

<p>DISTRICT COURT, WATER DIVISION NO. 1, STATE OF COLORADO</p> <p>Weld County Courthouse 901 9<sup>th</sup> Avenue P.O. Box 2038 Greeley, Colorado 80631 (970) 351-7300</p>	<p style="text-align: right;">DATE FILED: May 21, 2015 7:28 PM</p>
<p><b>Plaintiff:</b> The Jim Hutton Educational Foundation, a Colorado non-profit corporation,</p> <p>v.</p> <p><b>Defendants:</b> 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; and Colorado Parks and Wildlife.</p>	<p style="text-align: center;"><input type="checkbox"/> <b>COURT USE ONLY</b> <input type="checkbox"/></p>
<p>Porzak Browning &amp; Bushong LLP Steven J. Bushong (#21782) Karen L. Henderson (#39137) 2120 13<sup>th</sup> Street Boulder, CO 80302 Tel: 303-443-6800 Fax: 303-443-6864 Email: sjbushong@pbblaw.com; khenderson@pbblaw.com</p>	<p>Case Number: <b>15CW3018</b></p> <p>Div. No. 1</p>
<p style="text-align: center;"><b>THE JIM HUTTON EDUCATIONAL FOUNDATION'S RESPONSE TO YUMA COUNTY WATER AUTHORITY PUBLIC IMPROVEMENT DISTRICT'S MOTION TO INTERVENE</b></p>	

Plaintiff the Jim Hutton Educational Foundation, a Colorado non-profit corporation (“Foundation”), acting by and through undersigned counsel, does hereby provide its Response to Yuma County Water Authority Public Improvement District’s (“YCWA”) Motion to Intervene pursuant to C.R.C.P. 24(a)(1).

**I. Introduction.**

1. In its Motion to Intervene, YCWA seeks to intervene as a party defendant in the above-captioned matter pursuant to C.R.C.P. 24(a)(2). It also seeks to be made a party under C.R.C.P. 57(j), which governs indispensable parties in declaratory judgment actions. In support of its Motion, YCWA cites to its (i) representation of designated groundwater wells in the Northern High Plains Designated Groundwater Basin (“NHP Basin”) and (ii) ownership of surface water rights on the North Fork of the Republican River as the reason it should be allowed to intervene as a matter of right in this case. (*See* Motion to Intervene, ¶ 1). As set forth below, the Foundation requests that YCWA’s Motion to Intervene be denied on the grounds that it cannot

demonstrate all of the elements required to intervene as a matter of right, nor is YCWA an indispensable party.

2. The Foundation filed the above-captioned matter against the State Engineer, the Division Engineer for Water Division No. 1, the Colorado Division of Water Resources, the Colorado Division of Parks and Wildlife, and the Colorado Department of Natural Resources. The Foundation's Complaint includes three claims for relief.

- a. The Foundation's first claim seeks declaratory and injunctive relief concerning the administration, management, and curtailment of its surface water rights. This claim includes challenges to the curtailment of the Foundation's surface water rights under the Republican River Compact ("Compact") and to the administration and management of Bonny Reservoir in a manner that injures the Hale Ditch and is inconsistent with certain contracts. As described in the Complaint, the unlawfulness of the current curtailment under the Compact is especially evident given that the groundwater pumping causing the Compact shortfall is not being curtailed.
- b. In its constitutional challenge of Senate Bill 52 in Claim 2, the Foundation seeks to recover the legal right it held when the NHP Basin was created to redraw the basin boundaries as necessary to protect its surface water rights. If successful, the Foundation would then be able to initiate a separate action with the Commission to redraw the NHP Basin boundaries to exclude improperly designated groundwater so that it may place an administrative call against the excluded wells. *See, e.g., Gallegos v. Colo. Ground Water Comm'n*, 147 P.3d 20 (Colo. 2006).
- c. Claim 3 of the Complaint involves a constitutional challenge to the Colorado Groundwater Management Act, but only if the Foundation is unable to get relief under its first two claims causing it to bear the burden of Compact compliance.

In short, this action is about protecting and administering surface water rights on the South Fork of the Republican River, particularly those owned by the Foundation. The Foundation does not seek relief from any party other than the named Defendants.

