

BEFORE THE COLORADO WATER CONSERVATION BOARD

IN THE MATTER OF PROPOSED INSTREAM FLOW APPROPRIATIONS ; DIVISION 2 HUERFANO RIVER - UPPER AND LOWER SECTIONS and CUCHARAS RIVER

MOTION FOR POSTPONEMENT OF HEARING AND STAY OF PREHEARING CONFERENCE AND DEADLINES

Objector Huerfano County, by and through its County Commissioners, hereby moves the hearing officer for: (1) the stay all deadlines pertaining to prehearing statements and prehearing conferences; and, (2) a recommendation to the Colorado Water Conservation Board ("CWCB") that the hearing currently scheduled for September 15-16, 2009 be postponed until November 17-18, 2009. In support of this motion, Huerfano County states the following:

This Motion for Postponement and Stay concerns three (3) proposed instream flow appropriations, all of which are currently scheduled for hearing at the CWCB's September 2009 meeting: the Upper Segment of the Huerfano River, the Lower Segment of the Huerfano River, and Cucharas Creek. As stated in Huerfano County's Notice to Contest dated March 23, 2009, Huerfano County wishes to examine the biological and hydrological data in regards to these proposed instream flows, as well as to present economic data evidencing the potential impacts which could be caused by such instream flows in Huerfano County. Due to Huerfano County's late involvement in these matters, however, Huerfano County has been unable to analyze and develop such relevant data. As an example, Huerfano County has hired an expert water resources consultant, but such consultant is unable to verify data collected by the DOW and CWCB until such time as river conditions recede to allow use of the accepted data protocols.

Because stream conditions may not be suitable for Huerfano County's anticipated studies until late August of 2009, Huerfano County, with the consent of staff for the CWCB, further requests that a new, condensed, hearing schedule be entered, provided that the CWCB in fact postpones the hearing on these matters to the CWCB's November meeting, but no later. Huerfano County proposes the following prehearing schedule, assuming a November 17-18, 2009 hearing:

September 21, 2009:	Prehearing Statements Due
September 28, 2009:	Prehearing Conference
October 12, 2009:	Rebuttal Statements Due

Huerfano County has consulted with staff for the CWCB, and staff indicated that it would not contest this Motion. Wherefore, Huerfano County respectfully requests that (1)

the current prehearing schedule be stayed pending postponement of the scheduled September 15-16, 2009 hearing; (2) the Hearing Officer request that the CWCB reschedule the hearing to November 17-18, 2009; and, (3) upon rescheduling of the hearing, the Hearing Officer enter a new Notice of Prehearing Conference and Deadlines, similar to as described above.

Dated this 1st day of July, 2009

FELT, MONSON & CULICHIA, LLC

Pursuant to Rule 121, the duly signed original is on file at the office of
Felt, Monson & Culichia, LLC



Chris D. Cummins, #35154

James G. Felt, #4369

319 N. Weber Street

Colorado Springs, Colorado 80903

(719) 471-1212

cdc@fmcwater.com

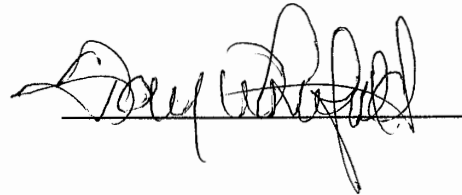
CERTIFICATE OF SERVICE

I hereby certify that I have duly served the within **MOTION FOR POSTPONEMENT OF HEARING AND STAY OF PREHEARING CONFERENCE AND DEADLINES** to the parties herein via e-mail or by depositing copies of the same in the United States Mail, postage prepaid, at Colorado Springs, Colorado this 1st day of July, 2009, addressed as follows:

Linda Bassi
Colorado Water Conservation Board
1313 Sherman St., Rm 721
Denver, CO 80203
(303) 866-3441
linda.bassi@state.co.us

Andrew Peterzell
Trout Unlimited
1320 Pearl St., Ste. 320
Boulder, CO 80302
(303) 440-2937
dpeterzell@tu.org

Susan Schneider - Staff Attorney
Natural Resources and Environment
Section
Colorado Department of Law
1525 Sherman St., 5th Fl.
Denver, CO 80203
(303) 866-5046
susan.schneider@state.co.us

A handwritten signature in black ink, appearing to read "Susan Schneider", written over a horizontal line.

Casey Shpall - Hearing Officer
Colorado Attorney General's Office
1525 Sherman St., 5th Floor
Denver, CO 80203
(303) 866-5069
casey.shpall@state.co.us

Mark Uppendahl
Colorado Division of Wildlife
6060 Broadway
Denver, CO 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 St., Ste. 200
Boulder, CO 80306-0871
(303) 443-6151
sbc@vrlaw.com