

BEFORE THE COLORADO WATER CONSERVATION BOARD

IN THE MATTER OF THE PROPOSED ACQUISITION OF AN INTEREST IN THE SHOSHONE WATER RIGHTS FOR INSTREAM FLOW USE ON THE COLORADO RIVER

ORDER RE: PROCEDURES AND DEADLINES FOR PREHEARING SUBMISSIONS

The Hearing Officer hereby grants the following Parties' time allocation requests as follows below. The order presented below is the order of the Parties' direct case presentation:

1. CWCB Staff: 1 hour 20 min
2. CRD and supporting groups: 4 hours 10 minutes
3. PSCo: 15 minutes
4. Northern et al: 45 minutes
5. Denver: 45 minutes
6. Aurora: 45 minutes
7. CSU: 45 minutes
8. Homestake: 45 minutes
9. SM WISE: 5 min

The following is the order of party presentation for rebuttal:

1. *Pitkin: 5 minutes for rebuttal only was requested
2. SM WISE
3. Homestake
4. CSU
5. Aurora
6. Denver
7. Northern et al
8. PSCo
9. CRD and supporting groups
10. CWCB Staff

Ex Parte Communications

As a reminder, no representatives of the Parties may discuss substantive issues related to the Shoshone acquisition with members of the Board prior to the September hearing. Should a Party or Board member seek to discuss a specific issue prior to hearing, the request must be made through the Hearing Officer who will ensure that the discussion is memorialized and shared with all Board members and Parties.

I. PowerPoint Submittals

Parties may submit PowerPoint slideshows to be used during their direct presentation. Though optional, should parties wish to submit PowerPoint slideshow presentations, such presentations must be submitted no later than Friday, September 12th at noon. Parties are to submit all PowerPoint slideshows to anna.porter@state.co.us. These will be published to the CWCB website as relevant meeting materials prior to the hearing. Parties shall not be permitted to share their screens or use visuals submitted after the September 12th deadline.

II. September 16-18, 2025: Hearing and Public Comment

The Notice set the hearing in this matter in conjunction with the CWCB's September 2025 meeting. The hearing is scheduled to begin at 12:20pm on September 17th. The hearing will be held in-person with a hybrid option at:

Fort Lewis College
Student Union Bldg. - Ballroom Room 212
1000 Rim Dr.
Durango 81301

Members of the public are encouraged to participate in the hearing by providing written or oral comments to the Board. Written comment from members of the public is most effective if the Board can review the comments prior to the hearing. Therefore, the Hearing Officer encourages interested persons submit all written comment to the Board at least fourteen (14) days prior to the hearing.

Members of the public seeking to make oral public comment may also join via Zoom video conference upon request. Please send all requests to the Hearing Officer and John Watson of the Attorney General's Office (john.watson@coag.gov) no later than seven (7) days before the hearing. Public comment will be limited to a maximum of five (5) minutes per commenter.

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.

Time allocations are for total presentation time, meaning the overall allocation will be applicable to both the Parties' direct presentations and rebuttal presentations. The Hearing Officer may limit testimony or presentation of evidence to prevent repetitive, irrelevant, or unnecessary testimony.

The Hearing Officer acts as hearing chair at the hearing. Parties may not cross-examine witnesses. The Hearing Officer provides remaining time at the conclusion of

all direct testimony for Parties to provide rebuttal testimony based on the remaining amount of the Parties' time allocations. Board members may ask questions of the parties following both their direct and rebuttal presentation. Board member questions to the Parties do not count against the Parties' time allocations and are not time barred in any manner.

Once all public comment and argument has been heard, the Hearing Officer will close the hearing record, and the Board will commence deliberations. During this time, the Board will discuss the information they have received and make decisions on the proposal in public session. The Board may approve or disapprove the acquisition, as proposed, or decide to make changes to the proposal as they deem necessary and appropriate, and adopt the amended proposal. The Board is required to take action at the hearing. In other words, the Board cannot conclude the hearing and vote at the next board meeting without approval of the requester, the Colorado River District.

During deliberations and decision-making, no more comment from any Party or other members of the public is accepted unless the Board votes to re-open the hearing to take additional information.