## **II. Law Regarding Intervention and Parties to a Declaratory Judgment Action.**

### **A. Rule 24(a)(2) – Intervention as a Matter of Right.**

3. C.R.C.P. 24(a)(2) provides that "[u]pon timely application anyone shall be permitted to intervene in an action ... when the applicant claims an interest relating to the property or transaction which is the subject of the action and he is so situated that the disposition of the action may as a practical matter impair or impede his ability to protect that interest, unless the applicant's interest is adequately represented by existing parties."

4. Intervention as a matter of right is a fact-specific determination. *Cherokee Metro. Dist. v. Meridian Serv. Metro. Dist.*, 266 P.3d 401, 404 (Colo. 2011).

5. “[W]hile the goal of intervention is to consolidate related issues into the same lawsuit, [*Cherokee Metro. Dist.*, 266 P.3d at 404.] according to the Advisory Committee on Civil Rules, the federal counterpart to C.R.C.P. 24(a) was written to also avoid ‘a cluttering of lawsuits with multitudinous useless intervenors.’” *Concerning Application for Underground Water Rights*, 304 P.3d 1167, 1170 (Colo. 2013)(quoting Benjamin Kaplan, *Continuing Work of the Civil Committee: 1966 Amendments of the Federal Rules of Civil Procedure (I)*, 81 Harv. L.Rev. 356, 403 (1967).

6. All of the elements set forth in C.R.C.P. 24(a)(2) must be present in order to intervene. *See Diamond Lumber, Inc. v. H.C.M.C., Ltd.*, 746 P.2d 76, 78 (Colo. App. 1987). Each element is further described below.

- a. First Element. The first element requires a party seeking to intervene demonstrate an interest relating to the property or transaction which is the subject of the action. “Colorado takes a ‘flexible approach’ to determining whether a party has claimed such an interest. The existence of an interest ‘should be determined in a liberal manner.’ The interest prong ‘is primarily a practical guide to disposing of lawsuits by involving as many apparently concerned persons as is compatible with efficiency and due process.’” *Cherokee Metro. Dist.*, 266 P.3d at 404 (*internal citations omitted*).
- b. Second Element. To meet the second element, a party must show that it is so situated that the disposition of the underlying action may, as a practical matter, impair its ability to protect its interest. This element was interpreted in *Feigin v. Alexa Grp., Ltd.*, 19 P.3d 23, 30 (Colo. 2001): “An intervenor's interest is impaired if the disposition of the action in which intervention is sought will prevent any future attempts by the applicant to pursue his interest. [6 James Wm. Moore et al., *Moore's Federal Practice* § 24.03(3)(a) (3d ed. 2000)]. Thus, courts in other jurisdictions have held that where there were alternative forums in which to bring a suit, an intervenor is neither impaired nor impeded in his ability to protect his interests under Rule 24(a)(2). *See e.g., Commodity Futures Trading Comm'n v. Heritage Capital Advisory Servs.*, 736 F.2d 384, 386 (7th Cir.1984)(holding that intervenors' interests were not impaired by a government enforcement action because they had alternative forums, including a direct suit in which to pursue their claims).”
- c. Third Element. For the third element, a party must demonstrate that its interest is not adequately represented by existing parties. “In order to determine the adequacy of representation, we have repeatedly applied the following three categories: (1) If the interest of the absentee is not represented at all, or if all existing parties are adverse to the absentee, then there is no adequate representation. (2) On the other hand, if the absentee's interest is identical to that of one of the present parties, or if there is a party charged by law with representing the absentee's interest, then a compelling showing should be required to demonstrate why this representation is not adequate. (3) But if the absentee's interest is similar to, but not identical with, that of one of the parties, a discriminating judgment is required on the circumstances of the particular case, although intervention ordinarily should be allowed unless it is clear that the party will provide adequate representation for the absentee.” *Concerning Application for Underground Water Rights*, 304 P.3d 1167, 1170-71 (Colo. 2013)(*internal citations omitted*).

