

DISTRICT COURT, WATER DIVISION I, STATE OF COLORADO

DATE FILED: March 4, 2016 9:11 PM

Court Address: 901 9TH Avenue, PO Box 2038
Greeley, CO 80632

Plaintiff: 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 DIVISION OF WATER RESOURCES; COLORADO PARKS AND WILDLIFE, and YUMA COUNTY WATER AUTHORITY, et al.

v

Defendant-Intervenor: Yuma County Water Authority

▲ COURT USE ONLY ▲
Case No. 15 CW 3018

Alvin R. Wall, Attorney for David L. Dirks, Julie Dirks and Dirks Farms LTD.
PO Box 305, 120 E. Denver St.
Holyoke, CO 80734-0305
Telephone: 970-854-2376
Facsimile: 970-854-2377
Email: arw@pctelcom.net
Atty Reg No: 5953

C.R.C.P. 26(A)(1) INITIAL DISCLOSURES OF DAVID L. DIRKS, JULIE DIRKS AND DIRKS FARMS LTD

Defendants, David L. Dirks, Julie Dirks and Dirks Farms LTD, by and through their attorney, Alvin R. Wall, submit the following initial disclosures pursuant to C.R.C.P. 26(a)(1):

A. Persons Likely to Have Discoverable Information.

Under C.R.C.P. 26(a)(1), in addition to those persons disclosed by Plaintiff and other Defendants, David L. Dirks, Julie Dirks and Dirks Farms LTD, ("Dirks") list the following individuals likely to have discoverable information relevant to disputed facts alleged with particularity in the pleadings:

1. David L. Dirks, 32287 CR 51, Amherst, CO 80721 (970) 854-4112. Mr. Dirks is the owner of wells with final permits to withdraw designated ground water located within the boundaries of the Northern High Plains designated ground water basin. He is familiar with the historical use of these wells and may have discoverable information concerning the claims raised in the Complaint filed in this case by the Jim Hutton Educational Foundation and issues arising from these claims.

2. Julie Dirks, 32287 CR 51, Amherst, CO 80721 (970) 854-4112. Mrs. Dirks is the owner of wells with final permits to withdraw designated ground water located within the boundaries of the Northern High Plains designated ground water basin. She is familiar with the historical use of these wells and may have discoverable information concerning the claims raised in the Complaint filed in this case by the Jim Hutton Educational Foundation and issues arising from these claims.

3. Any expert witness designated pursuant to C.R.C.P. 26(a)(2).

4. Any witness identified in any document produced or identified in any deposition taken in this matter.

5. Any witness necessary to lay foundation or to authenticate documents.

6. Any individuals identified in the Rule 26(a)(1) disclosures of the other parties in this case or otherwise disclosed by the parties hereto.

7. Dirks expressly reserves the right to supplement these disclosures pursuant to C.R.C.P. 26(e).

B. Description of Documents Relevant to Disputed Facts.

Listing of all documents, data compilations, and tangible things in the possession, custody or control of the party that are relevant to disputed facts alleged with particularity in the pleadings:

David and Julie Dirks:	Well Permit Number:	15333-FP	Phillips
Dirks Farms LTD.:	Well Permit Number:	19856-FP	Yuma
	Well Permit Number:	20173-FP	Sedgwick

Well Permit Number: 198855-FP Yuma
Well Permit Number: 20174-FP Sedgwick
Well Permit Number: 24340-FP Yuma
Well Permit Number: 24341-FP Yuma
Well Permit Number: 19757-FP Yuma
Well Permit Number: 18665-FP Sedgwick
Well Permit Number: 20512-FP, 34155-FP Sedgwick

C. Damages. NONE

D. Insurance. NONE


E. Privileged Information: Dirks have withheld or will withhold the following described categories of information on the basis of privilege or protection as trial preparation material.

