

**BEFORE THE COLORADO WATER CONSERVATION BOARD
STATE OF COLORADO**

**IN THE MATTER OF PROPOSED ACQUISITION OF AN INTEREST IN THE SHOSHONE
WATER RIGHTS FOR INSTREAM FLOW USE ON THE COLORADO RIVER, DIVISION 5**

NOTICE OF PARTY STATUS GRAND COUNTY, COLORADO

Grand County, Colorado, by and through the Board of County Commissioners of Grand County, hereby submit this Notice of Party Status for the above-captioned hearing.

Contact Name and Mailing Address

Grand County, Colorado Board of County Commissioners
c/o Edward Moyer, County Manager
308 Byers Av. P.O. Box 264
Hot Sulphur Springs, CO 80451

Reasons Grand County Desires Party Status

Grand County's history and geographic location in the headwaters of the Colorado River have led to a continued vital interest in the historic flow regime of the Colorado River as it is controlled by the Shoshone water rights. The Colorado Water Conservation Board ("CWCB") will determine in the hearing in the above-captioned matter whether to accept the offer by PSCo and the Colorado River Conservation District to CWCB of perpetual instream flow use of Shoshone water rights in the combined amount of up to 1,408 cfs, at the flow rates recommended by the Colorado Division of Parks and Wildlife, to preserve and improve the natural environment to a reasonable degree in the reach of the Colorado River between the Shoshone Power Plant Diversion Dam and Tunnel and the Shoshone Power Plant Discharge Outlets.

Background. The indigenous peoples knew the Colorado River well, including in Grand County, where the Arapaho called the river “koo’ ohwuuniiciihehe’ meaning Little Coyote, now anglicized as the Kawuneechee Valley. The anglicized name “Grand River” was likely given by French trappers as the segment above the confluence with the Green River as shown on the first territorial map in 1862. Grand County was carved out of Summit County in 1874, before Colorado's statehood, and called Grand County because the headwaters of the Grand River form in the County.¹

The Grand River, now the Colorado River, is the decreed source for the Shoshone 1902 senior water right for 1,200 cfs. As the senior right, the 1902 Shoshone water right has been pulling water down from Grand County to power the plant, creating a stream flow regime upon which the County has relied to support municipal, agricultural, recreational, and industrial purposes. The historic and existing land use patterns of the County reflect the timing of available Colorado River water as it flows through the County to the Shoshone Power Plant.

¹ In 1921 U.S. Representative Ed Taylor, who was a fierce advocate for Colorado, was successful in getting the river renamed as the “Colorado” in recognition of its importance of the river to the entire state.

Recognizing the importance of the flows in the Colorado River, Grand County sent a Resolution to Representative Taylor expressing opposition to the Colorado - Big Thompson (CBT) project and its effects on Grand Lake and the Colorado River. As a result, the Manner of Operations for the CBT was added to Senate Document 80 in 1938, the federal authority for the CBT project. Senate Document 80, in pertinent part:

- authorizes construction of CBT and Granby Dam and Green Mountain Dam
- calls for the release of water from Green Mountain Reservoir when the flows at the Shoshone plant are less than 1,250 cfs
- requires CBT to be operated to preserve “primary purposes” among which are “to preserve the fishing and recreation facilities and the scenic attractions of Grand Lake, the Colorado River, and Rocky Mountain National Park”
- provide for flows to the Colorado River below Granby Dam
- recognizing Grand County’s unique role, designates a representative of the County as a spokesperson on CBT operations affecting the County

In 1955, the Blue River Decree which governs diversions from the Blue River was entered for Green Mountain Reservoir, incorporating SD 80 and the Manner of Operations including the way Green Mountain Reservoir was to be operated.

Efforts to Preserve and Protect Shoshone Historic Flows

A. Grand County and other west slope parties have negotiated historic agreements with the three largest trans-mountain diverters in Colorado that contemplate cooperative efforts to ensure permanent management of Shoshone historic flows. These efforts, highlighted below, are critical to protecting and preserving historic flows in the Upper Colorado River.

- 2012 Colorado River Cooperative Agreement (CRCA). Denver Water and 18 parties including Grand County.
- 2012 Windy Gap Firming Project Intergovernmental Agreement with Municipal Subdistrict of Northern Water, Grand County, and others.
- 2012 Northern Water Intergovernmental Agreement with Grand County and others.

B. Other efforts involving CWCB and numerous other parties to keep the water in the Colorado River moving through Grand County and beyond.

- 2012 Upper Colo. Wild & Scenic Stakeholders Group Management Plan.
- 2013 CWCB Instream Flow Water Rights on the main Colorado River in Cases No. 11CW159, 11CW160, and 11CW161
- 2014 Grand County RICD in Gore Canyon Case No. 2010CW298
- 2016 Environmental Flow Decree, Case No. 2011CW152

C. Permanent protection of the Shoshone water rights is a top priority identified in the Colorado River Basin Roundtable – Basin Implementation Plan and is paramount to the values and actions in the Colorado Water Plan for the Colorado River Basin and the State of Colorado.

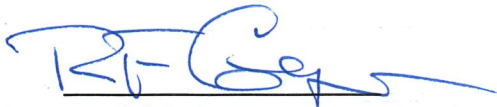
Impact to Grand County of CWCB Acquisition of Interest in the Shoshone Water Rights for Instream Flow Purposes.

Should the power plant cease operation without permanent protection of the Shoshone water right regime, the negative economic and environmental impacts to Grand County would be immediate and profound. When Colorado River flows drop below 1,408 cfs the Shoshone plant puts a “call” on the river requiring junior rights to stop diverting. The trans-mountain diversions from Grand County conducted by Denver Water, Northern Water and its Municipal Subdistrict, and Colorado Springs Utilities are all junior to the Shoshone call which requires those diverters to make releases from Green Mountain, Williams Fork, and Wolford which in turn keeps water flowing in the Colorado River and its tributaries all the way through Grand County to the Shoshone Plant.

Without Shoshone water rights placing a call on the river, streamflow in the Colorado River’s mainstem and its tributaries would be significantly lower, especially in drought years. As a result, the riverine ecosystem, as well as our agricultural, recreation and tourist-driven economy, and water and wastewater treatment would suffer. The Shoshone water right preserves and maintains the continuous year-round flow of water in the Colorado River and its tributaries essential to Grand County.

Respectfully submitted this 8th day of July, 2025

Sincerely,



Randal F. George
Commissioner, Chair



Edward Raegner
Commissioner



Merrit Linke
Commissioner