

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

**IN THE MATTER OF THE PROPOSED ACQUISITION OF AN INTEREST IN THE
SHOSHONE POWER PLANT WATER RIGHTS**

**JOINT PREHEARING STATEMENT OF THE GARFIELD COUNTY BOARD OF
COUNTY COMMISSIONERS, CITY OF GLENWOOD SPRINGS, AND CITY OF RIFLE**

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 “ISF Rules”), the Garfield County Board of County Commissioners, City of Glenwood Springs, and City of Rifle (collectively, the “Garfield County Entities”) hereby submit this joint prehearing statement in support of the proposed dedication to the Colorado Water Conservation Board (the “Board”) of the exclusive right to use the Shoshone Water Rights for instream flow purposes. The Garfield County Entities hereby incorporate the legal positions as set forth in the joint prehearing statement of the Colorado River Water Conservation District et al. by reference.

I. POSITION STATEMENT

The Garfield County Entities represent the interests of the middle Colorado River. This 75-mile stretch of the middle Colorado River, extending through Garfield County from Glenwood Canyon downstream to De Beque Canyon, is a critical section of the River that encompasses the proposed instream flow reach and, as a result, is uniquely and physically impacted by the proposed instream flow acquisition.

For over a century, the Shoshone Water Rights have anchored flows in the middle Colorado River. Flows through the middle Colorado River are principally determined by the administration of the Shoshone Water Rights. As the Shoshone Water Rights are decreed for non-consumptive hydropower generation use, operation of the Shoshone Water Rights keep the middle river running by calling water down through Glenwood Canyon to the Shoshone Diversion Dam and Tunnel and then returning the diverted water back to the River at the Shoshone Power Plant Discharge Outlets. Since the adjudication of the Shoshone Water Rights, administration of the Colorado River has been predicated on a stream flow regime that includes this operation. Use of the Shoshone Water Rights for instream flow purposes will preserve and improve the natural stream flow downstream of the proposed reach by maintaining the historical regime and thereby protecting the water supply of the middle River.

The middle Colorado River supports the communities of Glenwood Springs, New Castle, Silt, Rifle, Parachute, Battlement Mesa, and De Beque by providing numerous direct and indirect benefits. First, the Colorado River serves as a source of supply for municipal water providers along the middle River, including the Cities of Rifle, New Castle, Silt, Parachute, and De Beque. Second, the economies and communities of the middle Colorado River are inextricably tied to the River via the recreation and agriculture industries.

While the anticipated benefits to the natural environment of the proposed reach are a necessary feature of the Board's evaluation of the proposed acquisition, the consistent and reliable stream flows provided by the Shoshone Water Rights are necessary to meet the municipal, agricultural, environmental, and recreation needs of our middle River communities. Pursuant to ISF Rule 6e(1), the Board has the authority to consider these additional benefits as "other factors the Board may identify."

A. Benefits to Water Quality

Water from the Colorado River serves as a source of municipal water supply to water providers along the middle River. These water providers depend upon a clean, high quality drinking water supply from the Colorado River. Middle River communities also utilize Colorado River water for wastewater treatment. Poor water quality impacts discharge parameters, leads to less effective water and wastewater treatment and can overload and potentially damage treatment systems.

Water quality conditions within the middle River are inherently related to the quantity of water flowing in the River. The historical flow regime created by the Shoshone Water Rights has a direct physical connection to water quality especially during periods of low flow. According to the Middle Colorado River Integrated Water Management Plan, decreases in streamflow exacerbate water quality conditions in the mainstem.¹ See **Garfield-1**. When flows in the middle River drop, the concentration of contaminants and sediment degrade water quality, increase turbidity and water temperature, and make water and wastewater treatment more expensive. These costs are ultimately passed on to the residents of the municipalities.

Use of the Shoshone Water Rights for instream flow purposes will enhance water quality and offset contamination risks. Without the higher flows of clean and cold headwater-sourced supplies provided by the Shoshone Water Rights, high concentrations of salinity, selenium, hardness, total dissolved solids, iron and manganese are elevated and affect the taste and odor of the water supply.² See **Garfield-2**.

¹ Middle Colorado River Integrated Water Management Plan, 2021, A Joint Project of the Middle Colorado Watershed Council and the Mt. Sopris, Bookcliffs, and Southside Conservation Districts. Found at <https://www.midcowatershed.org/iwmp>.

