

**BEFORE THE COLORADO WATER CONSERVATION BOARD**

**STATE OF COLORADO**

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**IN THE MATTER OF PROPOSED INSTREAM FLOW APPROPRIATION IN WATER  
DIVISION NO. 7:**

**RINCON LA VACA CREEK**

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**UNOPPOSED MOTION TO VACATE HEARING AND ASSOCIATED PREHEARING  
DEADLINES AND PREHEARING CONFERENCE**

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The staff of the Colorado Water Conservation Board (Staff), by and through counsel, hereby files this Motion to Vacate Hearing and Associated Prehearing Deadlines and Prehearing Conference and as grounds therefor states as follows:

Counsel for CWCB Staff conferred with counsel for Colorado Parks and Wildlife and counsel for Southwestern Water Conservation District, who do not oppose this motion.

1. On January 6, 2021, Colorado Parks and Wildlife (CPW) submitted a letter recommending an instream flow (ISF) water right on Rincon La Vaca Creek in the amount of 2.8 cfs from May 1 through October 31 and 1.2 cfs from November 1 through April 30, with an upper terminus located at the headwaters in the vicinity of UTM North: 4170340.18 UTM East: 288830.29 and the lower terminus at the confluence with the Los Pinos River located at UTM North: 4171003.14 UTM East: 294776.30 (“Rincon La Vaca Creek ISF”), Water Division 7. The proposed instream flow reach is approximately 4.47 miles and is located entirely within the Weminuche Wilderness of the San Juan National Forest.
2. At the January 2021 meeting Staff recommended the CWCB Board appropriate the Rincon La Vaca Creek ISF. The CWCB Board approved Staff’s recommendation and declared its intent to appropriate the water right.
3. On March 31, 2021, the Southwestern Water Conservation District (SWCD) filed a timely Notice to Contest.
4. On June 8, 2021, this matter was set for a hearing at the September 2021 Board meeting.
5. On July 19, 2021, SWCD filed a Withdrawal of Notice to Contest Instream Flow Appropriation on Rincon La Vaca Creek, together with a Stipulation and an Agreement of the parties. The Stipulation and Agreement recognizes that CWCB staff will go forward with the recommendation for the Rincon La Vaca ISF to the CWCB Board.

6. Because SWCD filed the Withdrawal of Notice to Contest, the Rincon La Vaca ISF is no longer contested and a hearing is no longer necessary.
7. At the September meeting, Staff will bring the Rincon La Vaca ISF to the CWCB Board for final action.
8. Because the Rincon La Vaca ISF is uncontested and a hearing is no longer necessary, Staff requests the Hearing Officer vacate the September hearing and all associated prehearing dates, consisting of the deadline for prehearing statements and rebuttal prehearing statements and the prehearing conference scheduled for Monday, July 19 at 4 pm.

Therefore, Staff moves that the following deadlines and dates be vacated:

- a. Deadline for Prehearing Statements: July 19, 2021 at 12:00 pm
- b. Prehearing Conference: July 19, 2021 at 4:00 pm
- c. Deadline for Rebuttal Prehearing Statement: August 16, 2021
- d. Hearing Date: September 15-16, 2021

Dated this 19<sup>th</sup> day of July, 2021.

OFFICE OF THE COLORADO  
ATTORNEY GENERAL  
*Attorney for Staff of the Colorado Water  
Conservation Board*



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Jennifer Mele, #30720

**Certificate of Service**

I hereby certify that on this 19<sup>th</sup> day of July, 2021, I transmitted by electronic mail a true and correct copy of the foregoing **UNOPPOSED MOTION TO VACATE HEARING AND ASSOCIATED PREHEARING DEADLINES AND PREHEARING CONFERENCE** to the following:

**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 <a href="mailto:Amy.Beatie@coag.gov">Amy.Beatie@coag.gov</a>
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**Party Status**

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<u>Colorado Parks and Wildlife</u> Katie Birch Elizabeth Joyce Colorado Parks and Wildlife Area Office 2300 S. Townsend Ave. Montrose, CO 81401 970-819-1037 <a href="mailto:katie.birch@state.co.us">katie.birch@state.co.us</a> <a href="mailto:elizabeth.joyce@coag.gov">elizabeth.joyce@coag.gov</a>	<u>Southwestern Water Conservation District</u> Beth Van Vurst Van Vurst Law, LLC 822 S. Race Street Denver, Colorado 80209 720-664-6442 <a href="mailto:beth@vanvurst-law.com">beth@vanvurst-law.com</a>

*/s/ Jennifer Mele* \_\_\_\_\_