

DISTRICT COURT, WATER DIVISION NO. 1 COLORADO 901 9th Avenue P. O. Box 2038 Greeley, Colorado 80632 (970) 351-7300	<p style="text-align: center;">▲ COURT USE ONLY ▲</p>
<p>Plaintiff: The Jim Hutton Educational Foundation, a Colorado non-profit corporation,</p> <p>v.</p> <p>Defendants: Dick Wolfe, P.E., in his capacity as the Colorado State Engineer; et al.,</p> <p>Defendant-Intervenors: Yuma County Water Authority Public Improvement District; Colorado Ground Water Commission; Marks Butte, Frenchman, Sandhills, Central Yuma, Plains, W-Y, and Arikaree Ground Water Management District and East Cheyenne Ground Water Management District.</p>	
<p>Attorneys for the Colorado Division of Parks and Wildlife: Cynthia H. Coffman, Attorney General Tim Monahan, First Assistant Attorney General, #16971 Katie L. Wiktor, Assistant Attorney General, #38025 1300 Broadway, 7th Floor Denver, Colorado 80203 Telephone: 720-508-6310, 720-508-6761 E-mail: Tim.Monahan@coag.gov; katie.wiktor@coag.gov *Counsel of Record</p>	Case Number: 2015CW3018 Div: 1
COLORADO PARKS AND WILDLIFE'S INITIAL C.R.C.P. RULE 26(a)(1) DISCLOSURES	

Defendant, the Colorado Division of Parks and Wildlife (“CPW”), through their undersigned counsel, discloses the following information pursuant to C.R.C.P. 26(a)(1):

A. Names, and if known, addresses, and telephone numbers of individuals likely to have discoverable information relevant to the disputed facts alleged with particularity in the pleadings:

The following individuals are employed by CPW:

1. Pete Conovitz, Northeast Regional Water Resources Specialist, Colorado Division of Parks and Wildlife, 6060 Broadway, Denver, CO 80216, (303)-291-7290. Mr. Conovitz is familiar with CPW's water rights in the Republican River Basin, including CPW's interests in Bonny Reservoir, and may have information relevant to CPW's management of Bonny Reservoir and CPW's use of its surface water rights and designated basin groundwater wells in the Republican River Basin.
2. Frank McGee, Area 14 Wildlife Manager, Colorado Division of Parks and Wildlife, 4255 Sinton Road, Colorado Springs, CO 80907, (719) 227-5218. Mr. McGee is the Area 14 Wildlife Manager and is responsible for carrying out policies and procedures pertaining to administration of the South Republican State Wildlife Area, which includes a portion of the Bureau of Reclamation lands leased to CPW near Bonny Reservoir. Mr. McGee may have information relevant to CPW's management of the lands surrounding Bonny Reservoir and CPW's use of its surface water rights and its designated groundwater wells in the Republican River Basin at the South Republican State Wildlife Area.
3. Cory Chick, Area Wildlife Manager, Colorado Division of Parks and Wildlife, Area 3 Wildlife Manager, 122 East Edison, Brush, CO 80723. Telephone: 970-842-6300. Mr. Chick is the former Area 14 Wildlife Manager and was responsible for carrying out policies and procedures pertaining to administration of the South Republican State Wildlife Area, which includes a portion of the Bureau of Reclamation lands leased to CPW near Bonny Reservoir. Mr. Chick may have information relevant to CPW's management of the lands surrounding Bonny Reservoir and CPW's use of its surface water rights and its designated basin groundwater wells in the Republican River Basin at the South Republican State Wildlife Area.
4. David Nicklos, Wildlife Technician, Colorado Division of Parks and Wildlife, 4255 Sinton Road, Colorado Springs, CO 80907, (719) 227-5250. Mr. Nicklos manages the land and water rights owned or controlled by CPW at the South Republican State Wildlife Area, including CPW's surface rights and designated basin groundwater rights. In addition, Mr. Nicklos is primarily responsible for noxious weed management on the South Republican State Wildlife Area. As such, Mr. Nicklos may have information relevant to CPW's management of the lands surrounding Bonny Reservoir and CPW's use of its surface water rights and designated basin groundwater wells in the Republican River Basin at the South Republican State Wildlife Area.
5. Aaron Bersheid, District Wildlife Manager, Colorado Division of Parks and Wildlife, 4255 Sinton Road, Colorado Springs, CO 80907, (719) 227-5250. Mr. Bersheid is the District Wildlife Manager responsible for a variety of wildlife management duties within the South Republican State Wildlife Area.

