

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

On March 20, 2020, Governor Polis signed House Bill 20-1157 into law. House Bill 20-1157 expanded the authority of the Colorado Water Conservation Board (“Board”) to use water that a water right owner voluntarily loans to the Board for instream flow purposes. House Bill 20-1157 directed the Board to promulgate rules in conformance with the bill.

At a virtual hearing before the Board on January 26, 2021, the Board promulgated amendments to its Rules Concerning the Colorado Instream Flow and Natural Lake Level Program, 2 CCR 408-2 (“Rules”). It amended the Rules to: (1) address the requirements of House Bill 20-1157 as described above; (2) update a reference to the Board’s website; and (3) update references to Colorado Parks and Wildlife.

The Board, having considered the rulemaking record—including the proposed rule amendments, materials submitted in the course of this rulemaking proceeding, written testimony, and oral presentations of the Parties to the hearing—and being fully advised in the matter, adopted rule revisions attached hereto as **Appendix A** at the January 26, 2021 hearing. It also adopted the Statement of Basis and Purpose attached hereto as **Appendix B**.

Following this adoption by the Board, the Statement of Basis and Purpose and the amendments to the Rules 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 29th day of January, 2021.

By the Hearing Officer:

/s/ Amy W. Beatie

Amy W. Beatie
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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 January 29th, 2021, a true and correct copy of the foregoing **ORDER RE: COLORADO WATER CONSERVATION BOARD'S ADOPTION OF PROPOSED RULE AMENDMENTS** was served via email on behalf of the Hearing Officer to the Parties referenced below:

Hearing Officer

Amy Beatie Deputy Attorney General Natural Resources & Environment Section Office of the Colorado Attorney General 1300 Broadway, 7th Floor Denver, Colorado 80203 720-508-6295 amy.beatie@coag.gov <u>Copy To:</u> john.watson@coag.gov
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Parties

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<p><u>The Nature Conservancy</u></p> <p>Aaron Citron 2424 Spruce Street Boulder, CO 80302 520-730-3421 aaron.citron@tnc.org</p>	<p><u>Colorado Water Trust</u></p> <p>Kate Ryan 3264 Larimer Street, Suite D Denver, CO 80205 720-570-2897 kryan@coloradowatertrust.org</p>
<p><u>Trout Unlimited</u></p> <p>Drew Peternell Trout Unlimited P.O. Box 4165 Eagle, Colorado 81631 303-204-3057 drew.peternell@tu.org</p>	<p><u>Western Resource Advocates, Conservation Colorado, and the National Audubon Society</u></p> <p>John Cyran 2260 Baseline Road Boulder, CO 80302 303-746-3802 john.cyran@westernresources.org</p>
<p><u>Colorado River Water Conservation District</u></p> <p>Peter C. Fleming Jason V. Turner Lorra Nichols Colorado River Water Conservation District P.O. Box 1120 Glenwood Springs, Colorado 81602 970-945-8522 pffleming@crwcd.org jturner@crwcd.org lnichols@crwcd.org</p>	<p><u>Colorado Parks and Wildlife</u></p> <p><u>Staff Contacts:</u> Katie Birch Rob Harris 6060 Broadway Denver, CO 80216 303-291-7335 303-291-7550 katie.birch@state.co.us robert.harris@state.co.us</p> <p><u>Counsel:</u> Elizabeth Joyce 1300 Broadway Denver, CO 80203 720-508-6761 elizabeth.joyce@coag.gov</p>

/s/ John Watson
John Watson