

BEFORE THE COLORADO WATER CONSERVATION BOARD

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

SECOND PREHEARING ORDER

The start time for the hearing on the San Miguel River contested instream flow appropriation has been modified by the Colorado Water Conservation Board (CWCB). The hearing will commence at **1:00 p.m. on September 13, 2011**, at the Ute Water Conservancy District Offices, 2190 H 1/4 Road, Grand Junction, CO, 81505-9330. (See attached CWCB agenda.)

Issues for Hearing

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

Hearing Agenda

The Hearing will be governed by the Rules Concerning the Colorado Instream Flow and Natural Lake Level Program, including Rule 5p, which address the conduct of the hearing. The Hearing Officer proposes the following hearing agenda to the CWCB.

Allocation of Time for Hearing: 5 ½ Hours Excluding Deliberations

Proponents of the ISF: 3 Hours Total Presentation Time

- CWCB Staff – 1 hour
- DOW and BLM – 1 hour
- Sheep Mountain Alliance – 10 minutes
- Western Resource Advocates and The Wilderness Society – 30 minutes
- Reserved Time – 20 minutes

Opponents of the ISF: 2 Hours Total Presentation Time

- Board of County Commissioners of Montrose County – 55 minutes
- Farmers Water Development Company – 10 minutes
- Southwestern Water Conservation District, Norwood Water Commission
and Lone Cone Ditch and Reservoir Company – 55 minutes

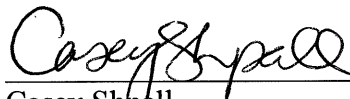
Comments from Contested Hearing Participants and Public Comment – 30 minutes

CWCB Deliberations

The CWCB will deliberate upon the close of presentations, testimony and public comment.

If the hearing is not concluded by September 13, 2011, it may be continued to the morning of September 14, 2011.

Dated this 31st day of August 2011.

A handwritten signature in black ink, reading "Casey Shpall", written over a horizontal line.

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CERTIFICATE OF SERVICE

I hereby certify that I have duly served the copies of the foregoing Second Prehearing Order 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 31st day of August 2011, addressed as follows:

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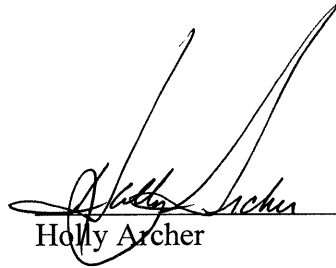
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