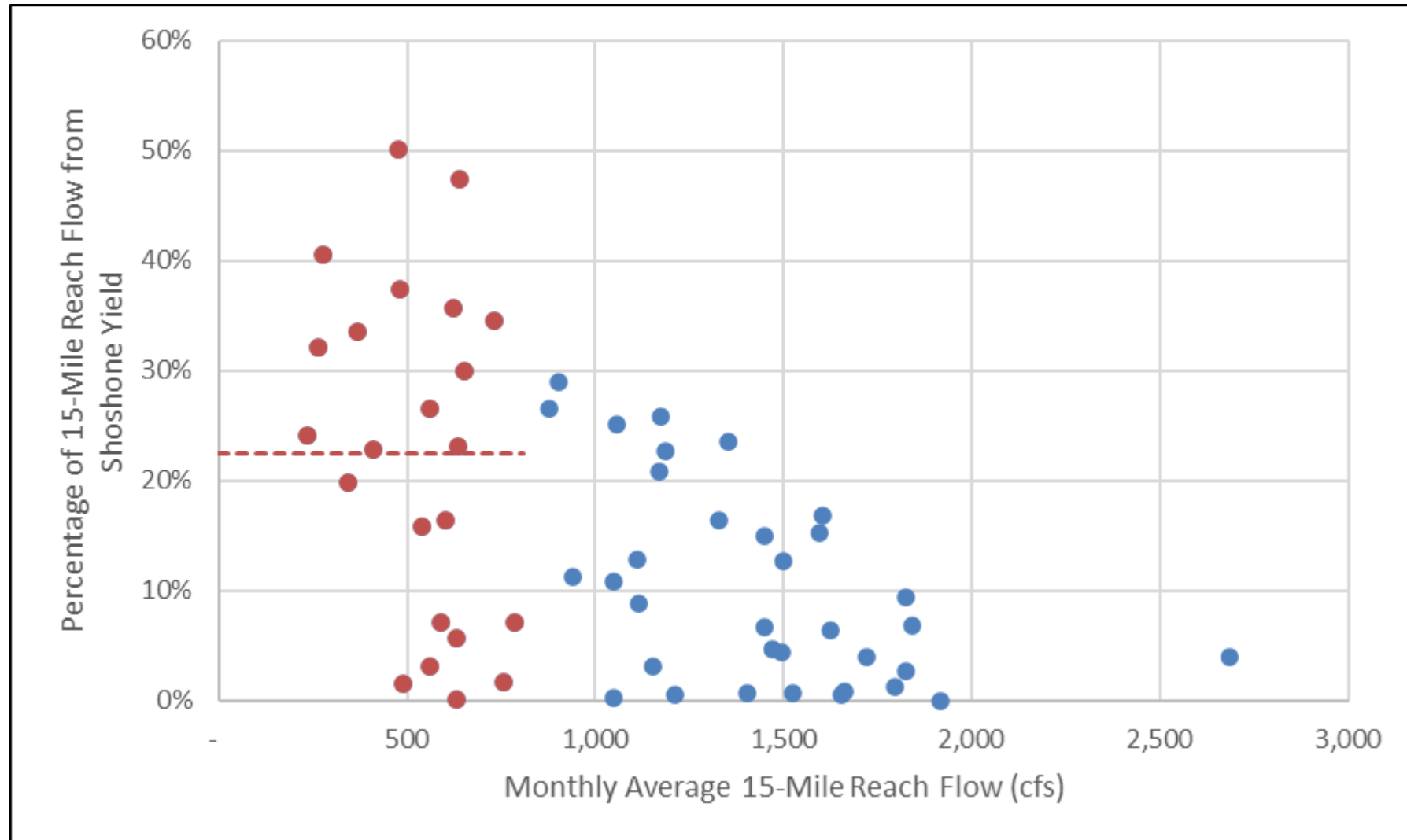
Eliminating the Shoshone Call would result in significant reductions in flow through the 15-Mile Reach, particularly during critical low-flow months (e.g., September 1988-2013):



