

BEFORE THE COLORADO WATER CONSERVATION BOARD

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

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UNOPPOSED MOTION TO VACATE HEARING ON NOVEMBER 20-21, 2019

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The Colorado Water Conservation Board (CWCB) staff, by and through undersigned counsel, hereby moves to vacate the hearing scheduled for November 20-21, 2019. As grounds for this motion, CWCB staff states as follows:

1. The CWCB has designated Deputy Attorney General Amy Beatie as Hearing Officer for the contested proposed instream flow appropriation on Carnero Creek. The hearing in this matter is currently scheduled to be held in conjunction with the CWCB's November 20-21, 2019 meeting in the Denver metro area.
2. S&T Farms LLC (S&T Farms) filed a Notice to Contest. No other party filed a Notice to Contest or filed for Contested Hearing Participant Status.
3. CWCB staff and S&T Farms have reached a stipulation that was approved by the CWCB on September 18, 2019.
4. On September 20, 2019, S&T Farms filed a Withdrawal of Notice to Contest Instream Flow Appropriation.
5. CWCB staff therefore requests that the hearing be vacated.
6. Undersigned counsel has conferred with counsel for S&T Farms who supports this motion.

Wherefore, CWCB staff requests that the Hearing Officer vacate the hearing currently scheduled for November 20-21, 2019.

Dated this 20<sup>th</sup> day of September, 2019.

/s/ Jennifer Mele

Jennifer Mele

First Assistant Attorney General

Water Conservation Unit

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Counsel for CWCB staff

Certificate of Service

Contested CWCB ISF Appropriation on Carnero Creek

I hereby certify that on September 20, 2019, a true and correct copy of the foregoing UNOPPOSED MOTION TO VACATE HEARING ON NOVEMBER 20-21, 2019, was served via email, to the parties referenced in the Party Status 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 <a href="mailto:Amy.Beatie@coag.gov">Amy.Beatie@coag.gov</a>
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**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 <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>	<u>S &amp; T Farms, LLC</u> David S. Hayes Petros & White, LLC 1999 Broadway, Suite 3200 Denver, CO 80202 303-825-1980 <a href="mailto:dhayes@petros-white.com">dhayes@petros-white.com</a>
<u>Colorado Parks and Wildlife</u> Katie Birch Instream Flow Program Coordinator Colorado Parks and Wildlife 6060 Broadway Denver, CO 80216 303-291-7335 <a href="mailto:Katie.Birch@state.co.us">Katie.Birch@state.co.us</a>	

/s/ Margaret L. Popick