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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

STATE OF NEVADA, COLORADO RIVER
COMMISSION OF NEVADA, and SOUTHERN
NEVADA WATER AUTHORITY,

Plaintiffs,

vs.

DOUG BURGUM, in his official capacity as
Secretary of the Department of the Interior,
U.S. DEPARTMENT OF THE INTERIOR, a
federal agency, U.S. BUREAU OF
RECLAMATION, an agency within the
U.S. Department of the Interior, and AUBREY
BETTENCOURT, in her official capacity
exercising the delegated authority of the
Commissioner of the U.S. Bureau of Reclamation,

Defendants.

Case No. 2:26-cv-02665-GMN-NJK

**MOTION TO INTERVENE OF
CENTRAL ARIZONA WATER
CONSERVATION DISTRICT AND
SUPPORTING MEMORANDUM OF
POINTS AND AUTHORITIES**

Judge: Gloria M. Navarro
Magistrate Judge: Nancy J. Koppe

Action Filed: Aug. 24, 2026

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MOTION TO INTERVENE

Central Arizona Water Conservation District (CAWCD) moves to intervene as a plaintiff in this action under Rule 24 of the Federal Rules of Civil Procedure. Intervention as of right is warranted because CAWCD's interests in challenging the federal agency actions at issue in this case will not be adequately represented by other plaintiffs and will be harmed without CAWCD's participation. *See* Fed. R. Civ. P. 24(a)(2). Alternatively, permissive intervention is warranted because CAWCD's claims share common issues of fact and law with the main action in this case. *See* Fed. R. Civ. P. 24(b)(1)(B).

This motion is based on: (1) the supporting Memorandum of Points and Authorities; (2) the Declaration of Patrick Dent (Dent Decl.); (3) CAWCD's Proposed Complaint in Intervention; and (4) a Proposed Order.

The existing parties to this case reserve their position on the motion. Proposed Plaintiff-Intervenor the State of Arizona, acting through the Director of the Arizona Department of Water Resources, does not oppose the motion.

MEMORANDUM OF POINTS AND AUTHORITIES**I. INTRODUCTION**

CAWCD seeks to intervene as a party plaintiff because the resolution of the underlying issues in this case will have lasting impacts on the Central Arizona Project (CAP) and its water supply. CAWCD has unique interests as the local agency responsible for operating and maintaining the CAP, which includes federal canal infrastructure that delivers Colorado River water across Arizona to municipalities, industrial water users, tribes, and agriculture. That water supply could be drastically reduced—in some conditions reduced to zero—based on the agency actions challenged in this case and the outcome of the legal challenges to those agency actions. CAWCD seeks leave to intervene to protect its interests and to ensure they are considered. Those interests will be impaired without CAWCD's participation.

II. BACKGROUND

A. CAWCD Delivers Colorado River Water to Central and Southern Arizona

The seminal case of *Arizona v. California*, 373 U.S. 546 (1963), confirmed Arizona’s apportionment of 2.8 million acre-feet of water from the mainstream Colorado River. After the Supreme Court’s decision, Congress enacted the Colorado River Basin Project Act, Pub. L. No. 90-537, 82 Stat. 885 (1968) (codified at 43 U.S.C. §§ 1501-1556). The Act authorized the Secretary of the Department of the Interior (Secretary) to construct the CAP for the “purposes of furnishing irrigation water and municipal water supplies to the water-deficient areas of Arizona.” *Id.* § 301(a).

The CAP is a 336-mile canal, including a system of pumping plants, tunnels, check gates, and turnouts, that has a designed capacity to deliver 3,000 cubic feet per second of Colorado River water to the most populated regions in Arizona. Dent Decl. ¶ 6. The CAP’s 24,000-square-mile service area includes approximately 6 million people – more than 80 percent of Arizona’s population. *Id.* The CAP delivers water to users in three primary categories: municipal and industrial (M&I), agricultural, and tribal. There are approximately 55 CAP M&I subcontractors and 11 Arizona tribes with contracts with the United States. In addition, in years when there is water available to CAP in excess of the M&I subcontracts and tribal contracts, CAWCD may sell or use such excess water for any authorized purpose of the CAP, including a commitment through 2030 to deliver water to agricultural users pursuant to the Arizona Water Settlements Act of 2004, Pub. L. No. 108-451, 118 Stat. 3478 (AWSA). *Id.* ¶ 7.

