

**BEFORE THE OFFICE OF THE STATE ENGINEER  
STATE OF COLORADO**

**IN THE MATTER OF RULES AND REGULATIONS FOR )  
THE DETERMINATION OF THE NONTRIBUTARY NATURE ) 2 CCR 402-17  
OF GROUND WATER PRODUCED THROUGH WELLS )  
IN CONJUNCTION WITH THE MINING OF MINERALS )**

**FIFTH PREHEARING ORDER**

Public Comment

The deadline for written public comment has been extended by the State Engineer until 5:00 p.m. on December 10, 2009. Written public comment must contain the name and address of the commenter and be submitted by electronic mail to [laura.kalafus@state.co.us](mailto:laura.kalafus@state.co.us) by the deadline.

Stipulations

Counsel for the Staff of the Division of Water Resources will submit a written document containing all pending stipulations and identifying the parties who have agreed to those stipulations to the State Engineer, the Hearing Officer and the Parties by December 9, 2009, at 5:00 p.m. Responses to the stipulations are due to the State Engineer, the Hearing Officer and the Parties by December 15, 2009, at 5:00 p.m. Remaining issues regarding the stipulations will be heard on December 16, 2009.

Written Closing Statements

Written closing statements regarding the Staff's proposed rule and the proposed alternate rule for the Piceance Basin, Mesa Verde Formation, are due on December 10, 2009, at 5:00 p.m.

Written closing statements regarding the alternate proposed rule for the San Juan Basin are due December 16, 2009, at 5:00 p.m.

The due date for written closing statements for the alternate proposed rule for the Piceance Basin, Neslen Formation, will be determined in the near future.

Continuation of Rulemaking for San Juan Basin Alternate Proposed Rule for Limited Purpose

The rulemaking for the San Juan Basin alternate proposed rule is continued to December 16, 2009, at 10:00 a.m. in order to allow Parties to confer regarding refinements made to the initial modeling analysis. Only this limited aspect of the San Juan Basin alternate proposed rule and relevant rebuttal will be heard on December 16, in addition to closing statements.

Continuation of Rulemaking for Piceance Basin - Nelsen Formation Alternate Proposed Rule for Limited Purpose

The rulemaking for the Piceance Basin - Nelsen Formation alternate proposed rule is continued to at least January 4, 2010, in order to allow Parties to confer regarding possible depletions at West Salt Creek and Douglas Creek. The proponents of the Piceance Basin - Nelsen Formation alternate proposed rule have until December 21, 2009, at 5:00 p.m., to submit new information regarding this limited aspect of the proposal. Rebuttals to this limited issue are due January 4, 2010, at 5:00 p.m. The State Engineer will determine the date of any further hearing on this limited issue.

Prehearing Conference for Conventional Oil and Gas Wells Proposed Alternate Rules

The prehearing conference for conventional oil and gas wells proposed alternate rules will be held on December 16, 2009, at 10:00 a.m. in the Colorado State Capitol Building, 200 East Colfax, Basement Hearing Room 0112, Denver, Colorado, 80203. Additional prehearing conferences may be scheduled.

Schedule for December 16, 2009

Location - the Colorado State Capitol Building, 200 East Colfax, Basement Hearing Room 0112, Denver, Colorado, 80203.

10:00 a.m. - Prehearing conference on conventional oil and gas wells proposed alternate rules

11:00 a.m. – Discussion of stipulations

11:30 a.m. – Continuation of hearing on San Juan Basin proposed alternate rule

Dated this 8th day of December, 2009.



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Dick Wolfe, State Engineer