

## **BEFORE THE COLORADO WATER CONSERVATION BOARD**

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### **IN THE MATTER OF PROPOSED INSTREAM FLOW APPROPRIATION DIVISION NO. 2: IOWA GULCH**

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### **NOTICE OF PREHEARING CONFERENCE & DEADLINES FOR SUBMISSIONS**

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The Colorado Water Conservation Board ("CWCB") has designated Deputy Attorney General Amy Beatie as Hearing Officer for the contested proposed instream flow appropriation on Iowa Gulch. The hearing on this matter will be held in conjunction with the CWCB's September 16 to 17, 2020 meeting currently set to be held in the Rio Grande basin. The parties should note that the hearing may also occur remotely should the September meeting be held online due to the pandemic. You will be notified of the precise time and location, and whether the hearing will be held in person or online, once it is scheduled.

Pursuant to Rule 5n. of the Rules Concerning the Colorado Instream Flow and Natural Lake Level Program, the Hearing Officer hereby establishes the following deadlines for written submissions, designation of witnesses and exhibits, and the date of the prehearing conference.

#### **Tuesday, July 7, 2020: Prehearing Statements from Parties Due**

On or before July 7, 2020, each Party, including Staff, shall submit an electronic copy of its prehearing statement to all other Parties and the Hearing Officer via the email addresses included in the attached Certificate of Service. The prehearing statement shall identify all exhibits, engineering data, biological data, and reports or other information that the Party will rely upon at the hearing and shall contain:

- a) a specific statement of the factual and legal claims asserted (issues to be resolved) and the legal basis upon which the Party will rely;
- b) copies of all exhibits to be introduced at the hearing;
- c) a list of witnesses to be called and a brief description of their testimony;
- d) any alternative proposal to the proposed instream flow appropriation;
- e) all written testimony to be offered into evidence at the hearing; and
- f) any legal memoranda.

The CWCB will not consider information, other than rebuttal statements, submitted by the Parties after this deadline except for when there is good cause shown.

Please note: the Parties need not file the twenty-five (25) copies of prehearing statements, written comments, or rebuttal statements with the CWCB as required in Rule 5n.

**Tuesday, July 14, 2020: Prehearing Conference at 4:00 p.m.**

A prehearing conference will be held on Tuesday, July 14, 2019, at 4:00 p.m. via Zoom. A Zoom link will be provided in advance of the prehearing conference.

The prehearing conference will afford the Parties the opportunity to address such issues as time limitations for each Party to present at the hearing, how to avoid presentation of duplicative information, consolidation of concerns, etc. The Parties may formulate stipulations respecting the issues to be raised, witnesses and exhibits to be presented, and any other matters which may be agreed to or admitted by the Parties. At the prehearing conference, each Party shall identify any objections to the procedures or evidence it anticipates raising at the hearing, unless such objections could not have been reasonably determined by the time of the prehearing conference.

**Monday, August 17, 2020: Rebuttal Statements Due**

On or before August 17, 2020, each Party, including 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 when there is good cause shown.

**Wednesday through Thursday, September 16-17, 2020: Hearing**

The hearing for this matter is scheduled for the CWCB's meeting September 16-17, 2020, in the Rio Grande Basin or a location as otherwise specified due to the pandemic. The exact 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 17th day of June, 2020.

By the Hearing Officer:

/s/ Amy W. Beatie

Amy W. Beatie  
Deputy Attorney General  
Colorado Attorney General's Office  
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Denver, CO 80203  
720-508-6295  
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## Certificate of Service

Contested CWCB ISF Appropriation on Iowa Gulch

I hereby certify that on June 17th, 2020, a true and correct copy of the foregoing **NOTICE OF PREHEARING CONFERENCE & DEADLINES FOR SUBMISSIONS** 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 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>	<u>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 <a href="mailto:jennifer.mele@coag.gov">jennifer.mele@coag.gov</a>
<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>Parkville Water District</u> Steve Bushong Cassidy Woodard Porzak Browning & Bushong LLP 2120 13 <sup>th</sup> Street Boulder, CO 80302 303-443-6800 <a href="mailto:sjbushong@pbblaw.com">sjbushong@pbblaw.com</a> ; <a href="mailto:cwoodard@pbblaw.com">cwoodard@pbblaw.com</a>

/s/ John Watson  
John Watson