CAWCD was formed in 1971 as a political subdivision in the State of Arizona to enter into a contract with the Secretary to carry out the provisions of the Reclamation Act of 1902 and the Colorado River Basin Project Act, to be the operating agent of the CAP, to enter into subcontracts with water users for the delivery of water through the CAP facilities, and to acquire a power supply for the operation of the CAP. *See* Ariz. Rev. Stat. § 48-3713 (2026); *see also* 1971 Ariz. Sess. Laws. 110 (ch. 50); Dent. Decl. ¶¶ 8, 12. CAWCD is the multi-county water conservation district authorized under Arizona state law to contract with the federal government for repayment of the non-federal share of CAP construction costs related to non-federal water

1 supply and commercial power, plus interest during construction. *See Cent. Ariz. Water*
2 *Conservation Dist. v. United States*, 32 F. Supp. 2d 1117, 1122-23 (D. Ariz. 1998).

3 The United States and CAWCD entered into a Section 5 contract entitled “Contract for
4 the Delivery of Water and Repayment of Costs of the Central Arizona Project,” Contract No. 14-
5 06-W-245, dated December 15, 1972 (Master Repayment Contract). The United States and
6 CAWCD entered into Amendment No. 1 to the Master Repayment Contract on December 1,
7 1988, and Amendment No. 2 to the Master Repayment Contract on December 5, 2007. Dent.
8 Decl. ¶ 9. The Master Repayment Contract contains the terms for delivery of Colorado River
9 water and repayment and details CAWCD’s operation and maintenance responsibilities for the
10 federally owned project. *Id.* ¶¶ 9-10, 12 & Ex. B.

11 Under Article 8.7 of the Master Repayment Contract, the quantity of water available for
12 delivery to CAWCD shall not exceed the 2.8 million acre-feet of water available to Arizona
13 under its apportionment and Arizona’s 1944 Section 5 Contract, after satisfaction of present
14 perfected rights, and water delivery contracts between the United States and water users in
15 Arizona as of September 30, 1968. Under Article 8.3(b) of the Master Repayment Contract,
16 delivery of Colorado River water to CAWCD under this contract discharges the obligation of the
17 United States to deliver water to the State of Arizona under its 1944 Section 5 Contract. *See also*
18 section 7(l) of Arizona’s 1944 Section 5 Contract. In other words, all water available to the State
19 of Arizona from its Colorado River apportionment after satisfaction of pre-September 30, 1968
20 water rights and water delivery contracts may be diverted by the CAP. Dent. Decl. ¶ 10.
21 Historically, under “normal” conditions, this amount of water is approximately 1.67 million
22 acre-feet annually. *Id.*

23 The United States considers CAWCD’s entitlement to Colorado River to be “fourth
24 priority” relative to other Colorado River water users within Arizona. Dent. Decl. ¶ 11. This
25 means that CAP’s water supply faces reductions before there are any reductions to present
26 perfected right holders in Arizona and holders of Section 5 contracts executed before
27 September 30, 1968. *Id.* Additionally, based on the United States’ interpretation of
28 section 301(b) of the Colorado River Basin Project Act in the challenged agency actions, CAP’s

1 water supply will be reduced before there are reductions in California. *Id.* Extreme shortages in
2 the Lower Basin due to dry hydrology, low reservoir storage, and management decisions by
3 Reclamation put CAWCD in a unique position relative to other water users in Arizona that assert
4 a higher priority over CAP's water supply, and in a unique position relative to other water users
5 in the Lower Basin that also assert a higher priority over CAP's water supply.

