

DISTRICT COURT, WATER DIVISION NO. 1
STATE OF COLORADO
Weld County Courthouse
901 9th Ave., Greeley, CO 80631
P.O. Box 2038, Greeley, CO 80632
Telephone Number: (970) 475-2400

Plaintiff: The Jim Hutton Educational Foundation, a Colorado non-profit corporation
v.
Defendants: Dick Wolfe, in his capacity as the Colorado State Engineer; et al.

▲ COURT USE ONLY ▲

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Case Number: 15CW3018
Water Div: 1

INITIAL C.R.C.P. 26(A)(1) DISCLOSURES OF ARIKAREE GROUND WATER MANAGEMENT DISTRICT

Defendant-Intervenor, Arikaree Ground Water Management District (“Arikaree”), by and through its undersigned attorneys, hereby submits the following initial disclosures pursuant to Rule 26(a)(1) of the Colorado Rules of Civil Procedure.

I. The name, address and telephone number of each individual likely to have discoverable information relevant to the claims and defenses of any party (C.R.C.P. 26(a)(1)(A)):

A. Rod Mason, Manager of Arikaree, 5462 CR TT, Cope, Colorado 80812-9400, (970) 357-4289. Mr. Mason may have discoverable information concerning wells within Arikaree, the claims raised in the Complaint filed in this case by the Jim Hutton Educational Foundation, and issues arising from those claims.

B. Dick Wolfe, State Engineer, Director of Colorado Division of Water Resources, Executive Director of the Colorado Ground Water Commission, 1313 Sherman Street, Room 818, Denver, Colorado 80203, (303) 866-3581. Mr. Wolfe may have discoverable information regarding the administration of water within the Republican River Basin, the administration of water related to the Republican River Compact, the claims raised in the Complaint filed in this case by the Jim Hutton Educational Foundation, and issues arising from those claims.

C. Mike Sullivan, Deputy State Engineer, 1313 Sherman Street, Room 818, Denver, Colorado 80203, (303) 866-3581. Mr. Sullivan may have discoverable information concerning the same matters as Mr. Wolfe.

D. Kevin Rein, Deputy State Engineer – Water Supply and Litigation, 1313 Sherman Street, Room 818, Denver, Colorado 80203, (303) 866-3581. Mr. Rein may have discoverable information concerning the same matters as Mr. Wolfe.

E. David Nettles, Division Engineer in and for Water Division No. 1, 810 9th Street, Suite 200, Greeley, Colorado 80631, (970) 352-8712. Mr. Nettles may have discoverable information regarding the administration of water within the Republican River Basin, the claims raised in the Complaint filed in this case by the Jim Hutton Educational Foundation, and issues arising from those claims.

F. Keith Vander Horst, Designated Basins Team Supervisor, Colorado Division of Water Resources, 1313 Sherman Street, Suite 821, Denver, Colorado 80203, (303) 866-3581. Mr. Vander Horst may have discoverable information concerning wells and water rights in the Northern High Plains Designated Basin, the claims raised in the

Complaint filed in this case by the Jim Hutton Educational Foundation, and issues arising from those claims.

G. Chris Grimes, Designated Basins and Acting Team Leader, Republican River, Colorado Division of Water Resources, 1313 Sherman Street, Suite 821, Denver, Colorado 80203, (303) 866-3581. Mr. Grimes may have discoverable information concerning the same matters as Mr. Vander Horst.

H. Deb Daniel, Manager, Republican River Water Conservation District, 410 Main Street, Suite 8, Wray, Colorado 80758, (970) 332-3552. Ms. Daniel may have discoverable information concerning the Republican River Compact, and Colorado's compliance with the Compact, including, but not limited to, the Compact Compliance Pipeline and programs to reduce consumptive use of water in the Northern High Plains Designated Basin.

I. Dave Keeler, Republican River Water Commissioner, 39887 County Road 32.5, Wray, Colorado 80758, (970) 630-2844. Mr. Keeler may have discoverable information concerning the same matters as Mr. Wolfe.

J. Each individual identified in the Rule 26(a)(1) Disclosures of the Jim Hutton Educational Foundation and the other parties in this case.

K. Arikaree reserves the right to call at trial for purposes of testimony any person identified in the 26(a)(1) or 26(a)(2) Disclosures of Arikaree or any other party, or otherwise identified, disclosed, or endorsed by Arikaree or any other party, and any persons necessary to lay foundation or authenticate documents, or for rebuttal.

II. Listing 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 (C.R.C.P. 26(a)(1)(B)):

A. Findings of Fact, Conclusions of Law and Final Order, Colorado Ground Water Commission, In the Matter of the Proposed Designated Ground Water Basin of the Northern High Plains, May 13, 1966, and other documents related to the designation of the Basin.

B. Commission Decree incorporating Arikaree.

C. Regulations for Development and Control of Ground Water Resources of the Arikaree Ground Water Management District.

D. State of Colorado Ground Water Commission, Rules and Regulations for the Management and Control of Designated Ground Water, 2 CCR 410-1, as amended December 30, 2010.

E. Well permit files for wells within Arikaree, maintained by the Office of the State Engineer.

F. Maps depicting the Republican River Basin, the Northern High Plains Designated Basin, and the Ground Water Management Districts within the Northern High Plains Designated Basin.

G. Documents related to the Republican River Compact and administration thereof.

H. Documents related to the enactment of the Colorado Ground Water Management Act of 1965.

I. Pleadings and other documents, classes of documents, tangible things, or other information filed or submitted in this case.

