

BEFORE THE COLORADO WATER CONSERVATION BOARD

STATE OF COLORADO

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

UNOPPOSED MOTION TO VACATE HEARING

The Staff of the Colorado Water Conservation Board (“CWCB Staff”), by and through undersigned counsel, hereby moves to vacate the hearing scheduled for November 18-19, 2020. 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 Trout Creek. The hearing in this matter is currently scheduled to be held in conjunction with the CWCB’s November 18-19, 2020 meeting.
2. Knott Land and Livestock Company, Inc. (“KLL”) filed a Notice to Contest Instream Flow Appropriation on March 29, 2019.
3. Twentymile Coal, LLC (“Twentymile”) filed a Notice of Party Status on April 29, 2019.
4. KLL and CWCB Staff signed a Stipulation and Agreement on October 19, 2020. A copy of the Stipulation and Agreement is filed herewith.
5. Twentymile and CWCB Staff signed a Stipulation and Agreement on October 19, 2020. A copy of the Stipulation and Agreement is filed herewith.
6. No other party filed a Notice to Contest or Notice of Party Status.
7. CWCB Staff therefore requests that the hearing be vacated.
8. At the CWCB’s November 18-19, 2020 CWCB Staff will be recommending that the CWCB Board accept the terms and conditions in the Stipulation and Agreements. In the event the Board does not accept those terms and conditions, the parties will reschedule the hearing.
9. Undersigned counsel has conferred with counsel for KLL and Twentymile, and both support this motion.

Wherefore, CWCB Staff requests that the Hearing Officer vacate the hearing currently scheduled for November 18-19, 2020.

Dated this 19th day of October, 2020.

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

PHIL WEISER
Attorney General

/s/ Jennifer Mele

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

Certificate of Service

Contested CWCB ISF Appropriation on Trout Creek

I hereby certify that I have duly served the copies of the foregoing **UNOPPOSED MOTION TO VACATE HEARING** upon all parties herein by email, this 19th 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