6 The federal government constructed the CAP between 1973 and 1993 at a cost of more
7 than \$4 billion. Disputes arose regarding CAWCD's repayment obligation, and CAWCD
8 brought suit against the United States to obtain a judicial determination of its repayment
9 obligation. CAWCD prevailed in the first phase of trial in that litigation, ruling in favor of
10 CAWCD's interpretation of the repayment ceiling in the 1988 amendment to the repayment
11 contract. *Cent. Ariz. Water Conservation Dist.*, 32 F. Supp. 2d at 1143-44. As a settlement of
12 the remaining phases of that litigation, CAWCD and the United States stipulated that CAWCD
13 owed the United States \$1.646 billion, plus interest. This settlement ultimately led to the
14 enactment of the AWSA. Payments started in 1994 and are scheduled to be completed in 2045.
15 Dent. Decl. ¶ 12. CAWCD's subcontracts generate revenue that CAWCD uses to pay down its
16 debt to the federal government under the Master Repayment Contract. Revenues from property
17 taxes and other supplemental revenues contribute as well. *Id.*

18 Additionally, 22 of the 30 federally recognized tribes in the Colorado River Basin are
19 situated in Arizona. Eleven of these tribes have entitlements to CAP water through
20 congressionally approved water right settlement agreements or water delivery contracts for CAP
21 allocations. Roughly 45 percent of the CAP water supply is or will be allocated to Arizona
22 Indian tribes. Dent Decl. ¶ 13. CAWCD receives compensation for operating and maintenance
23 costs associated with delivery of CAP water to tribes. *Id.*

24 **B. Federal Defendants Recently Adopted New Operating Guidelines for the**
25 **Coordinated Operations of Lake Mead and Lake Powell**

26 Defendants Secretary of the U.S. Department of the Interior, the U.S. Department of the
27 Interior, the U.S. Bureau of Reclamation, and Aubrey Bettencourt in her official capacity
28

exercising the delegated authority of the Commissioner of the Bureau of Reclamation (collectively “Federal Defendants”) recently published the following documents:

1. Final Environmental Impact Statement for the Post-2026 Operational Guidelines and Strategies for Lake Powell and Lake Mead (July 2026) (Final EIS);
2. August 21, 2026 Record of Decision on the “Decision Framework for Colorado River Guidelines: Coordinated Operations of Lake Powell and Lake Mead (2027-2036)” (ROD);
3. “Operating Guidelines, Colorado River Guidelines for Coordinated Operations of Lake Powell and Lake Mead, Operating Years 2027 and 2028” (August 2026) (2027-2028 Operating Guidelines).

Under the ROD and 2027-2028 Operating Guidelines, Federal Defendants will determine the operational parameters for Lake Powell and Lake Mead, including the level of shortage that Federal Defendants will impose on the Lower Basin in the upcoming water years. Dent Decl. ¶¶ 18-19. The Secretary’s shortage declaration and allocation of water among the Lower Basin States will impact the amount of water that is available for CAWCD to divert from the Colorado River and deliver to its subcontractors and to the United States’ tribal contractors. *Id.* The Final EIS, ROD, and 2027-2028 Operating Guidelines are challenged in this action by Plaintiffs State of Nevada, Colorado River Commission of Nevada, and the Southern Nevada Water Authority (Nevada).

III. ARGUMENT

Rule 24 of the Federal Rules of Civil Procedure sets forth the requirements for intervention in federal actions. Under Rule 24(a), CAWCD is entitled to intervene as a matter of right to protect its interests. Alternatively, if the Court determines that CAWCD does not have a right to intervene, the Court should grant permissive intervention pursuant to Rule 24(b)(1)(B).

A. CAWCD Has a Right to Intervene

Under the Ninth Circuit’s interpretation and application of Federal Rule of Civil Procedure 24(a):

[A] nonparty is entitled to intervention as of right when it “(i) timely moves to intervene; (ii) has a significantly protectable interest related to the subject of the action; (iii) may have that interest impaired by the disposition of the action; and (iv) will not be adequately represented by existing parties.”

