

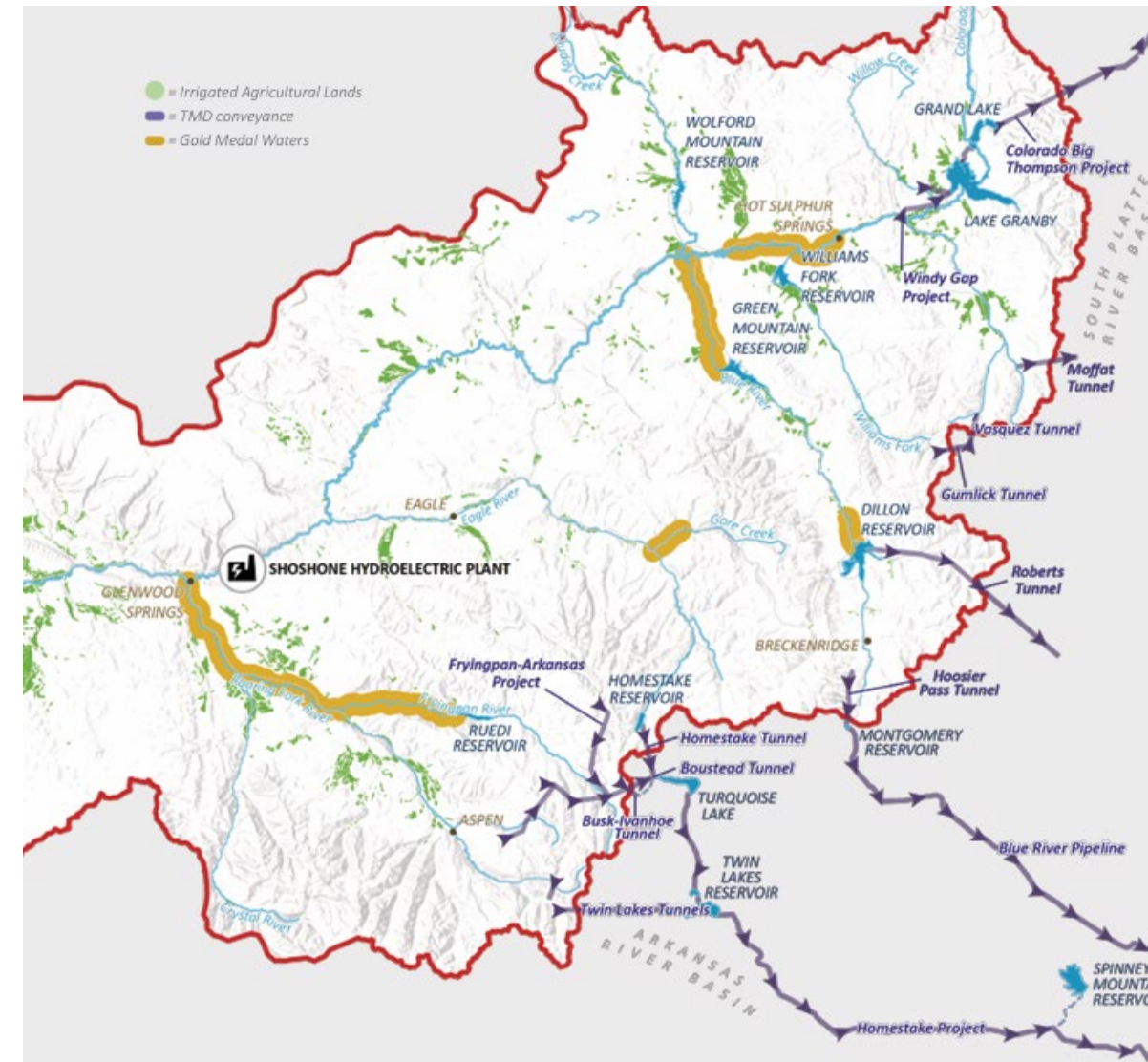
**AURORA  
WATER**

# **Concerns with the Shoshone ISF Acquisition**

## **As Currently Proposed**

# Presentation Overview

- Aurora supports adding ISF to the Shoshone water right.
- Aurora is a water conservation leader in the West.
- Every drop of Aurora's water supply counts.
- Aurora's IGA with the CRD is premised on protecting *the flow regime created by the operation of the Power Plant*.
- Because CRD proposes expansion of the right and this is a matter of statewide concern the Board should remain neutral.
- Because the CRD proposes an unprecedented grant of enforcement authority the Board should revise the ISF agreement.





