

BEFORE THE COLORADO WATER CONSERVATION BOARD

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

ORDER GRANTING JOINT MOTION FOR EXTENSION OF TIME TO FILE
REBUTTAL PREHEARING STATEMENTS

AND

ORDER GRANTING MOTION TO REVISE HEARING ORDER

AND

ORDER RE: HEARING DATE

THESE MATTERS come before the Hearing Officer on TWO MOTIONS: (1) the joint motion of the Staff of the Colorado Water Conservation Board ("CWCB Staff"), Bureau of Land Management ("BLM"), Knott Land and Livestock Company, Inc., and Twentymile Coal, LLC (collectively, "Parties"), to extend the deadline for Rebuttal Prehearing Statements by one week to October 22, 2019 ("**Motion to Extend**"); and (2) the Motion to Revise Hearing Order – Requested by United States of America, Department of Interior, Bureau of Land Management ("**Motion to Modify**").

With respect to the **Motion to Extend**, the Hearing Officer, having reviewed the motion and being otherwise adequately advised, enters the following order:

Rule 5.n(5) of the Rules Concerning the Colorado Instream Flow and Natural Lake Level Program, 2 CCR 408-2 ("ISF Rules"), provides for the deadline to file Rebuttal Prehearing Statements, "unless the Parties agree otherwise." Moreover, ISF Rule 5.n states that the Hearing Officer shall assist the Parties in "adjusting deadlines and schedules to further the Parties' settlement efforts or for good cause shown."

The Hearing Officer finds that the case will be best served if the deadline for Rebuttal Prehearing Statements is extended, and that good cause exists to extend this deadline to allow the Parties time to determine whether continuance of the hearing should be requested in order to conduct additional stream measurements. The **Motion to Extend** is **GRANTED**, and the following deadlines in this matter are revised as follows:

Tuesday, October 22, 2019: Rebuttal Statements Due

On or before October 22, 2019, each Party, including CWCB Staff, shall submit an electronic copy of its rebuttal statement (including testimony, legal memoranda, and exhibits) to all other Parties and the Hearing Officer via the email addresses included in the attached Certificate of Service. The CWCB will not consider information submitted by any Party after this deadline except for good cause shown.


With respect to the **Motion to Modify**, the Hearing Officer, having reviewed the motion and being otherwise adequately advised, enters the following order:

The Hearing Officer finds that the amount of time allocated to the Bureau of Land Management ("BLM") for the hearing in this matter was a clerical error, and that rather than the time allocated, the BLM actually requested forty (40) minutes for its case in chief and fifteen (15) minutes for rebuttal. The **Motion to Modify** is **GRANTED**, and the BLM shall have forty (40) minutes for its case in chief and fifteen (15) minutes for rebuttal.

The Hearing Officer further **ORDERS** that the hearing in this matter will be conducted on Tuesday, November 19, 2019. The exact time and location have yet to be determined. The Hearing Officer will issue notice of the time and location when they are determined.

Dated this 11th day of October, 2019.

By the Hearing Officer:



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 Trout Creek

I hereby certify that on October 11, 2019, a true and correct copy of the foregoing ORDERS was served via email to the parties referenced below:

Hearing Officer

Amy Beatie
Deputy Attorney General
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Party Status

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