

DISTRICT COURT, WATER DIVISION 1, STATE OF COLORADO 901 9th Avenue P.O. Box 2038 Greeley, Colorado 80632 (970) 351-7300	DATE FILED: March 4, 2016 4:34 PM
<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, et al.</p>	<p>▲ COURT USE ONLY ▲</p>
<p><i>Attorneys For Colorado Agriculture Preservation Association</i> Bradley C. Grasmick, #35055 Alyson K. Scott, #41036 Curran A. Trick, #44914 Lawrence Jones Custer Grasmick LLP 5245 Ronald Reagan Blvd., Suite 1 Johnstown, CO 80534 Phone: (970) 622-8181 Email: brad@ljcglaw.com; aly@ljcglaw.com; curran@ljcglaw.com</p>	<p>Case Number: 15CW3018</p> <p>Div. No. 1</p>
<p align="center">DEFENDANT COLORADO AGRICULTURE PRESERVATION ASSOCIATION'S INITIAL RULE 26(A)(1) DISCLOSURES</p>	

Defendant, Colorado Agriculture Preservation Association (“CAPA”), by and through its attorneys, Lawrence Jones Custer Grasmick LLP, hereby submits the following disclosures pursuant to Rule 26(a)(1) of the Colorado Rules of Civil Procedure:

RULE 26(a)1 DISCLOSURES

I. INDIVIDUALS LIKELY TO HAVE DISCOVERABLE INFORMATION.

Based on the information known and reasonably available, CAPA identifies the following individuals likely to have discoverable information relevant to the disputed facts in this proceeding:

1. All of CAPA's Employees, Staff, or Members of the Board of Directors, including but not limited to:
 - a) Joe Newton, President of CAPA Board of Directors. He may be reached through counsel, Lawrence Jones Custer Grasmick LLP 5245 Ronald Reagan Blvd, Johnstown, CO 80534, 970-622-8181. Mr. Newton may have discoverable information related to CAPA, CAPA's well owner members and water usage in the Northern High Plains Basin
 - b) Tony Mangus, CAPA Board of Directors. He may be reached through counsel, Lawrence Jones Custer Grasmick LLP 5245 Ronald Reagan Blvd, Johnstown, CO 80534, 970-622-8181. Mr. Mangus may have discoverable information related to CAPA, CAPA's well owner members and water usage in the Northern High Plains Basin
 - c) Bethleen McCall, CAPA Board of Directors. She may be reached through counsel, Lawrence Jones Custer Grasmick LLP 5245 Ronald Reagan Blvd, Johnstown, CO 80534, 970-622-8181. Ms. McCall may have discoverable information related to CAPA, CAPA's well owner members and water usage in the Northern High Plains Basin
 - d) Alan Welp, CAPA Board of Directors. He may be reached through counsel, Lawrence Jones Custer Grasmick LLP 5245 Ronald Reagan Blvd, Johnstown, CO 80534, 970-622-8181. Mr. Newton may have discoverable information related to CAPA, CAPA's well owner members and water usage in the Northern High Plains Basin

- e) Dennis Wieser, CAPA Board of Directors. He may be reached through counsel, Lawrence Jones Custer Grasmick LLP 5245 Ronald Reagan Blvd, Johnstown, CO 80534, 970-622-8181. Mr. Wieser may have discoverable information related to CAPA, CAPA's well owner members and water usage in the Northern High Plains Basin.
 - f) Clint Nash, CAPA Board of Directors. He may be reached through counsel, Lawrence Jones Custer Grasmick LLP 5245 Ronald Reagan Blvd, Johnstown, CO 80534, 970-622-8181. Mr. Nash may have discoverable information related to CAPA, CAPA's well owner members and water usage in the Northern High Plains Basin.
 - g) Kenny Helling, CAPA Board of Directors. He may be reached through counsel, Lawrence Jones Custer Grasmick LLP 5245 Ronald Reagan Blvd, Johnstown, CO 80534, 970-622-8181. Mr. Helling may have discoverable information related to CAPA, CAPA's well owner members and water usage in the Northern High Plains Basin.
 - h) Jason Litchy, CAPA Board of Directors. He may be reached through counsel, Lawrence Jones Custer Grasmick LLP 5245 Ronald Reagan Blvd, Johnstown, CO 80534, 970-622-8181. Mr. Litchy may have discoverable information related to CAPA, CAPA's well owner members and water usage in the Northern High Plains Basin.
2. 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.
 3. 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.
 4. 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.

