

District Court, Water Division No. 1, State of Colorado 901 9 th Avenue Greeley, Colorado 80631 (970)351-7300	DATE FILED: December 11, 2015 11:20 AM
<p>Plaintiff: The Jim Hutton Educational Foundation</p> <p>v.</p> <p>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; the Colorado Department of Natural Resources; Colorado Division of Water Resources; Colorado Parks and Wildlife; Yuma County Water Authority Public Improvement District; The Republic River Water Conservation District; City of Holyoke; City of Wray; Harvey Colglazier; Lazier Inc; Marjorie Colglazier Trust; Mariane U Ortner; and Timothy E Ortner</p>	<p style="text-align: center;">COURT USE ONLY</p>
<p><i>Attorneys for East Cheyenne Ground Water Management District</i> Timothy R. Buchanan, #12185 John D. Buchanan, #45191 Buchanan and Sperling, P.C. 7703 Ralston Road Arvada, CO 80002 (303)431-9141 trb@tbvs.net; jbuchanan@tbvs.net</p>	Case No 15CW3018
<p>ANSWER OF EAST CHEYENNE GROUND WATER MANAGEMENT DISTRICT</p>	

East Cheyenne Ground Water Management District (“Defendant”) by and through its counsel, Buchanan and Sperling, P.C., and on information and belief hereby submits its Answer to the Jim Hutton Educational Foundation’s Complaint for Declaratory Judgment Regarding Administration of Water Rights in the Republican River Basin and the Constitutionality of Senate Bill 52 (2010), and the Ground Water Management Act (the “Complaint”). This Answer is filed in response to a Notice By Publication published in various newspapers. The Notice By Publication states that “[i]f you are a well owner in the Northern High Plains Designated Groundwater Basin you may have an interest in the above-captioned matter even though there are no claims for relief sought against you.” As described in more detail below, the Defendant represents well owners and operators in the Northern High Plains Designated Ground Water

Basin and said well owners and operators will be adversely affected if the relief requested by the Plaintiff is granted. The Notice By Publication makes various other statements and allegations and the Defendant reserves the right to contest the statements and allegations.

The Defendant is a ground water management district formed pursuant to C.R.S. § 37-90-118, *et seq.* The constituents of the Defendant consist of well owners and operators that withdraw Designated Ground Water from the aquifers within the Northern High Plains Designated Ground Water Basin. The water withdrawn from the aquifers is applied to several beneficial purposes, including, but not limited to, agricultural irrigation, livestock watering, domestic, and commercial purposes. The water supply has been relied on and continues to be relied on to maintain business operations and sustaining the local economy.

Plaintiff's introductory paragraph to the Complaint contains Plaintiff's characterization of its action and its requested relief and does not require a response. To the extent a response is required, the introductory paragraph is denied.

JURISDICTION

1. With respect to Paragraph 1 of the Complaint, Defendant admits that the water judge of the district courts of all counties situated entirely or partly within a water division has exclusive jurisdiction of water matters within the division. Defendants admit that water matters include only those matters which Title 37, Article 92 and any other law specify to be heard by the water judge of the district courts. Beyond these admissions, Defendants deny the Plaintiff's characterization of the water court's jurisdiction.

2. With respect to Paragraph 2 of the Complaint, the averment purports to be a conclusion of law and no response is required. Defendant denies all other claims or assertions contained in the averment.

3. With respect to Paragraph 3 of the Complaint, the averment purports to be a conclusion of law and no response is required. The averment further purports to be an assertion of the jurisdiction of this court with respect to the Complaint. The jurisdiction of this court has not been established and requires further determinations regarding whether this court has jurisdiction regarding all or any portion of the claims asserted in the Complaint. Defendant denies all other claims or assertions contained in the averment.

4. With respect to Paragraph 4 of the Complaint, the averment purports to be a conclusion of law and no response is required. With respect to the averment that the Plaintiff "is not seeking to modify the boundaries of a designated ground water basin in this action," Defendant admits that the relief sought in this proceeding does not include modification of the boundaries of a designated ground water basin. Defendant denies all other claims or assertions contained in the averment.

PARTIES

5. With respect to Paragraph 5 of the Complaint, the Defendant is without knowledge as to the averments and therefore denies the averments.