1. Confidential letters or other confidential correspondence and memoranda and oral communications from Dirks counsel to Dirks, and from Dirks to Dirks' counsel. Such attorney-client communications were prepared or made in anticipation of litigation or in furtherance of the interests in the litigation of Case No. 15CW3018 and related matters, and constitute privileged attorney-client communications and attorney work product.
2. Confidential letters, memoranda, and other confidential correspondence from technical Consultants to Dirks and other Defendants and/or their counsel. Such work-product communications were prepared in anticipation of litigation or in furtherance of the interests of Dirks in the litigation of Case No. 15CW3018 and other related matters, and constitute protected work product under C.R.C.P. 26.

F. Supplemental Disclosures.

Dirks acknowledges their continuing duty to supplement these disclosures and reserves the right pursuant to C.R.C.P. 26(e) to disclose other individuals and documents, data compilations, tangible things, and damages calculations as they become known and available.

Respectfully submitted this 4th day of March, 2016.

By: 
Alvin R. Wall - Reg. No. 005953
Attorney for Defendants, David L. Dirks, Julie

Dirks and Dirks Farms LTD

CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of March 2016, a true and correct copy of the foregoing C.R.C.P. 26(A)(1) INITIAL DISCLOSURES OF DAVID L. DIRKS, JULIE DIRKS AND DIRKS FARMS LTD was filed and served by ICCES to the following:

Steven J. Bushong, Esq.
Karen L. Henderson, Esq.
BROWNING & BUSHONG,
LLP
*Attorneys for The Jim Hutton
Educational Foundation*

*Alix L. Joseph
Steven M. Nagy
Burns, Figa & Will, P.C.
Attorneys for City of Burlington*

*Bradley C. Grasmick, Esq.
LAWRENCE, JONES,
CUSTER, GRASMICK, LLP
Attorneys for Colorado
Agriculture Preservation Assoc.*

*Stuart B. Corbridge, Esq.
Geoffrey M. Williamson,
Esq. Aaron S. Ladd, Esq.
Justine C. Shepherd,
Esq. VRANESH AND
RAISCH
Attorneys for Don Myrna and Nathan
Andrews; Tri-State Generation and*

*John D. Buchanan, Esq.
Timothy R. Buchanan,
Esq.
BUCHANAN AND SPERLING, P.C.
Attorneys for East Cheyenne Ground
Water Management District; Protect Our
Local Community's Water, LLC; Saving
Our Local Economy, LLC*

*David W. Robbins,
Esq. Peter J. Ampe,
Esq.
HILL AND ROBBINS, P.C.
Attorneys for Republican River
Water Conservation District*

*Steven O. Sims, Esq.
Dulcinea Z. Hanuschak,
Esq. John A. Helfrich,
Esq.
BROWNSTEIN, HYATT,
FARBER, SCHRECK, LLP
Attorneys for Yuma County Water
Authority Public Improvement*

*William A. Paddock,
Esq. Johanna
Hamburger, Esq.
CARLSON, HAMMOND & PADDOCK, LLC
Attorneys for 4m Feeders, Inc.; Happy
Creek, Inc.; J and D Cattle, LLC; James J.
May; Kent
E. Ficken; May Acres; May Brothers, Inc.;
May Family Farms; Steven D. Kramer;
Thomas R. May; Carlyle James as Trustee*

*Ema I. G. Schultz, Esq.
Preston V. Hartman,
Esq. Daniel E. Steuer,
Esq.
Chad M. Wallace, Esq.
Patrick E. Kowaleski,
Esq. Katie L. Wiktor,
Esq.*

*Timothy J. Monahan, Esq.
COLORADO ATTORNEY
GENERAL'S OFFICE
Attorneys for Colorado Dept. of Natural
Resources; Colorado Division of Water
Resources; Colorado Ground Water*

*Russell J. Sprague, Esq.
Kimbra L. Killin, Esq.
COLVER, KILLIN AND SPRAGUE, LLP
Attorneys for North Well Owners*

*Peter J. Ampe, Esq.
David W. Robbins,
Esq.
HILL AND ROBBINS, P.C.
Attorneys for Republican River
Water Conservation District*