

**State of Vermont
WATER RESOURCES BOARD**

**RE: Barden Gale and Melanie Gale Amhowitz
Docket No. CUD-99-08 (DEC #98-340.01)
(Application of Gary and Paula Warner, Colchester, Vermont)**

CONTINUANCE ORDER

On April 7, 2000, Water Resources Board ("Board") Chair Gerry Gossens issued an Order modifying the **prefiled** schedule ("Modification Order") established by the Prehearing Conference Report and Order, issued February 22, 2000 ("Prehearing Order"). Item 2 of the Modification Order established a deadline of April 14, 2000 for the filing of **direct** prefiled testimony and exhibits of John Buermann, P.E., witness for Gary and Paula Warner ("CUD Applicants"), and a deadline of April 25, 2000, for the **direct prefiled** testimony and exhibits of the other parties to this proceeding, Barden Gale and Melanie Gail Amhowitz ("Appellants") and the Agency of Natural Resources ("ANR").

On April 14, 2000, the CUD Applicants filed pretiled direct testimony for John Buermann and related exhibits. On April 24, 2000, counsel for the Appellants tiled a letter requesting a continuance ("Motion") to stay the April 24, 2000, deadline and all other dates in the Prehearing Order pending completion of settlement negotiations in this matter. According to this letter, the CUD Applicants and ANR consent to this continuance request. The letter did not propose an expiration date for the requested continuance.

Vice-Chairman David Blythe, Esq., is serving as Acting Chair during the absence of Gerry Gossens. See Board Procedural Rule 3(A). He has reviewed the Appellants' request and determined that a limited continuance in this matter is likely to facilitate settlement of this matter. Therefore, the issuance of a **continuance** order, on appropriate terms, will foster the expeditious resolution of the pending dispute, consistent with the Board's power to allow informal disposition of contested case matters. 3 V.S.A. § 809(d).

Accordingly, the Motion is **granted** and it is hereby ordered that:

1. The deadlines set forth Section XIII., Items 10 through 23 of the Prehearing Order at 10-12, as amended by the Modification Order are hereby stayed,
2. This matter is continued until **4:30** p.m., Tuesday, May **16, 2000**, at which time the Board will consider any filings many in accordance with item 3. below;
3. On or before **4:30** p.m., Monday, May **8, 2000**, the parties shall jointly file either a **Stipulation** in the form of proposed findings of fact, conclusions of law, and proposed conditional use determination conditions **or** Appellants shall file a proposed Motion to Dismiss based on a request to withdraw appeal and shall indicate whether all parties waive oral argument and a decision containing **findings** of fact and conclusions of law in response to said motion;
4. In all other respects, the requirements of the Prehearing Order remain in **full** force and effect.

Dated at Montpelier, Vermont this 25th day of April, 2000.

WATER RESOURCES BOARD
By David J. Blythe, Acting Chair

