

**BEFORE THE COLORADO WATER CONSERVATION BOARD
STATE OF COLORADO**

**IN THE MATTER OF STAFF'S RECOMMENDATIONS FOR AN INSTREAM
FLOW APPROPRIATION ON EAST MUDDY CREEK BETWEEN THE
CONFLUENCE WITH LEE CREEK AND THE CONFLUENCE WITH
MUDDY CREEK, WATER DIVISION 4**

**STAFF FOR COLORADO WATER CONSERVATION BOARD'S
UNOPPOSED MOTION TO VACATE The HEARING SET FOR NOVEMBER
19–20, 2025.**


Staff for the Colorado Water Conservation Board (“CWCB Staff”), by and through undersigned counsel, hereby requests to vacate the hearing set for November 19–20, 2025. As grounds for this Motion, CWCB staff states as follows:

1. Counsel for CWCB Staff conferred with Jim Auster and Merrilee Bliss, who are representatives from Hummingbird Ranch, and CWCB Staff conferred with Roy Smith, who is the representative for the Bureau of Land Management in this matter. Both parties support the relief requested herein.
2. The Board has designated First Assistant Attorney General Jen Mele as Hearing Officer for the contested instream flow appropriation on East Muddy Creek. A hearing on this matter has been set in conjunction with the Board’s regularly scheduled meeting on November 19–20, 2025.
3. Hummingbird Ranch submitted a timely Notice to Contest the East Muddy Creek Instream Flow appropriation to the Board on June 2, 2025. No other party filed a Notice to Contest or Notice of Contested Hearing Participant status with the Board.
4. On September 26, 2025, Jim Auster and Merrilee Bliss, on behalf of Hummingbird Ranch emailed undersigned counsel, requesting to withdraw their opposition.

Accordingly, CWCB Staff hereby requests the Hearing Officer to vacate the contested East Muddy Creek Instream Flow appropriation hearing currently set for November 19–20, 2025.

DATED: October 3, 2025

PHILIP J. WEISER
Attorney General

/s/ 

CHRISTOPHER J. DAVIS, #58659*

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*Counsel of Record

CERTIFICATE OF SERVICE

I hereby certify that I have duly served the copies of the foregoing **STAFF FOR COLORADO WATER CONSERVATION BOARD'S UNOPPOSED MOTION TO VACATE HEARING ON NOVEMBER 19-20, 2025** upon all parties herein by email, on October 3, 2025, addressed as follows:

Hearing Officer

Jennifer Mele
First Assistant Attorney General
Water Conservation Unit
Colorado Attorney General's Office
1300 Broadway, 10th Floor
Denver, CO 80203
(720) 508-6282
jen.mele@coag.gov

Party Status

<u>Colorado Water Conservation Board:</u> Robert Viehl Colorado Water Conservation Board 1313 Sherman Street, Room 718 Denver, CO 80203 (720) 854-3237 rob.viehl@state.co.us Christopher Davis Assistant Attorney General Water Resources Unit Colorado Attorney General's Office 1300 Broadway, 10th Floor Denver, CO 80203 (720) 508-6280 christopher.davis@coag.gov	<u>Bureau of Land Management:</u> Roy Smith Bureau of Land Management Denver Federal Center, Building 40 Lakewood, CO 80215 (303) 239-3940 r20smith@blm.gov
<u>Hummingbird Ranch:</u> Jim Auster and Merrilee Bliss Hummingbird Ranch 26140 Hwy 133 Somerset CO 81434 (970) 618-7692 jimauster@hotmail.com	

A duly signed original is on file with the Office of the Attorney General for the State of Colorado.

/s/ Christopher J. Davis