W. Watersheds Project v. Haaland, 22 F.4th 828, 835 (9th Cir. 2022) (quoting *Oakland Bulk & Oversized Terminal, LLC v. City of Oakland*, 960 F.3d 603, 620 (9th Cir. 2020)). When considering whether these elements are met, courts consider “practical and equitable considerations and construe [Rule 24(a)(2)] broadly in favor of proposed intervenors . . . because a liberal policy in favor of intervention serves both efficient resolution of issues and broadened access to the courts.” *Wilderness Soc’y v. U.S. Forest Serv.*, 630 F.3d 1173, 1179 (9th Cir. 2011) (en banc) (internal quotation marks and citations omitted).

CAWCD qualifies to intervene under these standards.

1. CAWCD’s Motion Is Timely

In the Ninth Circuit, timeliness depends on “three primary factors: ‘(1) the stage of the proceeding at which an applicant seeks to intervene; (2) the prejudice to other parties; and (3) the reason for and length of the delay.’ ” *Smith v. L.A. Unified Sch. Dist.*, 830 F.3d 843, 854 (9th Cir. 2016) (quoting *United States v. Alisal Water Corp.*, 370 F.3d 915, 921 (9th Cir. 2004)). Here, the complaint was filed on or about August 24, 2026 (Nevada Complaint). Federal Defendants have not yet filed a responsive pleading, and there have been no substantive proceedings in the litigation. CAWCD’s motion is therefore timely. *Citizens for Balanced Use v. Mont. Wilderness Ass’n*, 647 F.3d 893, 897 (9th Cir. 2011) (motion timely when filed “less than three months after the complaint was filed and less than two weeks after the Forest Service filed its answer to the complaint”); *U.S. Equal Emp. Opportunity Comm’n v. PRC Indus., Inc.*, No. 3:23-cv-00135-LRH-CSD, 2023 U.S. Dist. LEXIS 110639, at *4 (D. Nev. June 27, 2023) (unopposed intervention motion was timely where “no significant motion practice . . . occurred” after answer was filed); *Klamath Irrigation Dist. v. U.S. Bureau of Reclamation*, No. 1:19-cv-00451-CL, 2019 U.S. Dist. LEXIS 192741, at *4 (D. Or. Nov. 6, 2019) (motions to intervene were timely where one was filed shortly before the defendants filed answers to an amended complaint, and one was filed shortly after).

1 **2. CAWCD Has Significant Protectable Interests in the Subject Matter of this**
 2 **Action**

3 An intervenor must “claim[] an interest relating to the property or transaction that is the
 4 subject of the action.” Fed. R. Civ. P. 24(a)(2). The asserted interest must be “protectable under
 5 some law” and there must be “a relationship between [the legally protected] interest and the
 6 claims at issue.” *Cal. Dep’t of Toxic Substances Control v. Jim Dobbas, Inc.*, 54 F.4th 1078,
 7 1088 (9th Cir. 2022) (citing *Wilderness Soc’y*, 630 F.3d at 1179). A prospective intervenor
 8 “generally demonstrate[s] a sufficient interest for intervention of right . . . if ‘it will suffer a
 9 practical impairment of its interests as a result of the pending litigation.’ ” *Wilderness Soc’y*,
 10 630 F.3d at 1180-81 (quoting *California ex rel. Lockyer v. United States*, 450 F.3d 436, 441
 11 (9th Cir. 2006)).

12 Interests that have supported intervention in NEPA cases include: (1) interests in
 13 delivering water and fulfilling repayment obligations to the United States; (2) interests in
 14 protecting water resources; and (3) interests in a pipeline that runs through a city and in
 15 managing water over which that pipeline travels.¹ CAWCD has similar interests here.

16 CAWCD delivers water to its subcontractors and to the United States’ tribal contractors.
 17 Dent Decl. ¶¶ 7, 13. CAWCD is responsible for repayment contract obligations to the United
 18 States. *Id.* ¶¶ 9, 12. CAWCD must secure a reliable water supply for the population CAWCD
 19 serves, including Arizona Tribes. *Id.* ¶ 16. These are all significant interests that support
 20 CAWCD’s intervention in this case.

