

BEFORE THE COLORADO WATER CONSERVATION BOARD

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

PREHEARING STATEMENT OF THE CITY OF ASPEN

Pursuant to the Hearing Officer's July 18, 2025 Order re: Procedures and Deadlines for Prehearing Submissions and Rule 6m.(5)(f) of the Rules Concerning the Colorado Instream Flow and Natural Lake Level Program, 2 CCR 408-2, the City of Aspen submits this prehearing statement:

a. Statement of position.

The City of Aspen ("Aspen") owns water rights decreed for diversion from the Roaring Fork River and its tributaries and holds contractual rights to water stored in Ruedi Reservoir that can be used for augmentation and exchange. Aspen provides a municipal water supply to its citizens and extraterritorial customers. Aspen also provides renewable energy to its customers derived in part from hydroelectric production at Ruedi Reservoir and at the Maroon Creek Hydroelectric Project pursuant to licenses from the Federal Energy Regulatory Commission. Aspen supports protection of the Colorado River and its tributaries, and is especially interested in the protection and maintenance of instream flows and water quality in the Roaring Fork and its tributaries.

Aspen supports the CWCB's acquisition of the subject Shoshone water rights, provided, however, that those rights must be operated pursuant to a final decree granted by the District Court, Water Division No. 5 ("water court"), changing the hydropower rights to instream flow purposes. The water court's final decree must have terms and conditions sufficient to prevent the

change of water right from causing injury to Aspen's water rights on the Roaring Fork and its tributaries; its Ruedi Reservoir and Maroon Creek hydroelectric interests; and the instream flows and water quality on the Roaring Fork and its tributaries.

Aspen's main purpose as a party at the hearing is to monitor the proceedings in a role supporting the River District and the CWCB's acquisition of the Shoshone rights, subject to the required water court determination described above.

b. A witness list with a brief description of each witness's testimony and a resume for each witness who will present testimony on technical issues.

Aspen does not plan to present its own witnesses at the CWCB hearing.

c. A statement of any open legal questions.

Aspen does not plan to present legal argument at the CWCB hearing.

d. A statement of the relief requested.

Aspen does not request any specific relief. As stated above, Aspen is participating mainly in a monitoring role. That said, Aspen agrees that the Board should accept the proposed dedication of the Shoshone rights, subject to the requirement of the water court's determination on the change of water right application, to be filed after the Board's acceptance, seeking a change of use of the water rights to instream flow purposes.

e. The amount of time desired for the Party's presentation at the hearing.

Aspen does not intend to make a presentation and, therefore, requests no time at the hearing.

f. An exhibit list and exhibits.

Aspen does not intend to present any exhibits and, therefore, has no exhibit list.

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[Certificate of Service on following pages]

CERTIFICATE OF SERVICE

I hereby certify that on the ____ day of August, 2025, I served the **Prehearing Statement of the City of Aspen** by email on the following:

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