

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

REVISED NOTICE OF PREHEARING DEADLINES FOR SUBMISSIONS AND PREHEARING CONFERENCE

A Motion for Postponement of Hearing and Stay of Prehearing Conference and Deadlines was filed in the above-captioned matters by Huerfano County on July 1, 2009. Upon consideration of the motion by the Colorado Water Conservation Board ("Board") at its July meeting, the motion to extend the hearing date to the November meeting was granted. The revised deadlines for submissions are set forth below.

September 22, 2009: Prehearing Statements Due

On or before 4:45 p.m. on September 22, 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 September 22, 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 1, 2009: Prehearing Conference

A prehearing conference will be held on October 1, 2009, at 2:00 p.m. for Cucharas Creek and on October 1, 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 23, 2009: Rebuttal Statements Due

On or before 4:45 p.m. on October 23, 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 17 or 18, 2009: Hearing Date

The hearing for this matter is set for the Board's meeting scheduled for November 17-18, 2009, at 1580 Logan, Suite 610, Denver, Colorado, 80203.

Parties

At its July meeting, the Board granted to SeEtta Moss Contested Hearing Participant status (as opposed to Party status). All parties to this proceeding are set forth in the attached Certificate of Service.

Dated this 3rd day of August 2009.



Casey Shpall
Hearing Officer
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**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 Revised Notice of Prehearing Deadlines for Submissions and Prehearing Conference upon all Parties listed below by electronic mail or by depositing copies of same in the United States mail, first-class postage prepaid, at Denver, Colorado, this 3rd day of August, 2009 addressed as follows:

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Huerfano County Commissioners

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Huerfano County Water Conservancy District

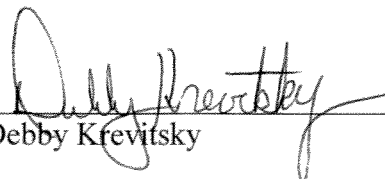
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Debby Krevitsky