

## BEFORE THE COLORADO WATER CONSERVATION BOARD

---

### IN THE MATTER OF PROPOSED INSTREAM FLOW APPROPRIATION DIVISION 5: ABRAMS CREEK

---

#### NOTICE OF PREHEARING CONFERENCE & DEADLINES FOR SUBMISSIONS

---

The Colorado Water Conservation Board (CWCB) has designated Laura L. Chartrand, Deputy Attorney General for Natural Resources and Environment, as Hearing Officer for the contested proposed instream flow appropriation on Abrams Creek. The hearing on this matter will be held in conjunction with the CWCB's meeting November 14-15, 2018 in the Denver area. You will be notified of the precise time and location of the hearing once it is scheduled.

Pursuant to Rules 5c, 5j and 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.

#### **Wednesday, September 5, 2018: Prehearing Statements Due**

On or before 4:45 p.m., each Party shall submit an electronic copy<sup>1</sup> of its prehearing statement to 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.

---

<sup>1</sup> Rule 5n(2) requires each Party to file 25 copies of its prehearing statement with the Board and provide an electronic version when possible. By way of this Notice, each Party may provide an electronic copy in lieu of the 25 copies required by this Rule. See *also* Rule 5(n)(1).

By this deadline, each Party shall also deliver a copy of its prehearing statement, by email, to all other Parties, the Hearing Officer, First Assistant Attorney General, Jennifer Mele, representing the CWCB Staff, and Assistant Attorney General Jeffrey Candrian, representing the CWCB.

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

### **Wednesday, September 12, 2018: Prehearing Conference 9:30 a.m.**

The prehearing conference scheduled for September 12<sup>th</sup> will afford the Parties the opportunity to address such issues as time limitations for each Party to present at the hearing, avoiding 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.

A prehearing conference will be held on Wednesday, September 12, 2018, at 9:30 a.m. on the 1<sup>st</sup> Floor, Conference Room 1A, 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 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: **995561**.

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

### **Monday, October 15, 2018: Rebuttal Statements Due**

On or before 4:45 p.m., each Party shall file an electronic copy and five hard copies<sup>2</sup> 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.

---

<sup>2</sup> Rule 5n(5) requires each Party to file 25 copies of its rebuttal statement with the Board and provide an electronic version when possible. By way of this Notice, each Party may provide an electronic copy and 5 hard copies in lieu of the 25 copies required by this Rule. See *also* Rule 5(n)(1).

**Wed. -Thurs., November 14-15, 2018: Hearing Date**

The hearing for this matter is scheduled for the CWCB's meeting November 14-15, 2018, in the Denver Area. The exact location and time of the hearing will be determined at a later date.

Dated this 12<sup>th</sup> day of June 2018.

LAURA L. CHARTRAND

Laura L. Chartrand

Deputy Attorney General, Natural Resources and  
Environment Section

Colorado Attorney General's Office

1300 Broadway, 7th Floor

Denver, CO 80203

720-508-6290

[Laura.Chartrand@coag.gov](mailto:Laura.Chartrand@coag.gov)

## Certificate of Service

Contested CWCB ISF Appropriations on Abrams Creek

I hereby certify that on June 21, 2018, 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

Laura L. Chartrand  
Deputy Attorney General  
Natural Resources & Environment Section  
Office of the Colorado Attorney General  
1300 Broadway, 7th Floor  
Denver, Colorado 80203  
720-508-6290  
[Laura.Chartrand@coag.gov](mailto:Laura.Chartrand@coag.gov)

### 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 <a href="mailto:linda.bassi@state.co.us">linda.bassi@state.co.us</a>	<u>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 <a href="mailto:jennifer.mele@coag.gov">jennifer.mele@coag.gov</a>
<u>Bureau of Land Management</u> Roy Smith DOI, BLM, Colorado State Office 2850 Youngfield Street Lakewood, CO 80215-7093 303-239-3940 <a href="mailto:r20smith@blm.gov">r20smith@blm.gov</a>	<u>Buckhorn Valley Metropolitan District No. 1</u> Steve Bushong Corina Hach Porzak Browning & Bushong LLP 2120 13th Street Boulder, CO 80302 303-443-6800 <a href="mailto:sjbushong@pbblaw.com">sjbushong@pbblaw.com</a> <a href="mailto:chach@pbblaw.com">chach@pbblaw.com</a>
<u>Trout Unlimited</u> Amelia S. Whiting Colorado Water Project 720-470-4758 <a href="mailto:mwhiting@tu.org">mwhiting@tu.org</a>	

**AAG for CWCB**

Jeffrey N. Candrian  
Assistant Attorney General  
Natural Resources & Environment Section  
Office of the Colorado Attorney General  
1300 Broadway, 7th Floor  
Denver, Colorado 80203  
720-508-6288  
Jeffrey.Candrian@[coag.gov](mailto:Jeffrey.Candrian@coag.gov)

/s/Sarah Glover