

DISTRICT COURT, WATER DIVISION 4, COLORADO Court Address: 1200 N. Grand Ave., Bin A Montrose, CO 81401-3146 <hr/> Concerning The Application for Water Rights Of: THE UNITED STATES OF AMERICA IN MONTROSE County, Colorado.	 Case Number: 01CW05
ORDER	

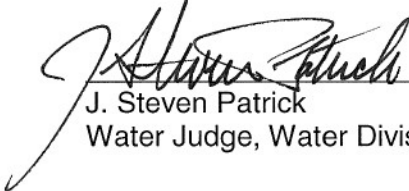
This matter came on for a status conference. Appearing in person were Gehlert on behalf of the applicant, McClow, Baumgarten, Roushar, and Wallace. Appearing by phone were Beaton, Brown, Fleming, Hayes, B. Miller, L. Miller, Z. Miller, Peternell, Sinor, Zilis, and Spann. After approximately an hour and a half of discussion, the consensus was that the parties were close to resolution, but perhaps had reached an impasse with respect to resolution of the previously tendered stipulations. The court ordered that the state is to define its position by July 13, whether they are going forward on their objection or whether they are going forward on their motion to withdraw the objection and in particular, if so, whether they are requesting that such withdrawal be without prejudice. Any responses are to be filed by August 3 including, if requested, any request for discovery which shall also explain why discovery would be necessary on this issue, with any reply by the State by August 17. The matter was stayed with respect to proceedings other than as identified above to and including January 18, 2008.

At any time, if it appears that mediation would be futile, in such event, upon request of any part of it the court will set another scheduling conference and lift the stay.

The United States shall initiate a conference call on January 18, 2008 @ 9:00 a.m. the United States shall circulate a proposed Case Management Order and submit to the court no later than January 18, 2008. The parties do anticipate exploring mediation during the stay and should the parties reach an impasse which requires resolution of a legal issue, upon notice from a mediator of such an outstanding legal issue or issues, the parties shall have fifteen days after the notice to file a motion with standard response and reply time unless the parties agree to a different briefing schedule. It was determined that the "environmental opposers" motion for determination of law was not disputed and that the court could enter an order with respect to that issue.

The matter was set for a eight-week trial commencing June 1, 2009 with trial to be Monday through Thursday of each week. Therefore, it is anticipated the trial will run through the month of July 2009. The court discussed the facility issues and indicated that tentatively this matter shall be tried in Gunnison in the Gunnison County courtroom, the facility utilized in the Union Park trial based on space and technical equipment feasibilities utilizing the court computer system and access to the clerk's office.

Dated this 2nd day of July, 2007



J. Steven Patrick
Water Judge, Water Division 4

xc: Counsel, Parties of Record