6. With respect to Paragraph 6 of the Complaint, Defendant admits that the Colorado Department of Natural Resources includes the Division of Water Resources and that the Colorado State Engineer is the director of the Division of Water Resources, and that the Division of Water Resources includes the Division Engineers for each Water Division. The remainder of the averment purports to be a conclusion of law and no response is required. Defendant denies all other claims or assertions contained in the averment.

7. With respect to Paragraph 7 of the Complaint, the averment purports to be a conclusion of law and no response is required. Defendant denies all other claims or assertions contained in the averment.

8. With respect to Paragraph 8 of the Complaint, Defendant admits that the State Engineer is the Executive Director of the Colorado Ground Water Commission and a Republican River Compact Commissioner.

9. With respect to Paragraph 9 of the Complaint, the averment purports to be a conclusion of law and no response is required. Defendant denies all other claims or assertions contained in the averment

10. With respect to Paragraph 10 of the Complaint, the averment purports to be a conclusion of law and no response is required. Defendant denies all other claims or assertions contained in the averment

WATER RIGHTS

11. With respect to Paragraph 11 of the Complaint, Defendant is without knowledge as to the averments, and therefore denies the same.

12. With respect to Paragraph 12 of the Complaint, Defendant is without knowledge as to the averments, and therefore denies the same. With respect to the subparagraphs A through D, the determinations made in the purported decrees referenced in the paragraphs constitute determinations made by a court within the State of Colorado and the terms and conditions of said decrees are stated within the decrees and no further response is required.

13. With respect to Paragraph 13 of the Complaint, the averment purports to be a conclusion of law and no response is required. Defendant denies all other claims or assertions contained in the averment.

14. With respect to Paragraph 14 of the Complaint, Defendant admits that Bonny Dam was constructed. With respect to the remaining averments, Defendant is without knowledge as to the averments and therefore denies the same.

15. With respect to Paragraph 15 and the subparagraphs of Paragraph 15 of the Complaint, Defendant is without knowledge as to the averments and therefore denies the same.

16. With respect to Paragraph 16 of the Complaint, Defendant is without knowledge as to the averments and therefore denies the same.

17. With respect to Paragraph 17 of the Complaint, Defendant is without knowledge as to the averments and therefore denies the same.

18. With respect to Paragraph 18 of the Complaint, Defendant is without knowledge as to the averments and therefore denies the same.

19. With respect to Paragraph 19 of the Complaint, Defendant is without knowledge as to the averments and therefore denies the same.

20. With respect to Paragraph 20 of the Complaint, Defendant is without knowledge as to the averments and therefore denies the same.

COMPACT COMPLIANCE AND GROUND WATER DEPLETIONS

21. With respect to Paragraph 21 of the Complaint, Defendant admits that the Republican River Compact of 1942 is codified at section 37-67-101, C.R.S. The remainder of the averment purports to be a conclusion of law and no response is required. Defendant denies all other claims or assertions contained in the averment.

22. With respect to Paragraph 22 of the Complaint, the averment purports to be a conclusion of law and no response is required. Defendant denies all other claims or assertions contained in the averment.

23. With respect to Paragraph 23 of the Complaint, the averment purports to be a conclusion of law and no response is required. Defendant denies all other claims or assertions contained in the averment.

24. With respect to Paragraph 24 of the Complaint, Defendant admits that the Ground Water Commission created the Northern High Plains Designated Basin. Defendant is without knowledge as to the remainder of the averments. Defendant denies all other claims or assertions contained in the averment.

25. With respect to Paragraph 25 of the Complaint, Defendant denies that the Northern High Plains Designated Basin covers the areal extent of the Ogallala aquifer in Colorado. Defendants

admit that the Northern High Plains Designated Basin includes the entirety of the Republican River drainage basin and its tributaries in Colorado, including the South Fork of the Republican River. Defendant denies all other claims or assertions contained in the averment.

26. With respect to Paragraph 26 of the Complaint, the averments are vague and ambiguous and Defendant is not able to determine what is meant by the averment or is without knowledge regarding the averments, and therefore Defendant denies the averments.

27. With respect to Paragraph 27 of the Complaint, the averments are vague and ambiguous and Defendant is not able to determine what is meant by the averment or is without knowledge regarding the averments, and therefore Defendant denies the averments.

