

BEFORE THE COLORADO WATER CONSERVATION BOARD

IN THE MATTER OF PROPOSED INSTREAM FLOW APPROPRIATIONS WATER DIVISION 6: WILLOW CREEK (UPPER AND LOWER ISF INCREASES)

AMENDED NOTICE OF PREHEARING CONFERENCE & DEADLINES FOR SUBMISSIONS

The Colorado Water Conservation Board (CWCB) has designated Senior Assistant Attorney General Patrick E. Kowaleski as Hearing Officer for the contested proposed instream flow appropriations on Willow Creek. The hearing on this matter will be held in conjunction with the CWCB's meeting November 16-17, 2016, in Denver, 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.

Friday, September 16, 2016: Prehearing Statements Due

On or before 4:45 p.m., each Party shall file an electronic copy and 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 brief description of their testimony;
- iv) any alternative proposal to the proposed instream flow appropriation;
- 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, 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.

**Monday, September 26, 2016: Prehearing Conference
10:00 a.m.**

The prehearing conference scheduled for September 26 will afford the Parties the opportunity to address such issues as time limitations for each Party to present at the hearing, avoiding presentation of any 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 Monday, September 26, 2016, at 10:00 a.m. on the 8th Floor, Conference Room B8108, Colorado Department of Law, Ralph L. Carr Colorado Judicial Center, 1300 Broadway, Denver, Colorado 80203. You will need to go through security to enter the building, and to check in at the lobby desk. Ask the desk attendant to contact Sarah Glover at (720) 508-6299, and she will meet you in the lobby and escort you upstairs to the conference room.

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: **564669**.

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

Monday, October 17, 2016: Rebuttal Statements Due

On or before 4:45 p.m., each Party shall file an electronic copy and five hard copies of any rebuttal statement, including testimony, legal memoranda and exhibits, with the CWCB. By this deadline, each Party shall also deliver its rebuttal statement, by hard copy or 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.

Wednesday – Thursday, November 16-17, 2016: Hearing Date

The hearing for this matter is scheduled for the CWCB's meeting November 16-17, 2016, in Denver, Colorado. The exact location and time of the hearing is yet to be determined.

Dated this 9th day of September, 2016.

PATRICK E. KOWALESKI

Patrick E. Kowaleski

Hearing Officer

Senior Assistant Attorney General

Colorado Attorney General's Office

1300 Broadway, 7th Floor

Denver, CO 80203

720-508-6297

patrick.kowaleski@coag.gov

Certificate of Service

Contested CWCB ISF Appropriations on
Willow Creek (Upper and Lower ISF Increases)

I hereby certify that on September 9, 2016, a true and correct copy of the foregoing AMENDED NOTICE OF PREHEARING CONFERENCE & DEADLINES FOR SUBMISSIONS was served via email, to the parties referenced in the Party Status below:

Hearing Officer

Patrick Kowaleski Senior Assistant Attorney General Natural Resources & Environment Section Office of the Colorado Attorney General 1300 Broadway, 7th Floor Denver, Colorado 80203 720-508-6297 patrick.kowaleski@coag.gov
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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 Natural Resources & Environment Section Office of the Colorado Attorney General 1300 Broadway, 7th Floor Denver, CO 80203 720-508-6306 derek.turner@coag.gov
<u>City of Steamboat Springs</u> Steven J. Bushong Karen L. Henderson Porzak Browning & Bushong LLP 2120 13 th Street Boulder, CO 80302 (303) 443-6800 sjbushong@pbblaw.com khenderson@pbblaw.com	<u>Upper Yampa Water Conservancy District</u> Erika Gibson David Hallford Balcomb and Green, P.C. Post office Drawer 790 Glenwood Springs, CO 81602 (970) 945-6546 erika@balcomgreen.com dhallford@balcombgreen.com
<u>Bureau of Land Management</u> Roy Smith DOI, BLM, Colorado State Office 2850 Youngfield Lakewood, CO 80215-7093 303-239-3940 r20smith@blm.gov	

/s/ Margaret L. Popick