

DISTRICT COURT, WATER DIVISION NO. 1

901 9th Avenue
P.O. Box 2038
Greeley, CO 80632
(970) 351-7300

DATE FILED: December 16, 2015 4:50 PM

Plaintiffs:

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 DEPARTMENT OF NATURAL RESOURCES; COLORADO DIVISION OF WATER RESOURCES; COLORADO PARKS AND WILDLIFE; YUMA COUNTY WATER AUTHORITY; REPUBLICAN RIVER WATER CONSERVATION DISTRICT; CITY OF HOLYOKE; CITY OF WRAY; HARVEY COLGLAZIER; LAZIER, INC.; MARJORIE COLGLAZIER TRUST; TIMOTHY E. ORTNER; MARIANE U. ORTNER; PROTECT OUR LOCAL COMMUNITY'S WATER, LLC; SAVING OUR LOCAL ECNOMY, LLC; and EAST CHEYENNE GROUND WATER MANAGEMENT DISTRICT; INDIVIDUALS AND ENTITIES IDENTIFIED AS THE NORTH WELL OWNERS; TRI STATE GENERATION AND TRANSMISSION ASSOCIATION, INC.; DAVID L. DIRKS; JULIE DIRKS; DIRKS FARMS LTD.; DON ANDREWS; MYRNA ANDREWS; and NATHAN ANDREWS

▲ COURT USE ONLY ▲

Attorneys for North Well Owners
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Case Number: 2015CW3018

Division 1 Courtroom

ANSWER OF THE ADDITIONAL NORTH WELL OWNERS

The individuals and entities listed below, by and through undersigned counsel, hereby answer 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") as follows:

1. The following individuals and entities are well owners in the Northern High Plains Designated Basin (the "Additional North Well Owners"):

Bledsoe Cattle Company
Gayln Einspahr
Johnson Brothers Farm
Kaiser Farms Ltd.
Klute Family LLC
Marquardt Farms Inc.
Warren Family Gift Trust
Wilson/Sommerhalder Farm
Kathy H. Young Trust

2. Each of the Additional North Well Owners joins in, adopts, and incorporates by reference in its entirety, the Answer of the North Well Owners filed in this matter on December 11, 2015.

3. Each of the Additional North Well Owners desires to be, and will be, listed as part of the North Well Owners in this matter from this date forward.

4. For the convenience of the Court and the other parties, an updated list of the North Well Owners (including the Additional North Well Owners) is being filed with the Court.

WHEREFORE, the Additional North Well Owners request this Court deny Plaintiff's requested relief, dismiss the Complaint with prejudice, award the Additional North Well Owners' its costs and attorney fees, and order any other appropriate or equitable relief.

Dated December 16, 2015

Respectfully submitted,

COLVER KILLIN & SPRAGUE, LLP

By: /s/ Russell J. Sprague
Russell J. Sprague, #40558
Kimbra L. Killin, #24636
Attorneys for Additional North Well Owners

This document was filed electronically pursuant to C.R.C.P. 121 § 1-26.

CERTIFICATE OF SERVICE

I hereby certify that on December 16, 2015, a true and correct copy of the foregoing **ANSWER OF THE ADDITIONAL NORTH WELL OWNERS** was served via ICCES on the following:

Party Name	Party Type	Attorney Name
Jim Hutton Educational Foundation	Plaintiff	Steven J. Bushong Karen L. Henderson
Colorado Department of Natural Resources	Defendant	Ema I.G. Schultz Preston V. Hartman Daniel Steuer
Colorado Division of Water Resources	Defendant	Ema I.G. Schultz Preston V. Hartman Daniel Steuer
David Nettles, Division 1 Engineer	Defendant	Ema I.G. Schultz Preston V. Hartman Daniel Steuer
Dick Wolfe, State Engineer	Defendant	Ema I.G. Schultz Preston V. Hartman Daniel Steuer
Colorado Division of Parks and Wildlife	Defendant	Katie L. Wiktor Timothy J. Monahan
Yuma County Water Authority Public Improvement District	Intervenor-Defendant	Steven O. Sims John A. Helfrich Dulcinea Z. Hanuschak
Republican River Water Conservation District	Entrant-Defendant	David W. Robbins Peter J. Ampe
City of Wray, Colorado; City of Holyoke, Colorado; Harvey Colglazier; Lazier, Inc.; Marjorie Colglazier Trust; Timothy E. Ortner; Mariane U. Ortner; David L. Dirks; Julie Dirks; Dirks Farms LTD.	Entrants-Defendants	Alvin R. Wall
Protecting Our Local Community's Water, LLC; Saving Our Local Economy, LLC; East Cheyenne Ground Water Management District	Entrants- Defendants	John D. Buchanan Timothy R. Buchanan
Tri-State Generation and Transmission Association, Inc.	Entrant-Defendant	Aaron S. Ladd Justine C. Shepherd Roger T. Williams