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. Any individual necessary to authenticate or lay foundation for any documents used at trial and any individuals needed for impeachment and/or rebuttal.
7. CAPA reserves the right to supplement as deemed necessary.

II. CATEGORIES OF DOCUMENTS, DATA COMPILATIONS, AND TANGIBLE THINGS IN THE POSSESSION, CUSTODY, OR CONTROL OF CAPA THAT ARE RELEVANT TO THE DISPUTED FACTS ALLEGED IN THE PLEADINGS.

Based on the information known and reasonably available, CAPA identifies the following documents and categories of documents, data, compilations, and tangible things in its possession, custody or control that are relevant to the disputed facts in this proceeding:

1. CAPA's Articles of Incorporation for a Nonprofit Corporation filed with the Colorado Secretary of State on September 8, 2007;
2. CAPA's Annual Report filed with the Colorado Secretary of State on November 30, 2008;
3. CAPA's Certificate of Good Standing issued by the Colorado Secretary of State on November 10, 2015;
4. CAPA Bylaws, as amended and adopted by the Board of Directors, February 2016;
5. Permit Applications, Orders Issuing Permits, Lists of Members, Lists of Wells, Lists of Member Well Owners, and other documents relevant to well permits and water rights of CAPA Member Well Owners;
6. Other relevant information and documents related to the establishment, mission, and operation of the Colorado Agriculture Preservation Association;
7. 1966 Northern High Plains Designated Groundwater Basin Designation Order, and studies, reports, hearing transcripts, resolutions, and meeting minutes related to the Designation Order;

8. Geologic and Ground Water Study of the Northern Portion of the Colorado High Plains, for Colorado Water Conservation Board, by Woodward-Clyde-Sherard & Associates, dated February 1, 1966.
9. Affidavit of Dawn Webster, Assistant Manager of the Republican River Water Conservation District, dated February 29, 2016;
10. Legislative History and Reports surrounding the 1965 Ground Water Management Act;
11. Legislative History and Reports surrounding the 1969 Water Rights Determination and Administration Act;
12. “Lease Agreement on the Jim Hutton Ranch” recorded on April 2, 2002 in the real property records of Yuma County, Colorado;
13. “General Warranty Deed for Conservation Easement in Gross” dated January 31, 1991, recorded on January 31, 1991 in the real property records of Yuma County, Colorado;
14. Assignment of Leases to the Jim Hutton Educational Foundation dated April 8, 2004, recorded on April 29, 2004 in the real property records of Yuma County, Colorado;
15. Pleadings and other documents, classes of documents, tangible things, or other information properly filed or submitted in this case;
16. All documents, data compilations, and tangible things referenced in or attached to the reports properly filed in this matter by Plaintiff and similar information properly filed by other parties in this case pursuant to C.R.C.P. 26(a)(2); and
17. CAPA reserves the right to use for purposes of trial any document, class of document, data compilation, or tangible thing identified or disclosed in prior proceedings; any document, class of document, data compilation, or tangible thing properly identified or disclosed in depositions or responses to written discovery in this case; and any document, class of document, data compilation, or tangible thing otherwise properly identified, disclosed, or endorsed by Plaintiff or by any other party in this case, or as necessary for rebuttal or cross-examination purposes.

