

BEFORE THE COLORADO WATER CONSERVATION BOARD

IN THE MATTER OF PROPOSED INSTREAM FLOW APPROPRIATION DIVISION 4: SAN MIGUEL RIVER

NOTICE OF PREHEARING CONFERENCE & DEADLINES FOR SUBMISSIONS

The Colorado Water Conservation Board has designated Deputy Attorney General Casey Shpall as Hearing Officer for the contested proposed instream flow appropriation on the San Miguel River. The hearing for this matter will be held in conjunction with the CWCB's September 2011 meeting.

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

July 15, 2011: Prehearing Statements Due

On or before 4:45 p.m., each Party shall file twenty-two hard copies of its prehearing statement with the Board. 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:

- i) a specific statement of the factual and legal claims asserted (issues to be resolved) and the legal basis upon which the Party will rely;
- ii) copies of all exhibits to be introduced at the hearing;
- iii) a list of witnesses to be called and a description of their testimony;
- iv) any alternative proposal to the proposed instream flow;
- v) all written testimony to be offered into evidence at the hearing; and,
- vi) any legal memoranda.

By this deadline, each Party shall also send 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 15, 2011. Contested Hearing Participants who submit written comments for the CWCB's consideration shall provide a copy to all other Contested Hearing Participants, Parties, the Hearing Officer, and the Assistant Attorney General representing the Staff.

July 29, 2011: Prehearing Conference

A prehearing conference will be held on July 29, 2011, at 2:30 p.m. in Room 310 of the State Services Building, 1525 Sherman Street, Denver, Colorado, 80203. 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, you can call-in to: **303-866-3441, Ext. 7624** at the time designated for the prehearing conference.

The prehearing conference will afford the Parties the opportunity to address such issues as time available 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 19, 2011: Rebuttal Statements Due

On or before 4:45 p.m. each Party shall file twenty-two hard copies of its rebuttal statement with the CWCB. By this deadline, each party shall also send its rebuttal 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 submitted by the Parties after this deadline except for good cause shown.

September 13-14, 2011: Hearing Date

The hearing for this matter is scheduled for the CWCB's meeting on September 13-14, 2011, in Grand Junction, Colorado. The exact location and time of the hearing is yet to be determined.

Dated this 1st day of June 2011.



Casey Shpall
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CERTIFICATE OF SERVICE

I hereby certify that I have duly served the copies of the foregoing **NOTICE OF PREHEARING CONFERENCE & DEADLINES FOR SUBMISSIONS** upon all parties herein by email or depositing copies of the same in the United States mail or via email, postage prepaid, at Denver, Colorado, this 1st day of June 2011, addressed as follows:

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Board of County Commissioners of San Miguel County

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San Miguel County Attorney's Office

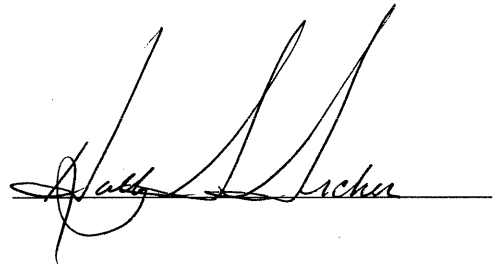
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A handwritten signature in black ink, appearing to read "Sally Richter", is written over a horizontal line.