## Denver / Xcel Call Relaxation Agreement reduces call by up to 95,000 AF





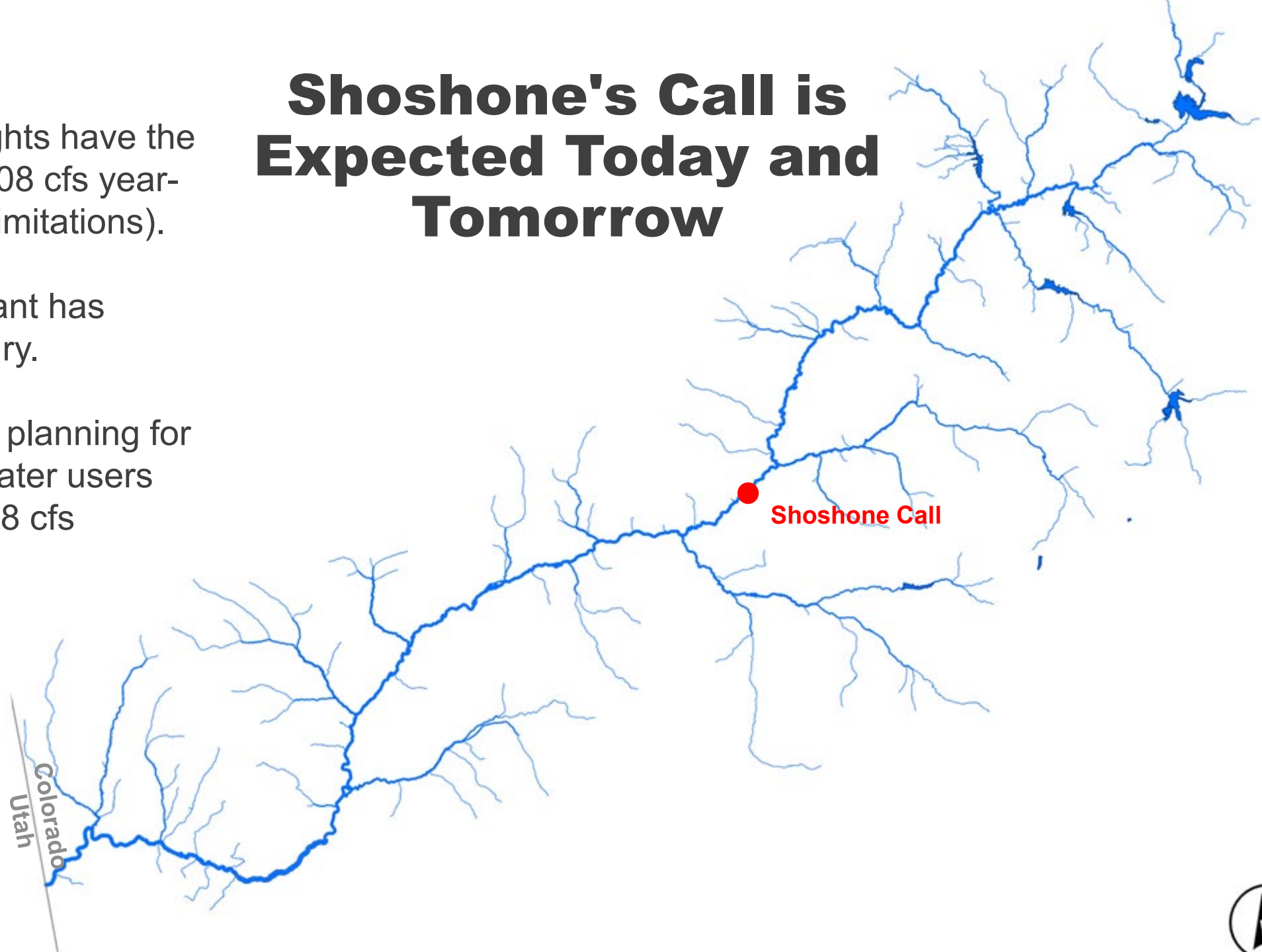


# Shoshone's Call is Expected Today and Tomorrow

The Shoshone Water Rights have the legal ability to call for 1,408 cfs year-round (no seasonal use limitations).

The Shoshone Power Plant has operated for over a century.

Long-range water supply planning for TMDs and West Slope water users assumes a constant 1,408 cfs Shoshone demand.