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# **Aurora Supports the Shoshone ISF Acquisition**

***Aurora is Concerned  
with the Current  
Proposal***

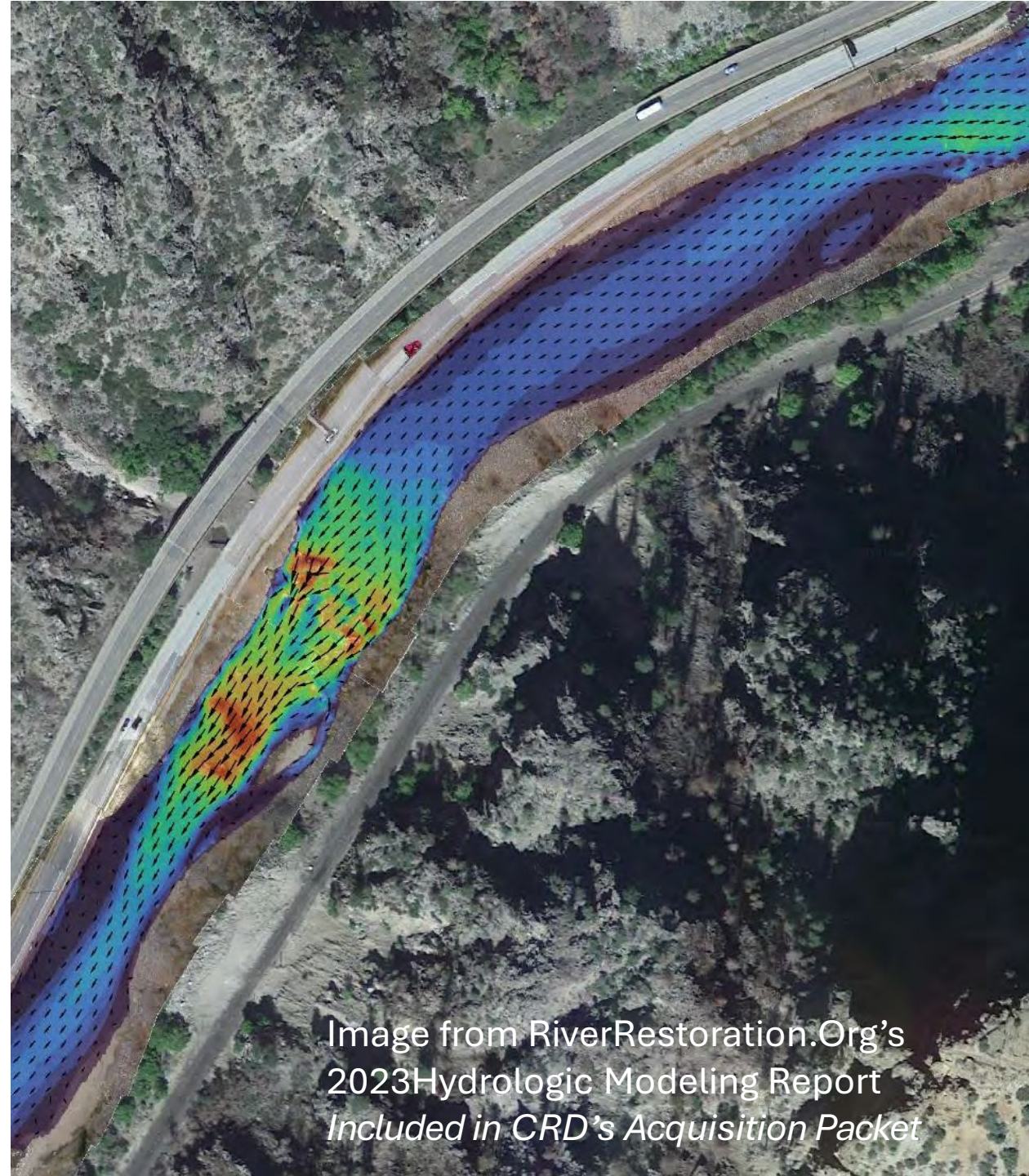
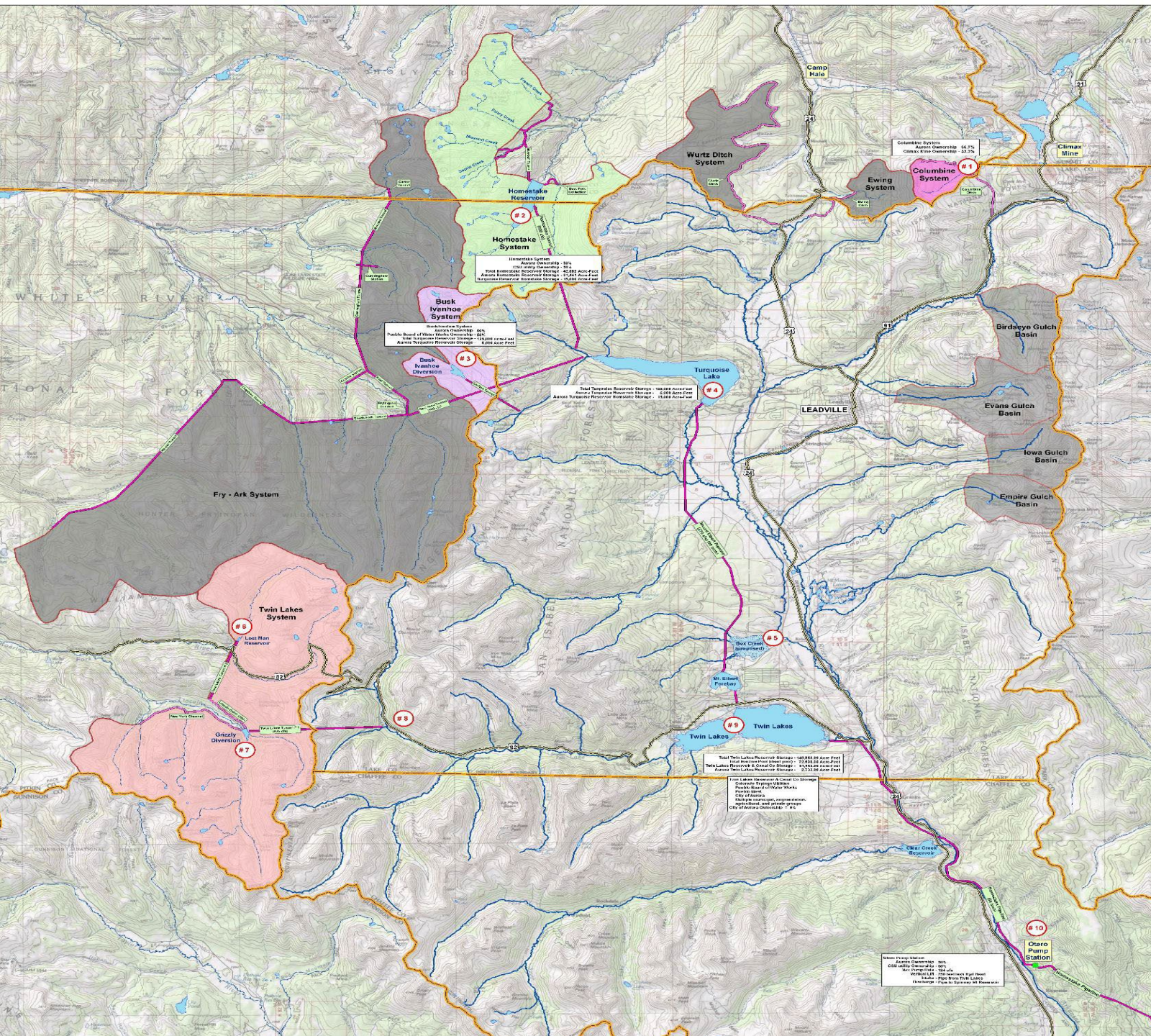


