

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

**IN THE MATTER OF THE RULEMAKING HEARING TO REVISE RULES
CONCERNING THE COLORADO INSTREAM FLOW AND NATURAL LAKE LEVEL
PROGRAM, 2 CCR 408-2**

WRITTEN TESTIMONY OF THE COLORADO WATER TRUST

The Colorado Water Trust hereby submits this Written Testimony of Josh Boissevain for the public rulemaking hearing to be held July 17, 2025 (“Rulemaking Hearing”) before the Colorado Water Conservation Board (“CWCB”) to revise Rules Concerning the Colorado Instream Flow and Natural Lake Level Program, 2 CCR 408-2 (“ISF Rules”).

The mission of the Colorado Water Trust is to restore flows to Colorado’s rivers and streams. During its 24-year history, the Colorado Water Trust has completed 27 flow restoration projects across the state, many in partnership with the CWCB’s ISF Program. Colorado Water Trust has significant experience developing and implementing Temporary ISF Loans. Colorado Water Trust staff has worked with water rights owners, partners, and staff at CWCB to implement eight Temporary ISF Loan approvals from the Colorado Division of Water Resources between 2012 and 2025, and we are currently pursuing another three.

Colorado Water Trust strongly supports the revised proposed amendments to the ISF Rules. First, these amendments are consistent with the statutory language of S.B. 24-197 and with the General Assembly’s intent in amending the statute; second, the amendments are the result of robust outreach, stakeholder input, and deliberate drafting; and finally, the amendments will provide greater opportunities and flexibility for us at the Colorado Water Trust to work with

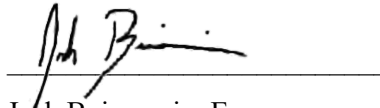
water users who want to engage in temporary streamflow restoration projects using their water rights.

Colorado Water Trust staff—through its Request for Water process—has encountered this specific scenario that the statutory and rule updates were intended to address: An owner of stored water rights is seeking to use their water to help restore flows to a local stream but there is no decreed ISF reach nearby to loan that water right to. In such circumstances, Colorado Water Trust staff have only been able to suggest the use of less protective tools as an alternative, such as a Water Conservation Program—or to turn away that offer entirely. There are many places around the state where the CWCB does not have an ISF right, but the stream is still in need. Similarly, there are also willing water rights owners who want to use their water to restore flows. This update to the ISF Program further helps make those connections, matching need and water. Not only does this update allow the Colorado Water Trust to work in more locations across the state, but it also gives us one more tool in our tool belt to help water rights owners to use their water to restore and protect streams, and to do so within the Prior Appropriation system.

In summary, Colorado Water Trust supports the amendments to the ISF Rules as proposed. Colorado Water Trust reserves the right to address testimony or exhibits of other Parties at the Rulemaking Hearing.

Respectively submitted this 3rd day of July, 2025.

THE COLORADO WATER TRUST

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

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STAFF ATTORNEY FOR THE
COLORADO WATER TRUST

Certificate of Service

**IN THE MATTER OF THE RULEMAKING HEARING TO REVISE RULES CONCERNING
THE COLORADO INSTREAM FLOW AND NATURAL LAKE LEVEL PROGRAM, 2 CCR
408-2**

I hereby certify that on July 3, 2025, a true and correct copy of the foregoing **WRITTEN TESTIMONY OF THE COLORADO WATER TRUST** was served via email to the Parties referenced in the Party Status below:

Parties

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/s/ Josh Boissevain

Josh Boissevain