

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

**IN THE MATTER OF STAFF'S RECOMMENDATIONS FOR AN INSTREAM
FLOW APPROPRIATION ON MILK CREEK BETWEEN THE CONFLUENCE
WITH WILSON CREEK AND THE CONFLUENCE WITH THE YAMPA RIVER,
WATER DIVISION 6**

**ORDER GRANTING UNOPPOSED MOTION TO MODIFY PREHEARING
DEADLINES, RESET THE PREHEARING CONFERENCE, AND POSTPONE
THE HEARING**

Having considered the Unopposed Motion to Modify the Prehearing Deadlines, Reset the Prehearing Conference, and Postpone the Hearing, and being fully advised in the premises, and pursuant to Rule 5n(1) of the ISF Rules, 2 CCR 408-2, the Hearing Officer hereby GRANTS the Motion and further orders that:

The hearing on this matter will be postponed and reset to be held in conjunction with the CWCB's regularly scheduled Board Meeting on January 26–27, 2026. The Parties and Contested Hearing Participants will be notified of the precise time and location of the hearing once the logistics of the January Board meeting are determined.

The prehearing deadline for rebuttal prehearing statements will be extended up to and including January 9, 2026. The November 3, 2025 Prehearing Conference will be rescheduled for January 14, 2026 at 4pm.

Friday, January 9, 2026: Rebuttal Prehearing Statements Due

On or before 5:00 p.m. on January 9, 2026, each Party shall file an electronic copy of any rebuttal prehearing statement, including testimony, legal memoranda and exhibits, via email, with the CWCB's Hearing Officer. By this deadline, each Party shall also deliver its rebuttal prehearing statement, by email, to all other Parties, Contested Hearing Participants, and the Assistant Attorney General representing the Staff. The CWCB will not consider information submitted by any Party after this deadline except for good cause shown

Wednesday, January 14, 2026, 4pm: Second Prehearing Conference

The second prehearing conference that was scheduled for Monday, November 3, 2025, at 2:00pm is hereby rescheduled for Wednesday January 14, 2026, at 4:00pm via Google Meet and will afford the Parties the opportunity to address issues they wish to discuss prior to the hearing. The parties may wish to discuss avoiding presentation of duplicative information, consolidation of concerns, etc. 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. At the second prehearing conference, each Party shall identify any

objections to the procedures or evidence it anticipates raising at the hearing unless such objections could not have been reasonably determined by the time of the second prehearing conference.

Please use the following link or number to participate in the second prehearing conference:

meet.google.com/hri-tyhq-saz

Or dial +1 419-901-8499 PIN: 125 656 519#

Monday-Tuesday, January 26–27, 2026: Hearing Date

The hearing for this matter is hereby postponed and rescheduled for the CWCB's Board meeting on January 26–27, 2026. The exact location and time of the hearing has not yet been determined.

Time allocation and order of presentations will remain as follows. Each time allotment is inclusive of rebuttal time but not time spent answering questions from the CWCB Board.

1. CWCB Staff (90 minutes)
2. WRA (20 minutes)
3. ColoWyo (50 minutes)

Rebuttal (if reserved)

1. WRA
2. CWCB Staff

CWCB Staff's 90 minutes include any presentations by BLM and CPW.

These times are subject to the amount of time allocated to this hearing, which may be limited due to other factors and constraints surrounding the CWCB's January Board meeting.

The Hearing Officer may act as hearing chair at the hearing. Parties may not cross-examine witnesses. The Hearing Officer provides remaining time at the conclusion of direct testimony for the CWCB and WRA to provide rebuttal testimony based on the remaining amount of the time allocations. CWCB Board member questions to the Parties do not count against the Parties' time allocations and are not time barred in any manner.

Once all presentations have been heard, the Hearing Officer will close the hearing record, and the Board will commence deliberations. During this time, the CWCB Board will discuss the information they have received and make decisions on the

proposal in public session.

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

DATED: October 20, 2025

PHILIP J. WEISER
Attorney General



JEN MELE
Hearing Officer

CERTIFICATE OF SERVICE

I hereby certify that on October 20, 2025, a true and correct copy of the foregoing ORDER GRANTING UNOPPOSED MOTION TO MODIFY PREHEARING DEADLINES, RESET THE PREHEARING CONFERENCE, AND POSTPONE THE HEARING was served via email, to the parties referenced below:

Hearing Officer

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Party Status

<u>Colorado Water Conservation Board:</u>	<u>Colorado Parks and Wildlife:</u>
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Christopher Davis Assistant Attorney General	Elizabeth M. Joyce Senior Assistant Attorney General

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<u>Colowyo Coal Company, L.P.:</u> Roger T. Williams Tri-State Generation and Transmission Association, Inc. 1100 W 116th Avenue Westminster, CO 80234 (303) 254-3218 roger.williams@tristategt.org Thomas Kennedy Tri-State Generation and Transmission Association, Inc. 1100 W 116th Ave. Westminster, CO 80234 (720) 237-5324 thomas.kennedy@tristategt.org Aaron S. Ladd Dickinson Wright, PLLC 1125 17th St., Ste. 550 Denver, Colorado 80202 Phone Number: (303) 723-8400 aladd@dickinson-wright.com	<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>Western Resource Advocates:</u> John Cyran & Bart Miller Western Resource Advocates 1401 Walnut Street, Suite 200 Boulder, CO 80302 (303) 444-1188 john.cyran@westernresources.org bart.miller@westernresources.org	

Contested Hearing Participant Status

<u>Carroll Davidson Partnership:</u> PO Box 561498, Rockledge, FL 32956-1498 (321) 536-1462 tootsiel@cfl.rr.com <u>Savage Land Co.:</u>	<u>Milk Creek Ranch, LLC:</u> 2996 Hanson Street Fort Myers, FL 33916 (239) 707-4614 mm4002a@yahoo.com
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