Image from RiverRestoration.Org's  
2023Hydrologic Modeling Report  
*Included in CRD's Acquisition Packet*





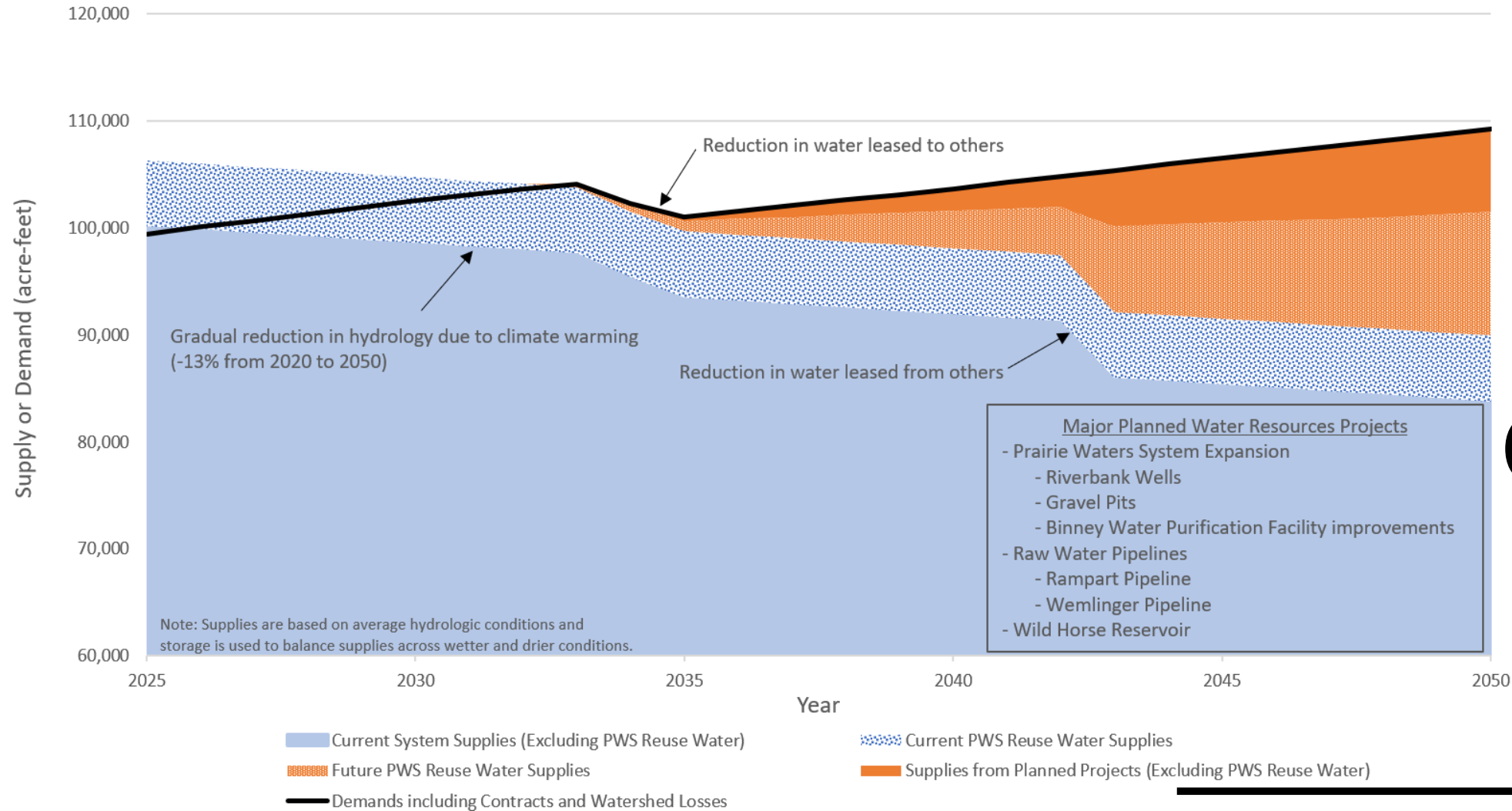
# Aurora's Water Supply

Colorado River: 25%  
Arkansas River: 25%  
South Platte: 50%



## Supply and Demand Projections under Average Hydrologic Conditions

Version: 8/12/2024



# Every Drop Counts

# Aurora Uses Water Wisely

- Large Water Users Guide
- Connection Fee Schedule
- Water Conservation Ordinance
- 4-Tiered Rate Structure
- Reduce Existing Turf (Colorado River Basin MOU)
- Aggressive Conservation Program
  - 24 Programs to help consumers use less water
- Water Acquisition
  - Aurora Arkansas Farm/Drought Recovery
- Advanced Metering Infrastructure



## 24 Water Conservation Programs

- AMI Leak Notification and Investigations
- Non Functional Turf Ban
- Code/Ordinance Development
- Commercial Washer Rebates
- Community Gardens
- Conservation Education
- Greatscapes – Income Qualified Landscape
- High Use Outreach and Investigations
- Indoor Water Assessments
- Irrigation and Soil Inspections
- Irrigation High-Efficiency Component Rebates
- Irrigation Plans Review
- Know Your Flow
- Large Property Watering Variance Program
- Low-income Water Efficiency Program
- Outdoor Water Assessments
- Smart Irrigation Controller Rebates
- Ultra-high Efficiency Toilet Rebates
- Water Management Plan Enforcement
- Water-wise Landscape Designs
- Water-wise Garden
- Water-wise Landscape Rebates
- Water-wise Neighbors – New 2021
- Z-zone Program

