

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 49-cv-02782-MSK-CBS
Consolidated Civil Case Nos. 2782, 5016 and 5017 and

UNITED STATES OF AMERICA,

Plaintiff,

v.

NORTHERN COLORADO WATER CONSERVANCY DISTRICT, *et al.*,

Defendants.

In the matter of the adjudication of priorities of
water rights in Water District No. 36 for purposes of irrigation:

COLORADO RIVER WATER CONSERVATION DISTRICT.,
GRAND VALLEY WATER USERS ASSOCIATION,
ORCHARD MESA IRRIGATION DISTRICT,
PALLISADE IRRIGATION DISTRICT,
GRAND VALLEY IRRIGATION COMPANY, and
MIDDLE PARK WATER CONSERVANCY DISTRICT,

Petitioners

In the matter of the adjudication of priorities of water
rights in Water District No. 36 for purposes other than irrigation:

COLORADO RIVER WATER CONSERVATION DISTRICT.,
GRAND VALLEY WATER USERS ASSOCIATION,
ORCHARD MESA IRRIGATION DISTRICT,
PALLISADE IRRIGATION DISTRICT,
GRAND VALLEY IRRIGATION COMPANY, and
MIDDLE PARK WATER CONSERVANCY DISTRICT,

Petitioners.

OPINION AND ORDER DISMISSING MOTION TO INTERVENE

THIS MATTER comes before the Court pursuant to Climax Molybdenum Company's

Motion to Intervene (# 159). For the reasons set forth in the November 25, 2009 decision of the United States Court of Appeals for the 10th Circuit (# 289), the motion is **DISMISSED** for lack of subject matter jurisdiction. The Clerk of the Court shall terminate Climax Molybdenum Company as a participant in this action.

Dated this 19th day of January, 2010

BY THE COURT:



A handwritten signature in black ink, reading "Marcia S. Krieger". The signature is written in a cursive style with a dot over the 'i' in "Krieger".

Marcia S. Krieger
United States District Judge