

BEFORE THE COLORADO WATER CONSERVATION BOARD

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

THIRD 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.

The tentative hearing date has been revised. This hearing will now be held on Tuesday, September 15th starting at 2:00 p.m.

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 6th day of August 2015.

Casey Shpall

Casey Shpall

Hearing Officer

Colorado Attorney General's Office

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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