

BEFORE THE COLORADO WATER CONSERVATION BOARD

STATE OF COLORADO

**IN THE MATTER OF PROPOSED INSTREAM FLOW APPROPRIATIONS
IN WATER DIVISION NO. 7: DISAPPOINTMENT CREEK (UPPER) AND
(LOWER)**

**UNOPPOSED MOTION FOR CONTINUANCE OF HEARING AND
ASSOCIATED PREHEARING CONFERENCE DATE AND DEADLINES FOR
PREHEARING SUBMISSIONS**

The Staff of the Colorado Water Conservation Board (“CWCB Staff”), by and through undersigned counsel, hereby requests the hearing and associated deadlines be continued, and as grounds therefor state the following:

1. A hearing in this matter is currently scheduled for the CWCB September meeting, September 17-19, 2019. The following associated prehearing deadlines were set in the Hearing Officer’s June 6, 2019, order:
 - a. July 9, 2019: Prehearing statements due
 - b. July 16, 2019: Prehearing conference
 - c. August 15, 2019: Rebuttal statements due
2. The parties to the hearing are working to negotiate a resolution. Holding a hearing and requiring the parties to submit pre-hearing statements will be unnecessary if the parties are able to reach a settlement. However, the parties need additional time to determine if settlement is possible and to finalize details of a settlement. Therefore, the parties desire to continue the hearing currently scheduled for the CWCB’s September board meeting to the CWCB’s November board meeting. Continuing the hearing to the meeting scheduled for November 20-21, 2019 would necessitate resetting the associated prehearing deadlines, and the parties have agreed to the following revised deadlines:
 - a. September 6, 2019: Prehearing statements due
 - b. September 16, 2019: Prehearing conference
 - c. October 15, 2019: Rebuttal statements due

3. CWCB Staff requests the hearing be continued to the CWCB meeting scheduled for November 20-21, 2019, and the deadlines be revised as set forth in provisions 2(a)-(c), above.
4. The undersigned has conferred with counsel for the Board of County Commissioners of Dolores County, Western Resource Advocates, and Southwestern Water Conservation District, as well as Roy Smith with the Bureau of Land Management, and based upon that conferral is authorized to state that the Parties do not oppose the requested continuance.

Dated this 3rd day of July, 2019

PHIL WEISER
Attorney General



Jennifer Mele,* # 30720
First Assistant Attorney General
Natural Resources and Environment Section
Attorneys for the Staff of the Colorado Water Conservation Board
*Counsel of Record

Certificate of Service

Contested CWCB ISF Appropriations on Disappointment Creek

I hereby certify that I have duly served the copies of the foregoing
**UNOPPOSED MOTION FOR CONTINUANCE OF HEARING AND
ASSOCIATED PREHEARING CONFERENCE DATE AND DEADLINES FOR
PREHEARING SUBMISSIONS** upon all parties herein by email, this 3rd day of
July 2019, addressed as follows:

Hearing Officer

Amy Beatie Deputy Attorney General Natural Resources & Environment Section Office of the Colorado Attorney General 1300 Broadway, 7th Floor Denver, Colorado 80203 720-508-6296 Amy.Beatie@coag.gov

Party Status

<u>Colorado Water Conservation Board</u> Linda Bassi Rob Viehl Colorado Water Conservation Board 1313 Sherman Street, Room 718 Denver, CO 80203 303-866-3441 ext. 3204 linda.bassi@state.co.us	<u>Board of County Commissioners, Dolores County, Colorado</u> Martha P. Whitmore Hockersmith & Whitmore, LLC P.O. Box 646 917 Main Street, 2nd Floor Ouray, CO 81427 970-325-4414 marti@ouraylaw.com
<u>Western Resource Advocates</u> Robert K. Harris Bart Miller 2260 Baseline Road, Suite 200 Boulder, CO 80302 303-444-1188 bart.miller@westernresources.org rob.harris@westernresources.org	

Contested Hearing Participant Status

The Southwestern Water Conservation
District

Beth Van Vurst

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/s/ Margaret L. Popick

Margaret L. Popick