

STATE OF COLORADO

Colorado Water Conservation Board Department of Natural Resources

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To: To all Interested Parties:
Subject: Notice of Contested 2011 ISF Appropriations
Date: May 26, 2010

John W. Hickenlooper
Governor

Mike King
DNR Executive Director

Jennifer L. Gimbel
CWCB Director

As required by Rule 5k.(4) of the Rules Concerning The Colorado Instream Flow and Natural Lake Level Program, the Colorado Water Conservation Board hereby provides the subscribers to the ISF Subscription Mailing List with notice of all contested instream flow appropriations. The contested instream flow appropriation is located in Water Division 4 as listed below:

Stream Segment	County
San Miguel River (confluence Calamity Draw to confluence Dolores River)	Montrose

For more detailed information regarding this instream flow appropriation and copies of the Notice to Contest, please go to CWCB's website at:

<http://cwcb.state.co.us/environment/instream-flow-program/Pages/2011ContestedAppropriations.aspx>

The Rules Concerning the Colorado Instream Flow and Natural Lake Level Program state the following with regard to Contested Instream Flow Appropriations:

To contest an ISF (Instream Flow) appropriation, a person must submit to the Colorado Water Conservation Board a Notice to Contest the ISF appropriation by March 31st.

Party status will be granted to any person who timely files a Notice of Party Status with the Staff. Any person filing a Notice to Contest shall be granted Party status and need not also file a Notice of Party Status. **A Notice of Party status must be received by April 30th or the first business day thereafter.** A Notice of Party status shall set forth a brief and plain statement of the reasons for obtaining Party status, the contested facts, the matters that the person claims should be decided and a general description of the data to be presented to the Board. The Board will have discretion to grant or deny Party status to any person who files a Notice of Party Status after April 30th or the first business day thereafter, for good cause shown.

Only a Party may submit for the record technical evidence, technical witnesses or file legal memoranda. Each Party is responsible for mailing copies of all documents

submitted for Board consideration to all other Parties and Contested Hearing Participants.

Any person who desires to participate in the process, but not as a Party, may obtain Contested Hearing Participant status by filing a notice thereof at the Board Office prior to April 30th or the first business day thereafter. A person with such status will receive all Party documents specific to the contested appropriation. Contested Hearing Participants may comment on their own behalf, but may not submit for the record technical evidence, technical witnesses or legal memoranda. The Board will have discretion to grant or deny Contested Hearing Participant status to any person who filed a Notice of Contested Hearing Participant Status after April 30th or the first business day thereafter, for good cause shown.

The request for Contested Hearing Participant status must be received by April 30th or the first business day thereafter.

Staff shall notify all Parties and Contested Hearing Participants of the list of Contested Hearing Participants prior to May 31st. Thereafter, Parties shall also mail their prehearing statements and any other documents to Contested Hearing Participants.

A copy of the Rules concerning the Colorado Instream Flow and Natural Lake Level Program is available on the CWCB website at:

<http://cwcb.state.co.us/StreamAndLake/LawsRules/>

We encourage you to share the information provided in this notice with any groups or individuals whom you feel would have an interest in the State of Colorado's Instream Flow Program. If you have any additional questions regarding this notice, please contact Jeff Baessler at (303) 866-3441 X 3202, or by email at jeffrey.baessler@state.co.us.