

<p>DISTRICT COURT, WATER DIVISION 1, COLORADO 901 9th Avenue P.O. Box 2038 Greeley, Colorado 80632 (970) 351-7300</p>	<p>DATE FILED: March 4, 2016 3:57 PM</p>
<p>PLAINTIFF: The Jim Hutton Educational Foundation, a Colorado non-profit corporation</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; Colorado Division of Water Resources; Colorado Parks and Wildlife; State Board of Land Commissioners, Yuma County Water Authority Public Improvement District; Republican River Water Conservation District; City of Holyoke; City of Wray; Harvey Colglazier; Lazier Inc.; Marjorie Colglazier Trust; Mariane U. Ortner; Timothy Ortner; East Cheyenne Ground Water Management District; North Well Owners; Protect Our Local Community Water, LLC; Saving Our Local Economy, LLC; Tri-State Generation and Transmission Association; Don Andrews; Myrna Andrews; Nathan Andrews; David L. Dirks; Julie Dirks; Dirks Farms LTD.; Happy Creek, Inc.; J&D Cattle, LLC; 4M Feeders, Inc.; May Brothers, Inc.; May Family Farms; 4M Feeders, LLC; May Acres, Inc.; Thomas R. May; James J. May; Steven D. Kramer; Kent E. Ficken; and Carlyle James as Trustee of the Chester James Trust.</p>	<p>▲ COURT USE ONLY ▲</p>
<p><i>Attorneys For Happy Creek, Inc., J&D Cattle, LLC, 4M Feeders, Inc., May Brothers, Inc., May Family Farms, 4M Feeders, LLC, May Acres, Inc., Thomas R. May, James J. May, Steven D. Kramer, Kent E. Ficken, and Carlyle James as Trustee of the Chester James Trust.</i></p> <p>William A. Paddock, Reg. No. 9478 Johanna Hamburger, Reg. No. 45052 Carlson, Hammond & Paddock, LLC 1900 Grant Street, Suite 1200 Denver, Colorado 80203 Phone Number: (303) 861-9000 Fax Number: (303) 861-9026 Email: bpaddock@chp-law.com jhamburger@chp-law.com</p>	<p>Case Number: 15CW3018</p> <p>Div. No. 1</p>

**COLO. R. CIV. P. (26)(a)(1) INITIAL DISCLOSURES OF
DEFENDANT KENT E. FICKEN**

Defendant Kent E. Ficken hereby makes the following disclosures pursuant to Colo. R. Civ. P. 26(a)(1):

A. The name, and if known, the address and telephone number of each individual likely to have discoverable information relevant to the claims and defenses of any party and a brief description of the specific information that each such individual is known or believed to possess (Colo. R. Civ. P. 26(a)(1)(A)):

1. Kent E. Ficken
P.O. Box 17
Kirk, CO 80824
Telephone: 970-362-4319

Mr. Ficken may have discoverable information regarding the water rights and use of the water rights associated with the well permit numbers provided in Exhibit A, attached, which are owned and operated by this Defendant.

B. A listing, together with a copy of, or a description by category, of the subject matter and location of all documents, data compilations, and tangible things in the possession, custody or control of the party that are relevant to the claims and defenses of any party, making available for inspection and copying such documents and other evidentiary material, not privileged or protected from disclosure, as though a request for production of those documents had been served pursuant to C.R.C.P. 34 (Colo. R. Civ. P. 26(a)(1)(B)):

Please see attached Exhibit A, which contains a list of well permit numbers and other pertinent information, including issue date, priority date, owner, depth, amount, acres irrigation, and location, for the wells owned by the above-named Defendant. The well permits and pertinent records relating to the issuance, construction, use, and replacement of the wells can be accessed using the Colorado Division of Water Resources well permit search database. See <http://www.dwr.state.co.us/WellPermitSearch/default.aspx>.

C. A description of the categories of damages sought and a computation of any category of economic damages claimed by the disclosing party, making available for inspection and copying pursuant to C.R.C.P. 34 the documents or other evidentiary material relevant to the damages sought, not privileged or protected from disclosure, as though a request for production of those documents had been served pursuant to C.R.C.P. 34 (Colo. R. Civ. P. 26(a)(1)(C)):

Not applicable.

D. Any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment, making such agreement available for inspection and copying pursuant to C.R.C.P. 34 (Colo. R. Civ. P. 26(a)(1)(C)):

Not applicable.

E. Rule 26(e) Supplementation.

The disclosures made herein are based upon Defendant's present understanding of the claims and defenses asserted and issues raised by the pleadings with particularity. As these claims, defenses, and issues are more fully developed during the course of this case, additional persons with knowledge or additional relevant documents may become known. Defendant will supplement or revise the disclosures contained herein in accordance with C.R.C.P. 26(e).

F. Privileged Information.

Pursuant to C.R.C.P. 26(b)(5), the following categories of information may be withheld on the basis of privilege or protection as trial preparation material. Although Defendant has not identified specific documents relevant to the disputed facts in this case that are subject to the claim of privilege or non-disclosure, as documents and materials are reviewed, such documents may be identified and a privilege log will be prepared as provided by C.R.C.P. 26(b)(5).

