

**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** )

**PREHEARING ORDER ON MOTIONS**


On December 23, 2009, the South Platte Senior Water Users filed a Motion to Strike Rebuttal Testimony of Willem Schreuder or in the Alternative Motion for Sur-rebuttal. On December 29, 2009, the D-J Basin Rule Proponents filed a response in opposition to the motion.

On December 29, 2009, the South Platte Senior Water Users filed a Motion for Depositions requesting the State Engineer to authorize them to take the depositions of Robert Weimer, David Snow, Mark Levorsen, Ken Knox and Willem Schreuder (if his rebuttal testimony was not sticken). On December 30, 2009, the D-J Basin Rule Proponents filed a Response in Opposition to Motion for Depositions.

For the reasons set forth below, the Motion to Strike Rebuttal Testimony of Willem Schreuder or in the Alternative Motion for Sur-rebuttal and the Motion for Depositions are denied at this time subject to reconsideration.

The State Engineer requests that the Parties to these motions work out the Confidentiality and Nondisclosure Agreement as soon as possible and that the Parties experts convene during the week of January 4, 2010 to review the data. An additional informal meeting of the experts, such as was held on December 1, 2009, is the most efficient and effective way to facilitate an understanding of the Proponent's Rule on the D-J Basin and furthers the goals of this rulemaking.

Dated this 30th day of December, 2009.

  
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Dick Wolfe, State Engineer