# Preliminary Historical Use Assessment

## Period of Record (CRD-12)

*Focused on Period of Record from 1975-2003 (29 years)*

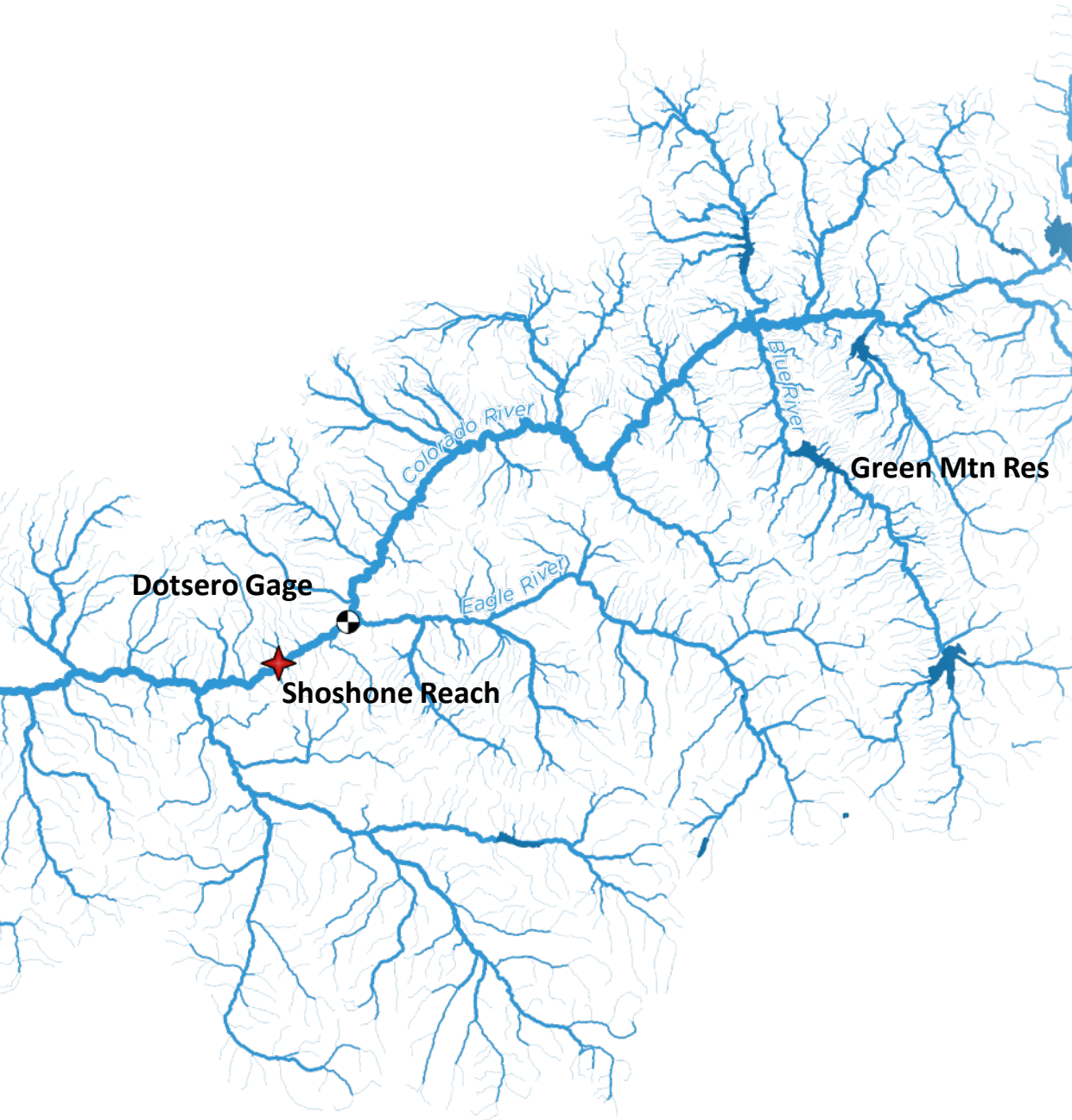
Period	Total Days of Full Outage	Average Annual Days of Full Outage
1975-2003 (29 years)	89	3
2004-2022 (19 years)	1,493	77

In a historical use analysis, the law requires that a representative study period:

- “be based on an analysis of the actual historical use of the water right for its decreed purposes during **a representative study period that includes wet years, dry years, and average years.**”
- And “**need not include every year of the entire history of the subject water right.**”

Colorado statute (section 37-92-305(3)(d)(I)-(II), C.R.S.)





## **Preliminary Historical Use Assessment (CRD-12):**

*Inclusion of Pre-1984 Green Mountain Reservoir Releases*

Senate Document 80 (Grand-4):

(c) Said 100,000 acre-feet ...shall be released within the period from April 15 to October 15 of each year as required to supply a sufficient quantity to maintain the specified flow of 1,250 cubic feet per second of water at the present site of said Shoshone diversion dam...





# Dotsero Gage Records vs. CDSS Records

- Dotsero Gage is the historical point of administration for the Shoshone Water Rights.
- CDSS Records are measured at the plant, below the point of administration and the decreed point of diversion at the Shoshone Diversion Dam.
- CDSS records alone do not fully capture historical diversions and use.
- Consequently, CDSS records under-represent historical return flows from the Shoshone Water Rights, and if solely relied on, would cause injury to downstream water rights.



*Example Francis Turbine runner photos for display purposes*





# Questions?

