

BEFORE THE COLORADO WATER CONSERVATION BOARD

IN THE MATTER OF PROPOSED INSTREAM FLOW APPROPRIATIONS DIVISION 2: HUERFANO RIVER (UPPER AND LOWER SEGMENTS) AND CUCHARAS CREEK

SECOND REVISED NOTICE OF PREHEARING DEADLINES FOR SUBMISSIONS AND PREHEARING CONFERENCE

A Motion for Postponement of Prehearing Conference and Deadlines was filed in the above-captioned matters by Huerfano County on September 17, 2009. Upon consideration of the motion, the revised deadlines for submissions and prehearing conference are set forth below.

October 7, 2009: Prehearing Statements Due

On or before 4:45 p.m. on October 7, 2009, each Party shall file twenty-five hard copies of its prehearing statement with the Board. Pursuant to Rule 5n(2), a prehearing statement shall identify all exhibits, engineering data, biological data and reports or other information that the Party will rely upon at the hearing and shall contain:

- 1) a specific statement of the factual and legal claims asserted (issues to be resolved) and the legal basis upon which the Party will rely;
- 2) copies of all exhibits to be introduced at the hearing;
- 3) a list of witnesses to be called and a description of their testimony;
- 4) any alternative proposal to the proposed instream flow;
- 5) all written testimony to be offered into evidence at the hearing; and,
- 6) any legal memoranda.

By this deadline, each Party shall also deliver a copy of its prehearing statement, by hard copy or email, to all other Parties, Contested Hearing Participants, the Hearing Officer and the Assistant Attorney General representing the Staff. The Board will not consider information, other than rebuttal statements, submitted by the Parties after this deadline except for good cause shown.

Any Contested Hearing Participant may also submit written comments by October 7, 2009. Contested Hearing Participants who submit written comments for the Board's consideration shall provide a copy to all other Parties, Contested Hearing Participants, the Hearing Officer, and the Department of Law Attorney representing the Staff.

October 16, 2009: Prehearing Conference

A prehearing conference will be held on October 16, 2009, at 2:00 p.m. for Cucharas Creek and on October 16, 2009, at 3:00 p.m. for Huerfano River (Upper and Lower Segments) in Room 310 of the State Services Building, 1525 Sherman Street, Denver, Colorado. Please proceed to the 7th floor to check in and you will be escorted to the meeting room. If you would like to participate

by telephone, please contact the Hearing Officer at least 3 business days in advance of the prehearing conference.

The prehearing conference will afford the Parties the opportunity to address such issues as time available for each Party at the hearing, 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 prehearing conference, the Parties shall make known any objections to the procedures or evidence that they may raise at the hearing unless such objections could not have been reasonably determined at that time.

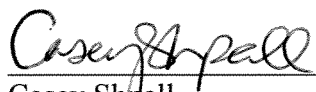
October 30, 2009: Rebuttal Statements Due

On or before 4:45 p.m. on October 30, 2009, each Party shall file twenty-five hard copies of its rebuttal statement with the Board. By this deadline, each party shall also deliver its rebuttal statement, by hard copy or email, to all other Parties, Contested Hearing Participants, the Hearing Officer and the Department of Law Attorney representing the Staff. The Board will not consider information submitted by the Parties after this deadline except for good cause shown.

November 16, 2009: Hearing Date

The Board's meeting is scheduled for November 16-18, 2009, at 1580 Logan, Suite 610, Denver, Colorado, 80203. The hearing on this matter is scheduled for November 16, at 8:30-12:30 p.m.

Dated this 18th day of September 2009.



Casey Shpall
Hearing Officer
Colorado Attorney General's Office
1525 Sherman Street, 5th Floor
Denver, CO 80203
Phone: 303-866-5069
Fax: 303-866-3558
casey.shpall@state.co.us

**IN THE MATTER OF PROPOSED INSTREAM FLOW APPROPRIATIONS
DIVISION 2: HUERFANO RIVER (UPPER AND LOWER SEGMENTS)
AND CUCHARAS CREEK
CERTIFICATE OF SERVICE**

This is to certify that I have duly served the within Second Revised Notice of Prehearing Deadlines for Submissions and Prehearing Conference upon all Parties herein by depositing copies of same in the United States mail, first-class postage prepaid, at Denver, Colorado, this 18th day of September, 2009 addressed as follows:

Linda Bassi
Colorado Water Conservation Board
1313 Sherman Street, Room 721
Denver, Colorado 80203
(303) 866-3441 ext. 3204
linda.bassi@state.co.us

Susan Schneider – Staff Attorney
Natural Resources and Environment Section
Colorado Department of Law
1525 Sherman Street, 7th floor
Denver, CO 80203
(303) 866-5046
susan.schneider@state.co.us

Casey Shpall - Hearing Officer
Colorado Attorney General's Office
1525 Sherman Street, 7th Floor
Denver, CO 80203
Phone: 303-866-5069
casey.shpall@state.co.us

Colorado Division of Wildlife
Mark Uppendahl
Colorado Division of Wildlife
6060 Broadway
Denver, Colorado 80216
(303) 291-7267
mark.uppendahl@state.co.us

Cucharas Sanitation and Water District

Stuart B. Corbridge
Vranesh and Raisch, LLP
P.O. Box 871
1720 14th Street, Suite 200
Boulder, Colorado 80306-0871
(303) 443-6151
sbc@vrlaw.com

Huerfano County Commissioners

David M. Shohet
Felt, Monson & Culichia
319 N. Weber Street
Colorado Springs, CO 80903
(719) 471-1212
Dms@fmcwater.com

Huerfano County Water Conservancy District

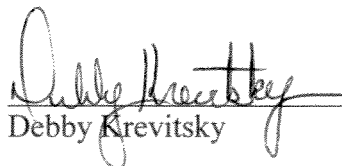
David M. Shohet
Felt, Monson & Culichia, LLC
319 N. Weber Street
Colorado Springs, CO 80903
(719) 471-1212
Dms@fmcwater.com

Dwight Harrison
P.O. Box 1559
Monument, CO 80132

Trout Unlimited

Andrew Peternell
Trout Unlimited
1320 Pearl Street, Suite 320
Boulder, Colorado 80302
(303) 440-2937
dpeternell@tu.org

SeEtta Moss
725 Frankie Lane
Canon City, CO 81212
seettam@gmail.com


Debby Krevitsky