The listing of, or reference to, any document above does not constitute waiver of any applicable privilege or protective doctrine, and CAPA will withhold from disclosure any

document protected by the work product, attorney-client, common-interest, deliberative process, trade secret or other applicable privilege or protection.

The materials listed above physically reside at the offices of CAPA, its attorneys, and its consultants, the records of the Colorado Division of Water Resources or are otherwise publicly available. The materials are available for inspection and copying at a reasonable cost by appointment made through CAPA's counsel. Some of the identified documents are also available from the State of Colorado, State Engineer's Office, and Division Engineer's Office for Water Division No. 1, and the Water Court for Water Division No. 1.

III. PRIVILEGED INFORMATION.

Pursuant to C.R.C.P. 26(b)(5), the following categories of information and documents are not discoverable and may be withheld by CAPA 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 CAPA's interests in the litigation of this case or any other case.
4. Any confidential co-party joint defense or common interest communication in this case or any other case related to CAPA's interests.
5. Documents protected by the deliberative process privilege or by other applicable privilege or protection.

IV. A DESCRIPTION OF THE CATEGORIES OF DAMAGES SOUGHT AND A COMPUTATION OF ANY CATEGORY OF ECONOMIC DAMAGES CLAIMED BY THE DISCLOSING PARTY.

Not applicable.

V. 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.

Not applicable.

VI. CERTIFICATION (RULE 26(g)(1)):

I hereby certify that to the best of my knowledge, information, and belief that the above disclosures are complete and correct as to the date set forth below.

VII. SUPPLEMENTATION.

The disclosures made herein are based upon the facts as particularly alleged at this time and information known and material available to CAPA at this time. As the claims, issues and defenses and the applicable facts and law are developed during the progress of this case, additional persons with knowledge, additional documents or other information may become known and/or relevant. CAPA reserves the right to supplement this Rule 26(a)(1) disclosure, and acknowledges its obligation to do so in accordance with C.R.C.P. 26(e).

Dated: March 4, 2016.

LAWRENCE JONES CUSTER GRASMICK LLP

Bradley C. Grasmick, #35055
Alyson K. Scott, #41036
Curran A. Trick, #44914
Attorneys for Defendant Colorado Agriculture
Preservation Association

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on March 4, 2016, a true and correct copy of the foregoing Initial 26(a)(1) Disclosures was duly delivered to all parties of record via ICCES:

Party Name	Party Type	Attorney Name
4m Feeders Inc	Defendant	Johanna Hamburger (Carlson, Hammond & Paddock, L.L.C.) William Arthur Paddock (Carlson, Hammond & Paddock, L.L.C.)
4m Feeders Llc	Defendant	Johanna Hamburger (Carlson, Hammond & Paddock, L.L.C.) William Arthur Paddock (Carlson, Hammond & Paddock, L.L.C.)
Arikaree Ground Water Mgmt Dist	Defendant	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	Johanna Hamburger (Carlson, Hammond & Paddock, L.L.C.) William Arthur Paddock (Carlson, Hammond & Paddock, L.L.C.)
Central Yuma Ground Water Mgmt Dist	Defendant	Eugene J Riordan (Vranesh and Raisch) Leila Christine Behnampour (Vranesh and Raisch)
City of Burlington Colorado	Defendant	Alix L Joseph (Burns Figa and Will P C) Steven M. Nagy (Burns Figa and Will P C)
City of Holyoke	Defendant	Alvin Raymond Wall (Alvin R Wall Attorney at Law)
City of Wray Colorado	Defendant	Alvin Raymond Wall (Alvin R Wall Attorney at Law)
Colorado Agriculture Preservation	Defendant	Bradley Charles Grasmick (Lawrence Jones Custer

