

Congress of the United States
Washington, D.C. 20510

October 7, 2024

The Honorable Camille Touton
Commissioner
U.S. Bureau of Reclamation
1849 C Street NW
Washington DC 20240-0001

Dear Commissioner Touton:

We write in support of the Colorado River Water Conservation District's (the River District) application to the U.S. Bureau of Reclamation's (USBR) Upper Colorado River Basin Environmental Drought Mitigation funding opportunity, referred to as Bucket 2E. As you know, the *Inflation Reduction Act* provided a historic \$4 billion to address issues caused by drought, including activities to support environmental benefits, and ecosystem and habitat restoration. If selected, the River District will leverage Bucket 2E funding alongside significant state and local investment to purchase two of the oldest water rights on the Colorado River mainstem in the State of Colorado – the Shoshone Water Rights – to preserve their historical flow regime in perpetuity.

The River District was established in 1937 as a local governing entity to represent water users across 15 counties in Western Colorado – including the headwaters of the Yampa, White, Gunnison, and Colorado Rivers. The Colorado River District's mission is to promote the protection, conservation, use, and development of the water resources of the Colorado River water basin for the welfare of the State of Colorado.

Now, the River District is pursuing the Shoshone Permanency Project, which aims to preserve the historical Colorado River flow regime created by the 1902 Senior Shoshone Water Right and the 1929 Junior Shoshone Water Right (the "Shoshone Water Rights"). The River District has signed an agreement to purchase the Shoshone Water Rights from Xcel Energy, which currently holds the rights for its Shoshone hydropower plant. Today, the Shoshone Water Rights are decreed as non-consumptive water rights: the water is used to generate hydropower at the Shoshone Power Plant and is returned to the stream. The Shoshone Water Rights' senior status "pulls" water to Glenwood Canyon, which ensures that water continues to flow and benefits the downstream environment. Preserving the Colorado River's historical flow regime as intended by the Shoshone Permanency Project will benefit the Colorado River ecosystem every year, and especially in dry years.

Data collection and analysis of Shoshone Water Rights' historic use is not yet completed, and ongoing—a key step for understanding the historic flow regime on the Colorado River. The Shoshone Permanency Project seeks to change the water rights to include an alternate beneficial use for instream flow purposes, a legally recognized beneficial use in Colorado, to preserve the historical Shoshone flow regime. The proposed decree associated with these flows is still under technical review by the State of Colorado. The River District is actively discussing the proposal with other water users across the state. The Colorado Water Conservation Board and the State of Colorado Water Court will conduct a formal review in the coming months. Ongoing modeling will also help quantify the environmental benefits of the Shoshone Water Rights flows. One potential benefit is to the critical habitat of four fish in the Colorado River listed under the *Endangered Species Act (ESA)*, known as the 15-Mile Reach, located near Palisade, Colorado.

The State of Colorado and our water users are making their own significant investments to ensure that the historical Shoshone flows can continue in perpetuity. The Colorado River District has allocated \$20 million, the State of Colorado has appropriated another \$20 million for the acquisition, provided the State's instream flow requirements are met, and a coalition of Western Slope water users and local governments have formally committed over \$15 million. This strong show of funding reflects the local recognition of the Shoshone Water Rights' importance to the health of western Colorado's environment and local economies.

We recognize the Shoshone Permanency Project's complex nature and ongoing technical review, but believe the opportunity to protect historical Colorado River flows deserves your attention. We encourage you to give the River District's proposal your full and fair consideration consistent with all applicable rules and regulations. Thank you for your review, and please notify our offices of any funds awarded.

Sincerely,



Michael F. Bennet
United States Senator



John Hickenlooper
United States Senator



Joe Neguse
Member of Congress



Jason Crow
Member of Congress



Brittany Pettersen
Member of Congress



Diana DeGette
Member of Congress