

EXHIBIT A

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

IN THE MATTER OF THE RULEMAKING HEARING FOR CONSIDERATION OF THE PROPOSED RULES TO IMPLEMENT HOUSE BILL 20-1157

APPLICATION FOR PARTY STATUS OF THE NATURE CONSERVANCY

The Nature Conservancy hereby submits this Application for Party Status to participate in the Colorado Water Conservation Board's (the "CWCB") rulemaking hearing concerning its proposed rules to implement House Bill 20-1157.

I. Introduction

House Bill 20-1157 was passed in the 2020 session of the Colorado General Assembly to amend several provisions of section 37-83-105, C.R.S., which provides the CWCB's authority to accept temporary loans of water for instream flow purposes to preserve the environment to a reasonable degree. Prior to the passage of this legislation, the statute allowed water users to loan water to the CWCB for up to one-hundred twenty days in up to three calendar years during a ten-year period. Water users could not reapply for a subsequent loan after the expiration of the initial three years in ten period. The amended statute allows the loans to operate in up to five years during a ten-year period and authorizes the parties to renew the loan for up to two additional ten-year periods. The amended statute will also allow for the CWCB to accept loans of water to both protect and improve the natural environment to a reasonable degree on stream reaches with a decreed instream flow water right. House Bill 20-1157 directed the CWCB to promulgate rules that will govern its review and acceptance of loans proposed pursuant to section 37-83-105, C.R.S. At the rulemaking hearing, scheduled for January 26, 2021 the CWCB will consider the rules that its staff has proposed pursuant to that statutory directive.

II. The Nature Conservancy's interest in the proposed rules.

The Nature Conservancy is interested in the proposed rules because they will directly impact its work and mission. The Nature Conservancy's mission is to conserve the lands and waters on which all life depends. In Colorado, The Nature Conservancy works with landowners, water users, and communities to ensure that both people and nature thrive. We work extensively with water users in the Colorado River Basin to improve flows for fish, wildlife, and recreation. We have used a number of legal tools to facilitate this work, including loans made pursuant to section 37-83-105, C.R.S in partnership with the Upper Yampa Water Conservancy District, the City of Steamboat Springs, the Colorado Water Trust, and the Yampa River Fund to improve flows in the Yampa River below Stagecoach Reservoir. The Nature Conservancy's interest in the proposed rules stems from the opportunity for the amended section to directly benefit its mission to conserve waters and the Conservancy's interest in continuing to facilitate loans made pursuant to the amended section 37-83-105, C.R.S. in the future.

III. Description of the general nature of the information that The Nature Conservancy will present in the course of the proceedings.

The Nature Conservancy worked with partners to develop and advocate in support of House Bill 20-1157 because it provides a needed tool to improve stream flows through voluntary arrangements with water

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users and reduces arbitrary limitations on the use of property rights. In addition, the bill expanded notice requirements to ensure that water users have appropriate opportunities to engage and ensure that injury is avoided. The amended statute is consistent with the underlying objectives of 37-83-105, C.R.S and will allow for additional participation by water users and further improvements to Colorado's rivers in the face of drought and climate change. The Nature Conservancy supports the CWCB staff's proposed rules, which are consistent with the General Assembly's intent as provided by the language in House Bill 20-1157. The Nature Conservancy seeks party status in order to testify to such in support of the CWCB staff's proposed rules.

IV. Contact person.

For purposes of this application for party status and The Nature Conservancy's participation in the rulemaking hearing, Aaron Citron, Natural Resources Policy Advisor for The Nature Conservancy in Colorado, the signee below, should be considered the contact person. The appropriate mailing address, phone number, and email address, at which to reach him, are listed in the address block below.

Respectively submitted this ninth day of November, 2020.

THE NATURE CONSERVANCY



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