Party Name	Party Type	Attorney Name
Assoc		Grasmick LLP)
Colorado Department of Natural Resourc	Opposer	Daniel E Steuer (CO Attorney General) Ema I.g. Schultz (CO Attorney General) Preston Vincent Hartman (CO Attorney General)
Colorado Department of Natural Resources	Defendant	Ema I.g. Schultz (CO Attorney General) Preston Vincent Hartman (CO Attorney General)
Colorado Division of Water Resources	Defendant	Daniel E Steuer (CO Attorney General) Ema I.g. Schultz (CO Attorney General) Preston Vincent Hartman (CO Attorney General)
Colorado Division of Water Resources	Opposer	Daniel E Steuer (CO Attorney General) Ema I.g. Schultz (CO Attorney General) Preston Vincent Hartman (CO Attorney General)
Colorado Ground Water Commission	Defendant	Chad Matthew Wallace (CO Attorney General) Patrick E Kowaleski (CO Attorney General)
Colorado Parks And Wildlife	Defendant	Katie Laurette Wiktor (CO Attorney General) Timothy John Monahan (CO Attorney General)
Colorado Parks And Wildlife	Opposer	Katie Laurette Wiktor (CO Attorney General) Timothy John Monahan (CO Attorney General)
Colorado State Board Land Commissioners	Defendant	Virginia Marie Sciabbarrasi (CO Attorney General)
David L Dirks	Defendant	Alvin Raymond Wall (Alvin R Wall Attorney at Law)
David Nettles	Defendant	Daniel E Steuer (CO Attorney General) Ema I.g. Schultz (CO Attorney General) Preston Vincent Hartman (CO Attorney General)

Party Name	Party Type	Attorney Name
David Nettles	Opposer	Daniel E Steuer (CO Attorney General) Ema I.g. Schultz (CO Attorney General) Preston Vincent Hartman (CO Attorney General)
Dick Wolfe	Defendant	Daniel E Steuer (CO Attorney General) Ema I.g. Schultz (CO Attorney General) Preston Vincent Hartman (CO Attorney General)
Dick Wolfe	Opposer	Daniel E Steuer (CO Attorney General) Ema I.g. Schultz (CO Attorney General) Preston Vincent Hartman (CO Attorney General)
Dirks Farms Ltd	Defendant	Alvin Raymond Wall (Alvin R Wall Attorney at Law)
Division 1 Engineer	Division Engineer	Division 1 Water Engineer (State of Colorado DWR Division 1)
Division 1 Water Engineer	Opposer	Ema I.g. Schultz (CO Attorney General) Preston Vincent Hartman (CO Attorney General)
Don Myrna And Nathan Andrews	Defendant	Geoffrey M Williamson (Vranesh and Raisch) Stuart B Corbridge (Vranesh and Raisch)
East Cheyenne Ground Water Mgmt Dist	Defendant	John David Buchanan (Buchanan Sperling and Holleman PC) Timothy Ray Buchanan (Buchanan Sperling and Holleman PC)
Frenchman Ground Water Mgmt Dist	Defendant	Eugene J Riordan (Vranesh and Raisch) Leila Christine Behnampour (Vranesh and Raisch)
Happy Creek Inc	Defendant	Johanna Hamburger (Carlson, Hammond & Paddock, L.L.C.) William Arthur Paddock (Carlson, Hammond & Paddock, L.L.C.)