28. With respect to Paragraph 28 of the Complaint, the averments are vague and ambiguous and Defendant is not able to determine what is meant by the averment or is without knowledge regarding the averments, and therefore Defendant denies the averments.

29. With respect to Paragraph 29 of the Complaint, the averments are vague and ambiguous and Defendant is not able to determine what is meant by the averment or is without knowledge regarding the averments, and therefore Defendant denies the averments.

30. With respect to Paragraph 30 of the Complaint, Defendant admits that the State of Kansas filed a complaint in the United States Supreme Court against the State of Nebraska and that the State of Colorado was joined in the case. The remaining averments purport to be a conclusion of law and no response is required. Defendant denies all other claims or assertions contained in the averment.

31. With respect to Paragraph 31 of the Complaint, Defendant admits that the Special Master for the United States Supreme Court in the proceedings referenced in Paragraph 30 of the Complaint heard arguments. The remaining averments purport to be a conclusion of law and no response is required. Defendant denies all other claims or assertions contained in the averment.

32. With respect to Paragraph 32 of the Complaint, the averment purports to be a conclusion of law and no response is required. Defendant denies all other claims or assertions contained in the averment.

33. With respect to Paragraph 33 of the Complaint, the averment purports to be a conclusion of law and no response is required. Defendant denies all other claims or assertions contained in the averment.

34. With respect to Paragraph 34 of the Complaint, the averment purports to be a conclusion of law and no response is required. Defendant denies all other claims or assertions contained in the averment.

35. With respect to Paragraph 35 of the Complaint, the averment purports to be a conclusion of law and no response is required. To the extent the averment purports to be a statement of fact,

Defendant is without knowledge as to the averment. Defendant denies all other claims or assertions contained in the averment.

36. With respect to Paragraph 36 of the Complaint, the averment purports to be a conclusion of law and no response is required. To the extent the averment purports to be a statement of fact, Defendant is without knowledge as to the averment. Defendant denies all other claims or assertions contained in the averment.

37. With respect to Paragraph 37 of the Complaint, the averment purports to be a conclusion of law and no response is required. To the extent the averment purports to be a statement of fact, Defendant is without knowledge as to the averment. Defendant denies all other claims or assertions contained in the averment.

38. With respect to Paragraph 38 of the Complaint, the averment purports to be a conclusion of law and no response is required. To the extent the averment purports to be a statement of fact, Defendant is without knowledge as to the averment. Defendant denies all other claims or assertions contained in the averment.

39. With respect to Paragraph 39 of the Complaint, the averment purports to be a conclusion of law and no response is required. To the extent the averment purports to be a statement of fact, Defendant is without knowledge as to the averment. Defendant denies all other claims or assertions contained in the averment.

40. With respect to Paragraph 40 of the Complaint, the averment purports to be a conclusion of law and no response is required. To the extent the averment purports to be a statement of fact, Defendant is without knowledge as to the averment. Defendant denies all other claims or assertions contained in the averment.

41. With respect to Paragraph 41 of the Complaint, the averment purports to be a conclusion of law and no response is required. To the extent the averment purports to be a statement of fact, Defendant is without knowledge as to the averment. Defendant denies all other claims or assertions contained in the averment.

ACTIONS TAKEN BY DEFENDANTS TO ADDRESS THE COMPACT SHORTFALL

42. With respect to Paragraph 42 of the Complaint, the averment purports to be a conclusion of law and no response is required. To the extent the averment purports to be a statement of fact, Defendant is without knowledge as to the averment. Defendant denies all other claims or assertions contained in the averment.

43. With respect to Paragraph 43 of the Complaint, the averment purports to be a conclusion of law and no response is required. To the extent the averment purports to be a statement of fact,

Defendant is without knowledge as to the averment. Defendant denies all other claims or assertions contained in the averment.

44. With respect to Paragraph 44 of the Complaint, Defendant admits that the Republican River Water Conservation District has constructed a pipeline to deliver water withdrawn from various wells to the Republican River. The averment purports to be a conclusion of law and no response is required. To the extent the averment purports to be a statement of fact, Defendant is without knowledge as to the averment. Defendant denies all other claims or assertions contained in the averment.