Don Andrews; Myrna Andrews; Nathan Andrews	Entrants-Defendants	Stuart B. Corbridge Geoffrey M. Williamson
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/s/ Jeanette Kingman

<p>DISTRICT COURT, WATER DIVISION NO. 1 901 9th Avenue P.O. Box 2038 Greeley, CO 80632 (970) 351-7300</p>	<p>DATE FILED: December 16, 2015 4:54 PM</p>
<p>Plaintiffs:</p> <p>THE JIM HUTTON EDUCATIONAL FOUNDATION, a Colorado non-profit corporation,</p> <p>v.</p> <p>Defendants:</p> <p>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 DEPARTMENT OF NATURAL RESOURCES; COLORADO DIVISION OF WATER RESOURCES; COLORADO PARKS AND WILDLIFE; YUMA COUNTY WATER AUTHORITY; REPUBLICAN RIVER WATER CONSERVATION DISTRICT; CITY OF HOLYOKE; CITY OF WRAY; HARVEY COLGLAZIER; LAZIER, INC.; MARJORIE COLGLAZIER TRUST; TIMOTHY E. ORTNER; MARIANE U. ORTNER; PROTECT OUR LOCAL COMMUNITY’S WATER, LLC; SAVING OUR LOCAL ECNOMY, LLC; and EAST CHEYENNE GROUND WATER MANAGEMENT DISTRICT; INDIVIDUALS AND ENTITIES IDENTIFIED AS THE NORTH WELL OWNERS; TRI STATE GENERATION AND TRANSMISSION ASSOCIATION, INC.; DAVID L. DIRKS; JULIE DIRKS; DIRKS FARMS LTD.; DON ANDREWS; MYRNA ANDREWS; and NATHAN ANDREWS</p>	<p style="text-align: center;">▲ COURT USE ONLY ▲</p>
<p>Attorneys for North Well Owners Russell J. Sprague, Atty. Reg. #40558 Kimbra L. Killin, Atty. Reg. #24636 COLVER KILLIN & SPRAGUE, LLP 216 S. Interocean Holyoke, CO 80734 Telephone: (970) 854-2264 Facsimile: (970) 854-2423 E-mail: rsprague@ckslp.com; kkillin@ckslp.com</p>	<p>Case Number: 2015CW3018</p> <p>Division 1 Courtroom</p>
<p style="text-align: center;">LIST OF THE NORTH WELL OWNERS</p>	

The following list of individuals and entities is being provided for convenience of the Court and the other parties. These individuals and entities, whose associated well permit numbers can be provided to the Court upon request, comprise the well owners in the Northern High Plains Basin collectively referred to as the “North Well Owners”:

0408COUS Yuma, LLC
3T Family Land, LLC
4-B Ranch
444653 LLC
Absmeier Farm Inc.
Agri Val Farms
John L. Anderson
Rena D. Anderson
Larry R. Anderson
Troy Anderson
Anderson Wheat Farms
Archbold Trust
Atkin Land & Cattle Inc.
Kirby Atkins
Bamford Farms LLC
Bamford Feedyard
Bar HL Farms
Roland Barkey
Eugene Bauerle
Bennett Family Limited Partnership of Holyoke
Michael J. Bennett
Kerry Bernhardt
Kurt Bernhardt
Biese-meier Farms
Brian Biese-meier
Quentin Biese-meier
Gary Blecha
Stuart Blecha
Bledsoe Cattle Company
Bryce Allen Boerner
Lindsay Marie Boerner
Rodney A. Boerner
Steven J. Boerner
Michael R. Bradley Living Trust
Kenneth C. Brammer

Denise Brammer
Harry Brinkema
C.G. Farms Inc.
Sonia Carlson
Carmel Farms Inc
Gary Carper
Paula Carper
Robert W. Carter
Ted Carter
Circle 3 Farms LLC
Clayton Family, LLC
David O. Colver
Adria E. Colver
Colver Land Company, LLLP
Company B
David A. Crossland
DB Properties LLLP
David A. Deden
Deden Inc.
J'Neann Derby
Kent Derby
Kevin Derby
Mike Derby
Betty J. Dudden Trust
Karla Dudden
Orville J. Dudden Trust
Eagle Creek Colorado, LLC
Clyde Einspahr
Gayln Einspahr
Mike Einspahr
Richard Einspahr
Sandra Einspahr
Emri Farms Inc
Don Enninga
Lloyd Enninga
Farmcore, LLC
Fast Farms
Tim E. Fetzer
Laurie J. Fetzer
Fiddler Peak Ranch LLLP

