

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, Colechester, Vermont)

CONTINUANCE ORDER

On April 25, 2000, Water Resources Board ("Board") Acting Chair David J. Blythe, Esq., issued a Continuance Order of limited duration to facilitate settlement of the above-captioned matter. A continuance was granted until May 16, 2000, and the parties were given two options: (1) all parties were to jointly file a Stipulation or (2) the Appellants, Barden Gale and Melanie Gale Amhowitz, were to file a proposed Motion to Dismiss and indicate whether all parties waive oral argument and a decision containing findings of fact and conclusions of law in response to said motion. The deadline for filing with the Board a Stipulation or proposed Motion to Dismiss was Monday, May 9, 2000.

On May 8, 2000, counsel for the Appellants filed a letter requesting a further continuance ("Motion") to stay the April 24, 2000, deadline and all other dates in the Prehearing Order Conference Report and Order, issued on February 22, 2000 ("Prehearing Order"). 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.

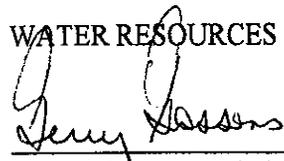
Chair Gossens has reviewed the Appellants' request and determined that a limited continuance in this matter is likely to conclude settlement of this matter. Therefore, the issuance of a continuance order, on appropriate terms, will foster the expeditious resolution of the pending dispute, consistent 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, June **6, 2000**, at which time the Board will consider any filings made in accordance with item 3. below;
3. On or before **4:30 p.m.**, **Wednesday, May 31, 2000**, the parties shall jointly file 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 16th day of May, 2000.

WATER RESOURCES BOARD



Gerry Gossens, Chair