

BEFORE THE COLORADO WATER CONSERVATION BOARD

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

ORDER RE: COLORADO WATER CONSERVATION BOARD'S ADOPTION OF PROPOSED RULE AMENDMENTS

In connection with implementing the Colorado River Drought Task Force's proposals, the General Assembly passed Senate Bill 24-197 ("SB 197"). Of relevance, SB 197 directed the Colorado Water Conservation Board (the "Board") to promulgate rules for the Board's review and acceptance of loans of stored water for instream flow ("ISF") use. The Board's staff ("CWCB Staff") proposed revisions to the Rules Concerning the Colorado Instream Flow and Natural Lake Level Program, 2 CCR 408-2 ("Rules") to implement the statutory changes. The Rule revisions only include changes to Rule 6.k and its accompanying statement of basis and purpose ("SBAP").

CWCB Staff's proposed rule amendments are consistent with the requirements of Section 2 of SB 197, existing Rules, and will enable the proper implementation of section 37-83-105(1) & (3), C.R.S regarding temporary loans of stored water for ISF use in reaches without a decreed ISF water right. In addition to CWCB Staff's proposal, Colorado Parks Wildlife Staff proposed the following edits to Rule 6.k.1.b.i and Rule 6.k.2.f.i: "...In the case of loans made pursuant to Section 37-83-105(1)(c), C.R.S., such documentation shall include an analysis of historical diversions to storage and/or releases of the loaned water right for its decreed beneficial uses, as relevant." CWCB Staff supported and adopted this revision. All parties supported this change.

At an in-person hearing before the Board on July 17, 2025, the Board adopted proposed amendments to its Rules. The Board, having considered the rulemaking record, adopted rule revisions attached hereto as **Appendix A** and the SBAP attached hereto as **Appendix B**. The SBAP and the Rule amendments will become effective twenty (20) days after publication in the Colorado Register pursuant to section 24-4-103(5), C.R.S.

IT IS SO ORDERED.

Dated this 21st day of July, 2025.

By the Hearing Officer:

/s/ Jackie Calicchio

Jackie Calicchio

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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 21, 2025, a true and correct copy of the foregoing
**ORDER RE: COLORADO WATER CONSERVATION BOARD'S ADOPTION OF PROPOSED
RULE AMENDMENTS** was served via email to the Parties referenced in the Party Status
below:

Parties

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<u>Colorado Water Trust</u> Josh Boissevain 1317 17th Street #766 Denver, CO 80202 720-570-2897 jboissevain@coloradowatertrust.org	<u>Colorado Parks and Wildlife</u> <u>Staff Contacts:</u> Kerry Major Water Resources Coordinator 6060 Broadway Denver, CO 80216 303-291-7242 Kerry.major@state.co.us Pete Conovitz Water Rights Program Administrator 317 W Prospect Road Fort Collins, CO 80526

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<p><u>Western Resource Advocates, Conservation Colorado, the National Audubon Society, and Trout Unlimited</u></p> <p>John Cyran 2260 Baseline Road Boulder, CO 80302 303-746-3802 john.cyran@westernresources.org</p>	

/s/ Jackie Calicchio
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