

**State of Vermont
Water Resources Board**

ORDER REGARDING MOTION

Case Name: Lowe's Home Centers, Inc., South Burlington, Vermont
Docket No: WQ-03-15

Title of Motion: **Request for Stay**
Filed by: **Lowe's Home Centers, Inc. (Lowe's)**
Date Motion filed: **August 31, 2004 (via e-mail)**
Reply filed: **By Conservation Law Foundation (CLF) on September 3, 2004 (via e-mail)**

 Motion Granted
X Motion Denied
X IT IS HEREBY ORDERED:

Lowe's requests a temporary stay pursuant to Water Board Rule 29, pending decision on its Motion to Clarify. Several factors are relevant to deciding a motion to stay: the hardship to parties, the impact on the values sought to be protected by the law applicable in the proceeding, any effect upon public health, safety or general welfare, and the likelihood of success on the merits by the person seeking the stay. Rule 29(D). In an Entry Order issued today the Board denied Lowes' Motion to Clarify. Because there is no likelihood that Lowe's can succeed on the merits of that motion, the Board must deny the stay request.

DATED in Montpelier, Vermont this 3rd day of September, 2004.

WATER RESOURCES BOARD
By its Chair
/s/ John F. Nicholls

John F. Nicholls

Concurring:
Lawrence Bruce, Member
John D.E. Roberts, Vice Chair

Dissenting:
David Blythe, Acting Member*
Michael J. Hebert, Member*

cc: Service List

Members Blythe and Hebert will file a separate dissenting opinion.