

BEFORE THE COLORADO WATER CONSERVATION BOARD

IN THE MATTER OF PROPOSED INSTREAM FLOW APPROPRIATION DIVISION 3: CARNERO CREEK

NOTICE OF PREHEARING CONFERENCE & DEADLINES FOR SUBMISSIONS

The hearing on this matter will be held in conjunction with the CWCB's November 20-21, 2019 meeting in the Denver Metro area. You will be notified of the precise time and location of the hearing once it is scheduled.

Pursuant to Rule 5n. 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 6, 2019: Prehearing Statements from Parties Due

On or before September 6, 2019, each Party, including Staff, shall submit an electronic copy of its prehearing statement to all other Parties and the Hearing Officer via the email addresses included in the attached Certificate of Service. 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:

- a) a specific statement of the factual and legal claims asserted (issues to be resolved) and the legal basis upon which the Party will rely;
- b) copies of all exhibits to be introduced at the hearing;
- c) a list of witnesses to be called and a brief description of their testimony;
- d) any alternative proposal to the proposed instream flow appropriation;
- e) all written testimony to be offered into evidence at the hearing; and
- f) any legal memoranda.

The CWCB will not consider information, other than rebuttal statements, submitted by the Parties after this deadline except for good cause shown.

Please note: Parties need not file the twenty-five (25) copies of prehearing statements, written comments, or rebuttal statements with the CWCB as required in Rule 5n.

Thursday, September 12, 2019: Prehearing Conference at 2:00 p.m.

A prehearing conference will be held on Thursday, September 12, 2019, at 2:00 p.m. on the 1st Floor, Conference Room 1F, 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 then check in at the lobby desk. Ask the desk attendant to contact Ciera Romero at (720) 508-6299, and she will meet you in the lobby and escort you 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: **353775**.

Please let the Hearing Officer know by email by Wednesday, September 11, 2019 at 11:00 a.m. if you plan to participate by telephone.

The prehearing conference will afford the Parties the opportunity to address such issues as time limitations for each Party to present at the hearing, how to avoid presentation of 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.

Tuesday, October 15, 2019: Rebuttal Statements Due


On or before October 15, 2019, each Party, including Staff, shall submit an electronic copy of its rebuttal statement (including testimony, legal memoranda, and exhibits) to all other Parties and the Hearing Officer via the email addresses included in the attached Certificate of Service. The CWCB will not consider information submitted by any Party after this deadline except for good cause shown.

Wednesday through Thursday, November 20-21, 2019: Hearing

The hearing for this matter is scheduled for the CWCB's meeting November 20-21, 2019, in the Denver Metro area. The exact location and time of the hearing is yet to be determined. The Hearing Officer will issue a notice of the exact location and time of the hearing when it is so determined.

Dated this 12th day of June, 2019.

By the Hearing Officer:



Amy W. Beatie
Deputy Attorney General
Colorado Attorney General's Office
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Denver, CO 80203
720-508-6295
Amy.Beatie@coag.gov

Certificate of Service

Contested CWCB ISF Appropriation on Carnero Creek


I hereby certify that on June 12, 2019, a true and correct copy of the foregoing NOTICE OF PREHEARING CONFERENCE & DEADLINES FOR SUBMISSIONS was served via email to the parties referenced below:

Hearing Officer

Amy Beatie
Deputy Attorney General
Natural Resources & Environment Section
Office of the Colorado Attorney General
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Denver, Colorado 80203
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Party Status

<u>Staff for the Colorado Water Conservation Board</u> Linda Bassi Rob Viehl Colorado Water Conservation Board 1313 Sherman Street, Room 718 Denver, CO 80203 303-866-3441 ext. 3204 linda.bassi@state.co.us rob.viehl@state.co.us	<u>Counsel for Staff of the Colorado Water Conservation Board</u> Jennifer Mele First Assistant Attorney General Natural Resources & Environment Section Office of the Colorado Attorney General 1300 Broadway, 7th Floor Denver, CO 80203 720-508-6282 jennifer.mele@coag.gov
<u>Colorado Parks and Wildlife</u> Katie Birch Instream Flow Program Coordinator Colorado Parks and Wildlife 6060 Broadway Denver, CO 80216 303-291-7335 Katie.Birch@state.co.us	<u>S & T Farms, LLC</u> David S. Hayes Petros & White, LLC 1999 Broadway, Suite 3200 Denver, CO 80202 303-825-1980 dhayes@petros-white.com


/s/ Suzanne Burdick