

**State of Vermont**  
**WATER RESOURCES BOARD**

**RE: Barden Gale and Melanie Gale Amhowitz**  
**Docket No. CUD-99-01 (DEC #98-340)**  
**(Application of Gary and Paula Warner, Colchester, Vermont )**

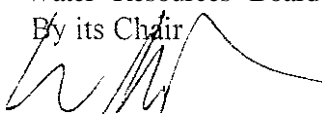
**ORDER**

On May 4, 1999, Barden Gale and Melanie Gale Amhowitz ("Appellants") filed with the Water Resources Board ("Board") the direct prefilled testimony of their wetlands consultant, Sheila McIntyre, and exhibits addressing, among other things, the location of the house, septic system and curtain drain on property owned by Gary and Paula Warner ("CUD Applicants") and whether those structures and their potential impacts should have been considered within the scope of the CUD Application and Decision in DEC #98-340. On May 11, 1999, counsel for the CUD Applicants filed a Motion to Extend Time with the Board. The purpose of that filing was to notify the Board and the Appellants that the CUD Applicants would seek exclusion of witness McIntyre's direct prefilled testimony and related exhibits. In the alternative, the CUD Applicants asked for an extension of the deadline for filing rebuttal prefilled evidence on the limited issues raised by the Appellants' May 4, 1999 filing.

The Motion to Extend Time is not ruled upon at this time, but will be considered, along with any evidentiary objections, at the second prehearing conference scheduled for May 25, 1999. The Appellants are hereby advised that they should be prepared to show cause at the prehearing conference why the proffered prefilled evidence on the house, septic system and curtain drain are germane and within the scope of this appeal. If the evidence objected to by the CUD Applicants is admitted, the CUD Applicants will be provided additional time to provide rebuttal evidence.

The parties are hereby reminded that the specific issues to be decided by the Board during the hearing on this matter were set forth in Section VI. of the Prehearing Conference Report and Order at 4-5, dated March 30, 1999. No party to this proceeding filed an objection to or sought expansion of the issues by the April 6, 1999, deadline. Therefore, the issues as framed became final and they govern the scope of this proceeding unless a demonstration can be made that a waiver is warranted. See Prehearing Conference Report and Order, Item 22 at 12 (March 30, 1999); see also Board Procedural Rule 6 (1988).

Dated at Montpelier, Vermont, this 12th day of May, 1999

Water Resources Board  
By its Chair  
  
\_\_\_\_\_  
William Boyd Davies