² Utility Maintenance, Capital, and Rate Study, 2021, Prepared by JVA Consulting Engineers and Raftelis Local Government & Utility Management Consulting for the City of Rifle.

B. Benefits to Local Economies

The middle River communities are uniquely situated along the Colorado River with robust recreational economies that rely heavily on the Colorado River mainstem. The healthy river flows triggered by the Shoshone Water Rights strengthen the river recreation industry along the middle River corridor and are critical to sustaining the region's economic stability and quality of life. As temperatures rise and stream flows into the watershed diminish, the Shoshone Water Rights provide security for the community by protecting the recreational fishery and boating industry that sustains the local economy and attracts residents and visitors alike.

These principles are reflected in the long range planning strategies of the middle River communities. For instance, the Downtown Strategic Plan developed by the City of Rifle identifies connecting downtown Rifle to the Colorado River as one of the City's development strategies.³ Conceptual plans to promote river access and integrate the Colorado River landscape include construction of a riverfront boardwalk with trails and development in the riverfront area.

In the City of Glenwood Springs, the Comprehensive Plan provides that new development should protect sensitive river corridors to preserve ecosystems and habitats and specifically references instream flow water rights on the Colorado River through Glenwood Canyon to maintain water levels for rafting and whitewater recreation. The Comprehensive Plan also directs the City to protect and preserve recreational water rights, which include the City's Recreational In-Channel Diversion (RICD) water rights on the Colorado River to protect river flows and the City's outdoor economy.

According to the Shoshone Outfitter Partnership, there are an estimated 70,000 commercial customer trips and 80,000 private boaters who launch from the Grizzly Creek and Shoshone boat

³ City of Rifle Downtown Strategic Plan, 2014. Found at <https://www.rifleco.org/150/Long-Range-Planning>.

ramps in Glenwood Canyon each year. Based on data compiled by the Colorado River Outfitters Association, commercial rafting in the Glenwood Canyon created an economic impact in 2023 of \$25.7 million.⁴ *See* **Garfield-3**.

River recreation is a significant industry in Garfield County. An Earth Economics study completed in 2018 indicates that the economic effects associated with all recreation expenditures in the middle Colorado River watershed total nearly \$140 million, contribute over \$42 million to GDP, create nearly \$6 million in state and local tax revenue, and support nearly 1,000 jobs on an annual basis.⁵ *See* **Garfield-4**. Of that, river recreation activities are responsible for over \$32 million in expenditures, contribute over \$15 million to GDP, create nearly \$2.5 million in state and local tax revenue, and support over 300 jobs on an annual basis. Maintaining the historic flow of the Colorado River is imperative to sustaining river enthusiasts and the recreation-based businesses in Garfield County.

The economies of the middle River communities ultimately depend upon the consistent flows of the Shoshone Water Rights.

C. Benefits to Agriculture

Preservation of the historical flow regime created by the Shoshone Water Rights will protect downstream agricultural users who depend on supplies in the Colorado River. In dry years, the Shoshone Water Rights call between 41,000 and 86,000 acre-feet of water downstream, bolstering irrigation supplies when water is scarce.⁶ The proposed instream flows will keep the middle River running particularly during shoulder and late irrigation seasons and provide stability

⁴ Colorado River Outfitters Association, Commercial Rafting Use in the State of Colorado 1988-2023. Found at <https://www.croa.org/media/annual-commercial-river-use-report/>.

⁵ Armistead, C., Mojica, J., 2018. Baseline Assessment: The Economic Contribution of Recreation in the Middle Colorado Watershed. Earth Economics, Tacoma, WA. Found at www.midcowatershed.org/resources (located under Partner Resources).

⁶ September 11, 2024, Hydros Consulting, Inc., Shoshone Power Plant Water Rights Yield Assessment.

to agricultural water users in Garfield County who rely on the River to sustain productive agriculture.

Agriculture is a vital component of the local economy in Garfield County. According to Colorado State University Extension, farm and ranch lands cover 475,166 acres across Garfield County with over \$35 million worth of agricultural products sold out of the County.⁷ Further, the middle Colorado River supports the second highest number of irrigated acres within the Colorado River Basin at over 52,000 acres. If the historical flow regime created by the Shoshone Water Rights is diminished, local farms and ranches will be negatively impacted and agricultural production on the Western Slope will decrease. The proposed instream flows are critical to ensuring that agricultural production continues in the region.