7. Timeliness. C.R.C.P. 24 requires timely intervention, and “the issue of timeliness is a threshold question.” *Law Offices of Andrew L. Quiat, P.C. v. Ellithorpe*, 917 P.2d 300, 303 (Colo. App. 1995). “The determination of the timeliness of a motion to intervene is a matter which rests within the sound discretion of the trial court, which must weigh the lapse of time in light of all the circumstances of the case, including whether the applicant was in a position to seek intervention at an earlier stage in the case.” *Id.* The “point of progress in the lawsuit is only one factor to be considered and is not, in itself, determinative.” *Diamond Lumber, Inc.*, 746 P.2d at 78.

### **B. Rule 57(j) – Declaratory Judgment; Parties**

8. Pursuant to C.R.C.P. 57(j), “[w]hen declaratory relief is sought, all persons shall be made parties who have or claim any interest which would be affected by the declaration, and no declaration shall prejudice the rights of persons not parties to the proceeding.”

9. The “interest claimed must be one that is legally cognizable.” *Connecticut Gen. Life Ins. Co. v. A.A.A. Waterproofing, Inc.*, 911 P.2d 684, 688 (Colo. App. 1995) *aff’d and remanded sub nom. Constitution Associates v. New Hampshire Ins. Co.*, 930 P.2d 556 (Colo. 1996), *as modified on denial of reh’g* (Jan. 13, 1997).

10. “All persons who have or claim a substantial interest in the subject matter of the controversy, which would be affected by the declaratory judgment, and whose presence is necessary to a complete and effective determination of the controversy and rights which plaintiff seeks to have declared, are necessary parties to the action, and such parties must be before the court, and be given an opportunity to be heard as to their own rights or defenses.” *People ex rel. Inter-Church Temperance Movement of Colo. v. Baker*, 297 P.2d 273, 277 (Colo. 1956)(*internal citations omitted*)(*emphasis added*).

11. “The interest which a party must have in the subject matter in order to make him a necessary party defendant must be a present substantial interest, as distinguished from a mere expectancy or future contingent interest.” *Game and Fish Commission v. Feast*, 402 P.2d 169, 172 (Colo. 1965)(construing necessary parties under C.R.C.P. 57(j)).

### **III. Argument.**

#### **A. YCWA does not meet all of the elements needed to intervene as a matter of right pursuant to C.R.C.P. 24(a)(2).**

*i. YCWA’s claimed interest as a representative of designated groundwater wells in the NHP Basin does not establish the elements required for intervention.*

12. YCWA’s Motion to Intervene should be denied because it is predicated on the mistaken belief that the Foundation is asking this Court to force the State Engineer to curtail designated groundwater users in the NHP Basin. (*See Motion to Intervene*, ¶ 2, 5, 9). An analogous issue is discussed in considerable detail in the Foundation’s Response to State and Division Engineers’

Motion for Joinder (“Foundation’s Response”) at pages 4-8, incorporated herein by reference, wherein the Foundation responded to arguments that all groundwater users in the NHP Basin are necessary parties. To be clear, the relief sought in the Complaint does not seek to curtail designated groundwater use – it seeks to have the curtailment of surface water found unlawful. Therefore, YCWA’s claimed interest as a representative of designated groundwater wells in the NHP Basin does not establish the elements required for intervention.

13. First Element: YCWA does not have an interest in the property subject to this action because the Foundation is not asking this Court to order the State Engineer to curtail designated groundwater. The Foundation takes issue with the Engineers’ administration of surface water because it is inequitable and inconsistent with state and federal law. A component of that claim is that it is unlawful for the Engineers to curtail surface water users for Compact compliance given that they are not also curtailing groundwater users and both surface water and groundwater are subject to the Compact. (*See* Complaint, ¶¶ 61-62, 79). As evidence of the unlawful administration, the Foundation provided information in the Complaint about the depletions caused by groundwater pumping that are not being curtailed under the Compact. This is not the same thing, however, as seeking to curtail designated groundwater users and is a distinction maintained throughout the Complaint. Therefore, YCWA’s claimed interest as a representative of designated groundwater wells that are potentially threatened with curtailment is not the subject of this action, so YCWA does not satisfy the first element of C.R.C.P. 24(a)(2).