6. Ed Perkins, Water Rights Coordinator, Colorado Division of Parks and Wildlife, 6060 Broadway, Denver, CO 80216, (303) 291-7466. Mr. Perkins is generally knowledgeable of CPW's policies, regulations, and administration of its water rights. Mr. Perkins may have relevant discoverable information concerning CPW's interests at Bonny Reservoir and CPW's use of its surface water rights and designated basin groundwater wells in the Republican River Basin.
7. Dan Prenzlou, Southeast Regional Manager, Colorado Division of Parks and Wildlife, 4255 Sinton Road, Colorado Springs, CO 80907, (719) 227-5250. Mr. Prenzlou is the Regional Manager overseeing policies and procedures regarding administration of the State Parks and State Wildlife Areas in the Southeast Region, which includes Bonny Reservoir and the South Republican State Wildlife Area. Mr. Prenzlou may have relevant discoverable information concerning CPW's interests at Bonny Reservoir and CPW's use of its surface water rights and designated basin groundwater wells in the Republican River Basin.
8. Brad Henley, Southeast Deputy Regional Manager, Colorado Division of Parks and Wildlife, 4255 Sinton Road, Colorado Springs, CO 80907, (719) 227-5266. Mr. Henley is the Deputy Regional Manager for the Southeast Region and may have relevant discoverable information concerning CPW's interests at Bonny Reservoir and former management of Bonny State Park.
9. Jay Skinner, Acting Water Section Manager, Colorado Division of Parks and Wildlife, 6060 Broadway, Denver, CO 80216, telephone 303-297-1192. Mr. Skinner is generally knowledgeable of CPW's policies, regulations and administration of its water rights. Mr. Skinner may have relevant discoverable information concerning CPW's interests at Bonny Reservoir and CPW's use of its surface water rights and designated basin groundwater wells in the Republican River Basin.
10. Bahman Hatami, P.E., State Parks Water Resources Manager, 6060 Broadway, Denver, CO 80216, (303) 291-7179. Mr. Hatami is the Water Resources Manager for State Parks. Mr. Hatami may have relevant discoverable information concerning CPW's water interests at Bonny Reservoir and former management of Bonny State Park.
11. Paula Nicholas, Federal Aid Coordinator/Grants Administrator, Colorado Division of Parks and Wildlife, 1313 Sherman St., Denver, CO 80203, (303) 291-4677. Ms. Nicholas may have relevant discoverable information concerning the federal funds used by CPW to acquire the use of the conservation capacity in Bonny Reservoir.
12. Steve Cassin, Chief Financial Officer, Colorado Division of Parks and Wildlife, 1313 Sherman St., Denver, CO 80203, (303)-291-4602. Mr. Cassin may have relevant discoverable information concerning the federal funds used by CPW to acquire the use of the conservation capacity in Bonny Reservoir.

13. Gary Thorson, Assistant Director for Information and Education, Colorado Parks and Wildlife, 1313 Sherman St., Denver, CO 80203, (303)-291-4637. Mr. Thorson may have relevant discoverable information concerning the federal funds used by CPW to acquire the use of the conservation capacity in Bonny Reservoir.

The following individuals are not employed by CPW:

