



June 9, 2025

Colorado Water Conservation Board  
ATTN: Director Lauren Ris  
1313 Sherman Street, Room 718  
Denver, CO 80203  
CC (via e-mail): CWCB Board Members

**RE: Request for Hearing Regarding Proposed Acquisition of Shoshone Water Rights for Instream Flow Use**

Dear Director Ris:

Pursuant to Rule 6m(4) of the Rules Concerning the Colorado Instream Flow and Natural Lake Level Program, 2 CCR 408-2 ("ISF Rules"), Aurora Water respectfully requests that the Colorado Water Conservation Board (CWCB) hold a hearing on the proposed acquisition of the Shoshone Water Rights for instream-flow use.

Aurora Water continues to support changing the Shoshone rights to include instream-flow use so long as the change accurately reflects the historic flow regime and does not expand the existing rights in a way that materially injures junior water users. If, as the River District asserts, the status quo will be maintained, this acquisition can be a win-win for both the Front Range and the West Slope. However, as noted in our May 9, 2025, letter, we have significant concerns that the methodology used to quantify historic use for both the senior and junior Shoshone rights overstates those amounts, effectively expanding the rights and altering the historic flow regime. If the River District's assertion that their quantifications maintain the status quo is wrong and the Shoshone water rights are erroneously expanded, Aurora's existing Colorado River water rights, which are essential for providing clean drinking water to over 400,000 people, would be injured.

The current ISF Agreement requires the CWCB to file and "diligently pursue" a decree based on the River District's analysis—implicitly endorsing those technical conclusions. Front Range Water Council members have shown, and shared with the River District, how this methodology may overstate historic use by up to 300,000 acre-feet ( $\approx 36$  percent). The State binding itself to a potentially flawed position, before a full technical review is done, would neither serve the public interest nor comply with the ISF Rules. In addition, the draft ISF agreement removes significant CWCB authority, hampering the Board's ability to exercise its authority and address unforeseen issues. Aurora Water believes it is essential that the State remain neutral regarding the methodology and not agree to such constraints.

Aurora Water supports Denver Water's redline of the ISF Agreement to the extent it maintains CWCB's appropriate authority, prevents implicit endorsement of any party's technical analysis and addresses potential injury to existing water rights or expansion of the Shoshone water rights. Aurora Water also supports inclusion of references to the 2007 Call Relaxation Agreement.

These proposed targeted revisions to the draft ISF Agreement honor Aurora Water's commitments in the 2018 Intergovernmental Agreement and will (i) allow the acquisition process to move forward without

unnecessary delay, (ii) preserve the Board's neutrality, and (iii) safeguard the CWCB's discretionary authority regarding administration.

Thank you for your consideration. Aurora Water remains committed to a good-faith, collaborative resolution. We look forward to discussing these issues at a hearing and to working toward an agreement that preserves the Colorado River's historic flow regime while protecting existing water users.

Sincerely,

A handwritten signature in blue ink, appearing to read 'M. Brown', with a stylized flourish extending to the right.

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Marshall Brown,  
General Manager  
Aurora Water

CC:  
Colorado River Water Conservation District