

BEFORE THE COLORADO WATER CONSERVATION BOARD

IN THE MATTER OF THE RULEMAKING HEARING TO REVISE RULES CONCERNING THE COLORADO INSTREAM FLOW AND NATURAL LAKE LEVEL PROGRAM, 2 CCR 408-2

ORDER RE: HEARING PROCEDURES AND REMAINING DEADLINES

The following parties attended the scheduled virtual Prehearing Conference on June 9, 2025 at 10am:

1. CWCB Staff
2. Colorado Parks and Wildlife
3. Western Resource Advocates, Conservation Colorado, Trout Unlimited, and the National Audubon Society (collectively “WRA et al”)
4. The Colorado Water Trust

During the Prehearing Conference, the Hearing Officer established the following hearing order based on parties’ order of filed intervention and requested presentation time:

Party Order: Direct Case	Party Order: Rebuttal Case	Total Time Allocated Per Party
1. CWCB Staff	1. Colorado Water Trust	CWCB Staff: 30 min
2. Colorado Water Trust	2. Colorado Parks and Wildlife	Colorado Water Trust: 5 min
3. Colorado Parks and Wildlife	3. WRA et al	Colorado Parks and Wildlife: 5 min
4. WRA et al	4. CWCB Staff	WRA et al: 10 min ¹

The Commission may ask as many questions of each party as it sees fit following that party’s direct case presentation and its rebuttal case presentation. Commission questions will not be deducted from a party’s time allocation.

The hearing will be scheduled for one hour and thirty minutes on July 17, 2025. More information will be made available in the Commission’s meeting agenda. The Prehearing Conference concluded at 10:14 am on June 9, 2025.

Outstanding Deadlines

For purposes of this and all future orders in this matter, “file” means the document must be received electronically by the Hearing Officer and other Parties by the date and time specified herein via the email addresses included in the attached Certificate

¹ WRA et al revised their requested time from 20 minutes to 10 minutes at the Prehearing Conference.

of Service.

Monday, June 9, 2025 at 10:00 a.m.: Prehearing Conference

A prehearing conference will be held on Monday, June 9, 2025, at 10:00 a.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 desired time for each Party to present at the hearing, how to avoid presentation of duplicative information, and consolidation of concerns. 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. Coordination of written submissions and presentations is encouraged.

At the prehearing conference, each Party shall identify any objections it anticipates raising at the hearing (unless such objections could not have been reasonably determined by the time of the prehearing conference).

Thursday, June 26, 2025 at 5:00 p.m.: Rebuttal and/or Supplemental Prehearing Statements Due

On or before June 26, 2025 at 5:00 p.m., each Party shall file its rebuttal or supplemental prehearing statement. Replies in support of a prehearing statement are authorized as supplemental prehearing statements. All filings are limited to eight (8) double-spaced pages in 12- point font, excluding the certificate of service and any attached exhibits. Any exhibits shall be submitted in accordance with the same requirements as the prehearing statement outlined above. Parties will still maintain party status if they choose not to make one of these filings.

Wednesday, July 3, 2025 at 5:00 p.m.: Pre-filed Written Testimony

In addition to filing a prehearing statement and a rebuttal statement, on or before July 3, 2025 at 5:00 p.m., a Party must file pre-filed written testimony for any witness listed in its prehearing statements. Pre-filed written testimony encourages Parties to fully develop and disclose their arguments prior to the hearing. This allows the CWCB to better prepare for the hearing by reviewing the Parties' positions in advance. Pre-filed written testimony is limited to eight (8) double-spaced pages in 12- point font, excluding the certificate of service. No new exhibits may be filed with the pre-filed written testimony without approval by the Hearing Officer.

All witnesses who prepared pre-filed written testimony must be available at the time of the hearing to answer any questions the CWCB might have about such pre-filed written testimony.

I. Party Status

Party status may be lost due to a Party's failure to appear at any additional prehearing conferences. Any non-party or a party that loses party status will be able to address the CWCB during the public comment period.

II. Thursday, July 17, 2025 between 1:00 and 3:00pm.: Hearing

The NoPR set the hearing in this matter in conjunction with the CWCB's July 2025 meeting, specifically between 1:00 and 3:00pm on July 17, 2025 with the in-person location listed as the SteamPlant Event Center at 220 W. Sackett Ave in Salida. 81201.

The parties may also join via Zoom video conference upon request. Please send all requests to the Hearing Officer no later than seven (7) days before the hearing.

A watch-only option will be available on YouTube. The YouTube link will be posted on the CWCB website on the day of the meeting.

More specific participation information will be provided: (1) on the CWCB's website at <https://cwcb.colorado.gov/>; and/or (2) by order of the Hearing Officer sent to the Parties prior to the hearing as needed.

The following is a summary of the remaining schedule as set forth in this order:

Deadline for Parties' Submission of Rebuttal/Supplemental Prehearing Statements	June 26,2025, 5:00 p.m.
Deadline for Parties' Submission of Pre-filed Written Testimony	July 3, 2025, 5:00 p.m.
Rulemaking Hearing	July 17, 2025 between 1:00 and 3:00 p.m. for one hour and thirty minutes.

IT IS SO ORDERED.

Dated this 9th day of June, 2025.

By the Hearing Officer:

/s/ Jackie Calicchio

Jackie Calicchio
Senior Assistant Attorney General
Colorado Attorney General's Office
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Denver, CO 80203
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Certificate of Service

**IN THE MATTER OF THE RULEMAKING HEARING TO REVISE RULES CONCERNING THE
COLORADO INSTREAM FLOW AND NATURAL LAKE LEVEL PROGRAM, 2 CCR 408-2**

I hereby certify that on June 9, 2025, a true and correct copy of the foregoing
ORDER RE: HEARING PROCEDURES AND REMAINING DEADLINES was served via
email to the Parties referenced in the Party Status below:

Parties

<u>Staff of the Colorado Water Conservation Board</u> Kaylea M. White Stream and Lake Protection Section 1313 Sherman St., Rm. 721 Denver, CO 80203 303-866-3441 Kaylea.white@state.co.us	<u>Counsel for Staff of the Colorado Water Conservation Board</u> Jen Mele Natural Resources & Environment Section Office of the Colorado Attorney General 1300 Broadway, 10th Floor Denver, CO 80203 720-508-6259 jennifer.mele@coag.gov
<u>Colorado Water Trust</u> Josh Boissevain 1317 17th Street #766 Denver, CO 80202 720-570-2897 jboissevain@coloradowatertrust.org	<u>Colorado Parks and Wildlife</u> <u>Staff Contacts:</u> Kerry Major Water Resources Coordinator 6060 Broadway Denver, CO 80216 303-291-7242 Kerry.major@state.co.us Pete Conovitz Water Rights Program Administrator 317 W Prospect Road Fort Collins, CO 80526 303-666-1365

	Pete.conovitz@state.co.us Katie Birch Instream Flow Program Coordinator 2300 S. Townsend Ave Montrose, CO 81401 970-252-6021 Katie.birch@state.co.us <u>Counsel:</u> Elizabeth Joyce 1300 Broadway Denver, CO 80203 720-508-6761 elizabeth.joyce@coag.gov
<u>Western Resource Advocates, Conservation Colorado, the National Audubon Society, and Trout Unlimited</u> John Cyran 2260 Baseline Road Boulder, CO 80302 303-746-3802 john.cyran@westernresources.org	

/s/ Jackie Calicchio
Jackie Calicchio