

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
U.S. Magistrate Judge Laird T. Milburn**

Civil Action No. 09-cv-01307-JLK-LTM

MONTEZUMA VALLEY IRRIGATION CO.,
A Colorado non profit corporation,

Plaintiff,

vs.

DOLORES WATER CONSERVANCY DISTRICT,
A Colorado Special District and,
Subdivision of the State of Colorado, and,
THE UNITED STATES OF AMERICA,
acting through the Department of Interior's Bureau of Reclamation,

Defendants, and

UTE MOUNTAIN UTE TRIBE,

Intervenor Defendant.

**ORDER RE: LEAVE TO AMEND COMPLAINT AND RESCHEDULING
SETTLEMENT CONFERENCE AND ALTERNATIVE DISPUTE
RESOLUTION PROCESS/MEDIATION PLAN**

The Court having reviewed Plaintiff Montezuma Valley Irrigation Company's Motion for Leave to Amend the Complaint (docket # 76) dated February 10, 2010 and the Response thereto filed by Defendant Dolores Water Conservancy District (docket # 84) dated March 3, 2010, Plaintiff's response and the entire file, hereby **GRANTS** Plaintiff's Motion for the reasons stated therein. The amended Complaint shall be deemed filed as of the date of this Order.

Furthermore, the Court has also reviewed Defendant Dolores Water Conservancy District's motion (docket # 86) filed March 15, 2010 regarding the Court's Minute Order of March 1, 2010 (docket # 83), Plaintiff's response thereto (docket # 89), Defendants' Reply (docket # 91) and the entirety of the Court's file. For the reasons set forth in Defendants' motion it is hereby **ORDERED** that the Court's Order of March 1, 2010 (docket # 83) is hereby **VACATED**. The Parties are **ORDERED** to forthwith contact the Clerk of this Court and reschedule a settlement conference to be scheduled with this Court to take place in May 2010, in Grand Junction, Colorado. The Parties shall comply with this Court's Minute Order of July 27, 2009 (docket # 5) regarding attendance at the settlement conference and pre-settlement conference preparation therefore.

Finally, the Parties are **ORDERED**, pursuant to 28 U.S.C. 652 and D.C.Colo.F.Civ.R. 16.6, to consider the use of an alternative dispute resolution process/mediation plan employing the use of a mediator versed in water law and reclamation contract law whose costs shall be borne equally by Plaintiff, Montezuma Valley Irrigation Company and Dolores Water Conservancy District, who shall file a status report regarding the required alternative dispute resolution process/mediation plan, described above, no later than May 14, 2010.

Dated this 31st day of March, 2010.

BY THE COURT:

s/Laird T. Milburn

Laird T. Milburn
U.S. Magistrate Judge