45. With respect to Paragraph 45 of the Complaint, the averment purports to be a conclusion of law and no response is required. To the extent the averment purports to be a statement of fact, Defendant is without knowledge as to the averment. Defendant denies all other claims or assertions contained in the averment.

46. With respect to Paragraph 46 of the Complaint, the averment purports to be a conclusion of law and no response is required. To the extent the averment purports to be a statement of fact, Defendant is without knowledge as to the averment. Defendant denies all other claims or assertions contained in the averment.

47. With respect to Paragraph 47 of the Complaint, the averment purports to be a conclusion of law and no response is required. To the extent the averment purports to be a statement of fact, Defendant is without knowledge as to the averment. Defendant denies all other claims or assertions contained in the averment.

48. With respect to Paragraph 48 of the Complaint, the averment purports to be a conclusion of law and no response is required. To the extent the averment purports to be a statement of fact, Defendant is without knowledge as to the averment. Defendant denies all other claims or assertions contained in the averment.

49. With respect to Paragraph 49 of the Complaint, the averment purports to be a conclusion of law and no response is required. To the extent the averment purports to be a statement of fact, Defendant is without knowledge as to the averment. Defendant denies all other claims or assertions contained in the averment.

50. With respect to Paragraph 50 of the Complaint, Defendants admit that the Tip Jack Ditch, Hutton Ditch No. 1, and Hutton Ditch No. 2 water rights were included on the 2010 abandonment list for Water Division No. 1. To the extent the averment purports to be a conclusion of law, no response is required. To the extent the averment purports to be a statement of fact, Defendant is without knowledge as to the averment. Defendant denies all other claims or assertions contained in the averment.

51. With respect to Paragraph 51 of the Complaint, the averment purports to be a conclusion of law and no response is required. To the extent the averment purports to be a statement of fact,

Defendant is without knowledge as to the averment. Defendant denies all other claims or assertions contained in the averment.

52. With respect to Paragraph 52 of the Complaint, the averment purports to be a conclusion of law and no response is required. To the extent the averment purports to be a statement of fact, Defendant is without knowledge as to the averment. Defendant denies all other claims or assertions contained in the averment.

53. With respect to Paragraph 53 of the Complaint, the averment purports to be a conclusion of law and no response is required. To the extent the averment purports to be a statement of fact, Defendant is without knowledge as to the averment. Defendant denies all other claims or assertions contained in the averment.

INJURY TO FOUNDATION FROM DEFENDANTS' ACTIONS AND INACTIONS

54. With respect to Paragraph 54 of the Complaint, the averment purports to be a conclusion of law and no response is required. To the extent the averment purports to be a statement of fact, Defendant is without knowledge as to the averment. Defendant denies all other claims or assertions contained in the averment.

55. With respect to Paragraph 55 of the Complaint, the averment purports to be a conclusion of law and no response is required. To the extent the averment purports to be a statement of fact, Defendant is without knowledge as to the averment. Defendant denies all other claims or assertions contained in the averment.

56. With respect to Paragraph 56 of the Complaint, Defendant is without knowledge as to the averment. Defendant denies all other claims or assertions contained in the averment.

57. With respect to Paragraph 57 of the Complaint, the averment purports to be a conclusion of law and no response is required. To the extent the averment purports to be a statement of fact, Defendant is without knowledge as to the averment. Defendant denies all other claims or assertions contained in the averment.

58. With respect to Paragraph 58 of the Complaint, the averment purports to be a conclusion of law and no response is required. To the extent the averment purports to be a statement of fact, Defendant is without knowledge as to the averment. Defendant denies all other claims or assertions contained in the averment.

59. With respect to Paragraph 59 of the Complaint, the averment purports to be a conclusion of law and no response is required. To the extent the averment purports to be a statement of fact, Defendant is without knowledge as to the averment. Defendant denies all other claims or assertions contained in the averment.

60. With respect to Paragraph 60 of the Complaint, the averment purports to be a conclusion of law and no response is required. To the extent the averment purports to be a statement of fact,

Defendant is without knowledge as to the averment. Defendant denies all other claims or assertions contained in the averment.

