

BEFORE THE COLORADO WATER CONSERVATION BOARD

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

ORDER GRANTING REVISED JOINT MOTION REQUESTING CONTINUANCE OF HEARING TO NOVEMBER 2020

THIS MATTER comes before the Hearing Officer on 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: (1) continue the hearing in this matter currently scheduled for November 20, 2019, to the November 2020 meeting of the Colorado Water Conservation Board (“Board”); (2) set a deadline for the Parties to provide supplemental prehearing statements; (3) reschedule the deadline for rebuttal prehearing statements; (4) reschedule the deadline for submitting demonstrative exhibits; and (5) schedule another prehearing conference. The Hearing Officer, having reviewed the motion and being otherwise adequately advised, enters the following order.

Rule 5c of the Rules Concerning the Colorado Instream Flow and Natural Lake Level Program, 2 CCR 408-2 (“ISF Rules”), states that “[w]hen necessary, the Board may modify or delay this schedule [for contested instream flow appropriations] or any part thereof as it deems appropriate.” Moreover, Rule 5n 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 hearing is continued to November 2020 in order for CWCB Staff and the BLM to take additional stream measurements, and that good cause exists to continue the hearing. The motion is **GRANTED**, and the following deadlines in this matter are revised as follows:

Thursday, October 1, 2020: Supplemental Prehearing Statements Due

On or before October 1, 2020, each Party, including CWCB Staff, may provide supplemental prehearing statements concerning additional stream measurements, or any other information or analyses gathered or performed by the Parties not addressed in the Parties’ prehearing statements and that will be relied on by the Party at the hearing. The supplemental prehearing statements may include revised or additional information listed under ISF Rule 5n(2).

Wednesday, October 7, 2020: Second Prehearing Conference

A second prehearing conference will be held at a place and time to be determined to address any issues contemplated under ISF Rule 5n(4) that may have changed since the original prehearing conference was held.

Thursday, October 15, 2020: Rebuttal Prehearing Statements Due

On or before October 15, 2020, 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 scope of rebuttal prehearing statements will be limited to issues and evidence presented in the Parties' prehearing statements or supplemental prehearing statements. The Board will not consider information submitted by any Party after this deadline except for good cause shown.

Wednesday, November 11, 2020: Deadline for Demonstrative Exhibits

The deadline for the Parties to submit demonstrative exhibits to the other Parties is Wednesday, November 11, 2020.

Wednesday – Thursday, November 18-19, 2020: Hearing

The hearing for this matter is hereby continued to the Board's meeting in November, 2020. The location and time of the hearing is yet to be determined. The Hearing Officer will issue a notice of the exact location and time of the hearing when it is so determined.

Dated this 22nd day of October, 2019.

By the Hearing Officer:

/s/ Amy W. Beatie

(original signature on file)

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 22, 2019, a true and correct copy of the foregoing ORDER GRANTING REVISED JOINT MOTION REQUESTING CONTINUANCE OF HEARING TO NOVEMBER 2020 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

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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 r20smith@blm.gov	<u>Knott Land and Livestock Company, Inc.</u> Kent Holsinger Alyson Meyer Gould Holsinger Law, LLC 1800 Glenarm Place, Suite 500 Denver, CO 80202 kholsinger@holsingerlaw.com agould@holsingerlaw.com

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/s/Barbara Dory
Barbara L. Dory