

BEFORE THE COLORADO WATER CONSERVATION BOARD

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

SECOND PREHEARING ORDER

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

This hearing is scheduled for Tuesday, September 15th starting at 9:00 a.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.

Conduct of Hearing

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.

Any stipulations reached by the Parties will be presented during the hearing.

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

Upon the close of presentations, testimony and public comment, the CWCB will deliberate. During deliberations Board members may ask clarifying questions without the necessity of reopening the record.

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 – 30 minutes

BLM/CPW Staff – 40 minutes

Conservation Colorado Education Fund, San Juan Citizens Alliance,
Western Resource Advocates – 25 minutes

Southwestern Water Conservation District – 20 minutes

Dolores Water Conservancy District – 10 minutes

Colorado River Water Conservation District – 15 minutes

John Hendricks, Western Sky Investments, LLC – 10 minutes

San Miguel County Board of County Commissioners – 5 minutes

Public Comment – 15 minutes

CWCB Staff Rebuttal – 30 minutes

CWCB Deliberations

Dated this 6th day of August 2015.

Casey Shpall

Casey Shpall

Deputy Attorney General

Colorado Attorney General's Office

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Contested CWCB ISF Appropriation on the Dolores River

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> Susan Schneider First Assistant Attorney General Colorado Attorney General's Office 1300 Broadway, 7th Floor Denver, CO 80203 (720) 508-6311 susan.schneider@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>Colorado Parks and Wildlife</u> Jay Skinner Colorado Parks and Wildlife 6060 Broadway Denver, CO 80216 303-291-7260 jay.skinner@state.co.us
<u>Colorado River Water Conservation District</u> Peter Fleming P.O. Box 1120 Glenwood Springs, CO 81602-1120 970-945-8522 pflaming@crwcd.org	<u>Conservation Colorado Education Fund</u> <u>San Juan Citizens Alliance</u> <u>Western Resource Advocates</u> Robert Harris Bart Miller Western Resource Advocates 2260 Baseline Road, Suite 200 Boulder, CO 80302 303-444-1188 bart.miller@westernresources.org rob.harris@westernresources.org

<u>Dolores Water Conservancy District</u> <u>Southwestern Water Conservation</u> <u>District</u> John B. Spear Maynes, Bradford, Shipps & Sheftel, LLP P.O. Box 2717 Durango, CO 81302 970-247-1755 bspear@mbssllp.com	<u>John S. Hendricks</u> <u>Western Sky Investments, LLC</u> Mark E. Hamilton William H. Caile Holland & Hart LLP 600 E. Main St., Suite 104 Aspen, CO 81611-1991 970-925-3476 mehamilton@hollandhart.com whcaile@hollandhart.com
<u>Sheep Mountain Alliance</u> Jennifer Russell Russell & Pieterse, LLC PO Box 2673 Telluride, CO 81435 970-239-1972 jenny.russell@lawtelluride.com	

Contested Hearing Participant Status

<u>San Miguel County Board of County</u> <u>Commissioners</u> Steven J. Zwick P.O. Box 791 Telluride, CO 81435 970-728-3879 stevez@sanmiguelcounty.org
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