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A-B Cattle Co. v. U. S.

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IN THE SUPREME COURT
OF COLORADO

No. 27714

FILED IN THE
SUPREME COURT
OF THE STATE OF COLORADO

OCT 18 1978

David W. Bazila

IN RE QUESTION SUBMITTED BY THE)
UNITED STATES COURT OF CLAIMS IN)
ITS PROCEEDING NO. 105-75)
ENTITLED)
A-B CATTLE COMPANY, et al.,)
Plaintiffs,)
vs.)
UNITED STATES OF AMERICA,)
Defendant.)

ORIGINAL PROCEEDING

EN BANC

OPINION BY MR. JUSTICE ERICKSON

MOTION OF CATLIN CANAL COMPANY AND
HIGH LINE CANAL COMPANY TO APPEAR AS AMICI

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Telephone: 254-7443

Attorney for Amici, CATLIN
CANAL COMPANY and HIGH LINE
CANAL COMPANY

CATLIN CANAL COMPANY and HIGH LINE CANAL COMPANY, irrigating ditch companies located in the State of Colorado, by their attorney, REXFORD L. MITCHELL, respectfully move the court pursuant to Rule 29 of the Colorado Appellate Rules for leave to appear as Amici and to file a brief with this court in the above entitled case. In support of this motion, CATLIN CANAL COMPANY and HIGH LINE CANAL COMPANY state:

1. That both CATLIN CANAL COMPANY and HIGH LINE CANAL COMPANY are irrigating ditch companies formed in the State of Colorado with decreed water rights on the Arkansas River.

2. That both CATLIN CANAL COMPANY and HIGH LINE CANAL COMPANY have several hundred shareholders and have thousands of acres of land under irrigation using water of the Arkansas River.

3. The issue present herein is of particular concern to both CATLIN CANAL COMPANY and HIGH LINE CANAL COMPANY because a decision in this case will invariably have a vital and major impact upon the livelihood of both CATLIN CANAL COMPANY and HIGH LINE CANAL COMPANY shareholders.

4. Because the decision to the question submitted to this court would have an immediate and direct impact on users of water of the Arkansas River below the Pueblo Reservoir, both CATLIN CANAL COMPANY and HIGH LINE CANAL COMPANY are vitally interested in presenting their position of the issue involved in this case.

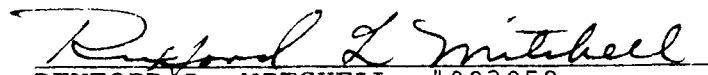
5. Should this court grant the CATLIN CANAL COMPANY and HIGH LINE CANAL COMPANY motion to appear as Amici, no delay need result the disposing of this case since both CATLIN CANAL COMPANY and HIGH LINE CANAL COMPANY conditionally tender their brief within the time allotted for all parties to file their brief.

6. Counsel for CATLIN CANAL COMPANY and HIGH LINE CANAL COMPANY

will be present during oral argument before the court and would therefore ask leave to participate in said oral argument if this court so desires.

WHEREFORE, CATLIN CANAL COMPANY and HIGH LINE CANAL COMPANY request that the court grant their motion to appear as Amici in support of their position advanced by the BESSEMER IRRIGATING DITCH COMPANY.

Respectfully submitted,


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