Typically, the Board's deliberations occur in public. However, the Board may opt to conduct an Executive Session to ask for advice from their counsel, in this case, the Hearing Office, or to discuss other topics, to the extent permissible under Colorado Open Meetings Law. Executive Sessions are closed to the public. Once such topics are addressed, the Board will re-open the public meeting to make any decisions.

The Hearing Officer will issue such additional orders as are necessary to provide for any additional prehearing processes and to establish the hearing process.

IT IS SO ORDERED.

Dated this 2nd day of September, 2025.

By the Hearing Officer:

/s/ Jackie Calicchio

Jackie Calicchio
Senior Assistant Attorney General
Colorado Attorney General's Office
1300 Broadway, 10th Floor
Denver, CO 80203
720-508-6250
jackie.calicchio@coag.gov

Certificate of Service

I hereby certify that on September 2, 2025, a true and correct copy of the foregoing **ORDER RE: PROCEDURES AND DEADLINES FOR PREHEARING SUBMISSIONS** was served via email to the Parties and contacts referenced in the Party Status below:

Hearing Officer: Jackie.calicchio@coag.gov
Attorney General's Office: John.Watson@coag.gov

Parties

<u>American Whitewater (AW)</u> Hattie Johnson hattie@americanwhitewater.org	<u>Aurora Water (Aurora)</u> Josh Mann josh@mannwaterlaw.com
<u>Basalt Water Conservancy District (BWCD)</u> Christopher Geiger chrisg@balcombgreen.com	<u>City of Aspen (Aspen)</u> Kate Johnson kate.johnson@aspen.gov Luisa Berne luisa.berne@aspen.gov Andrea L. Benson alb@alpersteincovell.com Gilbert Y. Marchand gym@alpersteincovell.com Stephanie Pierce stephanie@alpersteincovell.com
<u>City of Glenwood Springs (COGS)</u> Karp N. Hanlon kjh@mountainlawfirm.com Danielle T. Skinner dts@mountainlawfirm.com Steve Boyd steve.boyd@cogs.us	<u>City of Rifle (Rifle)</u> Karp N. Hanlon kjh@mountainlawfirm.com Danielle T. Skinner dts@mountainlawfirm.com Patrick Waller pwaller@rifleco.org

<u>Clifton Water District (CWD)</u> Kirsten M. Kurath kirsten@mcdonoughlawgroup.com	<u>Clinton Ditch & Reservoir Company (CD&RC)</u> Tom Daugherty tdaugherty@silverthorne.org Glenn Porzak porzaklaw@gmail.com
<u>Colorado River District (CRD)</u> Peter Fleming pflaming@crwcd.org Jason Turner jturner@crwcd.org Bruce Walters bwalters@crwcd.org Lorra Nichols lnichols@crwcd.org	<u>Colorado River Outfitters Association (CROA)</u> David Costlow dcostlow@croa.org
<u>Colorado Springs Utility (CSU)</u> Michael J. Gustafson michael.gustafson@coloradosprings.gov Nathan Endersbee nathan.endersbee@coloradosprings.gov	<u>Colorado Water Conservation Board Staff (CWCB Staff)</u> Jen Mele jen.mele@coag.gov Sarah Glover sarah.glover@coag.gov Rob Viehl rob.viehl@state.co.us

<u>Denver Water (Denver)</u> Jessica Brody jessica.brody@denverwater.org Daniel Arnold daniel.arnold@denverwater.org James Wittler james.wittler@denverwater.org Crystal Easom crystal.easom@denverwater.org	<u>Eagle County Board of Commissioners (ECBC)</u> Sara M. Dunn sarad@balcombgreen.com Beth Oliver beth.oliver@eaglecounty.us
<u>Eagle Park Reservoir Company (EPRCo)</u> Beth Howard bhoward@vailresorts.com Fritz Holleman fholleman@bh-lawyers.com Kristin Moseley kmoseley@somachlaw.com	<u>Eagle River Coalition (Eagle River)</u> Vicki Flynn flynn@eagleriverco.org
<u>Eagle River Water and Sanitation District & Upper Eagle Regional Water Authority (ERWSD et al)</u> Kristin H. Moseley kmoseley@somachlaw.com Michael W. Daugherty mdaugherty@somachlaw.com	<u>Garfield County Board of County Commissioners (Garfield)</u> Heather K. Beattie hbeattie@garfieldcountyco.gov Christopher Geiger chrisg@balcombgreen.com Janette Shute jshute@garfieldcountyco.gov

