

BEFORE THE COLORADO WATER CONSERVATION BOARD

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

SECOND PREHEARING ORDER

The hearing on Upper and Lower Terror Creek instream flow appropriation will be held in conjunction with the CWCB's meeting on September 16-18, 2015 at the Holiday Inn Express & Suites Montrose, 1391 South Townsend Avenue, Montrose, CO 81401.

This hearing is tentatively scheduled for Friday, September 18th in the morning; however, the date and time have not been finalized. You will be notified once these details are final.

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.

Order of Presentation and Time Allocations

The Hearing Officer recommends to the Board the following order of presentation and time allocations based upon submissions of the Parties.

CWCB Staff – 20 minutes

BLM – 10 minutes

Colorado Parks & Wildlife – 10 minutes

Terror Ditch & Reservoir Co. – 20 minutes

Public Comment – 30 minutes

CWCB Staff Rebuttal – 20 minutes

Cross Examination

The Coordinator recommends there be no cross-examination of witnesses except by members of the Board.

CWCB Deliberations

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

Dated this 24th day of July 2015.

Casey Shpall
Casey Shpall
Hearing Officer
Colorado Attorney General's Office
1300 Broadway, 7th Floor
Denver, CO 80203
720-508-6295
casey.shpall@state.co.us

Contested CWCB ISF Appropriations on Upper and Lower Terror Creek

Party Status

<u>Colorado Water Conservation Board</u> Linda Bassi Colorado Water Conservation Board 1313 Sherman Street, Room 718 Denver, CO 80203 303-866-3441 ext. 3204 linda.bassi@state.co.us	<u>Colorado Water Conservation Board</u> Derek L. Turner Assistant Attorney General Colorado Attorney General's Office 1300 Broadway, 7th Floor Denver, CO 80203 720-508-6306 derek.turner@state.co.us
<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