61. With respect to Paragraph 61 of the Complaint, the averment purports to be a conclusion of law and no response is required. To the extent the averment purports to be a statement of fact, Defendant is without knowledge as to the averment. Defendant denies all other claims or assertions contained in the averment.

62. With respect to Paragraph 62 of the Complaint, the averment purports to be a conclusion of law and no response is required. To the extent the averment purports to be a statement of fact, Defendant is without knowledge as to the averment. Defendant denies all other claims or assertions contained in the averment.

SENATE BILL 52 (2010)

63. With respect to Paragraph 63 of the Complaint, the averment purports to be a conclusion of law and no response is required. Defendant denies all other claims or assertions contained in the averment.

64. With respect to Paragraph 64 of the Complaint, the averment purports to be a conclusion of law and no response is required. Defendant denies all other claims or assertions contained in the averment.

65. With respect to Paragraph 65 of the Complaint, the averment purports to be a conclusion of law and no response is required. To the extent the averment purports to be a statement of fact, Defendant is without knowledge as to the averment. Defendant denies all other claims or assertions contained in the averment.

66. With respect to Paragraph 66 of the Complaint, the averment purports to be a conclusion of law and no response is required. Defendant denies all other claims or assertions contained in the averment.

67. With respect to Paragraph 67 of the Complaint, the averment purports to be a conclusion of law and no response is required. To the extent the averment purports to be a statement of fact, Defendant is without knowledge as to the averment. Defendant denies all other claims or assertions contained in the averment.

68. With respect to Paragraph 68 of the Complaint, the averment purports to be a conclusion of law and no response is required. Defendant denies all other claims or assertions contained in the averment.

69. With respect to Paragraph 69 of the Complaint, the averment purports to be a conclusion of law and no response is required. Defendant denies all other claims or assertions contained in the averment.

70. With respect to Paragraph 70 of the Complaint, the averment purports to be a conclusion of law and no response is required. To the extent the averment purports to be a statement of fact, Defendant is without knowledge as to the averment. Defendant denies all other claims or assertions contained in the averment.

71. With respect to Paragraph 71 of the Complaint, the averment purports to be a conclusion of law and no response is required. To the extent the averment purports to be a statement of fact, Defendant is without knowledge as to the averment. Defendant denies all other claims or assertions contained in the averment.

72. With respect to Paragraph 72 of the Complaint, the averment purports to be a conclusion of law and no response is required. Defendant denies all other claims or assertions contained in the averment.

73. With respect to Paragraph 73 of the Complaint, the averment purports to be a conclusion of law and no response is required. Defendant denies all other claims or assertions contained in the averment.

74. With respect to Paragraph 74 of the Complaint, the averment purports to be a conclusion of law and no response is required. Defendant denies all other claims or assertions contained in the averment.

75. With respect to Paragraph 75 of the Complaint, the averment purports to be a conclusion of law and no response is required. To the extent the averment purports to be a statement of fact, Defendant is without knowledge as to the averment. Defendant denies all other claims or assertions contained in the averment.

**CLAIMS FOR RELIEF
(Declaratory Judgment, Injunction)**

Claim 1: The Administration of Water in the Republican River Basin and Related Actions and Omissions by Defendants are Unlawful.

76. With respect to Paragraph 76 of the Complaint, Defendant incorporates all answers above as if fully set forth.

77. With respect to Paragraph 77 of the Complaint, the averment purports to be a conclusion of law and no response is required. To the extent the averment purports to be a statement of fact, Defendant is without knowledge as to the averment. Defendant denies all other claims or assertions contained in the averment.

78. With respect to Paragraph 78 of the Complaint, the averment purports to be a conclusion of law and no response is required. To the extent the averment purports to be a statement of fact, Defendant is without knowledge as to the averment. Defendant denies all other claims or assertions contained in the averment.

79. With respect to Paragraph 79 of the Complaint, the averment purports to be a conclusion of law and no response is required. To the extent the averment purports to be a statement of fact, Defendant is without knowledge as to the averment. Defendant denies all other claims or assertions contained in the averment.

80. With respect to Paragraph 80 of the Complaint, the averment purports to be a conclusion of law and no response is required. To the extent the averment purports to be a statement of fact, Defendant is without knowledge as to the averment. Defendant denies all other claims or assertions contained in the averment.

