

BEFORE THE COLORADO WATER CONSERVATION BOARD

STATE OF COLORADO

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

**JOINT MOTION FOR EXTENSION OF PREHEARING DEADLINE AND TO
VACATE PREHEARING CONFERENCE**

The Staff of the Colorado Water Conservation Board (“CWCB Staff”), Bureau of Land Management (“BLM”), Knott Land and Livestock Company, Inc. (“Knott Land and Livestock”), and Twentymile Coal, LLC (“Twentymile”) (collectively, “Parties”), hereby request that: (1) the deadline for Filing Supplemental Prehearing Statements be extended; and (2) the Prehearing Conference be vacated. As grounds therefor, the Parties state the following:

1. The Prehearing Conference in this matter is scheduled for October 12, 2020, at 3:30 p.m.
2. The Deadline for filing Supplemental Prehearing Statements is October 9, 2020.
3. The Parties have reached an agreement regarding settlement and resolution of this matter. However, the parties may not be able to finalize, sign and file stipulations prior to the deadline for filing Supplemental Prehearing Statements on October 9, 2020. The parties request a one-week extension, up to and including October 16, 2020, to file Supplemental Prehearing Statements.
4. Since the parties have reached an agreement regarding settlement, it is not necessary to have the Prehearing Conference. Therefore, the parties request that the Prehearing Conference scheduled for October 12, 2020, be vacated.
5. 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(1) 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 good cause exists to allow the Parties an extension of the deadline to provide Supplemental Prehearing Statements and to vacate the prehearing conference.

7. The Parties request that the deadline of October 9, 2020, to provide Supplemental Prehearing Statements be extended to October 16, 2020.

8. The Parties request that the Prehearing Conference scheduled for October 12, 2020, at 3:30 p.m., be vacated.

Dated this 9th day of October, 2020.

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

PHIL WEISER
Attorney General

/s/ Andrew Nicewicz

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

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

HOLSINGER LAW, LLC

/s/ Andrew Nicewicz for

David Kueter, #26136

**For the Bureau of Land
Management:**

/s/ Andrew Nicewicz for

Roy E. Smith
Water Rights and Instream Flow
Coordinator

For Twentymile Coal, LLC:

HOLLAND & HART, LLP

/s/ Andrew Nicewicz for

William H. Caile, #32223
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 PREHEARING DEADLINE AND TO VACATE PREHEARING CONFERENCE** upon all parties herein by email, this 9th day of October, 2020, 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

Party Status

<u>Staff of the Colorado Water Conservation Board</u> Linda Bassi Rob Viehl Colorado Water Conservation Board 1313 Sherman Street, Room 718 Denver, CO 80203 303-866-3441 ext. 3204 linda.bassi@state.co.us rob.viehl@state.co.us	<u>Counsel for Staff of the Colorado Water Conservation Board</u> Jen Mele First Assistant Attorney General Andy Nicewicz Assistant Attorney General Natural Resources & Environment Section Office of the Colorado Attorney General 1300 Broadway, 7th Floor Denver, CO 80203 720-508-6259 jennifer.mele@coag.gov andy.nicewicz@coag.gov
<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 David Kueter Holsinger Law, LLC 1800 Glenarm Place, Suite 500 Denver, CO 80202 kholsinger@holsingerlaw.com dkueter@holsingerlaw.com

<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/ Margaret L. Popick