D. Conclusion

While the middle Colorado River watershed is susceptible to variable environmental impacts, the future management of flows through the middle River corridor can be mitigated by securing the Shoshone Water Rights in perpetuity and dedicating the same for instream flow use. Instream flows that provide a consistent base flow through the watershed are the foundation to ensuring that downstream uses are protected.

According to the Middle Colorado River Integrated Water Management Plan, the Shoshone Water Rights are the most impactful water rights operating within the middle Colorado River. *See Garfield-1*. By stabilizing flows and protecting existing uses, the Shoshone flows improve water quality, support our local communities by enhancing the health of the River, and protect agricultural water users. The proposed instream flows recognize the interconnection between water quantity, water quality and community and economic well-being. If the historical regime on the

⁷ 2017 Census of Agriculture, Garfield County, Colorado, United States Department of Agriculture. Found at <https://garfield.extension.colostate.edu/agriculture-natural-resources/>

River changes without preserving the Shoshone Water Rights as instream flows, the negative economic and environmental impacts to Garfield County would be irreversible.

II. STATEMENT OF RELIEF REQUESTED

The Garfield County Entities respectfully request that the Board accept the proposed dedication of the exclusive right to use the Shoshone Water Rights for instream flow purposes.

III. AMOUNT OF TIME DESIRED FOR PRESENTATION

The Garfield County Entities respectfully request 45 minutes for their presentation at the hearing, including witness testimonies and rebuttal. The Garfield County Entities reserve their right to request more or less time for their presentation in response to the August 12, 2025, prehearing conference.

IV. WITNESS LIST AND DESCRIPTION OF TESTIMONY

1. Perry Will, Garfield County Commissioner

a. Commissioner Will may testify to the economic benefits to Garfield County related to the Shoshone Water Rights. Commissioner Will may testify to the conservation and agricultural benefits, and the benefit to fishing and other river recreation in Garfield County.

2. Gregory Cowan, Owner and Operator of Defiance Rafting Company

a. Mr. Cowan may testify to the environmental and economic impacts to the recreational industry in Garfield County related to the Shoshone Water Rights.

b. Mr. Cowan's resume is attached hereto as **Garfield-5**.

3. Matthew Langhorst, Public Works Director for the City of Glenwood Springs

a. Mr. Langhorst may testify to the environmental impacts to the Colorado River related to the Shoshone Water Rights.

b. Mr. Langhorst's resume is attached hereto as **Garfield-6**.

4. Tom Harrington, Past President of Colorado Cattlemen’s Association and Holy Cross Cattlemen's Association

a. Mr. Harrington may testify to the environmental and economic impacts to the agricultural industry in Garfield County related to the Shoshone Water Rights.

b. Mr. Harrington’s resume is attached hereto as **Garfield-7**.

V. EXHIBIT LIST

<u>Exhibit Number</u>	<u>Exhibit Name</u>
Garfield-1	February, 2021, Middle Colorado River Integrated Water Management Plan, Middle Colorado Watershed Council
Garfield-2	April, 2021, Rifle, Colorado, Utility Maintenance, Capital, and Rate Study
Garfield-3	Colorado River Outfitters Association, Commercial River Use in the State of Colorado, 1988-2023
Garfield-4	May, 2018, The Economic Contribution of Recreation in the Middle Colorado Watershed, Middle Colorado Watershed Council
Garfield-5	Gregory Cowan – Resume
Garfield-6	Matthew Langhorst – Resume
Garfield-7	Tom Harrington – Resume

Respectfully submitted this 4th day of August 2025.

GARFIELD COUNTY
BOARD OF COUNTY COMMISSIONERS



Heather K. Beattie, #37417

CITY OF GLENWOOD SPRINGS and
CITY OF RIFLE



Karl J. Hanlon, #27320

CERTIFICATE OF SERVICE

I certify that on August 4, 2025, a copy of this JOINT PREHEARING STATEMENT OF THE GARFIELD COUNTY BOARD OF COUNTY COMMISSIONERS, CITY OF GLENWOOD SPRINGS, AND CITY OF RIFLE was served via email on each of the following:

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