

**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

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and Mariane U. Ortner
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**C.R.C.P. 26(A)(1) INITIAL DISCLOSURES OF TIMOTHY E. ORTNER AND MARIANE
U. ORTNER**

Defendants, Timothy E. Ortner and Mariane U. Ortner, 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, Ortner lists the following individuals likely to have discoverable information relevant to disputed facts alleged with particularity in the pleadings:

1. Timothy E. Ortner, 47565 Hwy 6, Holyoke, CO 80734 (970) 854-2510. Mr. Ortner 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. Mariane U. Ortner, 47565 Hwy 6, Holyoke, CO 80734 (970) 854-2510. Mrs. Ortner 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. Ortner 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:

1. Well Permit Number: 18233 FP

2. Well Permit Number: 12530 FP

C. Damages. NONE

D. Insurance. NONE


E. Privileged Information: Ortners 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 Ortners counsel to Ortners, and from Ortners to Ortners 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 Ortners and other Defendants and/or their counsel. Such work-product communications were prepared in anticipation of litigation or in furtherance of the interests of Ortners 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.

Ortners acknowledge 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, Timothy E.
Ortner and Mariane U. Ortner

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 TIMOTHY E. ORTNER AND MARIANE U. ORTNER was filed and served by ICCES to the following:

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