21 CAWCD has a significant interest in judicial enforcement of NEPA procedures under
 22 which the Federal Defendants must consider and document alternatives to depleting the CAP
 23 system’s water supplies. *See San Luis & Delta-Mendota Water Auth. v. Jewell*, 52 F. Supp. 3d

24 ¹ *Ctr. for Envtl. Law & Policy v. U.S. Bureau of Reclamation*, No. CV-09-160-RHW, 2010 U.S. Dist. LEXIS
 25 153740, at *6 (E.D. Wash. Jan. 13, 2010) (irrigation district’s interests in delivering the water to landowners within
 26 its boundaries and fulfilling its repayment contract obligations to the United States supported intervention as a
 27 defendant in NEPA case); *Cal. ex rel. Lockyer v. U.S. Dep’t of Agriculture*, Nos. C05-03508 EDL, C05-04038 EDL,
 28 2006 U.S. Dist. LEXIS 20147, at *8 (N.D. Cal. Mar. 31, 2006) (protection of water resources was a significantly
 protectable interest that supported intervention of right as a plaintiff in a NEPA case); *Spiller v. Walker*, No. A-98-
 CA-255-SS, 2002 U.S. Dist. LEXIS 13194, at *5-6 (W.D. Tex. July 19, 2002) (allowing intervention when the
 relevant pipeline runs through the intervening city and the intervenor agency manages a large portion of the water
 supply over which the pipeline travels).

1 1020, 1036, 1040-41 (E.D. Cal. 2014), rev'd in part on other grounds sub nom. *San Luis &*
 2 *Delta-Mendota Water Auth. v. Haugrud*, 848 F.3d 1216 (9th Cir. 2017). CAWCD sought to
 3 vindicate such interests when it submitted detailed comments during the NEPA process
 4 underlying the Federal Defendants' actions at issue in this case and will continue do so through
 5 participation in this litigation. Dent. Decl. ¶ 20. There is no reasonable dispute here that
 6 CAWCD has significant interests in this action.

7 Moreover, Nevada put CAWCD's significant interests at issue in their Nevada
 8 Complaint, which discusses the CAP and the legislation through which Congress authorized the
 9 federal government to construct the CAP. *See* Compl. ¶ 23, Dkt. No. 1. The Nevada Complaint
 10 alleges that Congress "shift[ed] California's responsibility for shortages to Arizona until the
 11 Central Arizona Project flows are reduced to zero." *Id.* ¶ 80. The Nevada Complaint includes
 12 discussion of compacts, treaties, federal laws, court decisions and decrees, contracts, and
 13 regulatory guidelines under which the Colorado River is managed and operated. *Id.* ¶¶ 16-26.
 14 This discussion bears directly on language in CAWCD's Master Repayment Contract with the
 15 United States, under which CAWCD pays millions of dollars per year to the United States. *See*
 16 Dent Decl. ¶¶ 12, 17. The Nevada Complaint also seeks a broad injunction halting
 17 implementation of the final agency actions, including by non-parties acting in concert or
 18 participation with the Federal Defendants. Compl. 2, Dkt. No. 1. Such a broad injunction would
 19 impact CAWCD's operations. *See* Dent Decl. ¶ 23.

20 **3. CAWCD's Interests Will Be Impaired By the Disposition of this Action**

21 CAWCD will "suffer a practical impairment of its interests as a result of the pending
 22 litigation." *See Wilderness Soc'y*, 630 F.3d at 1180-81 (internal quotation marks and citation
 23 omitted). CAWCD has a unique position as a fourth priority entitlement holder in Arizona, and
 24 as the subject of statutory language in the Colorado River Basin Project Act on how the *Arizona*
 25 *v. California* decree should be administered relative to the CAP's water supply and other Lower
 26 Basin water users. Dent Decl. ¶ 11. In extreme shortages due to dry hydrology, low reservoir
 27 storage, and management decisions by Reclamation, CAP's water supply faces reductions before
 28 any reductions to present perfected right holders in Arizona and holders of Section 5 contracts

1 executed before September 30, 1968. CAWCD is also subject to arguments by other Lower
2 Basin water users that it should be reduced first before any reductions in California. *Id.*

