

# **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. 6: TROUT CREEK**

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#### **JOINT MOTION FOR EXTENSION OF TIME TO FILE REBUTTAL PREHEARING STATEMENTS**

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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”), hereby request a one-week extension of time for the Parties to file Rebuttal Prehearing Statements, and as grounds therefor state the following:

1. A hearing in this matter is scheduled for November 20, 2019.
2. Rebuttal Prehearing Statements are due October 15, 2019.
3. The Parties are considering requesting continuance of the hearing to next year in order for the BLM and CWCB Staff to conduct additional stream measurements.
4. If the Parties agree to move forward with that approach, the filing of Rebuttal Prehearing Statements at this time will be unnecessary.
5. Rule 5n(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.”
6. The Parties agree that a one-week extension of the deadline for Rebuttal Prehearing Statements to October 22, 2019, will allow the Parties to determine whether continuance of the hearing should be requested in order to conduct additional stream measurements.

7. The Parties request that the deadline for Prehearing Statements be extended one week to October 22, 2019.

Dated this 9th day of October, 2019.

**For Staff of the Colorado Water  
Conservation Board:**

PHIL WEISER  
Attorney General

*/s/ Andrew Nicewicz*

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Jennifer Mele, #30720\*  
First Assistant Attorney General  
Andrew Nicewicz, #44903\*  
Assistant Attorney General  
Natural Resources and Environment  
Section  
\*Counsel of Record

**For the Bureau of Land  
Management:**

*/s/ Andrew Nicewicz for*

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Roy E. Smith  
Water Rights and Instream Flow  
Coordinator

**For Knott Land and Livestock,  
Company, Inc.:**

HOLSINGER LAW, LLC

*/s/ Andrew Nicewicz for*

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Alyson Meyer Gould, #42672

**For Twentymile Coal, LLC:**

HOLLAND & HART, LLP

*/s/ Andrew Nicewicz for*

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William H. Caile, #32227  
Mark E. Hamilton, #24585

## Certificate of Service

### Contested CWCB ISF Appropriation on Trout Creek

I hereby certify that I have duly served the copies of the foregoing **JOINT MOTION FOR EXTENSION OF TIME TO FILE REBUTTAL PREHEARING STATEMENTS** upon all parties herein by email, this 9th day of October 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](mailto: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 <a href="mailto:r20smith@blm.gov">r20smith@blm.gov</a>	<u>Knott Land and Livestock Company, Inc.</u> Kent Holsinger Alyson Meyer Gould Holsinger Law, LLC 1800 Glenarm Place, Suite 500 Denver, CO 80202 <a href="mailto:kholsinger@holsingerlaw.com">kholsinger@holsingerlaw.com</a> <a href="mailto:agould@holsingerlaw.com">agould@holsingerlaw.com</a>

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/s/Andrew Nicewicz