

<p>Before the Ground Water Commission, Colorado 1313 Sherman St., Rm 821, Denver, CO 80203</p>	<p>COMMISSION USE ONLY</p>	
<p>IN THE MATTER OF A PROPOSAL TO THE COLORADO GROUND WATER COMMISSION FOR RULEMAKING TO AMEND RULE 7.4 OF THE RULES AND REGULATIONS FOR THE MANAGEMENT AND CONTROL OF DESIGNATED GROUND WATER TO PREVENT A WELL FROM INCREASING DEPLETIONS OF DESIGNATED GROUND WATER BEYOND THE WELL'S HISTORICAL DEPLETIONS WHEN CHANGING THE DESCRIPTION OF IRRIGATED ACRES ALLOWED TO BE IRRIGATED BY THE WELL</p>		
<p>NOTICE OF PUBLIC RULEMAKING HEARING</p>		

I. NATURE OF PUBLIC RULEMAKING PROCEEDING

This is a notice of a public rulemaking hearing before the Colorado Ground Water Commission (“Commission”) for consideration of amendments to the Commission’s Rules and Regulations for the Management and Control of Designated Ground Water, 2 CCR 410-1 (“Commission’s Rules”).

The Commission’s Rules and any amendments thereto are promulgated pursuant to section 37-90-111(1)(h), C.R.S to carry out the authority and responsibilities of the Commission to supervise and control the exercise and administration of rights acquired to the use of designated ground water. The proceedings will be conducted pursuant to the Commission’s Rules for Procedure for All Hearings before the Colorado Ground Water Commission, 2 CCR 402-3 (“Procedural Rules”).

The purpose of the proposed amendment to Rule 7.4 is to prevent a well from increasing depletions of designated ground water beyond the well’s historical depletions when changing the description of irrigated acres allowed to be irrigated by the well.

II. DESCRIPTION OF THE SUBJECTS AND ISSUES INVOLVED

Staff of the Commission submitted to the Commission at its May 18, 2017 meeting a proposal to make this amendment to the Commission’s Rules. At its August 11, 2017 meeting the Commission authorized Staff to file a notice of rulemaking hearing with the Secretary of State. A rulemaking hearing is scheduled for the Commission’s November 3, 2017 meeting.

The language of the proposed rule change, and a proposed statement of basis, specific statutory authority, and purpose for the amendment, are posted on the Commission's website at <http://water.state.co.us/cgwc/>, or are available upon request to the Commission's Staff (1313 Sherman Street, Room 821, Denver, CO 80203; telephone (303) 866-3581, email contact: keith.vanderhorst@state.co.us). The Commission will consider any alternative proposals related to the proposed amendments.

III. SPECIFIC STATUTORY AUTHORITY

The statutory authority for promulgating the Commission's Rules and any amendments thereto is found at section 37-90-111(1)(h), C.R.S.

IV. PUBLIC PARTICIPATION

Party Status

The Notice of Rulemaking Hearing will be published on September 25, 2017. Applications for party status will be accepted through October 9, 2017. The applications will be reviewed in accordance with Rule 4.E of the Procedural Rules. Applications for party status shall set forth the name of the person, persons or agency seeking party status. The application shall also indicate the interest of the person(s) in the proposed rules and a description of the general nature of the evidence or information to be presented in the course of the proceedings. Staff of the Commission is automatically a party to the rulemaking proceeding before the Commission pursuant to Rule 4.E.5 of the Procedural Rules.

Written Comments

Pursuant to Rule 4.I.1 of the Procedural Rules parties and interested persons shall be afforded the opportunity to submit written data at the rulemaking hearing.

In order to allow the Commission adequate time to consider public comments on the proposed amendments, all written comments are encouraged to be submitted to the Commission by October 20, 2017, at 1313 Sherman Street, Room, Room 821, Denver, CO 80203, or by email (email contact keith.vanderhorst@state.co.us). The Commission may accept and consider late written comments and day-of-hearing written comments at its discretion, but any person who fails to deliver written comments by the deadline will not be entitled to make a Scheduled Oral Presentation, as described below.

The Commission will consider all written comments, regardless of whether the commenter makes an oral presentation. Written comments may include any written data, views or arguments concerning the proposed amendments to the Commission's Rules, legal arguments or briefs, and materials prepared by persons other than the submitter. If alternative amendments are proposed, the Commission encourages those amendments to be included in the written materials, along with a proposed statement of basis and purpose of the alternative amendments.

The Administrative Record, including the proposal, prehearing statements, written comments, and all other written materials to be considered by the Commission in this rulemaking, will be available for inspection on the Commission's website at <http://water.state.co.us/cgwc/>, and at the Commission's office at 1313 Sherman Street, Room, Room 821, Denver, CO 80203, during normal business hours (8:00 a.m. -5:00 p.m.), after October 20, 2017.

Oral Presentations

The opportunity for two types of oral presentations will be available to the public. The first, referred to as Scheduled Oral Presentation, will be scheduled at the prehearing conference. Scheduled Oral Presentations are only available for persons who applied for and received party status, and who deliver their written comments to the Commission on or before October 20, 2017.

The second, referred to as General Public Comment, will be allowed as determined by the Commission during the hearing.

V. PREHEARING CONFERENCE

Prior to the public hearing conducted by the Commission, the Commission's Attorney will hold a prehearing conference at 9:00 am on October 20, 2017, at office of the State Engineer at 1313 Sherman Street, Room, Room 814, Denver, CO 80203.

Pursuant to Rule 4.F.2 of the Procedural Rules each applicant for party status must submit at the prehearing conference a prehearing statement. The prehearing statement may constitute the party's written comments referenced above.

Scheduled Oral Presentations will be scheduled at the prehearing conference.

VI. RULEMAKING HEARING

DATE: Friday, November 3, 2017

TIME: 10:00 a.m. (or as soon thereafter as provided for on the agenda of the general meeting of the Colorado Ground Water Commission)

PLACE: Town of Castle Rock Council Chambers, 100 Wilcox, 2nd Floor, Castle Rock, CO 80104

VII. PROCEDURE AND PROPOSED AGENDA FOR RULEMAKING HEARING

The Commission will not apply the formal rules of evidence or civil procedure. Commission members may ask questions of any person appearing before them.

The Chair of the Commission may stop any Scheduled Oral Presentation or General Public Comment if the person speaking has exceeded his/her allotted time. Once the written comment is submitted for the consideration of the Commission, the material becomes part of the

Administrative Record and the property of the Commission and will not be returned to the person offering the material.

Agenda

10:00 Rulemaking procedures explained
10:05 Scheduled oral presentations
10:35 Staff presentation
10:45 General public comment
11:00 Close public record, and Board deliberations

Subject to section 24-4-103, C.R.S., the Board may modify the proposed revised Rules prior to promulgating final revised Rules.

VIII. EFFECTIVE DATE

The amendments to the rules shall become effective 20 days after publication of the final amended rules, as adopted by the Commission, in the Colorado Register.

DATED this 5th day of September, 2017.



Kevin Rein, P.E.
Executive Director
Colorado Ground Water Commission
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