

BEFORE THE COLORADO WATER CONSERVATION BOARD

IN THE MATTER OF PROPOSED INSTREAM FLOW APPROPRIATIONS DIVISION 7: DISAPPOINTMENT CREEK (UPPER & LOWER SEGMENTS)

NOTICE OF PREHEARING CONFERENCE & DEADLINES FOR SUBMISSIONS

The Colorado Water Conservation Board (“CWCB”) has designated Deputy Attorney General Amy Beatie as Hearing Officer for the two contested proposed instream flow appropriations on Disappointment Creek. The CWCB at its May 2019 meeting voted unanimously to combine the two Disappointment Creek segments for a joint proceeding. The hearing on this matter will be held in conjunction with the CWCB’s September 17 to 19, 2019 meeting in the Rio Grande basin. 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.

Tuesday, July 9, 2019: Prehearing Statements from Parties and Written Comments from Contested Hearing Participants Due

On or before July 9, 2019, each Party, including Staff, shall submit an electronic copy of its prehearing statement to all other Parties, Contested Hearing Participants, 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.

On or before July 9, 2019, each Contested Hearing Participant shall submit an electronic copy of any written comments to all other Parties, Contested Hearing Participants, and the Hearing Officer via the email addresses included in the attached Certificate of Service.

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

Please note: neither Parties nor Contested Hearing Participants must file the twenty-five (25) copies of prehearing statements, written comments, or rebuttal statements with the board as required in Rule 5n.

Tuesday, July 16, 2019: Prehearing Conference at 9:30 a.m.

A prehearing conference will be held on Tuesday, July 16, 2019, at 9:30 a.m. on the 1st Floor, Conference Room 1B, 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 Monday, July 15 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.

Thursday, August 15, 2019: Rebuttal Statements Due

On or before August 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, Contested Hearing Participants, and the Hearing Officer via the email addresses included in the attached Certificate of Service. The CWCB will not

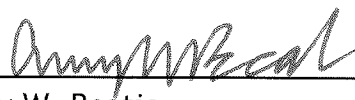
consider information submitted by any Party after this deadline except for good cause shown.

Tuesday through Thursday, September 17-19, 2019: Hearing

The hearing for this matter is scheduled for the CWCB's meeting September 17-19, 2019, in the Rio Grande Basin. 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 6th day of June, 2019.

By the Hearing Officer:



Amy W. Beatie
Deputy Attorney General
Colorado Attorney General's Office
1300 Broadway, 7th Floor
Denver, CO 80203
720-508-6295
Amy.Beatie@coag.gov

Certificate of Service

Contested CWCB ISF Appropriations on Disappointment Creek

I hereby certify that on June 6, 2019, a true and correct copy of the foregoing NOTICE OF PREHEARING CONFERENCE & DEADLINES FOR SUBMISSIONS was served via email to the parties referenced in the Party Status 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
720-508-6295
Amy.Beatie@coag.gov

Party Status

<u>Staff of 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>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>Board of County Commissioners, Dolores County, Colorado</u> Martha P. Whitmore Hockersmith & Whitmore, LLC P.O. Box 646 917 Main Street, 2nd Floor Ouray, CO 81427 970-325-4414 marti@ouraylaw.com
<u>Western Resource Advocates</u> Robert K. Harris Bart Miller 2260 Baseline Road, Suite 200 Boulder, CO 80302 303-444-1188 bart.miller@westernresources.org rob.harris@westernresources.org	

Contested Hearing Participant Status

The Southwestern Water Conservation
District

Beth Van Vurst

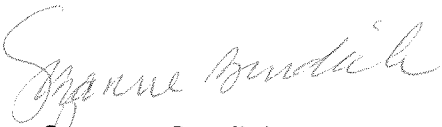
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/s/ Suzanne Burdick