

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge John L. Kane

Civil Action No. 14-cv-2749-AP

AUDOBON SOCIETY OF GREATER DENVER,

Petitioner,

v.

UNITED STATES ARMY CORPS OF ENGINEERS,

Respondent,

and

CASTLE PINES METROPOLITAN DISTRICT;
CASTLE PINES NORTH METROPOLITAN DISTRICT;
CENTENNIAL WATER AND SANITATION DISTRICT;
CENTER OF COLORADO WATER CONSERVANCY DISTRICT;
CENTRAL COLORADO WATER CONSERVANCY DISTRICT; AND
TOWN OF CASTLE ROCK,

Intervenor-Respondents.

ORDER

Kane, J.

This matter is currently before me on the Colorado Department of Natural Resources' Unopposed Motion to Intervene (Doc. 22). The Colorado Department of Natural Resources ("DNR") seeks to intervene in this matter pursuant to either Fed. R. Civ. P. 24(a)(2) (allowing intervention as a matter of right) or Fed. R. Civ. P. 24(b)(1)(B) (allowing permissive intervention). Respondent U.S. Army Corps of Engineers takes no position regarding this motion, and Petitioner Audobon Society of Greater Denver and Intervenor-Respondent Chatfield Participating Entities do not oppose the DNR's intervention in this litigation.

I find that the DNR has satisfied the requirements of Fed. R. Civ. P. 24(a)(2), and its Unopposed Motion to Intervene (Doc. 22) is GRANTED. The clerk shall enter the answer attached as Exhibit 3 to DNR's Motion to Intervene.

In the interest of the efficient conduct of the proceedings, *See San Juan County, Utah v. United States*, 503 F.3d 1163, 1189 (10th Cir. 2007), the DNR's participation in these proceedings will be subject to the following limitations:

1. Counsel for Respondent and counsel for the DNR must confer before filing any motion, responsive filing, or brief to determine whether their positions may be set forth in a consolidated fashion.
2. The DNR may file separate motions, responsive filings, or briefs only to raise arguments or issues Respondent declines to raise in its filings.
3. Any separate filings must include a Certificate of Compliance with the condition requiring the DNR to confer with counsel for Respondent before filing, and a statement that the issues raised are not adequately covered by Respondent's position.

Dated: February 6, 2015

BY THE COURT:

/s/ John L. Kane
Senior U.S. District Judge