

**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 REBUTTAL 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 rebuttal 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 ISF Rules instruct the Board to evaluate the appropriateness of the proposed dedication to preserve and/or improve the natural environment to a reasonable degree. Once the Board accepts the proposed dedication, the water court process will ensure non-injury to other water rights where ultimately, terms and conditions may be imposed by the final change of water right decree.

To that end, the determination at issue and in front of the Board is straightforward and *undisputed* by the parties – the proposed acquisition is appropriate to preserve and improve the natural environment and the best use of the proposed acquisition is to preserve and improve the natural environment.

Aurora Water, Colorado Springs Utilities, Denver Water, and Northern Water have indicated that they have concerns regarding the methodology used to quantify historic use of the Shoshone Water Rights. This determination sits squarely with the water court's jurisdiction pursuant to § 37-92-102(3), C.R.S., and is not appropriate for determination by the Board. The water court process is required as a standard procedure under the Water Right and Determination Act of 1969, § 37-92-101 C.R.S., and so long as proper notice is given, the water court shall have jurisdiction over all of the parties affected thereby, whether or not they choose to appear.

The Garfield County Entities note that the proposed dedication is the result of several decades of discussions and considerations between various stakeholders and partners statewide. The significance of this opportunity cannot be overstated.

Notably, the Garfield County Entities are uniquely impacted by the operation as the first parties physically situated at the bed of Glenwood Canyon. Maintenance of the historical flow regime created by the Shoshone Water Rights are necessary to meet the municipal, agricultural, environmental, and recreation needs of the middle Colorado River communities. If the Board rejects the proposed dedication, the historical flow regime created by the Shoshone Water Rights will be in jeopardy and downstream water users will suffer certain material injury.

Next, the City of Rifle and City of Glenwood Springs are two of the eighteen signatories to the Colorado River Cooperative Agreement (CRCA). The CRCA is clear when it states that the signatories agree to cooperate to achieve permanent management of the flows of the Colorado River, whether or not the Shoshone Power Plant remains in operation. In doing so, the CRCA requires the signatories to cooperate in preserving the historical call regime created by the Shoshone Water Rights on a permanent basis. To that end, the proposed dedication carries out the


intent of the CRCA. Regardless, it is not within the purview of the Board to interpret third party agreements to which the CWCB is not a party.

The Garfield County Entities fully support the proposed dedication and hereby incorporate the joint rebuttal statement of the River District et al. by reference.


We urge the Board to accept the proposed dedication and respect the jurisdiction of the water court.

Respectfully submitted this 29th day of August 2025.

GARFIELD COUNTY
BOARD OF COUNTY COMMISSIONERS


Heather K. Beattie, #37417
Janette Shute, #23221

CITY OF GLENWOOD SPRINGS and
CITY OF RIFLE


Karl J. Hanlon, #27320
Danielle T. Skinner #54549

CERTIFICATE OF SERVICE

I certify that on August 29, 2025, a copy of this JOINT REBUTTAL 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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Angelique Peterson

**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**

**EXPERT TESTIMONY OF MATTHEW R. LANGHORST, P.E., CFM – PUBLIC WORKS
DIRECTOR, CITY OF GLENWOOD SPRINGS**

The Garfield County Entities submit the attached written testimony of Matthew R. Langhorst, P.E., CFM – Public Works Director, City Of Glenwood Springs regarding environmental impacts to the Colorado River related to the Shoshone Water Rights.

Respectfully submitted this 29th day of August 2025.

GARFIELD COUNTY
BOARD OF COUNTY COMMISSIONERS



Heather K. Beattie, #37417
Janette Shute, #23221

CITY OF GLENWOOD SPRINGS and
CITY OF RIFLE



Karl J. Hanlon, #27320
Danielle T. Skinner, #54549

CERTIFICATE OF SERVICE

I certify that on August 29, 2025, a copy of this EXPERT TESTIMONY OF MATTHEW R. LANGHORST, P.E., CFM – PUBLIC WORKS DIRECTOR, CITY OF GLENWOOD SPRINGS was served via email on each of the following:

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Angelique Petterson

Matthew Langhorst DPW
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101 West 8th Street
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August 29, 2025

Jackie Calicchio, Hearing Officer
Colorado Water Conservation Board
1313 Sherman Street, Room 718
Denver, CO 80203
jackie.calicchio@coag.gov

Dear Hearing Officer and Board:

Acquiring the Shoshone Water Rights for instream flow purposes will provide numerous benefits to water quality downstream of the proposed reach. By regulating the volume of water in the Colorado River, the Shoshone Water Rights regulate water temperatures and dilute sediment.

Water temperature is critical for not only supporting aquatic habitat but also for regulating temperatures at wastewater plant outlets, water plant inlets and stormwater infrastructure along the riverbanks. The cooler the water, the better it is for domestic use and for temperature regulation at outlets. Cooler temperatures slow down biological growth and help with taste and odor. Cooler temperatures also hold on to chlorine residuals longer in turn requiring a smaller initial dose to meet the chlorine life expectancy of the water through a system.

The stretch of the Colorado River below the Shoshone plant is known for having many "hot pot" locations and hot spring outlets. Cooler water on account of the Shoshone flows will help to regulate the temperatures in the river caused by these naturally occurring springs.

Further, the lower the water level in the river the faster it heats up in the summer months. The Crystal River and Roaring Fork Rivers are good examples where targeted releases of water in Ruedi Reservoir raise the level of the river to keep the temperatures down in the river. Preserving the Shoshone Water Rights would provide a baseline during times of low flows and high temperatures and preserve water in storage.

The increase in flow from the Shoshone Water Rights will help with sediment, mineral and electric charge dilution. Communities and districts that rely upon the river for drinking and irrigation water will benefit from this dilution factor. Highly sediment laden water is more difficult to treat with chemicals and the sediment removal rate needed to treat this type of water can overwhelm smaller plants that are not designed for the material. Higher sediment loads can require high dosing of the main coagulant to create sweep if the plant doesn't have enough settling time. While sweep flocculant is effective it is expensive and not an optimized use. Due to the recent fires in the area adding ash and other heavy metals to the water system, the

additional water volume will help dilute/reduce the negatively charged ash within the water, saving costs on chemical treatments that have to counter the negatively charged ash with positively charged chemicals.

Overall, the higher volume of water within the Colorado River system will provide conditions that are cleaner, less expensive, and simpler to treat for irrigation and domestic use along the basin.

Best Regards,

A handwritten signature in blue ink, appearing to read 'Matt Langhorst', with a long horizontal flourish extending to the right.

Matthew Langhorst, Public Works Director