81. With respect to Paragraph 81 of the Complaint, the averment purports to be a conclusion of law and no response is required. Defendant denies all other claims or assertions contained in the averment.

82. With respect to Paragraph 82 of the Complaint, the averment purports to be a conclusion of law and no response is required. Defendant denies all other claims or assertions contained in the averment.

83. With respect to Paragraph 83 of the Complaint, the averment purports to be a conclusion of law and no response is required. To the extent the averment purports to be a statement of fact, Defendant is without knowledge as to the averment. Defendant denies all other claims or assertions contained in the averment.

84. With respect to Paragraph 84 of the Complaint, the averment purports to be a conclusion of law and no response is required. To the extent the averment purports to be a statement of fact, Defendant is without knowledge as to the averment. Defendant denies all other claims or assertions contained in the averment.

85. With respect to Paragraph 85 of the Complaint, the averment purports to be a conclusion of law and no response is required. To the extent the averment purports to be a statement of fact, Defendant is without knowledge as to the averment. Defendant denies all other claims or assertions contained in the averment.

86. With respect to Paragraph 86 of the Complaint, the averment purports to be a conclusion of law and no response is required. To the extent the averment purports to be a statement of fact, Defendant is without knowledge as to the averment. Defendant denies all other claims or assertions contained in the averment.

87. With respect to Paragraph 87 of the Complaint, the averment purports to be a conclusion of law and no response is required. To the extent the averment purports to be a statement of fact, Defendant is without knowledge as to the averment. Defendant denies all other claims or assertions contained in the averment.

88. With respect to Paragraph 88 of the Complaint, the averment purports to be a conclusion of law and no response is required. To the extent the averment purports to be a statement of fact,

Defendant is without knowledge as to the averment. Defendant denies all other claims or assertions contained in the averment.

89. With respect to Paragraph 89 of the Complaint, the averment purports to be a conclusion of law and no response is required. To the extent the averment purports to be a statement of fact, Defendant is without knowledge as to the averment. Defendant denies all other claims or assertions contained in the averment.

90. With respect to Paragraph 90 of the Complaint, the averment purports to be a conclusion of law and no response is required. To the extent the averment purports to be a statement of fact, Defendant is without knowledge as to the averment. Defendant denies all other claims or assertions contained in the averment.

91. With respect to Paragraph 91 of the Complaint, the averment purports to be a conclusion of law and no response is required. To the extent the averment purports to be a statement of fact, Defendant is without knowledge as to the averment. Defendant denies all other claims or assertions contained in the averment.

92. With respect to Paragraph 92 and subparagraphs of the Complaint, the averment purports to be a conclusion of law and claim for relief and no response is required. To the extent the averment purports to be a statement of fact, Defendant is without knowledge as to the averment. Defendant denies all other claims or assertions contained in the averment.

93. With respect to Paragraph 93 of the Complaint, the averment purports to be a conclusion of law and claim for relief and no response is required. To the extent the averment purports to be a statement of fact, Defendant is without knowledge as to the averment. Defendant denies all other claims or assertions contained in the averment.

Claim 2: Senate Bill 52 is Unconstitutional When Applied to the NHP Basin.

94. With respect to Paragraph 94 of the Complaint, Defendant incorporates all responses above as though fully set forth.

95. With respect to Paragraph 95 of the Complaint, the averment purports to be a conclusion of law and no response is required. To the extent the averment purports to be a statement of fact, Defendant is without knowledge as to the averment. Defendant denies all other claims or assertions contained in the averment.

96. With respect to Paragraph 96 of the Complaint, the averment purports to be a conclusion of law and no response is required. To the extent the averment purports to be a statement of fact, Defendant is without knowledge as to the averment. Defendant denies all other claims or assertions contained in the averment.

97. With respect to Paragraph 97 of the Complaint, the averment purports to be a conclusion of law and no response is required. To the extent the averment purports to be a statement of fact,

Defendant is without knowledge as to the averment. Defendant denies all other claims or assertions contained in the averment.

98. With respect to Paragraph 98 of the Complaint, the averment purports to be a conclusion of law and no response is required. To the extent the averment purports to be a statement of fact, Defendant is without knowledge as to the averment. Defendant denies all other claims or assertions contained in the averment.