3 Thus, if the Court grants Nevada all the relief the Nevada Complaint seeks, then, based
4 on CAWCD's unique priority position, the broadly worded injunction would affect CAWCD's
5 diversion and delivery of Colorado River water to its subcontractors and the United States' tribal
6 contractors. *See Dent Decl.* ¶ 23. On the other hand, if the Court denies the relief the Nevada
7 Complaint seeks, the Federal Defendants' actions will stand, and the CAP's water supply will be
8 reduced significantly. This Court will also confront and rule on competing interpretations of the
9 "Law of the River" that will likely complicate, undermine, or otherwise impair CAWCD's
10 operations. CAWCD easily satisfies this factor for intervention as of right under Federal Rule of
11 Civil Procedure 24(a).

12 **4. No Party But CAWCD Can Adequately Protect CAWCD's Interests in this** 13 **Case**

14 The Ninth Circuit considers three factors that focus on whether the proposed intervenor
15 and the existing parties will make duplicative arguments:

16 (1) whether the interest of a present party is such that it will undoubtedly
17 make all of a proposed intervenor's arguments; (2) whether [a] present party
18 is capable and willing to make such arguments; and (3) whether a proposed
19 intervenor would offer any necessary elements to the proceeding that other
parties would neglect.

20 *Arakaki v. Cayetano*, 324 F.3d 1078, 1086 (9th Cir. 2003). "The burden on proposed intervenors
21 in showing inadequate representation is minimal, and would be satisfied if they could
22 demonstrate that representation of their interests 'may be' inadequate." *Id.* (citation omitted).

23 Here, Nevada alleges interests based on Nevada's apportionment of Colorado River
24 water and the impacts of proposed Colorado River operations and associated shortages on
25 southern Nevada, including the environmental impacts and economic losses in the Las Vegas
26 area. Compl. ¶¶ 3, 62-64, Dkt. No. 1. Nevada also alleges that the Federal Defendants
27 erroneously interpreted the provisions of the Colorado River Basin Project Act and how
28

1 shortages are shared between Nevada and Arizona, and specifically CAWCD as a water user
2 within Arizona. *Id.* ¶ 80.

3 Necessarily, CAWCD's interest in protecting its entitlement to Colorado River water,
4 which derives from Arizona's apportionment, is distinct from Nevada's interest in protecting
5 Nevada's apportionment under the new operating guidelines, and the arguments presented by
6 Nevada and CAWCD will be different. This is evidenced by the different causes of action
7 included in CAWCD's proposed Complaint in Intervention and the relief requested. The
8 Nevada Complaint does not present these same issues, and CAWCD has no reason to believe
9 that Nevada is willing or able to present them.

10 Additionally, the State of Arizona, acting through the Director of the Arizona
11 Department of Water Resources (Arizona), recently moved to intervene as a plaintiff in this
12 action. Dkt. Nos. 15 to 15-15. The Court has not yet acted on Arizona's motion. Arizona has a
13 significant protectable interest in this action based on its rights to water from the Colorado River
14 under the Compact and other federal laws. Mot. to Intervene 9-10, Dkt. No. 15. CAWCD has a
15 separate interest in this action from the state and other water users based on its own Master
16 Repayment Contract with the United States and its right to delivery of Colorado River water
17 under that contract. CAWCD is a fourth priority entitlement holder in Arizona and is the subject
18 of statutory language in the Colorado River Basin Project Act on how the *Arizona v. California*
19 decree should be administered relative to the CAP's water supply and other Lower Basin water
20 users. CAWCD should be permitted to represent its specific and separate interests based on this
21 priority status.

22 CAWCD also has a separate interest in operating and maintaining the CAP system and
23 delivering Colorado River water to its subcontractors and the United States' tribal contractors,
24 and how shortage conditions will affect the CAP's deliveries and its repayment obligation to the
25 United States. Dent Decl. ¶¶ 15-16. Other parties will not "undoubtedly" make arguments
26 based on CAWCD's narrow and parochial interests that belong to CAWCD alone. CAWCD's
27 proposed Complaint in Intervention highlights how depriving CAWCD of many tens or
28 hundreds of billions of gallons of water per year foreseeably will cause: (1) millions of dollars of

1 damage to the CAP's infrastructure; (2) steep changes in biological conditions throughout the
 2 CAP's service area; (3) degradation of the quantity and quality of water available to the
 3 population CAWCD serves, including Arizona Indian Tribes; (4) trillions of dollars of economic
 4 damage; and (5) circumstances under which Arizona farmers will need to fallow their lands and
 5 Arizona communities will need to haul water.

