

**BEFORE THE COLORADO WATER CONSERVATION BOARD**

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

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**PREHEARING STATEMENT OF THE SOUTH METRO WISE AUTHORITY**

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The South Metro WISE (“Water Infrastructure and Supply Efficiency”) Authority (“SM WISE”) submits the following Prehearing Statement in this matter.

**1. Summary of SM WISE’s Position**

SM WISE generally supports the use of the Shoshone rights for instream purposes. However, SM WISE is a partner of Denver Water and Aurora Water in the WISE Partnership and could have its water supply reduced if the use of the Shoshone right for instream purposes were to result in an expansion of the use. It is important for the good of the entire state to implement the proposed instream use of the Shoshone right carefully.

## 2. Background

SM WISE is comprised of ten water providers seeking to develop new surface water supplies to decrease reliance on nontributary groundwater supplies. SM WISE's members are:

- Town of Castle Rock
- Cottonwood Water & Sanitation District
- Dominion Water & Sanitation District
- Stonegate Water & Sanitation District
- Denver Southeast Suburban Water & Sanitation District (a/k/a Pinery Water and Wastewater District)
- Highlands Ranch Water
- Rangeview Metropolitan District
- Parker Water & Sanitation District
- Meridian Metropolitan District
- Inverness Water & Sanitation District

All of SM WISE's members provide water service in the South Denver Metro area in Douglas and/or Arapahoe County. Collectively, SM WISE's members provide water to more than 350,000 people.

Historically, this region has relied heavily on the nontributary Denver Basin Aquifer for water supply. As described in the Colorado Water Plan:<sup>1</sup>

The Denver Basin Aquifer has provided a high-quality and plentiful supply to both urban and rural areas along the Front Range, with significant well

development since the 1950s. During the drought of 2002, declines in the Arapahoe formation, and even drying-up of wells along the aquifer's western edge, were observed. While the Denver Basin Aquifer can be a viable water supply, it is challenged by uncertainty in statutory allocation of water and declining water levels that may limit its use to only drought resilience in some areas. Concerns about the sustainability of the Denver Basin Aquifer have driven many municipalities to pursue costly renewable surface water supplies.

Thus, the South Platte Basin Implementation Plan ("BIP") and Colorado Water Plan identified that the Denver Basin aquifer presents a key challenge for the South Platte Basin municipal and industrial supply. The South Platte BIP recognized, "Many areas south of Denver such as those within the South Metro Water Supply Authority (SMWSA) service area, have been able to develop to their current density because of the Denver Basin Aquifer system. However, the supplies are nonrenewable and nontributary; therefore, there are a range of challenges associated with continued and expanded use of the Denver Basin Aquifer system."<sup>2</sup>

In response to this challenge, SM WISE partnered with Denver Water and Aurora to plan and implement the Water Infrastructure and Supply Efficiency (WISE) Project. The WISE Project is a first-of-its-kind partnership to share water supplies and infrastructure, reducing the region's reliance on nonrenewable groundwater, bolstering water supplies to South Metro communities, and maximizing existing water assets in

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<sup>1</sup> [https://dnrweblink.state.co.us/CWCB/0/edoc/219188/Colorado\\_WaterPlan\\_2023\\_Digital.pdf](https://dnrweblink.state.co.us/CWCB/0/edoc/219188/Colorado_WaterPlan_2023_Digital.pdf), pg. 30.

<sup>2</sup> [https://dnrweblink.state.co.us/cwcbsearch/0/edoc/216720/South\\_Platte-Metro\\_BIP\\_Volume2\\_2022.pdf](https://dnrweblink.state.co.us/cwcbsearch/0/edoc/216720/South_Platte-Metro_BIP_Volume2_2022.pdf) pg. 22..

Denver and Aurora. Through the WISE Project, the ten South Metro WISE members receive significant quantities of new renewable water supply, Denver Water can utilize infrastructure to improve the reliability of its access to existing backup water supply in times of drought and emergency, and Aurora benefits from partners who share in the cost of its Prairie Waters system. As a result, the WISE Project benefits approximately 2 million Coloradans.

### **3. Comments**

South Metro WISE supports the preservation of the historical flow regime created by the Shoshone water rights call for instream flow use. South Metro WISE recognizes the value of the Shoshone water rights in preserving the natural environment within the Shoshone Reach of the Colorado River. South Metro WISE also recognizes the importance of maintaining the status quo of the historical flow regime resulting from the operation of the Shoshone Power Plant for over a century.

South Metro WISE indirectly derives a portion of its water supply from reusable return flows from Colorado River water via its partners. The Colorado River Cooperative Agreement (“CRCA”) recognizes that Denver Water may use certain water rights, including rights in Water Division No. 5, to provide water under the WISE Project. Additional reusable return flows from Colorado River water supplies may also be contributed by Aurora to the WISE Project. As contemplated by the CRCA, South

Metro WISE entered into a West Slope Charge Agreement in 2017 in which SM WISE pays a fee into the Colorado River Conservation District West Slope Fund, calculated as 12.5% of the fee charged for each acre-foot of water provided by Denver Water. SM WISE also agreed to the CRCA Abstention Provisions, which required SM WISE to abstain permanently from pursuing or participating in any project that would result in any new depletion from the Colorado River and its tributaries above the confluence with the Gunnison River. Furthermore, the recipients of WISE water have agreed to maximize reuse or successive use of reusable water and have agreed to adopt and implement conservation plans. Conservation efforts by SM WISE members included Castle Rock's innovative adoption in 2022 of limits on new grass lawns for new homes and a prohibition of non-functional grass lawns in new nonresidential landscapes. Collectively, conservation efforts by SM WISE members have lowered demand by approximately 30% since 2004.

Therefore, reusable return flows from Colorado River water is a component of the water supply for the WISE Project. In turn, the WISE Project is critical to addressing the water supply for the South Metro region in a manner that is sustainable and reduces reliance on nonrenewable Denver Basin Aquifer supplies. Since 2013, SM WISE has invested over \$175 million in water supply infrastructure based on the hydrological assumptions underlying the WISE Project water supply. Therefore, it is important to

South Metro WISE that the instream flow use of the Shoshone rights be implemented without expansion of the use of those rights.

**4. Conclusion**

South Metro WISE supports the use of the Shoshone rights for instream purposes. It is important for the WISE Project's water supply to ensure that the instream use of the Shoshone rights is accomplished without expanding the use of those water rights.

South Metro WISE appreciates the Board's consideration of these comments.

**5. Witnesses**

- Lisa Darling, Executive Director, South Metro WISE Authority. Ms. Darling may testify about the WISE Project and its water supply, and the South Metro WISE Authority's position in this matter.
- Gabe Racz, Esq., Clark Hill PLC. Mr. Racz may testify about the WISE Project and the South Metro WISE Authority's position in this matter.

**6. Time request:** SM WISE requests five minutes of time for testimony at the hearing in this matter.

SM WISE PHS  
Shoshone ISF  
August 4, 2025

Respectfully submitted this 4th day of August, 2025.

By: s/ Gabe Racz

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### CERTIFICATE OF SERVICE

I certify that on August 4, 2025, a true and correct copy of the foregoing Prehearing Statement of the South Metro WISE Authority was served via email to the Parties and contacts referenced in the Party Status list below.

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/s/ Gabe Racz  
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