

**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)**

SIXTH PREHEARING ORDER

On December 16, 2009, a prehearing conference on conventional oil and gas wells alternate rule proposals and other outstanding issues related to the rulemaking on Produced Nontributary Ground Water was held before the State Engineer, Dick Wolfe, and the Hearing Officers, Casey Shpall and Jody Grantham. The State Engineer made the following determinations regarding outstanding motions and the conduct of the hearing.

EXTENSIONS OF TIME

San Juan - Conventional Well Alternate Proposals

Staff for the Division of Water Resources requested an extension of time for responsive prehearing statements for conventional wells alternate proposed rules in the San Juan Basin. The State Engineer granted the motion. Responsive prehearing statements for conventional wells alternate proposed rules in the San Juan Basin are due by 5:00 p.m. on December 28, 2009, for any party desiring to file such a statement. Rebuttal statements for conventional wells alternate proposed rules in the San Juan will be due 5:00 p.m. on January 6, 2010.

San Juan CBM Alternate Proposal

Closing Statements for CBM alternate proposed rules for the San Juan Basin were due 5:00 p.m. on December 18, 2009.

DATE AND LOCATION OF CONVENTIONAL WELLS RULEMAKING HEARING

The rulemaking hearing on conventional oil and gas wells proposed alternate rules and the continuation of the rulemaking hearing on the Piceance Neslen Formation CBM proposed alternate rule is scheduled for January 11-15 and 19-20, 2010. There will be no hearing days during the week of January 4. The rulemaking hearing will be held at the Colorado Attorney General's Office, 1525 Sherman Street, 6th floor, Denver, CO 80203. Please allow additional time to check in on the 6th floor.

The hearing will commence daily at 8:30 a.m. and conclude at 5:00 p.m. with a scheduled lunch around the noon hour and breaks at the discretion of the State Engineer. The State Engineer may alter the daily schedule to accommodate witnesses and questioning.

SCHEDULE FOR JANUARY RULEMAKING HEARING

The second part of the bifurcated rulemaking hearing is scheduled for January 11-15 and 19-20, 2010. The State Engineer and the Parties have also reserved an additional day on January 21, 2010, in case it is necessary to conclude the rulemaking hearing.

After each presentation by an alternate rule proponent, there will be time for cross-examination. The rulemaking hearing will be on a trailing docket so if testimony on a proposed alternate rule finishes early, the State Engineer will begin testimony on the next scheduled proposed alternate rule.

January 11-15, 2010

January 11

Public Comment

Piceance Basin (Shallow Formations):

6 hours presentation/rebuttal testimony – Proponents

January 12

Piceance Basin (Wilson Creek, Rangely) and

Sand Wash Basin (Hiawatha/West Hiawatha):

4 hours presentation/rebuttal testimony – Proponents

Piceance Basin (Deep Formations):

4 hours presentation/rebuttal testimony – Proponents

January 13

Piceance Basin (Deep Formations) Continued:

Complete presentation/rebuttal testimony – Proponents

2 hours responsive testimony on entire Piceance Basin – River District

1 hour responsive testimony on entire Piceance Basin – Natural Soda

$\frac{3}{4}$ hour responsive testimony on entire Piceance Basin – Staff

January 14

Vermillion/Sand Wash Basin:

3 hours presentation/rebuttal testimony – Proponents

$\frac{1}{2}$ hour responsive testimony – River District

$\frac{1}{3}$ hour responsive testimony – Staff

Piceance CBM - Neslen Formation:

1 hour presentation/rebuttal testimony and closing statement – Proponents

1 hour responsive testimony and closing statement – River District

½ hour responsive testimony and closing statement – Natural Soda

1/3 hour responsive testimony and closing statement - Staff

January 15

Paradox Basin:

2 hours presentation/rebuttal testimony - Proponents

½ hour responsive testimony – River District

1/3 hour responsive testimony – Staff

San Juan Basin:

4 hours presentation/rebuttal testimony - Proponents

½ hour responsive testimony - Staff

January 19-21, 2010

January 19

D-J Basin:

6 hours presentation/rebuttal testimony – Proponents

January 20

D-J Basin Continued:

6 hours responsive testimony – City of Sterling et al.

4 hours responsive testimony – Centennial Water & Sanitation District et al.

½ hour responsive testimony – Staff

January 21

D-J Basin Continued (if necessary)

Dated this 21st day of December, 2009.



Dick Wolfe, State Engineer