1. Grady McNeill, 16929 E. Hinsdale Way, Aurora, CO 80016, (303) 905-6620. Based on his past employment with CPW as Resource Support Section Manager, Mr. McNeill may have relevant discoverable information concerning CPW's management of Bonny Reservoir and CPW's use of its surface water rights and designated basin groundwater wells in the Republican River Basin.
2. Richard Vail, P.E., 2004 Yorktown Ave., Fort Collins, CO 80526, (970)-481-6128. Based on his past employment with CPW as a Water Resources Engineer, Mr. Vail may have relevant discoverable information concerning CPW's management of Bonny Reservoir and CPW's use of its surface water rights and designated basin groundwater wells in the Republican River Basin.
3. Alexandra Davis, Aurora Water, 15151 E. Alameda Pkwy., Aurora, CO 80012, (303) 739-7370. Based on her past employment with CPW as a Water Section Manager, Ms. Davis may have relevant discoverable information concerning CPW's management of Bonny Reservoir and CPW's use of its surface water rights and designated basin groundwater wells in the Republican River Basin.
4. Bob Shade, 30010 County Road 3, Idalia, CO 80735, (970) 630-2692. Based on his past employment with CPW as the Bonny State Park Ranger, Mr. Shade may have relevant discoverable information concerning CPW's interests at Bonny Reservoir and former management of Bonny State Park.
5. Howard Paul. Based on his past employment with CPW as the Bonny State Park Manager, Mr. Paul may have relevant discoverable information concerning CPW's interests at Bonny Reservoir and former management of Bonny State Park.
6. David L. Keeler, Water Commissioner, Republican River Basin, Water Division 1, Colorado Division of Water Resources, 810 9th Street, 2nd Floor, Greeley, CO 80631, phone (970)-352-8712. As the Water Commissioner for the Republican River Basin, Mr. Keeler may have discoverable information regarding administration of Bonny Reservoir and the Hale Ditch.
7. David Nettles, P.E., Division Engineer for Water Division 1, Colorado Division of Water Resources, 810 9th Street, 2nd Floor, Greeley, CO 80631, 970-352-8712. As the Division Engineer for Water Division No. 1, Mr. Nettles is knowledgeable of water rights

administration within Water Division 1, including the Republican River Basin, as well as the Division of Water Resources' policies and guidelines for such administration.

8. Mike Sullivan, P.E., Deputy State Engineer, 1313 Sherman Street, Room 818, Denver CO 80203, (303) 866-3581. Mr. Sullivan has knowledge of the administration of water rights within the Republican River Basin, including administration of Bonny Reservoir and the Hale Ditch.
9. Dick Wolfe, P.E., State Engineer, Colorado Division of Water Resources, 1313 Sherman Street, Denver, CO 80203, (303) 866-3581. Mr. Wolfe may have knowledge of the administration of water rights within the Republican River Basin, including Bonny Reservoir and the Hale Ditch.
10. Aaron Thompson, Area Manager, United States Bureau of Reclamation, Nebraska-Kansas Area Office, Federal Building, 203 West 2nd Street, Grand Island NE 68801, (308) 389-4622. Mr. Thompson may have relevant discoverable information regarding management of the Bonny Reservoir water rights and dam.
11. Jordan Davison, Manager, Yuma County Pest Control District. Mr. Davison may have relevant discoverable information regarding CPW's weed control efforts at Bonny State Park and the South Republican State Wildlife Area.
12. Plaintiff, their attorneys, employees and/or agents may also have discoverable information relevant to disputed facts alleged with particularity in the Complaint.
13. Each individual identified in the Rule 26(a)(1) or Rule 26(a)(2) disclosures of other parties in this case.
14. Persons needed for rebuttal or authentication of documents.
15. CPW reserves the right to supplement this list of individuals as deemed necessary by CPW as further information becomes available.

B. Documents, data, compilations and tangible things in the possession, custody, or control of the party that may not have been previously disclosed and are relevant to disputed facts alleged with particularity in the pleadings.

1. A Report on the Development of a Land Management Plan for Bonny Reservoir Lands under Bureau Jurisdiction (Sept. 1952).
2. South Republican State Wildlife Area Master Management Plan (1983).

