

BEFORE THE COLORADO WATER CONSERVATION BOARD

IN THE MATTER OF PROPOSED INSTREAM FLOW APPROPRIATIONS DIVISION 4: TABEGUACHE CREEK (confluence Fortyseven Creek to Templeton Ditch) and TABEGUACHE CREEK (Templeton Ditch to confluence San Miguel River)

NOTICE OF PREHEARING DEADLINES FOR SUBMISSIONS AND PREHEARING CONFERENCE

The Colorado Water Conservation Board (CWCB) has designated Deputy Attorney General Casey Shpall to act as Prehearing Officer for the contested proposed instream flow appropriations on Tabeguache Creek. The hearing on this matter is set for the CWCB's September 2010 meeting.

Pursuant to Rule 5n of the Rules Concerning the Colorado Instream Flow and Natural Lake Level Program ("Rules"), the Hearing Officer hereby establishes the following deadlines for written submissions, designation of witnesses and exhibits, and the date of the prehearing conference.

Written submissions should address only the following limited issues as set forth in Rules 5j(3) and 5i:

- 1) whether there is a natural environment that can be preserved to a reasonable degree with the Board's water right if granted;
- 2) whether the natural environment will be preserved to a reasonable degree by the water available for the appropriation to be made; and
- 3) whether such environment can exist without material injury to water rights.

July 9, 2010: Prehearing Statements Due

On or before 4:30 p.m. on July 9, 2010, 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 CWCB 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 July 9, 2010. 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.

July 16, 2010: Prehearing Conference

A prehearing conference will be held on July 16, 2010, at 9:30 a.m. for Tabeguache Creek 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 Prehearing Officer at least 3 business days in advance of the prehearing conference. The call-in number for the prehearing conference will be: 303-866-3441 extension 7624.

The prehearing conference will afford the Parties the opportunity to address such issues as time allocation 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.

August 20, 2010: Rebuttal Statements Due

On or before 4:30 p.m. on August 20, 2010, 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 CWCB will not consider information submitted by the Parties after this deadline except for good cause shown.

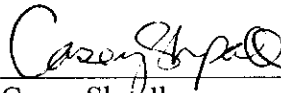
September 14-15, 2010: Hearing Date

The hearing for this matter is set for the CWCB's meeting scheduled for September 14-15, 2010, in Grand Junction, Colorado. The time of the hearing will be determined prior to the meeting and Parties will be notified.

Parties

Parties to this proceeding are set forth in the attached Certificate of Service.

Dated this 23th day of June 2010.

A handwritten signature in cursive script, reading "Casey Shpall", positioned above a horizontal line.

Casey Shpall
Prehearing Officer
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**IN THE MATTER OF PROPOSED INSTREAM FLOW APPROPRIATIONS
DIVISION 4: TABEGUACHE CREEK (CONFLUENCE FORTYSEVEN CREEK TO
TEMPLETON DITCH) AND TABEGUACHE CREEK (TEMPLETON DITCH TO
CONFLUENCE SAN MIGUEL RIVER)
CERTIFICATE OF SERVICE**

This is to certify that I have duly served the within Notice of Prehearing Deadlines for Submissions and Prehearing Conference upon all Parties herein by electronic mail this 23th day of June, 2010 addressed as follows:

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Trout Unlimited

Andrew Peternell

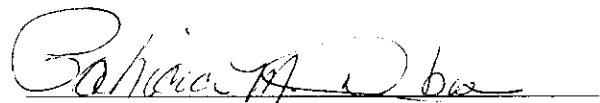
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