14. Second Element: YCWA does not demonstrate how disposition of this action would impair its ability to protect its interest, and thus how it meets the second element of C.R.C.P. 24(a)(2). Courts have found that the impairment element is not met when the intervenor will have an opportunity to protect its interests in an alternate forum. *Feigin*, 19 P.3d at 30. Since groundwater in the NHP Basin is currently classified as designated groundwater, the Foundation may only seek to curtail well users to protect its surface water rights from injury after the NHP Basin is redrawn by the Colorado Ground Water Commission. *Gallegos*, 147 P.3d at 33; *see also Pioneer Irr. Districts v. Danielson*, 658 P.2d 842, 846-47 (Colo. 1983)(In an action brought by surface water users to curtail designated groundwater users, it was determined that the Ground Water Commission, not the Water Court, had initial jurisdiction to determine whether or not the groundwater was designated).

15. Therefore, if and when Senate Bill 52 is found unconstitutional under Claim 2, the Foundation may then proceed in an action before the Commission to redraw the boundaries of the NHP Basin. (*See* Complaint, ¶¶ 75, 4). It would be in that separate action that YCWA would have the opportunity to represent and protect the interests of designated groundwater users.

16. With regard to Compact administration, if the Foundation is correct that under the present circumstances it is unlawful for the Engineers to administer its surface water rights and Bonny Reservoir under the Compact, the relief will simply be the removal of that call. At that time, the Engineers will need to decide whether to implement further Compact compliance measures. While many alternative measures exist (*see* Foundation’s Response, pp. 6-7), this Complaint does not seek to direct the Engineers on how best to achieve Compact compliance – only that it is unlawful to curtail only surface water rights without having first curtailed groundwater use that is also subject to the Compact.

17. Even if the State Engineer did decide to promulgate rules and regulations to curtail groundwater diversions to meet Compact commitments as it previously contemplated (*See* Complaint ¶ 42), YCWA would have the opportunity to participate in that process. Since this action does not seek to require groundwater diversions to be curtailed for Compact compliance and alternate forums are available to address that issue if it arises in the future, YCWA cannot satisfy the second element of C.R.C.P. 24(a)(2) that disposition of this action would impair its ability to protect its interest.

18. YCWA also asserts that this action could impact the economy of Yuma County, but again, YCWA is expressing its concern over subsequent litigation to redraw the NHP Basin boundaries and curtail groundwater. Further, the lawful administration of the Foundation's surface water rights on the South Fork of the Republican River is a matter established by law and it "is the duty of courts to respect the integrity of the issues raised by the pleadings between the original parties and to prevent the injection of new issues by intervention." *Crawford v. McLaughlin*, 473 P.2d 725, 728 (Colo. 1970)(*internal citation omitted*).

19. Third Element: Given that YCWA cannot satisfy the first two elements of C.R.C.P. 24(a)(2), the question of whether YCWA's unrelated interests are adequately represented in the above-captioned matter is moot. *See Diamond Lumber, Inc.*, 746 P.2d at 78 ("All three elements of the rule, *i.e.*, a property interest, an impairment in the ability to protect it, and inadequate representation, must be present in order to intervene"). In short, YCWA's claimed interest as a representative of groundwater users threatened with curtailment is not the subject of this action and YCWA's inability to demonstrate how such an unrelated interest would be impaired by disposition of this action means that YCWA does not have an interest that requires representation in the above-captioned matter.<sup>1</sup>

20. In the event, however, that YCWA does satisfy the first two elements, it is adequately represented by the Defendants as evidenced by the fact that the Answer filed by YCWA is virtually identical<sup>2</sup> to the Answer filed jointly by the Defendants.<sup>3</sup> *See Concerning Application for Underground Water Rights*, 304 P.3d 1167, 1171 (Colo. 2013)("even though two parties may have different motivations for an interest, the interest may nevertheless be identical").

ii. *YCWA's claimed interest as the owner of surface water rights on the North Fork of the Republican River does not establish the elements required for intervention.*

21. YCWA's claimed interest as the owner of surface water rights on the North Fork of the Republican River does not establish the elements required for intervention.