3. Bonny Reservoir Operating Plan (Proposed Acquisition by the Colorado Divisions of Wildlife and Parks and Outdoor Recreation). Prepared by the Colorado Water Conservation Board (May 1980).
4. Contract between the United States of America and the State of Colorado for the Acquisition of the Use of the Conservation Capacity in Bonny Reservoir (June 24, 1982).
5. Bonny Reservoir Area Management Plan (1985).
6. Bonny Lake State Park Management Plan (May 1997).
7. Memorandum of Understanding (MOU No. 02AG601631) between the United States and the State of Colorado (January 26, 2002).
8. Undesirable Plant Management Plan, South Republican State Wildlife Area, Yuma County, Colorado (2004).
9. Memorandum of Understanding between Department of the Interior, Bureau of Reclamation and Colorado Department of Natural Resources for the Planning and Execution of an Effective Weed Control Program. (1994).
10. CPW's official files regarding acquisition of the conservation capacity in Bonny Reservoir, which includes:
 - a. Background data;
 - b. Information and documents regarding negotiations with the U.S. Bureau of Reclamation;
 - c. Environmental assessment and public meeting information;
 - d. Data development and area capacity data;
 - e. Operating Plan final computer runs; and,
 - f. U.S. Bureau of Reclamation studies and data.
11. CPW's official files pertaining to management of Bonny State Park and the South Republican State Wildlife Area. Such files include, but are not necessarily limited to:
 - a. Documents relating to the original acquisition of use of the conservation capacity in Bonny Reservoir;
 - b. Documents relating to development of the 1985 Bonny Reservoir Area Management Plan and prior versions;
 - c. Invoices and receipts for CPW's Operations and Maintenance costs for Bonny Reservoir;
 - d. Well permits and well permit application materials for CPW's designated basin groundwater rights in the South Republican State Wildlife Area;
 - e. Documents and correspondence related to noxious weed control on the South Republican State Wildlife Area;

- f. Documents and correspondence related to transitioning Bonny State Park after reservoir draining in 2011, including potential transfer of management responsibilities to Yuma County.
12. CPW's official file(s) pertaining to Case No. 15CW3018. Such files typically include, but are not necessarily limited to:
 - a. All pleadings, orders and other documents filed in connection with Case No. 15CW3018.
 - b. Relevant statutes and case law.
 - c. Field notes (if any) from CPW current and former staff pertaining to management of Bonny State Park or the South Republican State Wildlife Area.
 - d. Correspondence to and from CPW personnel regarding this Complaint.
13. Any exhibit offered or endorsed by any other party.
14. Any documents produced through discovery or identified through disclosure, including expert reports, by CPW or any other party in this case.

The above-described information can be found at the Office of the Attorney General, 1300 Broadway, 7th Floor, Denver, Colorado, and will be made available for inspection or photocopying by prior arrangement with undersigned counsel.

To date, specific documents that are subject to the claim of privilege or non-disclosure have not been identified. Privileged and other documents protected by law may be withheld in accordance with C.R.C.P. 26(b)(5) as such documents are reviewed and identified.

C. Computation of damages.

CPW does not seek damages in this case. However, CPW does not waive its right to seek attorneys' fees and/or costs incurred in this litigation.

D. Insurance.

Not Applicable.

E. Withheld Documents and Information. Pursuant to C.R.C.P. 26(b)(5), the following categories of information and documents are not discoverable and, as such, have been or may in the future be withheld by CPW on the basis of privilege or protected as trial preparation materials:

1. All documents or communications that constitute attorney-client communications;

2. All documents or communications that constitute attorney work product including, but not limited to, letters, notes, research, memoranda, statutes, cases, regulations and similar authorities legal analysis, and the like (including drafts);
3. Copies of documents otherwise made available through disclosure, which bear notes of counsel prepared in contemplation of litigation or intended to be in furtherance of CPW's interest in the litigation of this case or any other case; and
4. Any confidential co-party joint defense or common interest communication in this case or any other case, including, but not limited to, communications among CPW and its counsel.

F. C.R.C.P. 26(e) Supplemental Disclosures.

These disclosures are based upon CPW's present understanding of the claims and issues raised by the pleadings with particularity. As these claims and issues are more fully developed during the progress of this case, additional persons with knowledge or additional relevant documents may become known. CPW will supplement or revise the disclosures contained herein in accordance with Rule 26(e), C.R.C.P. and as otherwise permitted by the Court.

Dated this 4th day of March, 2016.

