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FELT, MONSON & CULICHIA, LLC

Colorado Water Conservation Board

319 N. WEBER ST.
COLORADO SPRINGS, CO 80903

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March 23, 2009

Jennifer Gimbel, Director
Colorado Water Conservation Board
Department of Natural Resources
1313 Sherman Street, Room 721
Denver, Colorado 80203

Re: Notice to Contest Cucharas Creek and Huerfano River (both segments)
Instream Flow Appropriations

Dear Ms. Gimbel:

Pursuant to Rule 5(k) of the Rules Concerning the Colorado Instream Flow and Natural Lake Level Program of the Colorado Water Conservation Board ("CWCB"), Huerfano County and Huerfano County Water Conservancy District, by and through their undersigned attorneys, Felt, Monson and Culichia, LLC, hereby submit this Notice to Contest the Instream Flow Appropriations on Cucharas Creek and Huerfano River (both lower and upper segments), Huerfano County, Water Division 2. We provide you the following information in accordance with Rule 5(k)(2):

(a) Identification of the parties requesting the hearing:

Huerfano County, by and through
its County Commissioners
c/o John Galusha,
County Administrator
401 Main Street
Walsenburg, CO 81089-2045
(719) 738-3485

Huerfano County Water Conservancy
District
c/o Dawson Jordan
2192 County Rd 616
Walsenburg, CO 81089
(719) 738-1483

(b) Identification of the instream flow appropriation at issue:

Recommendation presented by CWCB Staff for an instream flow appropriations on

Cucharas Creek and the Huerfano River (lower and upper segments), Huerfano County, Water Division 2. The CWCB declared its intent to appropriate the recommended instream flows in January 2009.

- (c) Contested facts and a general description of the data upon which the person will rely to the extent known at this time:

Huerfano County and Huerfano County Water Conservancy District (collectively "Huerfano Objectors") are concerned with the instream flows' impact on properties within Huerfano County. The Huerfano Objectors question the need of the instream flows and assert that Huerfano County may be better served by other water projects inconsistent with the instream flow rights. The Huerfano Objectors assert that instream flows are unnecessary in Huerfano County to preserve the natural environment. Huerfano Objectors also believe the instream flows request are not supported by biological and hydrological data.

The Huerfano Objectors may rely upon any biological or hydrological data to refute any scientific evidence presented. Huerfano Objectors may also rely upon any economic data evidencing the impact caused by the instream flow on land in Huerfano County. The Huerfano Objectors reserve the right to identify contested facts and issues, and additional data and documents upon which it may rely as new information becomes available.

In accordance with Rule 5(l), this Notice to Contest grants the Huerfano Objectors Party status to this proceeding. Please send all correspondence in this matter to: Felt, Monson & Culichia, 319 N. Weber Street, Colorado Springs, Colorado 80903.

Sincerely,

FELT, MONSON & CULICHIA, LLC



James G. Felt, Atty. Reg. No. 4369

David M. Shohet, Atty. Reg. No. 36675

ATTORNEYS FOR HUERFANO COUNTY COMMISSIONERS AND HUERFANO COUNTY WATER CONSERVANCY DISTRICT

CC: John Galusha

Dawson Jordan