

IN 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

DISTRICT COURT, WATER DIVISION NO. 5 STATE OF COLORADO
Case No. 2006CW255

APPOINTMENT OF SPECIAL MASTER

CONCERNING THE APPLICATION FOR WATER RIGHTS OF THE CITY AND COUNTY
OF DENVER, ACTING BY AND THROUGH ITS BOARD OF WATER COMMISSIONERS,
IN SUMMIT COUNTY, COLORADO

1. DATE OF HEARING: February 19, 2010.
2. APPOINTMENT OF SPECIAL MASTER.
 - A. Name of the Special Master: John G. Bickerman.
 - B. Duties:
 - i. During the period of the stay pursuant to this court's order, the Special Master may continue to serve as a mediator/facilitator of reaching a settlement agreement concerning the disputes among the parties.
 - ii. The Special Master shall not have the authority to investigate claims, hold hearings, compel, take or record evidence, or make legal or factual findings or recommendations concerning the claims or issues in this litigation.
 - iii. The Special Master's duties shall be limited to informing the Magistrate Judge of the process for, status of, and prospects for the success of the mediation, and shall not include any discussion of substantive matters.
 - C. Ex Parte Communications:

The Special Master may confer with the Magistrate Judge ex parte with respect, and only with respect, to the subject of the Special Master's appointment. The Special Master may continue to hold ex parte communications with the parties involved in the mediation pursuant to the mediation agreement among the parties to the mediation and Bickerman Dispute Resolution PLLC.

D. Preservation of materials:

No materials involved with the Special Master's duties as a mediator shall be preserved or filed in this action. Nor shall any record of the Special Master's activities, other than this Order, be filed in this action.

E. Time limits:

The Special Master shall serve until the Court ordered stay to complete the mediation expires, or the Court orders otherwise.

F. Compensation:

Mr. Bickerman will be compensated for his services pursuant to the terms of the mediation agreement between the parties to the mediation and Bickerman Dispute Resolution PLLC. The parties will continue to compensate Mr. Bickerman under the mediation agreement but no other compensation is required for his appointment as a Special Master in this case.

G. Affidavit under 28 U.S.C. § 455.

The affidavit required under Fed. R. Civ. P. 53(b)(3)(A) has been filed and no ground for disqualification is disclosed therein.

DATED at Denver, Colorado, this 19th day of February, 2010.

BY THE COURT:

s/Craig B. Shaffer _____
Craig B. Shaffer
United States Magistrate Judge