99. With respect to Paragraph 99 of the Complaint, the averment purports to be a conclusion of law and no response is required. To the extent the averment purports to be a statement of fact, Defendant is without knowledge as to the averment. Defendant denies all other claims or assertions contained in the averment.

100. With respect to Paragraph 100 of the Complaint, the averment purports to be a conclusion of law and no response is required. Defendant denies all other claims or assertions contained in the averment.

101. With respect to Paragraph 101 of the Complaint, the averment purports to be a conclusion of law and no response is required. To the extent the averment purports to be a statement of fact, Defendant is without knowledge as to the averment. Defendant denies all other claims or assertions contained in the averment.

102. With respect to Paragraph 102 of the Complaint, the averment purports to be a conclusion of law and no response is required. To the extent the averment purports to be a statement of fact, Defendant is without knowledge as to the averment.

103. With respect to Paragraph 103 of the Complaint, the averment purports to be a conclusion of law and no response is required. To the extent the averment purports to be a statement of fact, Defendant is without knowledge as to the averment. Defendant denies all other claims or assertions contained in the averment.

104. With respect to Paragraph 104 of the Complaint, the averment purports to be a conclusion of law and no response is required. Defendant denies all other claims or assertions contained in the averment.

105. With respect to Paragraph 105 of the Complaint, the averment purports to be a conclusion of law and no response is required. Defendant denies all other claims or assertions contained in the averment.

106. With respect to Paragraph 106 and its subparagraphs of the Complaint, the averment purports to be a conclusion of law and claim for relief and no response is required. Defendant denies all other claims or assertions contained in the averment.

107. With respect to Paragraph 107 of the Complaint, the averment purports to be a statement of fact, and Defendant is without knowledge as to the averment. Defendant denies all other claims or assertions contained in the averment.

Claim 3: The Ground Water Act is Unconstitutional if Designated Ground Water that is Subject to the Compact Cannot be Administered Pursuant to the Compact.

108. With respect to Paragraph 108 of the Complaint, Defendant incorporates all responses above as though fully set forth.

109. With respect to Paragraph 109 of the Complaint, the averment purports to be a conclusion of law and no response is required. To the extent the averment purports to be a statement of fact, Defendant is without knowledge as to the averment. Defendant denies all other claims or assertions contained in the averment.

110. With respect to Paragraph 110 of the Complaint, the averment purports to be a conclusion of law and no response is required. To the extent the averment purports to be a statement of fact, Defendant is without knowledge as to the averment. Defendant denies all other claims or assertions contained in the averment.

111. With respect to Paragraph 111 of the Complaint, the averment purports to be a conclusion of law and no response is required. Defendant denies all other claims or assertions contained in the averment.

112. With respect to Paragraph 112 of the Complaint, the averment purports to be a conclusion of law and no response is required. To the extent the averment purports to be a statement of fact, Defendant is without knowledge as to the averment. Defendant denies all other claims or assertions contained in the averment.

113. With respect to Paragraph 113 of the Complaint, the averment purports to be a conclusion of law and no response is required. To the extent the averment purports to be a statement of fact, Defendant is without knowledge as to the averment. Defendant denies all other claims or assertions contained in the averment.

114. With respect to Paragraph 114 of the Complaint, the averment purports to be a conclusion of law and no response is required. To the extent the averment purports to be a statement of fact, Defendant is without knowledge as to the averment. Defendant denies all other claims or assertions contained in the averment.

115. With respect to Paragraph 115, and its subparagraphs, of the Complaint, the averment purports to be a conclusion of law and no response is required. To the extent the averment purports to be a statement of fact, Defendant is without knowledge as to the averment. Defendant denies all other claims or assertions contained in the averment.

116. With respect to Paragraph 116 of the Complaint, the averment purports to be a conclusion of law and no response is required. To the extent the averment purports to be a statement of fact, Defendant is without knowledge as to the averment. Defendant denies all other claims or assertions contained in the averment.

117. With respect to Paragraph 117, and its subparagraphs, of the Complaint, the averment purports to be a conclusion of law and claim for relief and no response is required. To the extent the averment purports to be a statement of fact, Defendant is without knowledge as to the averment. Defendant denies all other claims or assertions contained in the averment.