6 CAWCD's perspective is based on its operation and maintenance responsibility for the
 7 336-mile canal delivering water across Arizona, its delivery obligation to eleven tribal
 8 contractors and approximately 55 M&I subcontractors, and its repayment obligation to the
 9 United States. CAWCD's position at the intersection of the federal government, the state of
 10 Arizona, municipalities, irrigation districts, and industrial water users in Arizona and Arizona
 11 Tribes is unique and favors intervention as of right. *See Sw. Ctr. for Biological Diversity v.*
 12 *Berg*, 268 F.3d 810, 824 (9th Cir. 2001) (difference in interests between government defendants
 13 and proposed intervenor trade associations made it likely that intervenors would advance
 14 different arguments and created "sufficient doubt about the adequacy of representation to
 15 warrant intervention"); *Sagebrush Rebellion, Inc. v. Watt*, 713 F.2d 525, 528 (9th Cir. 1983)
 16 (granting motion to intervene where "the intervenor offers a perspective which differs materially
 17 from that of the present parties to this litigation").

18 The Court, therefore, should grant CAWCD's Motion to Intervene as of right under
 19 Federal Rule of Civil Procedure 24(a).

20 **5. There Is Also Precedent for CAWCD's Intervention in Cases Involving** 21 **Colorado River Operations**

22 Given CAWCD's significant interest in the coordinated operations of Lake Powell and
 23 Lake Mead, CAWCD has previously sought and been granted intervention in litigation affecting
 24 the operating guidelines for these Colorado River reservoirs. *See, e.g., Laughlin River Tours,*
 25 *Inc. v. U.S. Bureau of Reclamation, Dep't of Interior*, 730 F. Supp. 1522, 1523 (D. Nev. 1989)
 26 (APA action seeking release of Colorado River Water from dams) ("the court granted the
 27 motions of the defendants, Department of Water and Power of the City of Los Angeles, the State
 28 of Arizona and its Arizona Power Authority, the Department of Water Resources, Central

1 Arizona Water Conservation District, the State of California, and the Metropolitan Water
 2 District of Southern California, to intervene”); *see also Save the Colo. v. U.S. Dep’t of Interior*,
 3 No. CV-19-08285-PCT-MTL, 2020 U.S. Dist. LEXIS 94012, at *4 (D. Ariz. May 29, 2020)
 4 (permitting CAWCD, the Metropolitan Water District of Southern California, and the Southern
 5 Nevada Water Authority to intervene in action with potential to affect the flow of Colorado
 6 River water); *Grand Canyon Tr. v. U.S. Bureau of Reclamation*, No. CV-07-8164 PCT-DGC,
 7 2008 U.S. Dist. LEXIS 43528, at *7 (D. Ariz. June 3, 2008) (over plaintiff’s objection,
 8 permitting intervention by Arizona, other states, CAWCD, and other political subdivisions into
 9 litigation involving the Humpback Chub and releases of water into the Colorado River). This
 10 case law further supports CAWCD’s intervention in this case.

11 **B. Alternatively, the Court Should Allow CAWCD to Permissively Intervene.**

12 Alternatively, CAWCD satisfies the generous standard for permissive intervention under
 13 Federal Rule of Civil Procedure 24(b)(1)(B). Under that standard, “a court may grant permissive
 14 intervention where the applicant for intervention shows: (1) independent grounds for
 15 jurisdiction; (2) the motion is timely; and (3) the applicant’s claim or defense, and the main
 16 action, have a question of law or a question of fact in common.” *United States v. City of Los*
 17 *Angeles*, 288 F.3d 391, 403 (9th Cir. 2002) (quoting *Nw. Forest Res. Council v. Glickman*,
 18 82 F.3d 825, 839 (9th Cir. 1996)).