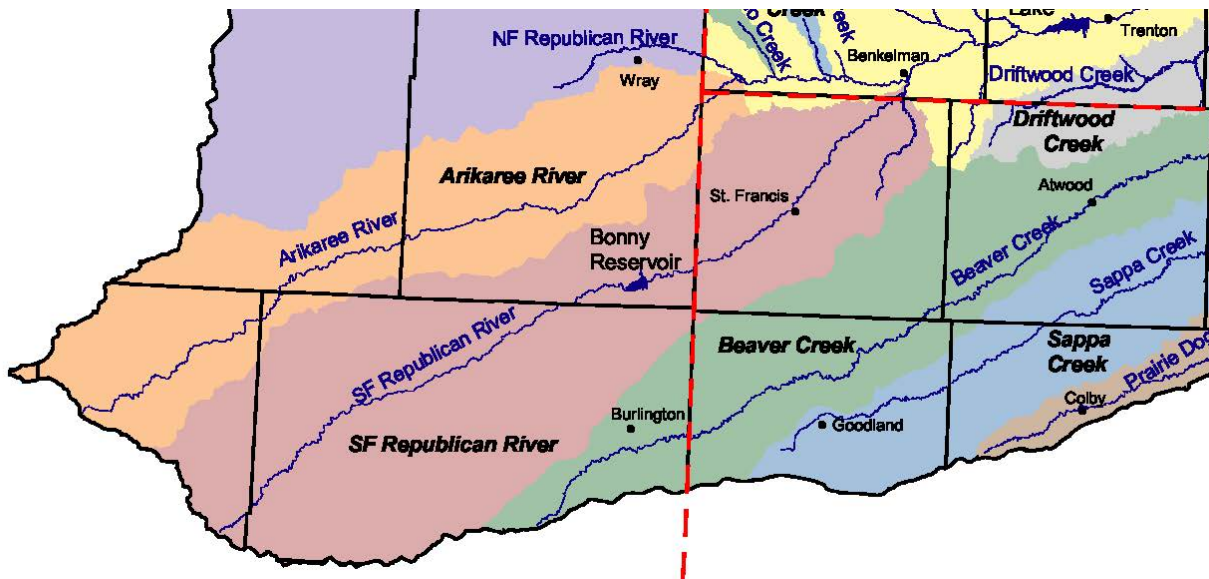
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<sup>1</sup> That being said, it should be noted that contrary to YCWA's claim, the Division of Colorado Parks and Wildlife is the owner of both surface water rights and groundwater wells in the NHP Basin. (*See* Motion to Intervene, ¶ 6).

<sup>2</sup> *See, e.g.*, the Answers filed by both YCWA and Defendants are missing a period at the end of the sentence in ¶ 69.

<sup>3</sup> The Answer did not include the Department of Natural Resources.

22. First Element: YCWA’s ownership of surface water rights on the North Fork of the Republican River is not relevant to this action involving the South Fork of the Republican River. The confluence of the South Fork and the North Fork of the Republican River is not until the South Fork of the Republican River flows out of Colorado, through the state of Kansas, and joins the North Fork in Benkelman, Nebraska.



23. In addition, the Compact allocates the waters originating from these two basins separately. With regard to the South Fork of the Republican River, the Compact allocates 25,400 acre-feet to Colorado; 23,000 acre-feet to Kansas; and 800 acre-feet to Nebraska. *See* C.R.S. §37-67-101, Art. IV. On the other hand, the Compact allocates 10,000 acre-feet to Colorado and 11,000 acre-feet to Nebraska from the North Fork of the Republican River, and Kansas does not receive any water from the North Fork of the Republican River. *Id.* Therefore, Colorado has different Compact obligations with regards to the North and South Forks of the Republican River.<sup>4</sup>

24. The foregoing facts demonstrate that YCWA cannot satisfy the first element of C.R.C.P. 24(a)(2) based on an interest in surface water rights on the North Fork of the Republican River. Such rights are not the subject of this pending action and are unrelated to the claims by the Foundation against the Defendants regarding the curtailment of the Foundation’s water rights on the South Fork the Republican River and the administration and management of Bonny Reservoir, which is also on the South Fork.