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*\* Programs in GREEN are outdoor use focused or inclusive*



# 2018 IGA

## Agreement and Intergovernmental Agreement between Aurora, CRWCD, Basalt WCD, Eagle County, Pitkin County, Grand Valley Water Users Association, Orchard Mesa Irrigation District, and the Ute WCD

DATE FILED: August 3, 2018 10:07 AM  
FILING ID: A5183D429A3C5  
CASE NUMBER: 2009CW142

This Agreement and Intergovernmental Agreement (the “Agreement”) is entered into as of the Effective Date herein below defined, by and between:

- The City of Aurora, Colorado, a Colorado municipal corporation of the Counties of Adams, Arapahoe, and Douglas, acting by and through its Utility Enterprise (“Aurora”) and,
- Buck Branch, Inc., a Colorado mutual ditch company (“B. Branch”), and

34. Shoshone Permanency. CRWCD, BWCD, Eagle, GVVUA, OMID and Ute (in addition to other western slope entities who are not parties to this Agreement) seek to achieve permanent protection of the flow regime created by operation of the SPP regardless of whether the SPP continues to operate in the future (“Shoshone Permanency”). Aurora agrees to not oppose Shoshone Permanency as follows:

- The Ute Water Conservancy District acting by and through the Ute Water Activity Enterprise (“Ute”).

Individually these entities are sometimes hereinafter referred to as a “Party” and collectively as the “Parties.” The CRWCD, BWCD, Eagle, Pitkin, GVVUA, OMID and Ute are collectively referred to as the “West Slope Parties.”



