

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 07-cv-02244-PAB-MEH

LOWER ARKANSAS VALLEY WATER CONSERVANCY DISTRICT,
a quasi-municipal corporation and political subdivision of the State of Colorado,

Plaintiff,

ARKANSAS NATIVE, LLC
a Colorado corporation,

Plaintiff-Intervenor.

v.

UNITED STATES OF AMERICA;
DIRK KEMPTHORNE, Secretary of the Interior, in his official capacity;
ROBERT W. JOHNSON, Commissioner, Bureau of Reclamation, in his official capacity;
MICHAEL J. RYAN, Regional Director, Bureau of Reclamation, in his official capacity;
and
U.S. BUREAU OF RECLAMATION, a federal agency,

Defendants.

CITY OF AURORA, acting by and through its Utility Enterprise,

Defendant-Intervenor.

ORDER TO STAY

This matter is before this Court on the Joint Motion of the United States of America, the Lower Arkansas Valley Water Conservancy District (“Lower District”), and the City of Aurora, acting by and through its Utility Enterprise (“Aurora”), for the issuance of a Stay in the above captioned case. Having considered all of the files and

records in this matter and noting and considering the opposition of Intervenor-Plaintiff Arkansas Native, and with good cause appearing, IT IS HEREBY ORDERED as follows:

1. The above captioned case is stayed for a period of two years until May 14, 2011, referred to herein as the “Expiration Date.”

2. Aurora and the Lower District will provide the Court with status reports every six months on the progress of legislation addressing the authorization issues dealt with in Paragraph III of the Stipulation and Agreement. The Stipulation and Agreement is attached hereto as Exhibit “1.” The Court has not adopted or otherwise approved this Stipulation and Agreement, except as to the specific references contained herein.

3. Upon the satisfaction of the condition contained in Paragraph III of the Stipulation and Agreement, the Lower District and Aurora will promptly notify the Court and move to dismiss the above case, with prejudice.

4. If the condition contained in Paragraph III of the Stipulation and Agreement is not satisfied by the Expiration Date, the stay will automatically be lifted and this litigation will resume.

5. The United States, Aurora or the Lower District may petition the Court to terminate the stay prior to the Expiration Date if any of the litigation triggering provisions of the Stipulation and Settlement come into effect, including if, during the pendency of the stay, the issues raised in this action, or any of them, are the subject of litigation in another forum, or if it appears unlikely that any legislation will be enacted addressing the Paragraph III condition.

6. The United States, Aurora and the Lower District may petition the Court to extend the stay prior to the Expiration Date if they agree that while the legislation has not been obtained, it is likely that with additional time it will be obtained.

7. Nothing stated herein shall be construed to prohibit Arkansas Native LLC from petitioning this Court, during the pendency of the stay, to terminate the stay before its Expiration Date.

DATED May 14, 2009.

BY THE COURT:

s/Philip A. Brimmer
PHILIP A. BRIMMER
United States District Judge