CYNTHIA H. COFFMAN
Attorney General

*E-filed pursuant to C.R.C.P. 121. Duly signed original
on file at the Office of the Attorney General.*

/s/Katie L. Wiktor
KATIE L. WIKTOR, 38025*
Assistant Attorney General
TIMOTHY J. MONAHAN, 16971*
First Assistant Attorney General
Natural Resources & Environment
Attorneys for Defendant CPW
**Counsel of Record*

CERTIFICATE OF SERVICE

This is to certify that on this 4th day of March, 2016, I caused a true and correct copy of the foregoing MOTION FOR SUMMARY JUDGMENT to be served electronically via ICCES upon the following:

Party Name	Party Type	Party Status	Attorney Name
4m Feeders Llc	Defendant	Active	Johanna Hamburger (Carlson, Hammond & Paddock, L.L.C.) William Arthur Paddock (Carlson, Hammond & Paddock, L.L.C.)
Arikaree Ground Water Mgmt Dist	Defendant	Active	David C Taussig (White & Jankowski, LLP) Eugene J Riordan (Vranesh and Raisch) Leila Christine Behnampour (Vranesh and Raisch)
Carlyle James As Trustee of the Chester James Trust	Defendant	Active	Johanna Hamburger (Carlson, Hammond & Paddock, L.L.C.) William Arthur Paddock (Carlson, Hammond & Paddock, L.L.C.)
Central Yuma Ground Water Mgmt Dist	Defendant	Active	Eugene J Riordan (Vranesh and Raisch) Leila Christine

Party Name	Party Type	Party Status	Attorney Name
			Behnampour (Vranesh and Raisch)
City of Burlington Colorado	Defendant	Active	Alix L Joseph (Burns Figa and Will P C) Steven M. Nagy (Burns Figa and Will P C)
City of Holyoke	Defendant	Active	Alvin Raymond Wall (Alvin R Wall Attorney at Law)
City of Wray Colorado	Defendant	Active	Alvin Raymond Wall (Alvin R Wall Attorney at Law)
Colorado Agriculture Preservation Assoc	Defendant	Active	Bradley Charles Grasmick (Lawrence Jones Custer Grasmick LLP)
Colorado Division of Water Resources	Opposer	Active	Daniel E Steuer (CO Attorney General) Ema I.g. Schultz (CO Attorney General) Preston Vincent Hartman (CO Attorney General)
Colorado Ground Water Commission	Defendant	Active	Chad Matthew Wallace (CO Attorney General) Patrick E Kowaleski (CO Attorney General)
Colorado State Board Land	Defendant	Active	Virginia Marie

Party Name	Party Type	Party Status	Attorney Name
Commissioners			Sciabbarrasi (CO Attorney General)
David L Dirks	Defendant	Active	Alvin Raymond Wall (Alvin R Wall Attorney at Law)
David Nettles	Opposer	Active	Daniel E Steuer (CO Attorney General) Ema I.g. Schultz (CO Attorney General) Preston Vincent Hartman (CO Attorney General)
Dick Wolfe	Opposer	Active	Daniel E Steuer (CO Attorney General) Ema I.g. Schultz (CO Attorney General) Preston Vincent Hartman (CO Attorney General)
Dirks Farms Ltd	Defendant	Active	Alvin Raymond Wall (Alvin R Wall Attorney at Law)
Division 1 Water Engineer	Opposer	Active	Ema I.g. Schultz (CO Attorney General) Preston Vincent Hartman (CO Attorney General)

Party Name	Party Type	Party Status	Attorney Name
Don Myrna And Nathan Andrews	Defendant	Active	Geoffrey M Williamson (Vranesh and Raisch) Stuart B Corbridge (Vranesh and Raisch)
East Cheyenne Ground Water Mgmt Dist	Defendant	Active	John David Buchanan (Buchanan Sperling and Holleman PC) Timothy Ray Buchanan (Buchanan Sperling and Holleman PC)
Frenchman Ground Water Mgmt Dist	Defendant	Active	Eugene J Riordan (Vranesh and Raisch) Leila Christine Behnampour (Vranesh and Raisch)
Happy Creek Inc	Defendant	Active	Johanna Hamburger (Carlson, Hammond & Paddock, L.L.C.) William Arthur Paddock (Carlson, Hammond & Paddock, L.L.C.)
Harvey Colglazier	Defendant	Active	Alvin Raymond Wall (Alvin R Wall Attorney at Law)
J And D Cattle Llc	Defendant	Active	Johanna Hamburger (Carlson, Hammond & Paddock,

