

BEFORE THE COLORADO WATER CONSERVATION BOARD

STATE OF COLORADO

**IN THE MATTER OF PROPOSED INSTREAM FLOW APPROPRIATION IN
WATER DIVISION NO. 6: TROUT CREEK**

**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 board 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 3, 2019: Prehearing statements due
 - b. September 10, 2019: Prehearing conference
 - c. October 15, 2019: Rebuttal statements due

3. CWCB Staff requests the hearing be continued to the CWCB board meeting scheduled for November 20-21, 2019, and the deadlines be revised as set forth in paragraphs 2(a)-(c), above.
4. The undersigned has conferred with counsel for Knott Land and Livestock Company, Inc., and Twentymile Coal, LLC, 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

/s/ Andrew Nicewicz

Andrew Nicewicz, #44903*
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 Appropriation on Trout 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

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<u>Bureau of Land Management</u> Roy Smith DOI, BLM, Colorado State Office 2850 Youngfield Street Lakewood, CO 80215-7093 303-239-3940 r20smith@blm.gov	<u>Knott Land and Livestock Company, Inc.</u> Kent Holsinger Alyson Meyer Gould Holsinger Law, LLC 1800 Glenarm Place, Suite 500 Denver, CO 80202 kholsinger@holsingerlaw.com agould@holsingerlaw.com
<u>Twentymile Coal, LLC</u> William H. Caile Mark E. Hamilton Holland & Hart, LLP 555 17 th Street, Suite 3200 P.O. Box 8749 Denver, CO 80201-8749 whcaile@hollandhart.com mehamilton@hollandhart.com	

/s/ Margaret L. Popick