J. All documents, data compilations, and tangible things referenced in or attached to the reports filed in this matter by the Jim Hutton Educational Foundation and similar information filed by other parties in this case pursuant to C.R.C.P. 26(a)(2).

K. Arikaree reserves the right to use for purposes of trial any document, class of document, data compilation, or tangible thing identified, disclosed, or endorsed by Arikaree or by any other party in this case.

Subject to applicable law governing privileged and protected documents, materials, and information, Arikaree's documents are available for inspection and copying at reasonable cost by appointment at the offices of Vranesh and Raisch, LLP, in Boulder, Colorado. Some of the identified documents are also available from the State Engineer's Office, the Division Engineer's Office, and/or the Water Court for Water Division No. 1. By identifying individuals or documents in this disclosure, Arikaree is not waiving any rights or privileges it may have, including but not limited to attorney-client, work product, or deliberative process privileges. To the extent that any documents related to this case that are in the possession of or otherwise available to Arikaree are identified as privileged and are requested by another party, such

documents will be included in a privilege log that will be provided by Arikaree to the requesting party.

III. Description of the categories of damages sought and a computation of any category of economic damages (Rule 26(a)(1)(C)): Not applicable.

IV. Any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment (Rule 26(a)(1)(D)): Not applicable.

V. Privileged Information (Rule 26(b)(5)): Pursuant to C.R.C.P. 26(b)(5), the following categories of information and documents are not discoverable and have been or may be withheld by Arikaree on the basis of privilege, or protected as trial preparation materials.

A. All documents or communications that constitute attorney-client communications.

B. 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).

C. 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 Arikaree's interest in the litigation of this case or any other case.

D. Any confidential co-party joint defense or common interest communication in this case or any other case including, without limitation, communications among Arikaree and its counsel.

VI. Certification (Rule 26(g)(1)):

We 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. Future Supplementation:

The disclosures made herein are based upon Arikaree's current understanding of the claims and issues in this matter. Additional persons and/or documents, classes of documents, data compilations, or tangible things that may contain relevant information

may be identified or developed as work on this case continues. Information concerning such additional persons or documents, classes of documents, data compilations, or tangible things will be provided to the parties by future supplemental disclosures, in accordance with C.R.C.P. Rule 26(e).

Respectfully submitted this 4th day of March, 2016.

VRANESH and RAISCH, LLP

Signature on file pursuant to C.R.C.P. 121 § 1-26(7)

By: *s/ Leila C. Behnampour*

Eugene J. Riordan (#11605)

Leila C. Behnampour (#42754)

Attorneys for the Arikaree Ground Water
Management District

WHITE & JANKOWSKI, LLP

Signature on file pursuant to C.R.C.P. 121 § 1-26(7)

By: *s/ Leila C. Behnampour for DCT*

David C. Taussig, # 16606

Co-Counsel for the Arikaree Ground Water
Management District

CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of March, 2016, I served a true and correct copy of the foregoing **INITIAL C.R.C.P. 26(A)(1) DISCLOSURES OF ARIKAREE GROUND WATER MANAGEMENT DISTRICT** by ICCES e-filing addressed to the following:

4m Feeders Inc	William Arthur Paddock	Carlson, Hammond & Paddock, L.L.C.
4m Feeders Inc	Johanna Hamburger	Carlson, Hammond & Paddock, L.L.C.
4m Feeders Llc	William Arthur Paddock	Carlson, Hammond & Paddock, L.L.C.
4m Feeders Llc	Johanna Hamburger	Carlson, Hammond & Paddock, L.L.C.
Arikaree Ground Water Mgmt Dist	David C Taussig	White & Jankowski, LLP
Carlyle James As Trustee of the Chester James Trust	William Arthur Paddock	Carlson, Hammond & Paddock, L.L.C.
Carlyle James As Trustee of the Chester James Trust	Johanna Hamburger	Carlson, Hammond & Paddock, L.L.C.
Carlyle James As Trustee of the Chester James Trust	William Arthur Paddock	Carlson, Hammond & Paddock, L.L.C.
City of Burlington Colorado	Alix L Joseph	Burns Figa and Will P C
City of Burlington Colorado	Steven M. Nagy	Burns Figa and Will P C
City of Holyoke	Alvin Raymond Wall	Alvin R Wall Attorney at Law
City of Wray Colorado	Alvin Raymond Wall	Alvin R Wall Attorney at Law
Colorado Agriculture Preservation Assoc	Bradley Charles Grasmick	Lawrence Jones Custer Grasmick LLP
Colorado Agriculture Preservation Assoc	Curran Ann Trick	Lawrence Jones Custer Grasmick LLP
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Colorado Parks And Wildlife	Timothy John Monahan	CO Attorney General
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David Nettles	Ema I.g. Schultz	CO Attorney General
David Nettles	Preston Vincent Hartman	CO Attorney General
David Nettles	Daniel E Steuer	CO Attorney General
Dick Wolfe	Ema I.g. Schultz	CO Attorney General
Dick Wolfe	Preston Vincent Hartman	CO Attorney General
Dick Wolfe	Daniel E Steuer	CO Attorney General
Dick Wolfe	Ema I.g. Schultz	CO Attorney General
Dick Wolfe	Preston Vincent Hartman	CO Attorney General
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May Brothers Inc	William Arthur Paddock	Carlson, Hammond & Paddock, L.L.C.
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May Family Farms	William Arthur Paddock	Carlson, Hammond & Paddock, L.L.C.
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