

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

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

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**APPLICATION FOR PARTY STATUS OF WESTERN RESOURCE ADVOCATES, TROUT  
UNLIMITED, CONSERVATION COLORADO, AND THE NATIONAL AUDUBON SOCIETY**

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Western Resource Advocates, Conservation Colorado, Trout Unlimited and the National Audubon Society (collectively, “WRA et al”) hereby jointly submit this Application for Party Status to participate in the Colorado Water Conservation Board’s (“CWCB”) rulemaking hearing (“Rulemaking”) concerning amendments to the Board’s Rules Concerning the Colorado Instream Flow and Natural Lake Level Program, 2 CCR 408-2 (“ISF Rules”).

**I. Introduction and Statement of Position**

Senate Bill 24-197 was passed in the 2024 session of the Colorado General Assembly to amend section 37-83-105, C.R.S., which governs temporary loans of water for instream flow purposes, by allowing temporary loans of stored water to the CWCB for use in stream reaches where the CWCB does not hold a decreed in-stream flow (“ISF”) water right. Senate Bill 24-197 also directs the CWCB Board to promulgate rules to implement certain provisions of the bill, as needed.

WRA et al support CWCB Staff’s proposed amendments to the ISF Rules because such amendments appropriately implement the provisions of Senate Bill 24-197, consistent with the intent of the General Assembly, by offering the CWCB greater flexibility to make use of voluntary water loans of storage rights for instream flow purposes, thus enhancing river protection and restoration opportunities while protecting Colorado’s existing water rights holders.

WRA et al reserve the right to oppose additional amendments to the ISF Rules that may be proposed as part of this Rulemaking insofar as such amendments are unnecessary, were not properly noticed, or are inconsistent with the intent of the General Assembly in enacting Senate Bill 24-197.

**II. Witness List**

Josh Kuhn, Advocacy Director, Conservation Colorado.

Nathan Boyer-Rechlin, Western Rivers Program Specialist, National Audubon Society.

Drew Peterzell, Colorado State Director, Rockies Region, Trout Unlimited

Orla Bannan, Policy Manager for State Policy and Engagement, Western Resource Advocates

Ms. Bannan and Western Resource Advocates, Mr. Kuhn and Conservation Colorado, Mr. Peterzell and Trout Unlimited and Mr. Boyer-Rechlin and National Audubon Society assisted with the drafting of Senate Bill 24-197, the stakeholder outreach, and in other matters related to the General Assembly’s enactment of the Bill, and may provide testimony addressing these matters as well as their and other Senate Bill 24-197 proponents’ intent in drafting and supporting the Bill.

### **III. Statement of Open Legal Questions**

WRA et al have not identified any open legal questions at issue in this Rulemaking. WRA et al reserve the right to raise legal questions as such questions arise in the course of this Rulemaking.

### **IV. Statement of Relief Requested**

WRA et al request the CWCB Board approve amendments to the ISF Rules substantively identical to CWCB Staff's proposed amendments as published and noticed.

### **V. Time Requested at Hearing**

WRA et al request 20 minutes total for the testimony of Orla Bannan, Josh Kuhn, Drew Peternell, and Nathan Boyer-Rechlin. WRA et al will appropriately combine testimony to eliminate redundancy.

### **VI. Exhibit List**


WRA et al do not anticipate submitting any exhibits in this matter. WRA et al may request to add exhibits if the need arises.

### **VII. Contact Person.**

For this hearing only, John Cyran, Senior Staff Attorney, Western Resource Advocates Healthy Rivers Program, is the contact person for WRA et al. Mr. Cyran's mailing address, phone number, and email address are listed below.

Respectively submitted this 30<sup>th</sup> day of May 2025.

WESTERN RESOURCE ADVOCATES



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Senior Staff Attorney, Healthy Rivers Program

On behalf of Western Resource Advocates,  
Conservation Colorado, Trout Unlimited, and the  
National Audubon Society

## CERTIFICATE OF SERVICE

I hereby certify that I have duly served the copies of the foregoing **Prehearing Statement** upon all parties herein by email, this 30<sup>th</sup> day of May 2025, addressed as follows:



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