



July 9, 2025

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

Via Email: Jackie.calicchio@coag.gov

Re: The Homestake Partnership's Notice of Party Status

Dear Ms. Calicchio,

The Homestake Partnership is comprised of the City of Colorado Springs, acting by and through its enterprise, Colorado Springs Utilities (Utilities) and the City of Aurora, acting by and through its Utility Enterprise (Aurora Water). Utilities and Aurora Water are together referred to as the "Homestake Partners" below. Utilities address is P.O. Box 1103, Colorado Springs, CO 80947 and Aurora Water's address is 26791 E. Quincy Ave. Aurora, CO 80016.

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 Homestake Partners hereby submit this Notice of Party Status in the matter concerning the Colorado River Water Conservation District (River District) and Public Service Company of Colorado (PSCo) proposal concerning CWCB's acquisition of an interest in the Shoshone Water Rights for instream flow use on the Colorado River in Water Division 5.

The Homestake Partners jointly own and use the water rights decreed to the Homestake Project and have substantial concerns that the methodology used to quantify historical use of both the senior and junior Shoshone rights materially overstates the actual historical diversions. This overstatement risks expanding the rights and altering the historical flow regime, contrary to law and precedent. The proposed acquisition agreement the CWCB is considering contains several terms and conditions that appear to be based on this methodology, such as Paragraph 7 which requires the CWCB to place a call anytime the natural flow of the Colorado River is below 1408 cfs, Inclusion of terms and conditions that require the CWCB to take action based on the a flow rate that has not been approved by the Water Court is not appropriate. The Homestake Partners support the concept of adding instream flow use to the Senior Shoshone Water Right but have a significant interest in ensuring that the proposed acquisition agreement and any change of use of the Shoshone water rights complies with Colorado law, is grounded in a defensible historical use analysis, maintains the flow regime of the river experienced by junior water users and does not result in an expansion of the Shoshone water rights, injury to existing water rights, or diminished operational reliability for the Homestake Partner's municipal water supply.

The Homestake Partners believe it is important for the CWCB to be fully informed about the impacts of the proposed acquisition, through understanding how the River District's proposed methodology expands the historic use of the Shoshone Water Rights which impacts all Colorado River water users, before making the decision to accept the River District's proposal or to place limits on the acquisition.

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

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

Sincerely,

/s/ Michael J Gustafson

Michael J. Gustafson
Senior Attorney
Colorado Springs City Attorney's Office
Email: michael.gustafson@coloradosprings.gov

/s/ Ian Best

Ian Best
Assistant City Attorney
Aurora City Attorney's Office
Email: ibest@auroragov.org

Attachment 1

Michael J. Gustafson
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