

**State of Vermont
WATER RESOURCES BOARD**

RE: Al J. Frank
Docket No. CUD-2000-02 (DEC #1999-524)
RE: Gregory C. Lothrop
Docket No. CUD-2000-03 (DEC #1999-524) (CONSOLIDATED)

CONTINUANCE ORDER

A Status Conference Report and Order ("Status Conference Order") was issued by David J. Blythe, Esq., Chair of the Water Resources Board ("Board") in the above-captioned consolidated appeals on July 12, 2000. The Status Conference Order granted a continuance in this matter until August 28, 2000, to facilitate settlement negotiations between the parties.

On August 21, 2000, counsel for appellant Gregory C. Lothrop filed a motion for a ninety (90) day extension of the continuance to allow further negotiations in this matter. On August 24 and 25, 2000, counsel for John Larkin and Larkin Realty ("Applicant") and the Agency of Natural Resources ("ANR"), respectively, filed letters with the Board indicating that they concur with the requested extension.

On August 30, 2000, the Board deliberated with respect to Appellant Lothrop's motion and determined that a further continuance of limited duration in this matter will likely conclude settlement negotiations and not prejudice the rights of any party to the consolidated proceeding.

Accordingly, consistent with the Board's power to allow informal disposition of contested case matters pursuant to 3 V.S.A. § 809(d), the Board hereby orders:

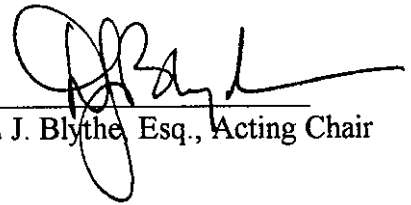
1. A continuance in this matter is granted until **4:30 p.m., Thursday, November 30, 2000.**
 2. On or before **4:30 p.m., Tuesday, October 3, 2000**, the Applicant and Appellants shall jointly file a letter with the Board indicating the status of negotiations. If the parties have concluded negotiations on or before this deadline, they shall proceed to make one of the filings identified in Item 3 below. If negotiations are progressing but have not concluded by October 3, 2000, the status report should indicate how much time is necessary to resolve any remaining issues in dispute.
 3. On or before **4:30 p.m., Tuesday, November 14**, the parties may jointly file a
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written request that the two above-captioned appeals be dismissed or Appellants Frank and Lothrop may file with the Board written notices of withdrawal of their respective appeals. A third option would be for the Applicant to notify the Board in writing that it withdraws CUD application DEC #1999-524, moves for dismissal of the two appeals, and seeks a remand of these matters to the ANR for a further determination whether a new or amended CUD should issue for its revised Project.

4. If none of the above required filings are timely made or if a party notifies the Board in writing of the failure of negotiations, a scheduling order shall be issued to bring this matter forward to a hearing on the merits.
5. This order shall become binding on all parties, unless a written objection to its terms is filed, supported by legal memorandum, on or before **4:30 p.m., Monday, September 11, 2000.**

Dated at Montpelier, Vermont this 30th day of August, 2000

WATER RESOURCES BOARD



David J. Blythe Esq., Acting Chair

Concurring:
Jane Potvin
Barbara S. Farr
John D.E. Roberts
Gail Osherenko