

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

Modification and Clarification of October 14th Procedural Order

As outlined in the October 14, 2025 Procedural Order, the Board will reopen the administrative record only for limited purposes. The Board will reopen the administrative record to consider the following: the four directives the Board gave to CWCB Staff and the River District at the September 2025 meeting; any settlement documents provided by the deadline; any stipulation documents provided by the deadline; and any related optional PowerPoint presentations provided by the deadline. Settlement and stipulation documents may include proposed redlines to the ISF Agreement, a Notice of Settlement, a Notice of Stipulation, and the actual Settlement/Stipulation Agreement outlining the terms agreed upon.

Based on Movants' November 12, 2025 Motion and Proponents' November 13, 2025 Response, the Hearing Officer makes the following modifications and clarifications:

1. Movants will be given the opportunity to provide limited comment in response to the Proponents' testimony on the Board's four directives.
 - a. Movants are given a total maximum of fifteen (15) minutes to discuss all four directives. Movants may choose who presents the response, but regardless of which individual party or parties present the response, no more than 15 minutes will be allowed.
 - b. During that response, the Party/Parties may only discuss the four directives. No additional materials may be presented, or positions discussed outside the scope of the directives.
 - c. Should any Parties besides Movants wish to respond to the Proponents' testimony, the Board will entertain requests for time to respond and allocate a maximum of five (5) minutes per respondent.
 - d. The Hearing Officer is not allocating time for Proponents to rebut Movants' response. However, the Board may, in its discretion, ask Proponents follow-up questions following any responses.
2. The Board will entertain like-party stipulations pursuant to the October 14, 2025 Procedural Order.

- a. Under the October 14, 2025 Procedural Order, a Party may enter a stipulated agreement with one or more Parties. That stipulated agreement need not include all Parties, resolve all issues, and may be between Parties on the same side of the dispute. Parties who wish to file a Stipulation must follow the process outlined in the October 14, 2025 Procedural Order.
 - b. The Movants' request to submit redlines to the ISF agreement are to be submitted as a like-party Stipulation.
 - c. As described in the October 14, 2025 Procedural Order, Movants must submit their Notice of Stipulation by November 14th at 5pm and their redlines to the ISF Agreement no later than November 17th at 8am to the Hearing Officer and all Parties.
 - d. Proponents must also submit their redlines to the ISF Agreement no later than November 17th at 8am to the Hearing Officer and all Parties.
3. The Board will not consider written responses to the ISF agreement redlines.
 4. The following Parties are allowed the following time to speak in support of and in opposition to Stipulations and/or Settlements. This gives all parties the opportunity to adequately respond to any materials submitted by the November 17th deadline. Should any individual Party want its own time allocation apart from the coalitions listed below, they must notify the Hearing Officer by 8am on November 17th for a time reallocation.
 1. CWCB Staff (15 minutes)
 2. CRD, supporting groups, and PSCo (15 minutes total)
 3. Front Range Entities: (Northern et al, Denver, Aurora, CSU, and Homestake) (25 minutes total)
 4. SM Wise and Pitkin County are each permitted to provide a presentation for a maximum of five (5) minutes each.
 - a. The time allocated is for one presentation, not to be split between one direct presentation and one rebuttal presentation. If a Party wishes to present both direct and rebuttal points, it must be done within the one continuous block of time allocated.
 - b. Board members may ask questions of the Parties following their presentations. Board member questions to the Parties do not count against the Parties' time allocations and are not time barred in any manner.

Revisions to Public Comment Process

The Hearing Officer has been notified that members of the public may wish to submit or present public comment more on matters beyond the new materials submitted as related to the Shoshone ISF acquisition. The Board will hear up to fifteen (15) minutes of public comment before the Board re-opens the administrative record. Commenters will be limited to up to three (3) minutes each unless the Board determines additional public comment is warranted. Parties may not submit public comment. Requests for public comment must be submitted to Viola Bralish at viola.bralish@state.co.us by 8am on November 18th. The Board may entertain requests for public comment on the day of deliberations in its discretion.

IT IS SO ORDERED.

Dated this 14th day of November, 2025.

By the Hearing Officer:

/s/ Jackie Calicchio

Jackie Calicchio
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Certificate of Service

I hereby certify that on November 14th 2025, a true and correct copy of the foregoing: **Modification and Clarification of October 14th Procedural Order** 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
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/s/ John Watson
John Watson