

BEFORE THE COLORADO WATER CONSERVATION BOARD

IN THE MATTER OF PROPOSED INSTREAM FLOW APPROPRIATIONS DIVISION 6: MORRISON CREEK (confluence Muddy Creek to confluence Silver Creek) AND MORRISON CREEK (confluence Silver Creek to confluence Yampa River)

PREHEARING ORDER

The Prehearing Conference in this matter was held on July 16, 2010 before the Prehearing Officer.

Participants in Prehearing Conference

The following Parties submitted Prehearing Statements and were represented at the Prehearing Conference either in person or by telephone:

Colorado Water Conservation Board Staff;
Colorado Division of Wildlife;
Upper Yampa Water Conservancy District (UYWCD);
James A. Larson, Dequine Family L.L.C., Flying Diamond Resources (Flying Diamond); and,
Trout Unlimited.*

Trout Unlimited did not file a Prehearing Statement.

Background

In its Prehearing Statement, the UYWCD requested that the CWCB consider its July 7, 2010 Request for Permission to Inundate a Portion of Silver Creek in conjunction with the Morrison Creek Instream Flow hearing scheduled for September 2010. Flying Diamond filed an Opposition to this request and argued that the UYWCD's request cannot be considered in conjunction with the Morrison Creek ISF hearing under the state law and the CWCB's rules. CWCB staff also raised the issue as to whether the timing of the inundation hearing in conjunction with the Morrison ISF hearing was appropriate given a previous stipulation between CWCB and the UYWCD in 07CW61 and 07CW72 (consolidated).

In order to resolve this issue in time for the September meeting, the Prehearing Officer requested that this issue be placed on the CWCB's agenda for its July 2010 meeting and that the Parties brief the issue and serve all Parties and the CWCB by electronic mail by noon on July 20, 2010.

Dated this 16th day of July 2010.

_____/S/
CASEY SHPALL
PREHEARING OFFICER

**IN THE MATTER OF PROPOSED INSTREAM FLOW APPROPRIATIONS
DIVISION 6: MORRISON CREEK (CONFLUENCE MUDDY CREEK TO
CONFLUENCE SILVER CREEK) AND MORRISON CREEK (CONFLUENCE SILVER
CREEK TO CONFLUENCE YAMPA RIVER)
CERTIFICATE OF SERVICE**

This is to certify that I have duly served the within Prehearing Order upon all Parties herein by electronic mail this 16th day of July, 2010 addressed as follows:

Jeff Baessler
Colorado Water Conservation Board
1313 Sherman Street, Room 721
Denver, Colorado 80203
(303) 866-3945
jeffrey.baessler@state.co.us

Linda Bassi
Colorado Water Conservation Board
1313 Sherman Street, Room 721
Denver, Colorado 80203
(303) 866-3945
linda.bassi@state.co.us

Susan Schneider – Staff Attorney
Natural Resources and Environment Section
Colorado Department of Law
1525 Sherman Street, 5th floor
Denver, CO 80203
(303) 866-5033
susan.schneider@state.co.us

Prehearing Officer
Casey Shpall
Colorado Attorney General's Office
1525 Sherman Street, 5th 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, CO 80216
303-291-7267
mark.uppendahl@state.co.us

Upper Yampa Water Conservancy District
Robert G. Weiss
Weiss & Van Scoyk, LLP
600 So. Lincoln, Suite 202
Steamboat Springs, CO 80488
970-879-6053
bweiss@wvsc.com

Upper Yampa Water Conservancy District
David C. Hallford
Balcomb & Green, P.C.
P.O. Drawer 790
Glenwood Springs, CO 81601
970-945-6546
dhallford@balcombgreen.com
sgrosscup@balcombgreen.com

James A. Larson, Dequine Family L.L.C., Flying Diamond Resources,
Charles B. White
Petros & White LLC
1999 Broadway, Suite 3200
Denver, CO 80202
303-825-1980
cwhite@petros-white.com
njohnson@petros-white.com
dhayes@petros-white.com

Trout Unlimited
Drew Peternell
Trout Unlimited
1320 Pearl Street, Suite 320
Boulder, CO 80302
303-440-2937
dpeternell@tu.org

_____/s/
Casey Shpall