

BEFORE THE COLORADO WATER CONSERVATION BOARD

**IN THE MATTER OF PROPOSED INSTREAM FLOW APPROPRIATION
DIVISION 3: CARNERO CREEK**

**ORDER GRANTING CWCB STAFF'S UNOPPOSED MOTION TO
VACATE PREHEARING CONFERENCE & DEADLINE FOR
SUBMISSIONS**

THIS MATTER comes before the Hearing Officer on the Colorado Water Conservation Board ("CWCB") Staff's unopposed motion to vacate the prehearing conference and deadlines for prehearing statements and rebuttal statements. The Hearing Officer, having reviewed the motion and being otherwise adequately advised, GRANTS the motion.


Staff has reached a stipulation with the only party contesting the proposed instream flow appropriation, S&T Farms, LLC. Staff will recommend to the CWCB that agreed-upon terms and conditions be approved by CWCB and be included in any decree entered by the water court for the proposed instream flow appropriation in this matter. CWCB is scheduled to consider Staff's stipulation with S&T Farms, LLC at its September 18, 2019 meeting. If CWCB accepts the terms and conditions, S&T Farms, LLC will withdraw its Notice to Contest, but if CWCB does not accept the terms and conditions, the stipulation is void and S&T Farms, LLC's Notice to Contest will remain in full force and effect.

The prehearing conference and deadlines for prehearing statements and rebuttal statements set in the Hearing Officer's June 12, 2019 Order are hereby VACATED. However, this matter is still scheduled for hearing during the CWCB's November 20-21, 2019 meeting in the Denver Metro Area, and shall remain before the Hearing Officer unless and until the parties request that hearing be vacated. To the extent CWCB does not approve the agreed-upon terms and conditions at its September 18, 2019 meeting, the parties shall file with the Hearing Officer by close of business on September 20, 2019 a motion to reschedule the prehearing conference and deadlines for prehearing statements and rebuttal statements as allowed pursuant to Rule 5.n. of the Rules Concerning the Colorado Instream Flow and Natural Lake Level Program, along with agreed-upon proposed dates and deadlines. To the extent CWCB does approve the agreed-upon terms and conditions at its September 18, 2019 meeting, the parties shall file with the Hearing Officer by close of business on September 20, 2019 a motion to

vacate the November 2019 hearing.

Dated this 10th day of September, 2019.

By the Hearing Officer:

A handwritten signature in black ink, appearing to read "Amy W. Beatie", is written over a horizontal line.

Amy W. Beatie
Deputy Attorney General
Colorado Attorney General's Office
1300 Broadway, 7th Floor
Denver, CO 80203
720-508-6295
Amy.Beatie@coag.gov

Certificate of Service

Contested CWCB ISF Appropriation on Carnero Creek

I hereby certify that on September 10, 2019, a true and correct copy of the foregoing ORDER GRANTING CWCB STAFF'S UNOPPOSED MOTION TO VACATE PREHEARING CONFERENCE & DEADLINE FOR SUBMISSIONS was served via email 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
720-508-6296
Amy.Beatie@coag.gov

Party Status

<u>Staff for the 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 rob.viehl@state.co.us	<u>Counsel for Staff of the Colorado Water Conservation Board</u> Jennifer Mele First Assistant Attorney General Natural Resources & Environment Section Office of the Colorado Attorney General 1300 Broadway, 7th Floor Denver, CO 80203 720-508-6282 jennifer.mele@coag.gov
<u>Colorado Parks and Wildlife</u> Katie Birch Instream Flow Program Coordinator Colorado Parks and Wildlife 6060 Broadway Denver, CO 80216 303-291-7335 Katie.Birch@state.co.us	<u>S & T Farms, LLC</u> David S. Hayes Petros & White, LLC 1999 Broadway, Suite 3200 Denver, CO 80202 303-825-1980 dhayes@petros-white.com

/s/ Patti Dubose