<u>Grand County, Colorado Board of County Commissioners (Grand)</u> Edward Moyer emoyer@co.grand.co.us Barbara Green barbara@sullivangreenseavy.com David Taussig davet@cjzwaterlaw.com	<u>Grand Valley Water Users Association (GVWUA)</u> Tina Bergonzini tbergonzini@gvwua.com
<u>Homestake Partners (Homestake)</u> Michael J. Gustafson michael.gustafson@coloradosprings.gov Ian Best ibest@auroragov.org Philip E. Lopez plopez@fwlaw.com	<u>Kobe Water Authority (KWA)</u> Ryan M. Jarvis ryan@jvamlaw.com Charles N. Simon simon@jvamlaw.com Genevieve LaMee genevieve@jvamlaw.com
<u>Mesa County (Mesa)</u> Todd Starr todd.starr@mesacounty.us Patrick Barker patrick.barker@mesacounty.us	<u>Middle Park Water Conservancy District (MPWCD)</u> Katie Randall katie@jvamlaw.com Kent Whitmer kent@jvamlaw.com Genevieve LaMee genevieve@jvamlaw.com

<u>Northern Colorado Water Conservancy District and Municipal Subdistrict, Northern Colorado Water Conservancy District (Northern et al)</u> Bennett W. Raley braley@troutlaw.com Lisa M. Thompson lthompson@troutlaw.com William Davis Wert dwert@troutlaw.com	<u>Northwest Colorado Council of Governments (Northwest)</u> Torie Jarvis torie@sullivangreenseavy.com Barbara Green barbara@sullivangreenseavy.com
<u>Orchard Mesa Irrigation District (OMID)</u> Kirsten M. Kurath kirsten@mcdonoughlawgroup.com	<u>Palisade Irrigation District and Mesa County irrigation District (PID/MCID)</u> Nathan A. Keever keever@dwmk.com
<u>Pitkin County Board of County Commissioners (Pitkin)</u> Richard Y. Neiley, III richard.neiley@pitkincounty.com Anne Marie McPhee anne.mcphee@pitkincounty.com Jennifer M. DiLalla jdilalla@mwhw.com Molly K. Haug-Rengers mhaug@mwhw.com Elizabeth “Libby” Truitt etruitt@mwhw.com	<u>Public Service Company of Colorado (PSCo)</u> Carolyn F. Burr cburr@wsmtlaw.com James M. Noble jnoble@wsmtlaw.com Matthew C. Nadel mnadel@wsmtlaw.com Frances A. Folin frances.a.folin@xcelenergy.com
<u>Roaring Fork Conservancy (RFC)</u> Heather Tattersall Lewin heather@roaringfork.org Rick Lofaro rick@roaringfork.org	<u>Save The World's Rivers (SWR)</u> Gary Wockner gary@savetheworldsrivers.org

<u>South Metro WISE Authority (SM WISE)</u> Lisa Darling lisadarling@southmetrowater.org Gabe Racz gracz@clarkhill.com	<u>Southwestern Water Conservation District (SWCD)</u> Beth Van Vurst beth@vanvurst-law.com
<u>Summit County (Summit)</u> Thomas W. Korver tkorver@hpkwaterlaw.com	<u>Town of Basalt (Basalt)</u> Ryan M. Jarvis ryan@jvamlaw.com Charles N. Simon simon@jvamlaw.com Genevieve LaMee genevieve@jvamlaw.com
<u>Town of Eagle (Eagle)</u> Mary Elizabeth Geiger megeiger@garfieldhecht.com	<u>Town of Vail (Vail)</u> Peter Wadden pwadden@vail.gov
<u>Trout Unlimited (TU)</u> Drew Peternell drew.peternell@tu.org	<u>Ute Water Conservancy (UWC)</u> Gregory Williams gwilliams@utewater.org Christopher Geiger chrisg@balcombgreen.com
<u>Western Resource Advocates, Conservation Colorado, American Rivers, and the National Audubon Society (WRA et al)</u> John Cyran john.cyran@westernresources.org Bart Miller bart.miller@westernresources.org	

/s/ Barbara Dory
Barbara Dory