25. Second Element: YCWA does not demonstrate how disposition of this action would impair its ability to protect its interest, and thus how it meets the second element of C.R.C.P. 24(a)(2). As set forth above, the South Fork and North Fork of the Republican River do not

<sup>4</sup> Given the terms of the Compact and the geography of the two rivers, the Foundation disagrees with YCWA’s claims that the use of its surface water rights in a Compact augmentation plan on the North Fork of the Republican River “benefits all Republican River water users.” (*See* Motion to Intervene, ¶ 1). The referenced augmentation plan is pending approval by this Water Court in Case No. 14CW3135, but the Foundation is not involved in that case because it concerns the North Fork of the Republican River, not the South Fork.

converge within the state of Colorado so surface water rights on one river cannot even place a call on water rights on the other river. Further, the Compact allocates these two rivers separate from each other. The Foundation's ability to protect its water rights and obtain lawful administration does not impair YCWA's surface water rights on the North Fork of the Republican River.

26. "If the court can do justice to the parties before it without injuring absent persons, it will do so, and shape its relief in such a manner as to preserve the rights of the persons not before the court." *Woodco v. Lindahl*, 380 P.2d 234, 238 (Colo. 1963). A decision in the above-captioned matter regarding the lawfulness of the administration of the Foundation's water rights and Bonny Reservoir need not impact the North Fork where YCWA's water rights are located. Further, YCWA's surface water rights are the subject of a change of water right application in Case No. 14CW3135 filed by YCWA and the Republican River Water Conservation District whereby the surface water rights will be removed from irrigation and used for augmentation of groundwater use and for Compact compliance.

27. Third Element: In addition to not satisfying the first two elements, it is unclear why YCWA's interest in surface water rights is not adequately protected. If as YCWA claims, it has an interest in ensuring continued use of its surface water rights, then that is the same position being advocated by the Foundation. The Foundation desires lawful administration of its surface rights so that it may continue the use of its surface water rights in order to continue to provide low-interest loans to nursing students who intend to provide medical services in rural areas of eastern Colorado. (*See* Complaint, ¶ 5). Further, nothing would prevent YCWA from bringing its own suit against the State Engineer to address its own administration concerns. *See Feigin*, 19 P.3d at 30 ("An intervenor's interest is impaired if the disposition of the action in which intervention is sought will prevent any future attempts by the applicant to pursue his interest"). However, if YCWA is concerned with changing its surface water rights to protect groundwater use, then as explained above, this action does not directly impair groundwater users and YCWA can address any administration unique to its requested change of water rights in Case No. 14CW3135. Regardless, it is clear that, as set forth above, any interest YCWA may properly claim is already adequately represented and YCWA has nothing further to contribute, particularly given that YCWA filed an Answer that is virtually identical to the one filed by the Defendants.

iii. *Timeliness of YCWA's Motion to Intervene.*

28. The timeliness of YCWA's motion to intervene is a threshold question. The Complaint was filed on February 23, 2015, and was served on the Defendants on either February 27, 2015 or March 3, 2015, which required the Defendants to file an answer or other responsive pleading to the Foundation's Complaint by either March 20, 2015 or March 24, 2015. Pursuant to this Court's March 13, 2015 Order Granting Unopposed Motion for Enlargement of Time to File Answer or Other Response to Complaint, said deadlines were extended until April 17, 2015 for all of the Defendants. However, YCWA did not seek to intervene until April 30, 2015, almost two weeks after the Defendants had already filed an answer or other responsive pleading. In its Motion to Intervene, YCWA claims that because its motion is timely because it was "filed prior to the deadline for filing statements of opposition." (*See* Motion to Intervene, ¶ 7). However,



because the Foundation is not seeking a determination of water rights pursuant to C.R.S. §37-92-302, the deadline for filing statements of opposition is not relevant to this case, or whether YCWA's motion to intervene was timely filed.

29. The determination of timeliness is a multi-factored analysis which lies within the sound discretion of the court. *Law Offices of Andrew L. Quiat, P.C.*, 917 P.2d at 303. Circumstances to be weighed include amount of time that has lapsed, whether the applicant for intervention should reasonably have sought intervention at an earlier stage in the case, and the equities and efficiencies of the case. *Id.* Given that YCWA did not submit any evidence justifying its failure to meet the April 17 deadline, this Court should determine that the motion was not timely filed.