118. With respect to Paragraph 118 of the Complaint, the averment purports to be a statement of fact and Defendant is without knowledge as to the averment. Defendant denies all other claims or assertions contained in the averment.

DEFENSES

A. Plaintiff failed to state a claim upon which relief can be granted pursuant to C.R.C.P. 12(b)(5).

B. Plaintiff failed to join all necessary parties pursuant to C.R.C.P. 12(b)(6) and C.R.C.P. 19.

C. Plaintiff failed to challenge the actions of the State Engineer and Division Engineer within the time prescribed under the Colorado Administrative Procedure Act.

D. This Court may not have subject matter jurisdiction to hear claims related to the Ground Water Management Act of 1965.

E. Plaintiff is estopped from asserting the injury claimed by the claims for relief in this matter.

F. Some of the claims asserted herein are not within the subject matter jurisdiction of this Court.

G. Some of the claims asserted herein are barred by operation of law.

H. Defendants reserve their right to supplement or modify their Defenses and to assert any defense in law or fact to the stated claims for relief.

WHEREFORE, Defendants request that this Court deny the Plaintiff's requested relief.

Dated this 11th day of December, 2015.

BUCHANAN AND SPERLING, P.C.

By: S Timothy R. Buchanan
Timothy R. Buchanan, #12185
John D. Buchanan, #45191

Attorneys for East Cheyenne Ground Water
Management District

E-FILED PURSUANT TO C.R.C.P. 121
Duly signed original on file at the law offices of Buchanan and Sperling, P.C.

CERTIFICATE OF SERVICE

I hereby certify that on the 11th day of December, 2015, a true and correct copy of the foregoing **ANSWER OF EAST CHEYENNE GROUND WATER MANAGEMENT DISTRICT** was electronically served via ICCES upon the following parties:

Party	Party Type	Attorney
City of Holyoke	Defendant/Opposer	Alvin R Wall Alvin R Wall Attorney at Law
City of Wray	Defendant/Opposer	Alvin R Wall Alvin R Wall Attorney at Law
Colorado Department of Natural Resources	Defendant/Opposer	Daniel E Steuer Ema Ig Schultz Preston V Hartman Colorado Attorney General
Colorado Division of Water Resources	Defendant/Opposer	Daniel E Steuer Ema Ig Schultz Preston V Hartman Colorado Attorney General
Colorado Parks and Wildlife	Defendant/Opposer	Katie L Wiktor Timothy J Monahan Colorado Attorney General
David Nettles	Defendant/Opposer	Daniel E Steuer Ema Ig Schultz Preston V Hartman Colorado Attorney General
Dick Wolfe	Defendant/Opposer	Daniel E Steuer Ema Ig Schultz Preston V Hartman Colorado Attorney General
Division 1 Engineer	Division Engineer	Division 1 Water Engineer CDWR Division 1
Division 1 Water Engineer	Defendant/Opposer	Ema Ig Schultz Preston V Hartman Colorado Attorney General
Harvey Colglazier	Defendant/Opposer	Alvin R Wall Alvin R Wall Attorney at Law

Party	Party Type	Attorney
Lazier Inc.	Defendant/Opposer	Alvin R Wall Alvin R Wall Attorney at Law
Mariane U Ortner	Defendant/Opposer	Alvin R Wall Alvin R Wall Attorney at Law
Marjorie Colglazier Trust	Defendant/Opposer	Alvin R Wall Alvin R Wall Attorney at Law
Republican River Water Conservation District	Defendant/Opposer	David W Robbins Peter J Ampe Hill and Robbins PC
State Engineer	State Engineer	Colorado Division of Water Resources CDWR
The Jim Hutton Educational Foundation	Plaintiff/Applicant	Karen L Henderson Steven J Bushong Porzak Browning & Bushong LLP
Timothy E Ortner	Defendant/Opposer	Alvin R Wall Alvin R Wall Attorney at Law
Yuma County Water Authority Public Improvement District	Defendant/Opposer	Dulcinea Z Hanuschak John A Helfrich Steven O Sims Brownstein Hyatt Farber Schreck LLP

/s/ Peggy Sue Wells

 Peggy Sue Wells