

**DISTRICT COURT, WATER DIVISION I, STATE OF COLORADO**

DATE FILED: March 4, 2016 9:11 PM

**Court Address:** 901 9<sup>TH</sup> 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 City of Holyoke  
PO Box 305, 120 E. Denver St.  
Holyoke, CO 80734-0305  
Telephone: 970-854-2376  
Facsimile: 970-854-2377  
Email: [arw@pctelcom.net](mailto:arw@pctelcom.net)  
Atty Reg No: 5953

---

**C.R.C.P. 26(a)(1) INITIAL DISCLOSURES OF THE CITY OF HOLYOKE**

---

Defendant, City of Holyoke ("Holyoke"), by and through its attorney, Alvin R. Wall, and under C.R.C.P. 26(a)(1), make the following initial disclosures:

**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, Holyoke lists the following individuals likely to have discoverable information relevant to disputed facts alleged with particularity in the pleadings:

pleadings:

1. Mark Brown, City Superintendent, 407 East Denver Street, Holyoke CO 80734 (970) 854-2266. Mr. Brown is the City Superintendent for the City of Holyoke and has information related to the claims alleged in the Complaint for Declaratory Judgment ("Complaint") and defenses asserted in the City of Holyoke's Answer thereto, including, but not limited to, Holyoke's Northern High Plains Basin water rights and the operation and administration of its water system.

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

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

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

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

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

#### **B. Description of Documents Relevant to Disputed Facts.**

The following categories of documents, data compilations, and tangible things in the possession, custody, or control of Holyoke are relevant to disputed facts alleged with particularity in the Complaint and will be made available for inspection and copying at the offices of Alvin R. Wall, Attorney at Law, 120 E. Denver Street, Holyoke, CO 80734 at a mutually convenient time and date.

1. GOLF COURSE WELL Permit No 8859-FP;
2. ELECTRIC PLANT WELL Changed to WELL #R-1 1999, Permit No. R-4570-FP
3. CEMETERY WELL, Permit No. 15439-FP
4. PARK WELL, Permit No. R-4579-FP
5. STOUT WELL, Permit. No 11472-FP

#### **C. Damages. NONE**

**D. Insurance. NONE**

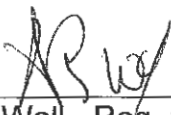
**E. Privileged Information: Holyoke has withheld or will withhold the following described categories of information on the basis of privilege or protection as trial preparation material.**

1. Confidential letters or other confidential correspondence and memoranda and oral communications from Holyoke's counsel to Holyoke, and from Holyoke to Holyoke's 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 Holyoke and other Defendants and/or their counsel. Such work-product communications were prepared in anticipation of litigation or in furtherance of the interests of Holyoke 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.**

Holyoke acknowledges its 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 Defendant City of Holyoke,  
Colorado

**CERTIFICATE OF SERVICE**

I hereby certify that on this 4<sup>th</sup> day of March 2016, a true and correct copy of the foregoing C.R.C.P. 26(A)(1) INITIAL DISCLOSURES OF THE CITY OF HOLYOKE

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*

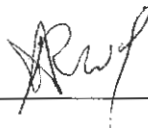
*William A. Paddock,  
Esq. Johanna  
Hamburger, Esq.  
CARLSON, HAMMOND & PADDOCK, LLC  
Attorneys for 4m Feeders, Inc.; Happy  
Creek, Inc.; J and D Cattle, LLC; James J.  
May; Kent  
E. Ficken; May Acres; May Brothers, Inc.;  
May Family Farms; Steven D. Kramer;  
Thomas R. May; Carlyle James as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



---