**B. YCWA is not an indispensable party requiring joinder under C.R.C.P. 57(j).**

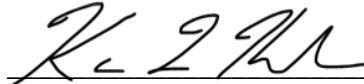
30. Considering that the analysis under C.R.C.P. 57(j) is the same one used to determine whether parties must be joined as indispensable, YCWA is not an indispensable party to the above-captioned matter. *See Game and Fish Commission*, 402 P.2d at 172. Merely having a substantial interest in the subject matter of the litigation does not make YCWA an indispensable party. *Woodco*, 380 P.2d at 238. The Foundation is not seeking any relief against the groundwater users YCWA claims to represent or the surface water rights on the North Fork of the Republican River owned by YCWA. In addition, this action is not "of such a nature that the respective rights of all users must be adjudicated and determined as between each other" which could require joinder of the other water users in the NHP Basin. *Bender v. Dist. Court In & For El Paso Cnty.*, 291 P.2d 684, 687 (Colo. 1955). Moreover, YCWA has no contractual or statutory obligations that are at issue in the pending action. The dispute here is solely between the Foundation and the named Defendants, and a decree can be entered in this case in a manner that "will do justice between the parties actually before the court without injuriously affecting the right of such absent person[s]." *Woodco*, 380 P.2d at 238. "If the court can do justice to the parties before it without injuring absent persons, it will do so, and shape its relief in such a manner as to preserve the rights of the persons not before the court." *Id.* Therefore, because YCWA does not have a cognizable interest that could be affected by this case and because a complete and effective determination of the controversy is possible without prejudicing YCWA's rights, YCWA is not an indispensable party.

**IV. Conclusion.**

31. YCWA's Motion to Intervene should be denied because it has not satisfied the provisions of C.R.C.P. 24(a)(2). Since YCWA cannot meet all three elements of the rule, it cannot be allowed to intervene. *See Diamond Lumber, Inc.*, 746 P.2d at 78 ("All three elements of the rule, *i.e.*, a property interest, an impairment in the ability to protect it, and inadequate representation, must be present in order to intervene"). Contrary to YCWA's claims, the Foundation is not asking for a ruling that would require the Engineers to curtail designated groundwater users or otherwise impair their ability to protect its interests, if any. The Foundation has only alleged claims for relief against the named Defendants and complete relief can be accorded among those already parties, which means that YCWA is not an indispensable party that requires joinder under C.R.C.P. 57(j).

Respectfully submitted this 21<sup>st</sup> day of May, 2015.

PORZAK BROWNING & BUSHONG LLP

A handwritten signature in black ink, appearing to read 'K. L. Henderson', written over a horizontal line.

Steven J. Bushong (#21782)

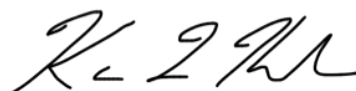
Karen L. Henderson (#39137)

*Attorneys for the Jim Hutton Educational Foundation*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 21<sup>st</sup> day of May, 2015, a true and correct copy of the foregoing **THE JIM HUTTON EDUCATIONAL FOUNDATION’S RESPONSE TO YUMA COUNTY WATER AUTHORITY PUBLIC IMPROVEMENT DISTRICT’S MOTION TO INTERVENE** was filed and served by the Integrated Colorado Courts E-Filing System (“ICCES”) addressed to counsel for each of the parties in the above-captioned matter, as follows:

<b>Party Name</b>	<b>Party Type</b>	<b>Attorney Name</b>
Colorado Department of Natural Resources	Defendant	Ema I.G. Schultz (CO Attorney General) Preston Vincent Hartman (CO Attorney General)
Colorado Division of Water Resources	Defendant	Ema I.G. Schultz (CO Attorney General) Preston Vincent Hartman (CO Attorney General)
Colorado Parks And Wildlife	Defendant	Katie Laurette Wiktor (CO Attorney General) Timothy John Monahan (CO Attorney General)
David Nettles, Division 1 Engineer	Defendant	Ema I.G. Schultz (CO Attorney General) Preston Vincent Hartman (CO Attorney General)
Dick Wolfe, State Engineer	Defendant	Ema I.G. Schultz (CO Attorney General) Preston Vincent Hartman (CO Attorney General)



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Karen L. Henderson