

BEFORE THE COLORADO WATER CONSERVATION BOARD

IN THE MATTER OF PROPOSED INSTREAM FLOW APPROPRIATION DIVISION 4: UPPER AND LOWER TERROR CREEK

NOTICE OF PREHEARING CONFERENCE & DEADLINES FOR SUBMISSIONS

The Colorado Water Conservation Board (CWCB) has designated Deputy Attorney General Casey Shpall as Hearing Officer for the contested proposed instream flow appropriation on Upper and Lower Terror Creek. The hearing on this matter will be held in conjunction with the CWCB's meeting September 16-18, 2015 in Montrose, Colorado. You will be notified of the precise time of the hearing once it is scheduled.

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.

June 30, 2015: Prehearing Statements Due

On or before 4:45 p.m., each Party shall file five hard copies of its prehearing statement with the CWCB. The 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 deliver a copy of its prehearing statement, by email, to all other Parties, Contested Hearing Participants, the Hearing Officer and the Assistant Attorney General representing the Staff, Derek Turner.

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 June 30, 2015. 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 10, 2015: Prehearing Conference 3:00 p.m.

The prehearing conference scheduled for July 10 will afford the Parties the opportunity to address such issues as time limitations for each Party to present 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, each Party shall identify any objections to the procedures or evidence it anticipates raising at the hearing unless such objections could not have been reasonably determined by the time of the prehearing conference.

A prehearing conference will be held on Friday, July 10, 2015, at 3:00 p.m. on the 1st floor, Conference Room F, Colorado Department of Law, Ralph L. Carr Colorado Judicial Center, 1300 Broadway, Denver, Colorado 80203. You do not need to check in at the lobby desk since we are meeting on the 1st floor, however, you will need to go through security to enter the building. Conference Room F is down the hallway straight east past the lobby, last conference room on the left.

If you would like to participate by telephone, you can call-in at the time designated for the prehearing conference to: **1-877-820-7831** and then enter the Participant Passcode: **156733#**.

Please let the Hearing Officer know by email if you plan to participate by telephone.

August 15, 2015: Rebuttal Statements Due

On or before 4:45 p.m. each Party shall file five hard copies of its rebuttal statement with the CWCB. By this deadline, each Party shall also deliver its rebuttal statement, by 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 any Party after this deadline except for good cause shown.

September 16-18, 2015: Hearing Date

The hearing for this matter is scheduled for the CWCB's meeting September 16-18, 2015, in Montrose, Colorado. The exact location and time of the hearing is yet to be determined.

Dated this 5th day of June 2015.

Casey Shpall

Casey Shpall

Deputy Attorney General

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Contested CWCB ISF Appropriations on Upper and Lower Terror Creek

Party Status

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<u>Bureau of Land Management</u> Roy Smith DOI, BLM, Colorado State Office 2850 Youngfield Street Lakewood, CO 80215-7093 303-239-3940 r20smith@blm.gov	<u>Terror Ditch & Reservoir Company</u> John Mathewson, President Richard Rudin, Vice President P.O. Box 313 Paonia, CO 81428 jmath@paonia.com
<u>North Fork Water Conservancy District</u> <u>Ragged Mountain Water Users Association</u> <u>Overland Ditch and Reservoir Company</u> Aaron R. Clay Clay & Dodson, P.C. 415 Palmer Street P.O. Box 38 Delta, CO 81416 970-874-9777 aaronclay@qwestoffice.net	