

BEFORE THE COLORADO WATER CONSERVATION BOARD

STATE OF COLORADO

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IN THE MATTER OF PROPOSED INSTREAM FLOW APPROPRIATIONS IN  
WATER DIVISION 7: DISAPPOINTMENT CREEK (UPPER) (confluence with  
Morrison Creek to historic USGS gage) AND DISAPPOINTMENT CREEK (LOWER)  
(historic USGS gage to confluence with the Dolores River)

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NOTICE OF WITHDRAWAL OF PARTY STATUS

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Western Resource Advocates, by and through the undersigned counsel, submits the following Notice of Withdrawal of Party Status regarding the CWCB Staff ISF Recommendations on Disappointment Creek, Water Division No. 7. As grounds therefor, Western Resource Advocates states the following:

1. Based upon the original recommendations of the United States Bureau of Land Management, Colorado Water Conservation Board (CWCB) Staff urged the CWCB Board to declare its intent to appropriate the above-captioned instream flow water rights for Disappointment Creek ("Disappointment Creek ISFs") at its January 2019 meeting.
2. On January 29, 2019, the CWCB Board declared its intent to appropriate the Disappointment Creek ISFs.
3. On March 28, 2019, Dolores County filed a timely notice to contest the Disappointment Creek ISFs under to Rule 5k of the Rules Concerning the Colorado Instream Flow and Natural Lake Level Program, 2 CCR 408-2 ("ISF Rules").
4. On April 30, 2019, Western Resource Advocates filed a timely Notice of Party Status in the contested ISF Appropriations under ISF Rule 5l. No other persons or entities filed for party status.
5. On April 30, 2019, the Southwestern Water Conservation District filed a timely Notice of Hearing Participant Status under ISF Rule 5m.
6. During its May 2019 meeting, the CWCB Board agreed to consider both proposed Disappointment Creek ISFs in one joint proceeding.

7. On September 5, 2019, Dolores County submitted a Notice of Withdrawal of Notice to Contest Instream Flow Appropriations in the above-captioned matter, attached hereto as Western Resource Advocates' Exhibit A.
8. On September 6, 2019, counsel for CWCB Staff filed an Unopposed Motion to Vacate Hearing, Prehearing Conference and Prehearing Deadlines. Because the pending unopposed motion and Dolores County's withdrawal resolve all disputes in this matter, Western Resource Advocates submits this Notice of Withdrawal of Party Status.

Wherefore, Western Resource Advocates hereby submits this Notice of Withdrawal of Party Status in the contested Disappointment Creek ISF Appropriations.

Respectfully submitted this 6th day of September 2019.



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**CERTIFICATE OF SERVICE**

I hereby certify that on September 6, 2019 the above **Notice of Withdrawal of Party Status** was served upon all parties, participants, and the Hearing Officer by email as follows:

Linda Bassi, Esq. Colorado Water Conservation Board 1313 Sherman Street, Room 721 Denver, CO 80203 <a href="mailto:linda.bassi@state.co.us">linda.bassi@state.co.us</a> <a href="mailto:rob.viehl@state.co.us">rob.viehl@state.co.us</a>	Beth Van Vurst, Esq. Fairfield and Woods, PC 1801 California Street, Suite 2600 Denver, Colorado Telephone: (303) 894-4488 <a href="mailto:bvanvurst@fwlaw.com">bvanvurst@fwlaw.com</a> [Southwest Water Conservation Dist.]
Jennifer L. Mele, Esq. Office of the Colorado Attorney General 1300 Broadway, 7th Floor Denver, CO 80203 <a href="mailto:jennifer.mele@coag.gov">jennifer.mele@coag.gov</a> [Colorado Water Conservation Board]	Martha P. Whitmore, Esq Hockersmith & Whitmore, LLC 917 Main Street, 2nd Floor PO Box 646 Ouray, CO 81427 <a href="mailto:marti@ouraylaw.com">marti@ouraylaw.com</a> [Dolores County]
Roy Smith DOI, BLM, Colorado State Office 2850 Youngfield Street Lakewood, CO 80215-7093 <a href="mailto:r20smith@blm.gov">r20smith@blm.gov</a>	Amy Beatie Deputy Attorney General Natural Resources & Env't Section Office of the Colorado Attorney General 1300 Broadway, 7th Floor Denver, Colorado 80203 <a href="mailto:Amy.Beatie@coag.gov">Amy.Beatie@coag.gov</a> [Hearing Officer]



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Robert K. Harris

**BEFORE THE COLORADO WATER CONSERVATION BOARD**

**STATE OF COLORADO**

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**IN THE MATTER OF PROPOSED INSTREAM FLOW APPROPRIATION IN WATER  
DIVISION NO. 7: DISAPPOINTMENT CREEK (UPPER) (confluence with Morrison Creek)  
AND DISAPPOINTMENT CREEK (LOWER) (confluence with the Dolores River)**

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**NOTICE OF WITHDRAWAL OF NOTICE TO CONTEST INSTREAM FLOW  
APPROPRIATIONS**

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The Board of County Commissioners of Dolores County ("Dolores County"), by and through its attorneys, submits the following Notice of Withdrawal of Notice to Contest the proposed appropriations in Disappointment Creek (Upper and Lower).

As grounds therefore, Dolores County states that the County has reached an agreement with the Bureau of Land Management to enter a decree confirming the County's water rights in Disappointment Creek, Case No. 19CW3006, District Court, Water Division No. 7, State of Colorado. Entry of the decree is awaiting approval by the Division Engineer for Water Division 7 and subsequent review by the Water Referee/Water Judge.

Dated this 5<sup>th</sup> day of September, 2019.

Hockersmith & Whitmore, LLC



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