



# COLORADO

## Colorado Water Conservation Board

Department of Natural Resources

Phone: (303) 866-3441 \* Fax: (303) 866-4474  
[www.cwcb.state.co.us](http://www.cwcb.state.co.us)

### Public Notice

To: All Interested Parties

Subject: Notice of Contested 2019 ISF Appropriations

Date: April 4, 2019

As required by Rule 5k.(4) of the Rules Concerning The Colorado Instream Flow (ISF) and Natural Lake Level (NLL) Program, the Colorado Water Conservation Board hereby provides the subscribers to the ISF Subscription Mailing List with notice of contested ISF appropriations. The contested ISF appropriations are listed below:

Water Division	Stream Segment	County
3	Carnero Creek (Confluence of South Fork and Middle Fork Carnero Creeks to confluence Mogotas Arroyo)	Saguache
6	Trout Creek (Increase) (Confluence with Unnamed Tributary to Koll Ditch Headgate)	Routt
7	Disappointment Creek (Confluence with Morrison Creek to Historic USGS Gage)	Dolores
7	Disappointment Creek (Historic USGS Gage to Confluence with Dolores River)	Dolores, San Miguel

For more detailed information regarding these ISF appropriations and a copy of the Notices to Contest, please go to CWCB's website at:

<http://cwcb.state.co.us/environment/instream-flow-program/Pages/2019ContestedISFAppropriations.aspx>

The Rules Concerning the Colorado ISF and NLL Program state the following with regard to Contested ISF Appropriations:

Party status will be granted to any person who timely files a Notice of Party Status with the Staff. Any person filing a Notice to Contest shall be granted Party status and need not also file a Notice of Party Status. **A Notice of Party status must be received by April 30<sup>th</sup>.** A Notice of Party status shall set forth a brief and plain statement of the reasons for obtaining Party status, the contested facts, the matters that the person claims should be decided and a general description of the data to be presented to the Board. The Board will have discretion to

grant or deny Party status to any person who files a Notice of Party Status after April 30<sup>th</sup>, for good cause shown.

Only a Party may submit for the record technical evidence, technical witnesses or file legal memoranda. Each Party is responsible for mailing copies of all documents submitted for Board consideration to all other Parties and Contested Hearing Participants.

Any person who desires to participate in the process, but not as a Party, may obtain Contested Hearing Participant status by filing a notice thereof at the Board Office prior to April 30<sup>th</sup>. A person with such status will receive all Party documents specific to the contested appropriation. Contested Hearing Participants may comment on their own behalf, but may not submit for the record technical evidence, technical witnesses or legal memoranda. The Board will have discretion to grant or deny Contested Hearing Participant status to any person who filed a Notice of Contested Hearing Participant Status after April 30<sup>th</sup>, for good cause shown.

**The request for Contested Hearing Participant status must be received by April 30<sup>th</sup>.**

Staff shall notify all Parties and Contested Hearing Participants of the list of Contested Hearing Participants prior to May 31<sup>st</sup>. Thereafter, Parties shall also mail their prehearing statements and any other documents to Contested Hearing Participants.

A copy of the Rules Concerning the Colorado ISF and NLL Program is available on the CWCB website at:

<http://cwcb.state.co.us/legal/Documents/Rules/Final%20Adopted%20ISF%20Rules%201-27-2009.pdf>

We encourage you to share the information provided in this notice with any groups or individuals whom you feel would have an interest in the State of Colorado's Instream Flow Program.

Hard copies of notices for Party and Contested Hearing Participant status should be sent to the CWCB's office at 1313 Sherman Street, Room 718, Denver, Colorado 80203 and electronic submissions to [rob.viehl@state.co.us](mailto:rob.viehl@state.co.us). If you have any additional questions regarding this notice, please contact Rob Viehl.