

BEFORE THE COLORADO WATER CONSERVATION BOARD

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

ORDER GRANTING JOINT MOTION REQUESTING EXTENSION OF PREHEARING DEADLINES AND SETTING OF TIME FOR SECOND PREHEARING CONFERENCE

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) extend the deadline for the Parties to provide Supplemental Prehearing Statements; and (2) extend the deadline for the Parties to provide Rebuttal Prehearing Statements. 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”) allows the Colorado Water Conservation Board to modify or delay the schedule customarily used for contested instream flow appropriations if it deems that modification is appropriate. Furthermore, ISF 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.” Moreover, ISF Rules 5n(2) and 5n(5) allow additional information to be submitted by the parties past the deadline of five working days before the prehearing conference for good cause shown or as agreed upon by the Parties.

The Hearing Officer finds that the case will be best served if the deadlines for Supplemental and Rebuttal Prehearing Statements are extended. The motion is **GRANTED**, and the following deadlines in this matter are revised as follows:

Friday, October 9, 2020: Supplemental Prehearing Statements Due

On or before October 9, 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). Any supplemental prehearing statements shall be submitted electronically to all other Parties and the Hearing Officer via the email addresses included in the attached Certificate of Service.

Friday, October 23, 2020: Rebuttal Prehearing Statements Due

On or before October 23, 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, October 7, 2020: Second Prehearing Conference

A Prehearing Conference in this matter is scheduled for October 7, 2020, but no time has been previously provided. The Second Prehearing Conference will be held on October 7 from 11:00am to 2:30pm. There will be breaks, as needed, and a link and information on how to appear will be provided to the Parties by email closer to the date of the conference.

Dated this 28th day of September, 2020.

By the Hearing Officer:

/s/ Amy W. Beatie
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 September 28, 2020, a true and correct copy of the foregoing **ORDER GRANTING JOINT MOTION REQUESTING EXTENSION OF PREHEARING DEADLINES AND SETTING OF TIME FOR SECOND PREHEARING CONFERENCE** was served via email to the parties referenced below:

Hearing Officer

Amy Beatie
Deputy Attorney General
Natural Resources & Environment Section
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Party Status

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<u>Twentymile Coal, LLC</u> William H. Caile Mark E. Hamilton Holland & Hart, LLP 555 17 th Street, Suite 3200 P.O. Box 8749 Denver, CO 80201-8749 whcaile@hollandhart.com mehamilton@hollandhart.com	
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/s/ John Watson

John Watson