19 First, “the independent jurisdictional grounds requirement does not apply to proposed
 20 intervenors in federal-question cases when the proposed intervenor is not raising new claims.”
 21 *Freedom from Religion Found., Inc. v. Geithner*, 644 F.3d 836, 844 (9th Cir. 2011). Here, the
 22 Nevada Complaint “is brought pursuant to 28 U.S.C. § 1331 (federal question jurisdiction) and
 23 5 U.S.C. §§ 701-706 (APA).” Compl. ¶ 5, Dkt. No. 1. CAWCD’s claims as a proposed
 24 intervenor do not raise any non-APA or non-federal question statute claims. Thus, no issue
 25 arises under the “independent grounds for jurisdiction” factor. 7C Charles Alan Wright et al.,
 26 Federal Practice & Procedure § 1917 (3d ed. 2010) (“In federal-question cases there should be
 27 no problem of jurisdiction with regard to an intervening defendant nor is there any problem
 28

1 when one seeking to intervene as a plaintiff relies on the same federal statute as does the original
2 plaintiff”).

3 Second, the timeliness factor is satisfied for the same reasons stated above. CAWCD
4 moved to intervene at an early stage in this litigation. *See* section III.A.1, *ante*.

5 Third, a common question of law or fact arises when a prospective intervenor’s claims
6 “relate to the subject matter of the action[.]” *Greene v. United States*, 996 F.2d 973, 978
7 (9th Cir. 1993). Here, CAWCD’s claims relate to the subject matter of the action – the Federal
8 Defendants’ adoption of the Final EIS, the ROD, and the 2027-2028 Operating Guidelines.
9 Thus, this factor favors permissive intervention.

10 With these three factors met, the Court has broad discretion to consider additional factors
11 in deciding whether to permit CAWCD to intervene in this case. These factors include, but are
12 not limited to, the nature and extent of CAWCD’s interest, and whether CAWCD will
13 significantly contribute to full development of the factual and legal issues in this case. *See*
14 *Spangler v. Pasadena City Bd. of Educ.*, 552 F.2d 1326, 1329 (9th Cir. 1977) (identifying
15 nonexclusive discretionary factors that the district court may consider when deciding whether to
16 grant permissive intervention). As explained above, CAWCD has significant interests related to
17 the subject matter of this case, its motion is timely, its intervention will not prejudice other
18 parties, and CAWCD alone can represent its narrow and unique interest in managing Colorado
19 River water within the CAP’s service area. Additionally, CAWCD is eager to contribute to full
20 development of the underlying factual issues in the suit and to the just and equitable adjudication
21 of the legal questions presented. The Court therefore should grant CAWCD permissive
22 intervention if the Court denies CAWCD intervention as of right.

IV. CONCLUSION

For the foregoing reasons, the Court should grant CAWCD's motion to intervene as of right, or alternatively, grant CAWCD's permissive intervention in this case.

Respectfully submitted,

MORRISON LAW

DATED: October 27, 2026

By

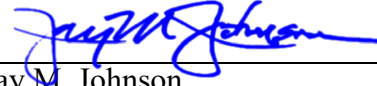


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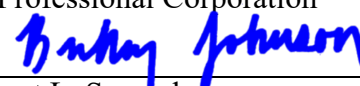


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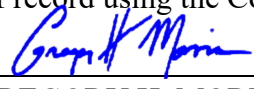


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CERTIFICATE OF SERVICE

I hereby certify that I caused a copy of the Motion to Intervene of Central Arizona Water Conservation District and Supporting Memorandum of Points and Authorities to be electronically filed and served on all counsel of record using the Court's CM/ECF system.

DATED: October 27, 2026



GREGORY H. MORRISON

INDEX OF EXHIBITS

Exhibit	Description
1	Declaration of Patrick Dent in Support of Central Arizona Water Conservation District's Motion to Intervene
2	[Proposed] Order Granting Central Arizona Water Conservation District's Motion to Intervene
3	Complaint in Intervention for Declaratory and Injunctive Relief