

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

**Court Address:** 901 9<sup>TH</sup> Avenue, PO Box 2038  
Greeley, CO 80632

DATE FILED: December 10, 2015 2:48 PM

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**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

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▲ COURT USE ONLY ▲  
**Case No. 15 CW 3018**

Alvin R. Wall, Attorney for Timothy E.Ortner  
and Mariane U. Ortner  
PO Box 305, 120 E. Denver St.  
Holyoke, CO 80734-0305  
Telephone: 970-854-2376  
Facsimile: 970-854-2377  
Email: [arw@pctelcom.net](mailto:arw@pctelcom.net)  
Atty Reg No: 5953

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**ANSWER TO COMPLAINT**

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Timothy E. Ortner and Mariane U. Ortner, by and through their attorney, Alvin R. Wall,  
hereby answer the Complaint in this matter as follows:

1. Timothy E. Ortner and Mariane U. Ortner own two (2) wells in the Northern High Plains  
Designated Basin. The wells are identified as follows:

FIRST WELL: a. Well Permit Number: 18233 FP  
b. Well Location: NW SW 1/4 17-5-43 Yuma County  
c. Number of irrigated acres: 226 Acres

SECOND WELL: a. Well Permit Number: 12530 FP  
b. Well Location: NW SE 1/4 12-7-44 W Phillips County  
c. Number of irrigated acres: 320 acres expanded

2. Timothy E. Ortner and Mariane U. Ortner received notice of the pending matter through publication.

3. Pursuant to the published notice, the deadline for filing an answer or response is December 16, 2015.

4. Timothy E. Ortner and Mariane U. Ortner adopt 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, Timothy E. Ortner and Mariane U. Ortner deny the same.

5. Timothy E. Ortner and Mariane U. Ortner adopt the defenses claimed in this matter by the State of Colorado and the Yuma County Water Authority.

Dated: 10 Dec, 2015

by ARW  
Alvin R. Wall - Reg. No. 5953  
Attorney for Timothy E. Ortner and Mariane  
U. Ortner

#### CERTIFICATE OF SERVICE

I hereby certify that on the 10<sup>th</sup> 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

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