

EXHIBIT B

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 NATUAL 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

House Bill 20-1157 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. Since 2002, 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 three years during a ten year period. The amended statute allows the loans to operate in up to five years during a ten year period and authorizes loan renewals for up to two additional ten year periods. Further, the amended statute will allow the CWCB to use the loaned water at rates that will protect and improve the natural environment to a reasonable degree on stream reaches with a decreed instream flow water right once the CWCB amends the ISF Rules.

CWCB Staff drafted amended ISF Rules that implement provisions of House Bill 20-1157 and that update references to the CWCB website and to Colorado Parks and Wildlife. At the rulemaking scheduled for hearing on January 26, 2021, 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 impact 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 pursuant to 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 pursuant to 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,

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because the proposed rules are consistent with the statutory language and with the General Assembly's intent in amending the statute, and because the proposed rules correctly update references to the CWCB website and Colorado Parks and Wildlife. The Colorado Water Trust supported House Bill 20-1157 in the legislative session because the expanded Temporary Loan Program provides water users with greater flexibility to voluntarily loan water to the CWCB for instream flow 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, Kate Ryan, Senior 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 her are listed in the signature block below.

Respectively submitted this 9th day of November, 2020.

THE COLORADO WATER TRUST



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