

**DISTRICT COURT, WATER DIVISION I, STATE
OF COLORADO**

DATE FILED: December 10, 2015 2:44 PM

Court Address: 901 9TH Avenue, PO Box 2038
Greeley, CO 80632

Plaintiff: THE JIM HUTTON EDUCATIONAL
FOUNDATION, a Colorado non-profit corporation

v

Defendants: DICK WOLFE, in his capacity as the Colorado
State Engineer; DAVID NETTLES, in his capacity as
Division Engineer in and for Water Division No. 1, State
of Colorado; COLORADO DIVISION OF WATER
RESOURCES; COLORADO PARKS AND WILDLIFE,
and YUMA COUNTY WATER AUTHORITY

v

Defendant-Intervenor: Yuma County Water Authority

▲ COURT USE ONLY ▲
Case No. 15 CW 3018

Alvin R. Wall, Attorney for City of Holyoke
PO Box 305, 120 E. Denver St.
Holyoke, CO 80734-0305
Telephone: 970-854-2376
Facsimile: 970-854-2377
Email: arw@pctelcom.net
Atty Reg No: 5953

ANSWER TO COMPLAINT

The City of Holyoke, Colorado, a Colorado municipal corporation, by and through its attorney, Alvin R. Wall, hereby answers the Complaint in this matter as follows:

1. The City of Holyoke owns five (5) wells in the Northern High Plains Designated Basin. The wells are identified as follows:

- (a) GOLF COURSE WELL 600 Acre Ft., 750 G.P.M. Permit No 8859-FP; SE 1/4

SW1/4 8 7 N 44 W

- (b) ELECTRIC PLANT WELL Changed to WELL #R-1 1999, 263 Acre Ft., 500 G.P.M., Permit No. R-4570-FP; NW 1/4 SE 1/4 18 7 N 44 W
- c CEMETERY WELL, 105 Acre Ft., 1000 G.P.M., Permit No. 15439-FP; NW 1/4 NE 1/4 17 7 N 44 W
- (d) PARK WELL, 400 Acre Ft., 500 G.P.M., Permit No. R-4579-FP; SW 1/4 NW 1/4 17 7 N 44 W
- (e) STOUT WELL, 480 Acre Ft, Permit. No 11472-FP; NE & NW 1/4 29 7 N 44 W

- 2. The City of Holyoke owns the wells for municipal use except for 1(e) Stout Well.
- 3. The City of Holyoke received notice of the pending matter through publication.
- 4. Pursuant to the published notice, the deadline for filing an answer or response is December 16, 2015.
- 5. The City of Holyoke adopts the answers filed in this matter by the State of Colorado and the Yuma County Water Authority. To the extent that those answers do not fully admit or deny an allegation in the Complaint, the City denies the same.
- 6. The City of Holyoke adopts the defenses claimed in this matter by the State of Colorado and the Yuma County Water Authority.

Dated: December 10, 2015

by ARW
Alvin R. Wall - Reg. No. 5953
Attorney for City of Holyoke

CERTIFICATE OF SERVICE

I hereby certify that on the 10 day of December, 2015 a true and accurate copy of the above and foregoing Answer to Complaint was efiled via ICCES for service upon the following:

Karen Leigh Henderson, Esq.
Steven J. Bushong, Esq.
Porzak Browning & Bushong LLP

For Plaintiff

Katie L. Wiktor, Esq.
Timothy J. Monahan, Esq.
For Colorado Parks and Wildlife

Preston V. Hartman Esq.
Ema I. G. Schultz, Esq.
For Colorado Department of Natural Resources

Preston V. Hartman, Esq.
Ema I. G. Schultz, Esq.
For Division of Water Resources

Preston V. Hartman, Esq.
Ema I. G. Schultz, Esq.
For Davd Nettles

Preston V. Hartman, Esq.
Ema I.G. Schultz, Esq.
For Dick Wolfe

State Engineer

Division 1 Engineer

Steven O. Sims, Esq.
For Yuma County Water Authority

ARW