Party Name	Party Type	Party Status	Attorney Name
			L.L.C.) William Arthur Paddock (Carlson, Hammond & Paddock, L.L.C.)
James J May	Defendant	Active	Johanna Hamburger (Carlson, Hammond & Paddock, L.L.C.) William Arthur Paddock (Carlson, Hammond & Paddock, L.L.C.)
Julie Dirks	Defendant	Active	Alvin Raymond Wall (Alvin R Wall Attorney at Law)
Kent E Ficken	Defendant	Active	Johanna Hamburger (Carlson, Hammond & Paddock, L.L.C.) William Arthur Paddock (Carlson, Hammond & Paddock, L.L.C.)
Lazier Inc	Defendant	Active	Alvin Raymond Wall (Alvin R Wall Attorney at Law)
Mariane U Ortner	Defendant	Active	Alvin Raymond Wall (Alvin R Wall Attorney at Law)
Marjorie Colglazier Trust	Defendant	Active	Alvin Raymond Wall

Party Name	Party Type	Party Status	Attorney Name
			(Alvin R Wall Attorney at Law)
Marks Butte Ground Water Mgmt Dist	Defendant	Active	Eugene J Riordan (Vranesh and Raisch) Leila Christine Behnampour (Vranesh and Raisch)
Thomas R. May, May Acres Inc., May Brothers, Inc.; May Family Farms	Defendant	Active	Johanna Hamburger (Carlson, Hammond & Paddock, L.L.C.) William Arthur Paddock (Carlson, Hammond & Paddock, L.L.C.)
North Well Owners	Defendant	Active	Kimbra L. Killin (Colver Killin and Sprague LLP) Russell Jennings Sprague (Colver Killin and Sprague LLP)
Plains Ground Water Mgmt Dist	Defendant	Active	Eugene J Riordan (Vranesh and Raisch) Leila Christine Behnampour (Vranesh and Raisch)
Protect Our Local Communitys Water Llc	Defendant	Active	John David Buchanan (Buchanan Sperling and Holleman PC) Timothy Ray Buchanan

Party Name	Party Type	Party Status	Attorney Name
			(Buchanan Sperling and Holleman PC)
Republican River Water Conservation Dist	Defendant	Active	David W Robbins (Hill and Robbins PC) Peter J Ampe (Hill and Robbins PC)
Sandhills Ground Water Mgmt Dist	Defendant	Active	Eugene J Riordan (Vranesh and Raisch) Leila Christine Behnampour (Vranesh and Raisch)
Saving Our Local Economy Llc	Defendant	Active	John David Buchanan (Buchanan Sperling and Holleman PC) Timothy Ray Buchanan (Buchanan Sperling and Holleman PC)
State Engineer	State Engineer	Active	Colorado Division Of Water Resources (State of Colorado - Division of Water Resources) Ema I.g. Schultz (CO Attorney General) Preston Vincent Hartman (CO Attorney General)
Steven D Kramer	Defendant	Active	Johanna Hamburger

Party Name	Party Type	Party Status	Attorney Name
			(Carlson, Hammond & Paddock, L.L.C.) William Arthur Paddock (Carlson, Hammond & Paddock, L.L.C.)
The Jim Hutton Educational Foundation	Plaintiff	Active	Karen Leigh Henderson (Porzak Browning & Bushong LLP) Steven J Bushong (Porzak Browning & Bushong LLP)
Timothy E Ortner	Defendant	Active	Alvin Raymond Wall (Alvin R Wall Attorney at Law)
Tri State Generation And Transmission As	Defendant	Active	Aaron S. Ladd (Vranesh and Raisch) Justine Catherine Shepherd (Vranesh and Raisch) Roger T Williams (TriState Generation and Transmission Assoc Inc)
Wy Ground Water Mgmt Dist	Defendant	Active	Eugene J Riordan (Vranesh and Raisch) Leila Christine Behnampour (Vranesh and Raisch)

Party Name	Party Type	Party Status	Attorney Name
Yuma Cnty Water Authority Public Improv	Defendant	Active	Dulcinea Zdunska Hanuschak (Brownstein Hyatt Farber Schreck LLP) John A Helfrich (Brownstein Hyatt Farber Schreck LLP) Steven Owen Sims (Brownstein Hyatt Farber Schreck LLP)

E-filed pursuant to C.R.C.P. 121. Duly signed original on file at the Office of the Attorney General.

/s/ Suzanne Burdick
Suzanne Burdick