

**BEFORE THE COLORADO WATER CONSERVATION BOARD
STATE OF COLORADO**

**IN THE MATTER OF PROPOSED INSTREAM FLOW APPROPRIATION IN WATER
DIVISION NO. 2:**

**IOWA GULCH
(Headwaters to Iowa Gulch Intake)**

LAKE COUNTY, COLORADO

**NOTICE OF STATUS AND UNOPPOSED MOTION TO VACATE PREHEARING
CONFERENCE AND DEADLINES FOR SUBMISSIONS**

The Colorado Water Conservation Board (“CWCB”) staff, by and through undersigned counsel, hereby provides notice to the Hearing Officer as to the status of this administrative proceeding and moves to vacate the prehearing conference and deadlines for prehearing statements. 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 Iowa Gulch. The hearing on this matter is currently scheduled to be held in conjunction with the CWCB’s September 16-17, 2020 meeting.
2. Pursuant to Rule 5n. of the Rules Concerning the Colorado Instream Flow and Natural Lake Level Program, the Hearing Officer established the following deadlines for written submissions, designation of witnesses and exhibits, and the date of the prehearing conference.

Tuesday, July 7, 2020: Prehearing Statements Due

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

Monday, August 17, 2020: Rebuttal Statements Due

3. Parkville Water District, (Parkville), the only party opposing the appropriation on Iowa Gulch, and CWCB staff have entered into a Stipulation and Agreement regarding terms and conditions that CWCB staff will recommend to the CWCB to be included in the final action and any decree entered by the water court for the Iowa Gulch instream flow water right. If the CWCB accepts the terms and conditions, Parkville will withdraw its Notice to Contest and the matter is resolved. If the CWCB does not accept the terms and conditions, the Stipulation and Agreement is void and Parkville’s Notice to Contest remains in full force and effect. In the event that happens, the parties agree to seek to reschedule the deadlines for prehearing statements and a prehearing conference.

4. The parties therefore request that the prehearing statement deadlines and the prehearing conference be vacated. In the event the CWCB declines to accept CWCB staff's recommendation, the parties will request the Hearing Officer reset these deadlines and the date for the prehearing conference.
5. CWCB staff has conferred with the Bureau of Land Management and undersigned counsel has conferred with counsel for Parkville, and both support this motion.

Wherefore, CWCB staff requests that the Hearing Officer vacate the prehearing conference currently scheduled for July 14, 2020, and the deadlines for prehearing statements and rebuttal statements.

Dated this 1st day of July, 2020.

OFFICE OF THE COLORADO
ATTORNEY GENERAL
*Counsel for Staff of the Colorado Water
Conservation Board*



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Certificate of Service

Contested CWCB ISF Appropriation on Iowa Gulch

I hereby certify that on July 1st, 2020, a true and correct copy of the foregoing NOTICE OF STATUS AND UNOPPOSED MOTION TO VACATE 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
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Denver, Colorado 80203
720-508-6296
Amy.Beatie@coag.gov

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 linda.bassi@state.co.us	<u>Parkville Water District</u> Steve Bushong Cassidy Woodard Porzak Browning & Bushong, LLP 2120 13 th Street Boulder, CO 80302 303-443-6800 sjbushong@pbblaw.com cwoodard@pbblaw.com
<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	

/s/ Jen Mele