Randall Firme
Lynda Firme
FirmeCo Inc.
Steven D. Frank
Joann Fuchs
Chris Fuesz
Gary Fuesz
Mary Fulscher
Garretson Inc.
Loren Garretson Family LLLP
Bruce Gerk
Shirley Gerk
Elaine Gerk
Claude J. Goddard
Jerry Graham
Janet Graham
Carol Gueck
Kenneth Wayne Gueck Trust
Mark Gueck Trust
Susan Gueck Trust
Robert L. Grauberger
Paul Hahlweg
Douglas Ham
Kenneth Ham
Duane Harms
Haskell County Farms
HBF Inc.
Christine Heermann
Eldon Heermann
Gentry Heermann
Jason Heermann
Hendrix Golden Acres
Thomas A. Hendrix
James P. Hick
Kay L. Hick
V. Marlene Hill
Scott Hinde
Kimberly Hinde
HGB Ranch Ltd.
Evelyn Gaye Holcombe

Hoover Farms Inc.
Dorothy Hubbard
ILP Farm Partnership LLLP
Linda Isakson
Linda B. Jacoby
JB Farm Family Trust
Margie Fulscher Jeffers
Johnson Brothers Farm
Victoria Johnson
Kaiser Farms Ltd.
Kaup Ranches, Inc
Kenalo LP
Kimberly Farms, Inc.
Janice Kincaid
Brian W. Kipp
Darin L. Kipp
Ronald Klein
Klute Family LLC
0Dan Koberstein
Berdine Koberstein
Cynthia Schneller Koester
Nancy Koratich
Byron Kramer
Craig A. Kramer
Garry Kramer
Randy Kramer
Roger Kramer
Teresa J. Kramer
Krueger Enterprises
Jay Dean Krueger
Kristi Krueger
Rick Krueger
Landmark Ranch LLC
Jerry Lahnert
Donna M. Larson
Ivar W. Larson
Curt Lebsack
Richard Lebsack
W.E. Leslie Family Trust
Robert Lingreen

M & S Farms Inc
Robert D. Martin LTD
Robert D. Martin
Marvin Marquardt
Bruce Marquardt
Marvin Marquardt & Sons Partnership
Marquardt Farms Inc.
Meakins LLLP
Patricia Meakins
Bill Meier
Steve Meier
Midnight Sun, Inc.
Midnight Sun, Inc. IV
Ronald Miles
Anne Newman
Elmo Doyle Newman Company
Marc Newman
Newman Farms
Triple N Newman Farm Trust
Rupert O'Neal
Dan Ortner
Jeanette Poos
Larry Poos
Progressive Agricultural Management Inc.
Hulbert E. Reichelt
M.J. Renquist & Sons
M.J. Renquist
Stan Ricker
S & D Ranch LLLP
Denny Salvador
Sand Partners of Holyoke, LLC
Sandbur Land and Cattle Inc.
Lisa Schilke
Tim Schilke
Aaron Schlachter
Hazen Schlachter
Marcus Schlachter
Dustin L. Schneller
Jon C. Schneller
Rena D. Schneller

Schneller Enterprises Inc
Joseph F. Schram
Kelly A. Schram
Darrell Smith
E.C. Smith
Shirley Smith
Douglas Scott
Wayne Scott
Wayne Skold
Alice Skold
Skold Ranch, Inc.
Skold Farms Ltd.
Supreme Investments
Swisher Family Farm LLC
William Stretesky Foundation
Swish GP
Gordon L. Thompson
Martha A. Thompson
Ron Thompson
Tommy G. Thompson
Timmerman Feeding Corp.
Timmerman & Sons Feeding Co.
Thomas J. Tuell Trust
Town of Fleming
Town of Haxtun
Town of Paoli
Triangle-O LLLP
Michelle R. VanOverbeke
Dale Vieselmeyer
Erik Vieselmeyer
Michelle Vieselmeyer
Verdis Vieselmeyer
Linda Vizenor
Donald S. Warren
Maryjo Warren
Warren Family Gift Trust
Lester H. Weers
Lorin Weers
Roxanne Weers
Darlene M. Weis

Randy Weis
Renee Weis
Willco Farms
Wilson/Sommerhalder Farm
Wolff Family LLC
Aaron Worley
Pam Worley
Worley Family LLLP
Beverly J. Young
Bradley A. Young
Kathy H. Young Trust
Zion Inc.

Dated December 16, 2015

Respectfully submitted,

COLVER KILLIN & SPRAGUE, LLP

By: /s/ Russell J. Sprague
Russell J. Sprague, #40558
Kimbra L. Killin, #24636
Attorneys for North Well Owners
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/s/ Jeanette Kingman