
2021SA122 (1 HOUR)

Concerning the Application for Water Rights of The
Farmers Reservoir and Irrigation Company in Adams and
Weld Counties

Applicant-Appellant/Cross-Appellee:

Farmers Reservoir And Irrigation Co,

v.

Opposers-Appellees:

Public Service Company of Colorado, Irrigationists
Association, Central Colorado Water Conservancy
District, Fort Morgan Reservoir and Irrigation Company,
City of Brighton, City of Commerce City, Henrylyn
Irrigation District, South Adams County Water and
Sanitation District, Town of Lochbuie, Platte Valley
Irrigation Company, United Water and Sanitation District,
City of Englewood, City of Aurora, Lower Latham
Reservoir Company, Dream Weaver Holdings LLC, City
of Thornton, Centennial Water and Sanitation District, and
State and Division Engineer Div 1,

and

Opposer-Appellees/Cross-Appellants:

Arapahoe County Water and Wastewater Authority and
East Cherry Creek Valley Water and Sanitation District,

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

Division 1 Engineer.

**For the Applicant-Appellant/Cross-Appellee Farmers
Reservoir And Irrigation Co:**

Joseph B Dischinger
Beth Ann Jones Parsons
Dean Hirt
FAIRFIELD AND WOODS PC

**For the Opposer-Appellee Platte Valley Irrigation
Company**

Scott Holwick
Kara Nicole Godbehere
LYONS GADDIS P.C.

**For the Opposer-Appellee State and Division
Engineer for Water Division 1:**

Paul L. Benington
Christopher R. Stork
OFFICE OF THE ATTORNEY GENERAL

**For the Opposer-Appellee/Cross-Appellant United
Water and Sanitation District:**

Ann Marie Rhodes
ANN RHODES LLC
and
Tod Jay Smith
LAW OFFICE OF TOD J. SMITH

**For the Opposer-Appellee/Cross-Appellants East
Cherry Creek Valley Water and Sanitation District
and Arapahoe County Water and Wasterwater
Authority:**

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

Docketed: April 12, 2021
At Issue: November 17, 2021

ISSUE(S):

Whether the law or the facts of the case and testimony at trial supported the watercourt's inclusion of the following term and condition in the Decree: "Milton Lake is entitled to one annual fill from diversions under its existing 1909 Storage Right or from the Milton Lake Seep Right. When Milton Lake has filled or achieved its winter fill level, no additional in-priority diversions under the Milton Lake Seep Right can occur during that water year, except to increase from the winter fill to the normal fill level."

Whether the water court erred in its determination that, even under free river conditions, when FRICO cannot divert under the Milton Lake Seep Right because of the presence of water in the Milton Lake owe-the-river account, FRICO must account for all Seepage Inflows to Milton Lake as out of priority inflows that are owed to the river.

Whether the water court erred in requiring that, even though water accruing to the Gilmore Canal below Milton Lake is not part of the Subject Water Rights, for the purpose of quantifying the Subject Water Rights, it is necessary to account for the amount of water released from Milton Lake for delivery to shareholders and then calculate the amount of transit loss resulting from that delivery.

2021SC6 (1 HOUR)

Petitioner:

Saul Cisneros,

v.

Respondent:

Bill Elder, in his Official Capacity as Sheriff of El Paso
County, Colorado.

For the Petitioner:

Arielle Kay Herzberg
Mark Silverstein
AMERICAN CIVIL LIBERTIES UNION OF
COLORADO
and
Peter Alec Kurtz
Stephen Masciocchi
HOLLAND HART LLP

For the Respondent:

Mary Margaret Ritchie
OFFICE OF THE EL PASO COUNTY ATTORNEY

Certiorari to the Colorado Court of Appeals, 2019CA546
Docketed: January 5, 2021
At Issue: November 19, 2021

ISSUE(S):

[REFRAMED] Whether the court of appeals was correct to conclude that section 24-10-106(1.5)(b), C.R.S. (2020), of the Colorado Governmental Immunity Act does not waive sovereign immunity for intentional torts that result from the operation of a jail for claimants who are incarcerated but not convicted.

2021SA187 (1 HOUR)

Plaintiff:

Alexis Skillett,

v.

Defendants:

Allstate Fire and Casualty Insurance Company, d/b/a
AllState Insurance Company and Collin Draine.

For the Plaintiff:

Dylan Cooper Unger
Joseph Sirchio
DezaRae LaCrue
FRANKLIN D. AZAR AND ASSOCIATES P.C

**For the Defendant Allstate Fire and Casualty
Insurance Company, d/b/a AllState Insurance
Company:**

Colin C Campbell
Rebecca Kirsten Wagner
Kirstin Dvorchak
CAMPBELL WAGNER FRAZIER & DVORCHAK,

For the Defendant Collin Draine:

Kayla Leigh Scroggins-Uptigrove
Evan B Stephenson
William Michael Brophy
Terence M Ridley
SPENCER FANE LLP

**For Amici Curiae American Property Casualty
Insurance Association and National Association of
Mutual Insurance Companies**

David Karl Eckberg
BETTS PATTERSON MINES

**For Amicus Curiae Chamber of Commerce of United
States of America**

Stephen Masciocchi
Nicholas William Lee Katz
HOLLAND HART LLP

**For Amici Curiae Colorado Civil Justice League and
Colorado Defense Lawyers Association**

Katherine Johnson
Lily Endean Nierenberg
SUTTON BOOKER P.C.

For Amicus Curiae Colorado Claims Association

Jeffrey Clay Ruebel
RUEBEL QUILLEN LLC
and
Winslow R Taylor
Robert Scott Hunger
TUCKER HOLMES PC

SUPREME COURT, STATE OF COLORADO
Oral Argument: Tuesday, January 11, 2022
Bailliff: Chambers of Justice Samour

1:00 p.m.
EN BANC

**For Amicus Curiae State Farm Mutual Automobile
Insurance Company**

Katherine Crawford Yarger
Jonathan Urick
LEHOTSKY KELLER LLP

**For Amicus Curiae The Coalition Against Insurance
Fraud**

Harriet McConnell Retford
GREENBERG TRAURIG, LLP

Original Proceeding, District Court, , 2021CV00956
Docketed: June 18, 2021
At Issue: November 22, 2021

ISSUE(S):

Whether an employee of an insurance company who adjusts an insured's claim in the course of employment may for that reason be liable personally for statutory bad faith under Colorado Revised Statutes sections 10-3-1115 and-1116.
