

BEFORE THE COLORADO WATER CONSERVATION BOARD

STATE OF COLORADO

**IN THE MATTER OF THE PROPOSED ACQUISITION OF AN INTEREST IN THE
SHOSHONE WATER RIGHTS FOR INSTREAM FLOW USE ON THE COLORADO
RIVER MAINSTEM, WATER DIVISION NO. 5**

NOTICE OF PARTY STATUS

The Southwestern Water Conservation District (“Southwestern”), by and through its undersigned counsel, hereby submits the following Notice of Party Status in the above-captioned proceeding, pursuant to Rule 6m(5)(e) of the Rules Concerning the Colorado Instream Flow and Natural Lake Level Program, 2 CCR 408-2 (“ISF Rules”).

1. Identification of Person Requesting Party Status:

Southwestern Water Conservation District
Attn: Steve Wolff, General Manager
841 E. 2nd Avenue
Durango, Colorado 81301

Please direct all notices, pleadings and correspondence to counsel for Southwestern:

Beth Van Vurst, Esq.
Van Vurst Law, LLC
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2. Brief Statement of the Reasons Southwestern Desires Party Status:

- A. Southwestern was formed by the Colorado Legislature in 1941 to promote the conservation, use, and development of the water resources of the San Juan and Dolores rivers and their tributaries as well as to safeguard all waters to which the state of Colorado is equitably entitled, including those available under the 1922 Colorado River Compact and the 1948 Upper Colorado River Basin Compact.¹
- B. The San Juan and Dolores rivers are tributaries of the Colorado River mainstem, and all of these rivers reside within the larger Colorado River Basin. Due to the interconnected nature of these rivers as well as the laws, agreements and policies

¹ C.R.S. § 37-47-101 et seq.

that govern their use, Southwestern has a vested interest in the CWCB's proposed acquisition of an interest in the Shoshone Water Rights².

- C. Southwestern generally supports the River District's efforts to acquire and subsequently change the decreed use of the Shoshone Water Rights to include an alternate beneficial use by the CWCB for instream flow purposes on a section of the Colorado River mainstem located in Glenwood Canyon.
- D. Southwestern seeks to participate in this proceeding because the CWCB's evaluation of the appropriateness of the proposed acquisition will include consideration of certain factors and information that may directly or indirectly affect Southwestern's constituents. This includes, but is not limited to, consideration of the factors listed under ISF Rule 6f (e.g., the effects of the proposed acquisition on any relevant interstate compact issue and maximum utilization of the waters of the state) and any terms and conditions that may guide the future use and exercise of the Shoshone Water Rights.
- E. In accordance with ISF Rule 6m.(5)(e), this notice contains only a brief statement of the reasons Southwestern seeks party status in this proceeding. SWCD reserves the right to provide additional comments, arguments, testimony, and evidence as this proceeding evolves.

WHEREFORE, Southwestern hereby submits this notice of its party status in the above-captioned proceeding, and requests that it be included on the list of "contested hearing participants" and receive copies of all future notices, pleadings, and correspondences regarding this matter.

Respectfully submitted this 9th day of July, 2025.

VAN VURST LAW, LLC



Beth Van Vurst
Counsel for Southwestern Water Conservation
District

² As explained more fully in the CWCB staff memo, dated May 21-22, 2025, the Shoshone Water Rights consist of a 1905 senior priority water right in the amount of 1,250 cubic feet per second (cfs) and a 1940 junior priority water right in the amount of 158 cfs.