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 legal analysis, including drafts.
3. All documents prepared in anticipation of litigation or for trial by or for Defendant or Defendant's representatives in the above captioned matter.
4. All documents prepared in anticipation of litigation by a non-testifying consulting expert.
5. All copies of documents, otherwise made available through disclosure, which bear notes of counsel that were prepared in contemplation of litigation or that were intended to be used in furtherance of Defendant's interest in the litigation in the above-captioned matter.

6. All documents within the scope of the Joint Defense and Common Interest Agreement between the Defendants and Defendant-Intervenors.

Respectfully submitted this 4th day of March, 2016.

CARLSON, HAMMOND & PADDOCK, LLC

By: s/William A. Paddock
William A. Paddock
Johanna Hamburger

Attorneys for Kent E. Ficken

CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of March, 2016, a true and correct copy of the foregoing **COLO. R. CIV. P. (26)(a)(1) INITIAL DISCLOSURES OF DEFENDANTS HAPPY CREEK, INC., J&D CATTLE, LLC, 4M FEEDERS, INC., MAY BROTHERS, INC., MAY FAMILY FARMS, 4M FEEDERS, LLC, MAY ACRES, INC., THOMAS R. MAY, AND JAMES J. MAY** was filed and served electronically via ICCES to the following:

Name	Attorney	Organization
Arikaree Ground Water Mgmt Dist	Eugene J. Riordan Leila C. Behnampour	Vranesh and Raisch
Arikaree Ground Water Mgmt Dist	David C. Taussig	White & Jankowski, LLP
Central Yuma Ground Water Mgmt Dist	Eugene J. Riordan Leila C. Behnampour	Vranesh and Raisch
City of Burlington Colorado	Alix L. Joseph Steven M. Nagy	Burns Figa and Will P C
City of Holyoke	Alvin R. Wall	Alvin R Wall Attorney at Law
City of Wray Colorado	Alvin R. Wall	Alvin R Wall Attorney at Law
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Colorado Division of Water Resources	Ema I.G. Schultz Preston V. Hartman Daniel E. Steuer	CO Attorney General
Colorado Ground Water Commission	Chad M. Wallace Patrick E. Kowaleski	CO Attorney General
Colorado Parks And Wildlife	Katie L. Wiktor Timothy J. Monahan	CO Attorney General
Colorado State Board Land Commissioners	Virginia M. Sciabbarrasi	CO Attorney General
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Name	Attorney	Organization
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Division 1 Engineer	Division 1 Water Engineer	State of Colorado DWR Division 1
Division 1 Water Engineer	Preston V. Hartman Ema I.G. Schultz	CO Attorney General
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Harvey Colglazier	Alvin R. Wall	Alvin R Wall Attorney at Law
Julie Dirks	Alvin R. Wall	Alvin R Wall Attorney at Law
Lazier Inc	Alvin R. Wall	Alvin R Wall Attorney at Law
Mariane U Ortner	Alvin R. Wall	Alvin R Wall Attorney at Law
Marjorie Colglazier Trust	Alvin R. Wall	Alvin R Wall Attorney at Law
Marks Butte Ground Water Mgmt Dist	Eugene J. Riordan Leila C. Behnampour	Vranesh and Raisch
North Well Owners	Russell J. Sprague Kimbra L. Killin	Colver Killin and Sprague LLP
Plains Ground Water Mgmt Dist	Eugene J. Riordan Leila C. Behnampour	Vranesh and Raisch
Protect Our Local Communitys Water Llc	John D. Buchanan Timothy R. Buchanan	Buchanan Sperling and Holleman PC
Republican River Water Conservation Dist	Peter J. Ampe David W. Robbins	Hill and Robbins PC
Sandhills Ground Water Mgmt Dist	Eugene J. Riordan Leila C. Behnampour	Vranesh and Raisch
Saving Our Local Economy Llc	John D. Buchanan Timothy R. Buchanan	Buchanan Sperling and Holleman PC
State Engineer	Colorado Division of Water Resources	State of Colorado - Division of Water Resources
State Engineer	Ema I.G. Schultz Preston V. Hartman	CO Attorney General
The Jim Hutton Educational Foundation	Steven J. Bushong Karen L. Henderson	Porzak Browning & Bushong LLP
Timothy E Ortner	Alvin R. Wall	Alvin R Wall Attorney at Law
Tri State Generation And Transmission As	Aaron S. Ladd Justine C. Shepherd	Vranesh and Raisch

Name	Attorney	Organization
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Yuma Cnty Water Authority Public Improv	Steven O. Sims John A. Helfrich Dulcinea Z. Hanuschak	Brownstein Hyatt Farber Schreck LLP

s/ Johanna Hamburger _____

E-filed pursuant to C.R.C.P. 121.
Duly signed original on file at the
Office of the Carlson, Hammond
& Paddock, LLC.