Party Name	Party Type	Attorney Name
Harvey Colglazier	Defendant	Alvin Raymond Wall (Alvin R Wall Attorney at Law)
J And D Cattle Llc	Defendant	Johanna Hamburger (Carlson, Hammond & Paddock, L.L.C.) William Arthur Paddock (Carlson, Hammond & Paddock, L.L.C.)
James J May	Defendant	Johanna Hamburger (Carlson, Hammond & Paddock, L.L.C.) William Arthur Paddock (Carlson, Hammond & Paddock, L.L.C.)
Julie Dirks	Defendant	Alvin Raymond Wall (Alvin R Wall Attorney at Law)
Kent E Ficken	Defendant	Johanna Hamburger (Carlson, Hammond & Paddock, L.L.C.) William Arthur Paddock (Carlson, Hammond & Paddock, L.L.C.)
Lazier Inc	Defendant	Alvin Raymond Wall (Alvin R Wall Attorney at Law)
Mariane U Ortner	Defendant	Alvin Raymond Wall (Alvin R Wall Attorney at Law)
Marjorie Colglazier Trust	Defendant	Alvin Raymond Wall (Alvin R Wall Attorney at Law)
Marks Butte Ground Water Mgmt Dist	Defendant	Eugene J Riordan (Vranesh and Raisch) Leila Christine Behnampour (Vranesh and Raisch)
May Acres Inc	Defendant	Johanna Hamburger (Carlson, Hammond & Paddock, L.L.C.) William Arthur Paddock (Carlson, Hammond & Paddock, L.L.C.)
May Brothers Inc	Defendant	Johanna Hamburger (Carlson, Hammond & Paddock,

Party Name	Party Type	Attorney Name
		L.L.C.) William Arthur Paddock (Carlson, Hammond & Paddock, L.L.C.)
May Family Farms	Defendant	Johanna Hamburger (Carlson, Hammond & Paddock, L.L.C.) William Arthur Paddock (Carlson, Hammond & Paddock, L.L.C.)
North Well Owners	Defendant	Kimbra L. Killin (Colver Killin and Sprague LLP) Russell Jennings Sprague (Colver Killin and Sprague LLP)
Plains Ground Water Mgmt Dist	Defendant	Eugene J Riordan (Vranesh and Raisch) Leila Christine Behnampour (Vranesh and Raisch)
Protect Our Local Communitys Water Llc	Defendant	John David Buchanan (Buchanan Sperling and Holleman PC) Timothy Ray Buchanan (Buchanan Sperling and Holleman PC)
Republican River Water Conservation Dist	Defendant	David W Robbins (Hill and Robbins PC) Peter J Ampe (Hill and Robbins PC)
Sandhills Ground Water Mgmt Dist	Defendant	Eugene J Riordan (Vranesh and Raisch) Leila Christine Behnampour (Vranesh and Raisch)
Saving Our Local Economy Llc	Defendant	John David Buchanan (Buchanan Sperling and Holleman PC) Timothy Ray Buchanan (Buchanan Sperling and Holleman PC)
State Engineer	State Engineer	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)

Party Name	Party Type	Attorney Name
Steven D Kramer	Defendant	Johanna Hamburger (Carlson, Hammond & Paddock, L.L.C.) William Arthur Paddock (Carlson, Hammond & Paddock, L.L.C.)
The Jim Hutton Educational Foundation	Plaintiff	Karen Leigh Henderson (Porzak Browning & Bushong LLP) Steven J Bushong (Porzak Browning & Bushong LLP)
The Jim Hutton Educational Foundation	Applicant	Karen Leigh Henderson (Porzak Browning & Bushong LLP) Steven J Bushong (Porzak Browning & Bushong LLP)
Thomas R May	Defendant	Johanna Hamburger (Carlson, Hammond & Paddock, L.L.C.) William Arthur Paddock (Carlson, Hammond & Paddock, L.L.C.)
Timothy E Ortner	Defendant	Alvin Raymond Wall (Alvin R Wall Attorney at Law)
Tri State Generation And Transmission As	Defendant	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	Eugene J Riordan (Vranesh and Raisch) Leila Christine Behnampour (Vranesh and Raisch)
Yuma Cnty Water Authority Public Improv	Defendant	Dulcinea Zdunska Hanuschak (Brownstein Hyatt Farber Schreck LLP) John A Helfrich (Brownstein Hyatt Farber Schreck LLP) Steven Owen Sims (Brownstein Hyatt Farber Schreck LLP)

Shellie Satterfield

E-filed per Rule 121. Duly signed copy on file at the law offices of Lawrence Jones Custer Grasmick LLP