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2022SA211 (1 HOUR)

**Plaintiff-Appellant:**

Front Range Feedlots, LLC,

v.

**Defendants-Appellees:**

Kevin G. Rein, in his capacity as the Colorado State Engineer and Corey Deangelis in his capacity as the Division Engineer in and for Water Division No. 1, State of Colorado.

**For the Plaintiff-Appellant:**

David Phillip Jones  
David Lee Strait  
Wesley Sage Knoll  
LAWRENCE CUSTER GRASMICK JONES DONO

**For the Defendant-Appellees:**

William D Davidson  
NATURAL RESOURCES AND ENVIRONMENT  
and  
Paul Louis Benington  
OFFICE OF THE ATTORNEY GENERAL

Appeal from the District Court, , 2021CW3111  
Docketed: June 22, 2022  
At Issue: December 9, 2022

ISSUE(S):

Whether the Engineers have statutory authority under sections 37-92-501 and 502, C.R.S., and/or section 37-92-308(4), to issue the Order to Comply.

Whether the State Engineer misapplied the law and/or abused its discretion when issuing the Order to Comply by ordering that the 2020 SWSP terms and conditions approved by the state engineer pursuant to subsection 308(4), and the applicant's compliance therewith, continue after expiration of the SWSP and/or withdrawal of the water court application.

Whether the State Engineer acted contrary to law and/or abused its discretion when issuing the Order to Comply by ordering SWSP terms and conditions to attach to the applicant, rather than the subject water rights, in contravention of this court's holding in *Well Augmentation Subdistrict v. City of Aurora*, 221P.3d 399 (Colo. 2009).

Whether jurisdiction existed for the Engineers to require replacement of potential out-of-priority well depletions from preapplication pumping of the Horton Wells as a term and condition of the 2020 SWSP and/or the Order to Comply.

Whether the water court abused its discretion when entering the Mandatory Injunction in that said injunction exceeds the scope of the Order to Comply and the 2020 SWSP by requiring Front Range to "acquire" additional unidentified replacement sources if the approved replacement sources are insufficient.

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2021SA138 (1 HOUR)

Concerning the Application for Water Rights of Front Range Feedlots, LLC in Larimer County

**Opposer-Appellant:**

State Engineer and Water Division 1 Engineer,

v.

**Applicant-Appellee:**

Front Range Feedlots, LLC,

and

**Opposers-Appellees:**

Colorado Division of Parks and Wildlife, Northern Colorado Water Conservancy District, Arapahoe County Water and Wastewater Authority, East Cherry Creek Valley Water and Sanitation District, Cache La Poudre Water Users Association, New Cache La Poudre Irrigating Company, and Ogilvy Irrigating and Land Company,

**Appellee Pursuant to C.A.R. 1(e):**

Division 1 Engineer.

**For the Opposer-Appellant:**

William D Davidson  
NATURAL RESOURCES AND ENVIRONMENT S  
and  
Paul Louis Benington  
OFFICE OF THE ATTORNEY GENERAL

**For the Applicant-Appellee:**

David Phillip Jones  
Wesley Sage Knoll  
LAWRENCE CUSTER GRASMICK JONES DONO  
and  
Rebecca Elise Spence  
MESSNER REEVES LLP

**For the Opposer-Appellee Colorado Division of Parks and Wildlife:**

Elizabeth M Joyce  
COLORADO DEPARTMENT OF LAW

**For the Opposer-Appellee Northern Colorado Water Conservancy District:**

Mirko Luke Kruse  
KRUSE LAW PLLC  
and  
Lisa M Thompson  
Michael A Kopp  
Bennett William Raley  
Douglas M Sinor  
TROUT RALEY

**For the Opposer-Appellee Arapahoe County Water and Wastewater Authority, East cherry Creek Valley Water and Sanitation District,:**

William Doran Wombacher  
Brian M Nazarenius  
Sheela S Stack  
Stacy Louise Brownhill  
NAZARENIUS STACK WOMBACHER LLC

SUPREME COURT, STATE OF COLORADO  
Oral Argument: Tuesday, February 7, 2023  
Bailiff: Chambers of Justice Berkenkotter

10:00 a.m.  
EN BANC

**For the Opposer-Appellees Cache La Poudre Water Users Association, New Cache La Poudre Irrigating Company, Irrigating and Land Company:**  
Daniel Kenneth Brown  
FISCHER BROWN BARTLETT LARSEN IRBY

**For the Appellee Pursuant to C.A.R. 1(e) Division 1 Engineer:**  
Division 1 Water Engineer

Appeal from the District Court, 2017CW3043  
Docketed: April 27, 2021  
At Issue: December 9, 2022

ISSUE(S):

Whether the Engineers' appeal in case number 21SA138 is moot if this court affirms the water court's judgment in case number 22SA211.

Whether the water court erred by granting Front Range's motion to withdraw its application for a plan for augmentation in case number 21SA138.

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2021SC745 (1 HOUR)

**Petitioner:**

John Salvadore Cruz,

v.

**Respondent:**

The People of the State of Colorado.

**For the Petitioner:**

Meredith Elizabeth O'Harris  
HADDON MORGAN AND FOREMAN P.C.

**For the Respondent:**

Matthew Shone Holman  
ATTORNEY GENERALS OFFICE

Certiorari to the Colorado Court of Appeals, 2018CA2015  
Docketed: October 12, 2021  
At Issue: December 9, 2022

ISSUE(S):

Whether the automatic revocation provision in section 16-8-115.5(5), C.R.S., is unconstitutional under *Foucha v. Louisiana*, 504 U.S. 71 (1992).

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PUBLIC HEARING  
February 7, 2023  
3:30 p.m.

Colorado Rules of Criminal Procedure Rule 24