**Approval of CRD's  
Proposed ISF  
Agreement would  
be an  
unprecedented  
delegation of  
CWCB's authority,  
locking the Board  
into automatic  
calls.**

CONDITIONS ON THE ADMINISTRATION AND EXERCISE OF  
THE SHOSHONE WATER RIGHTS FOR INSTREAM FLOW USE

7. It is the intent of the parties that the Shoshone Water Rights will be protected for instream flow use to the maximum extent possible as allowed under the Water Court Decree, to the extent the Shoshone Water Rights are not being used for power generation. To implement this mutual intent, the CWCB agrees that it will request administration of the Shoshone Water Rights for instream flow use in the Shoshone Reach of the Colorado River to preserve and improve the natural environment to a reasonable degree at all times when the Natural Flow of the Colorado River as measured at the Dotsero Gage is less than 1,408 c.f.s., subject only to the limitations set forth below:
    - a. Any terms, conditions, and limits set forth in the Decree;
    - b. Any reduction in instream flow use made pursuant to the terms and conditions of Paragraph 9, below, due to use or planned use of the Shoshone Water Right for power generation; and
    - c. During any period wherein the CWCB and the River District jointly agree in writing to reduce the flow rate requested for administration of the Shoshone Water Rights for instream flow purposes.
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# ISF Agreement Comparison Table

Exhibit #	Year	Parties	Annual Acre-Foot/ Flow Rate	Water Right Decree	Delegation of CWCB Enforcement Authority?	Delegation Terms
CRD-19	2011	Denver Water and Grand County	1,000–2,000 acre-feet		No	
CRD-20	2019	City of Boulder	1,500 acre-feet		No	
CRD-21	2009	Pitkin County Trust	~3.5 cfs		No	
CRD-22	1990	City of Boulder	15 cfs	Change Decree in 1989	Yes	CWCB retained sole discretion to terminate delegation.
CRD-23	2013	Denver Water	up to 5 cfs		No	
CRD-24	2015	CO Water Trust	5.8 cfs	Change Decree in 2013	Yes	CWCB retained authority to call. Included injury-mitigation terms.
<b>CRD Shoshone Proposal</b>	<b>2025</b>	<b>CRD and PSCo</b>	<b>844,644 acre-feet/ 1408 cfs</b>	<b>Sr. Decreed 1907 Jr. Decreed 1956</b>	<b>Yes</b>	<b>Mandatory maximum 1408 cfs call unless CRD written approval.</b>



# The ISF Agreement with CO Water Trust preserves CWCB's exclusive authority.

## GRANT OF FLOW RESTORATION USE

[CWCB]

This GRANT OF FLOW RESTORATION USE (this "Grant") dated this ~~23<sup>rd</sup>~~ <sup>April</sup> day of April, 2015, is between the COLORADO WATER TRUST (the "Trust"), a Colorado nonprofit corporation, and the COLORADO WATER CONSERVATION BOARD (the "Board"), an agency of the State of Colorado (sometimes collectively referred to herein as the "Parties").

7. Administration. Pursuant to 2 CCR 408(2)(10), the Board hereby authorize the Trust to be the CWCB's agent for administration and monitoring of the instream flow use of the Water Rights. If the stream flow at any monitored point falls below the decreed instream flow amount provided by the Water Rights, the Trust shall notify the staff of the Board. Upon consultation with the Trust and the Division of Water Resources, the staff of the Board shall place a call for administration of the Water Rights if appropriate. The Trust shall provide an annual report to the Board regarding the use of the Water Rights each year and the actions taken by the Trust as the Board's agent. Such report shall be due on or before December 31st of each year.

# The ISF Agreement with City of Boulder preserves CWCB's exclusive authority.

## AGREEMENT

The Colorado Water Conservation Board ("Board"), an agency of the State of Colorado, and the City of Boulder ("Boulder"), a Colorado municipal corporation, in consideration of the mutual promises contained in this document, agree as follows:

## CALL FOR ADMINISTRATION

11. The Board hereby authorizes Boulder to be its agent for administration and monitoring in the specified reach of the 1974 right, the Berkley Ditch right, the conveyed water rights, and the water assigned to the Board pursuant to paragraph 4 of this Agreement.

16. Upon 30 days advance written notice to Boulder, the Board may, in its sole discretion, revoke this authorization for Boulder to act as its agent; provided, however, that if the Board revokes this authorization then it must assume at its own expense responsibility for the administration and monitoring for which paragraphs 12 and 13 call.



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# Requested Relief

Remain neutral on quantification.

Revise the proposed ISF Agreement to preserve CWCB's exclusive authority.

