

**BEFORE THE COLORADO WATER CONSERVATION BOARD
DEPARTMENT OF NATURAL RESOURCES, STATE OF COLORADO**

**IN THE MATTER OF THE RULEMAKING HEARING FOR CONSIDERATION OF
AMENDMENTS TO THE COLORADO WATER CONSERVATION BOARD'S RULES
CONCERNING THE COLORADO INSTREAM FLOW AND NATURAL LAKE LEVEL
PROGRAM, 2 CCR 408-2**

APPLICATION FOR PARTY STATUS OF THE COLORADO WATER TRUST

The Colorado Water Trust hereby submits this Application for Party Status to participate in the public rulemaking hearing before the Colorado Water Conservation Board ("CWCB" or "Board") for consideration of amendments to the Rules Concerning the Colorado Instream Flow and Natural Lake Level Program, 2 CCR 408-2 ("ISF Rules").

I. Introduction.

Senate Bill 24-197 amended several subsections of section 37-83-105, C.R.S., which provides authority to the CWCB to accept temporary loans of water rights and to engage in administrative proceedings to temporarily change the use of those water rights for instream flow purposes. The section 37-83-105 legislative authority, which is often referred to as the CWCB's "Temporary Loan Program," has allowed water users to loan water rights to the CWCB for instream flow use in five years during a ten-year period. The amended statute allows the CWCB to accept loans of stored water under the Temporary Loan Program for use in reaches of where the CWCB does not hold a decreed instream flow water right.

CWCB Staff have drafted amended ISF Rules that implement provisions of Senate Bill 24-197 by updating descriptions of expedited and renewable loans and by revising the procedure for evaluating, requesting, approving, and making findings for both types of loans when the loan involves the new law regarding stored water releases for use in a stream reach in which the board does not hold a decreed instream flow water right. At the rulemaking scheduled for hearing on July 16-17, 2025, and for which the Colorado Water Trust seeks party status, the Board will consider the proposed changes to the ISF Rules.

II. The Colorado Water Trust's interest in the proposed rules.

The proposed rules will directly affect the work of the Colorado Water Trust. The Colorado Water Trust works with water users to develop and steward projects that restore water to Colorado's rivers and streams in need. In so doing, the Colorado Water Trust frequently works with the CWCB and employs a variety of statutory tools implemented in accordance with the ISF Rules, including the Temporary Loan Program. The Colorado Water Trust will continue to utilize the Temporary Loan Program as implemented by the CWCB in accordance with its ISF Rules in the future and, consequently, has a strong interest in the proposed rules.

III. Description of the general nature of the information that the Colorado Water Trust will present in the course of the proceedings.

The Colorado Water Trust will present statements and testimony in support of the CWCB Staff's proposed ISF Rules because they provide clarification for implementing the Temporary Loan Program in

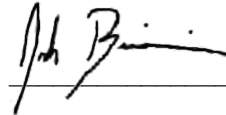
accordance with Senate Bill 24-197 and because the proposed rules are consistent with the statutory language and with the General Assembly's intent in amending the statute. The Colorado Water Trust supports the ability to loan stored water to the CWCB for use in reaches of stream where the Board does not hold a decreed instream flow water right because it provides water users with greater flexibility to voluntarily loan water to the CWCB for streamflow use and provides greater streamflow restoration opportunities, all while maintaining protection to other water rights on Colorado's rivers. The Colorado Water Trust will provide information on its past experiences under the ISF Rules and the Temporary Loan Program and can describe how, based on that experience, it anticipates the amended ISF Rules will operate.

IV. Contact person.

For purposes of this application for party status and the Colorado Water Trust's participation in the rulemaking hearing, Josh Boissevain, Staff Attorney for the Colorado Water Trust, should be considered the contact person. The appropriate mailing address, phone number, and email address at which to reach him are listed in the signature block below.

Respectively submitted this 1st day of May, 2025.

THE COLORADO WATER TRUST

A handwritten signature in black ink, appearing to read "Josh Boissevain", is written over a horizontal line.

Josh Boissevain, Esq.

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