

DISTRICT COURT, WATER DIVISION NO. 1 STATE OF COLORADO Weld County Courthouse 901 9th Ave., P.O. Box 2038 Greeley, CO 80632 (970) 475-2400	DATE FILED: March 4, 2016 12:52 PM
<p><b>Plaintiff:</b> The Jim Hutton Educational Foundation, a Colorado non-profit corporation,</p> <p>v.</p> <p><b>Defendants:</b> Dick Wolfe, in his capacity as the Colorado State Engineer; et al.</p>	<b>▲ COURT USE ONLY ▲</b>
Attorneys for North Well Owners: Russell J. Sprague, Atty. Reg. #40558 Kimbra L. Killin, Atty. Reg. #24636 COLVER KILLIN & SPRAGUE, LLP 216 S. Interocean Holyoke, CO 80734 Telephone: (970) 854-2264 Facsimile: (970) 854-2423 E-mail: rsprague@ckslp.com; kkillin@ckslp.com	Case Number: 2015CW3018  Water Div. No. 1
<b>NORTH WELL OWNERS' C.R.C.P. 26(a)(1) INITIAL DISCLOSURES</b>	

Pursuant to Rule 26(a)(1) of the Colorado Rules of Civil Procedure, the North Well Owners submit the following initial disclosures.

### INTRODUCTORY STATEMENT

The following disclosures are made based upon the information reasonably available as of this date. By making these disclosures, no representation is being made that every document, tangible thing or witness possibly relevant to this lawsuit is identified. Rather, these disclosures represent a good-faith effort to identify information required by Rule 26(a)(1). These disclosures will be supplemented as additional documents, information, or witnesses likely to have discoverable information become available.

North Well Owners do not waive their right to object to production of any document or tangible thing identified herein on the basis of privilege, the work product doctrine, relevancy, or any other objection.

**A. The name, and if known, the address and telephone number of each individual likely to have discoverable information relevant to disputed facts alleged with particularity in the pleadings.**

1. Deb Daniel, General Manager  
Republican River Water Conversation District  
410 Main Street, Suite 8  
Wray, CO 80758  
(970) 332-3552
2. Republican River Water Conservation District Board of Directors  
410 Main Street, Suite 8  
Wray, CO 80758  
(970) 332-3552

Ms. Daniel and the Members of the Board of Directors of the Republican River Water Conservation District may have discoverable information regarding the Foundation's water rights, the Republican River Compact and related administration, and acquisition of surface water rights in the Republican River Basin.

3. Office of the State Engineer and its employees  
Colorado Division of Water Resources  
1313 Sherman Street, Suite 821  
Denver, CO 80203  
(303) 866-3581
4. Colorado Ground Water Commission and its Staff and employees  
1313 Sherman Street, Suite 821  
Denver, CO 80203  
(303) 866-3581

The State Engineer and the Colorado Ground Water Commission and their staff and employees may have discoverable information regarding the Foundation's water rights, the Republican River Compact and related administration, and hydrology of the Republican River Basin and Northern High Plains Designated Ground Water Basin.

5. Dave Keeler  
Republican River Water Commissioner  
39887 County Road 32.5  
Wray, CO 80758  
(970) 630-2844

Mr. Keeler may have discoverable information regarding the Foundation's water rights, the historic use and flow of the Foundation's water rights, and Republican River Company and related administration.

6. Nate Midcap, District Manager  
Sand Hills, Frenchman, Central Yuma, Central Yuma, and Marks Butte Ground Water Management Districts  
342 Main St.  
Wray, CO 80758  
(970) 332-4155

Mr. Midcap may have discoverable information regarding well permitting and hydrology in the Northern High Plains Designated Ground Water Basin.

7. Any witness identified by any other party in Rule 26(a)(1) disclosures or otherwise.

**B. A listing, together with a copy of, or a description by category and location 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. Order Approving the Proposed Designated Ground Water Basin – of the Northern High Plains of the State of Colorado, May 13, 1966
2. Colorado Ground Water Management Act, C.R.S. § 37-90-101 *et. seq.*
3. Colorado Water Right Determination and Administration Act of 1969, C.R.S. 37-92-101 *et seq.*
4. Colorado Senate Bill 10-052, Concerning the Ability of the Groundwater Commission to Alter the Boundaries of a Designated Groundwater Basin
5. Transcript of Legislative Hearings on Colorado Senate Bill 10-052
6. Applications, orders, and other documents relevant to well permits of North Well Owners
7. Any document identified, endorsed, or produced by any other party.

The above listed documents, data compilations, and tangible things are available for inspection and copying at Colver Killin & Sprague, LLP, 216 S. Interocean, Holyoke, CO 80734, by arrangement with counsel for North Well Owners.

**C. A description of the categories of damages sought and a computation of any category of economic damages claimed by the disclosing party.**

With the exception of the potential to recover attorney fees and costs, North Well Owners seek no damages in this matter.

**D. 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.

Dated: March 4, 2016

COLVER KILLIN & SPRAGUE, LLP

By: /s/ Russell J. Sprague

Russell J. Sprague, #40558

Kimbra L. Killin, #24636

*Attorneys for North Well Owners*

\*This document was filed electronically pursuant to  
C.R.C.P. 121 § 1-26.

**CERTIFICATE OF SERVICE**

I hereby certify that on March 4, 2016, a true and correct copy of the foregoing **NORTH WELL OWNERS’ C.R.C.P. 26(a)(1) INITIAL DISCLOSURES** was served via ICCES on the following:

<b>Party Name</b>	<b>Party Type</b>	<b>Attorney Name</b>
Jim Hutton Educational Foundation	Plaintiff	Steven J. Bushong Karen L. Henderson
Colorado Department of Natural Resources	Defendant	Ema I.G. Schultz Preston V. Hartman Daniel Steuer
Colorado Division of Water Resources	Defendant	Ema I.G. Schultz Preston V. Hartman Daniel Steuer
David Nettles, Division 1 Engineer	Defendant	Ema I.G. Schultz Preston V. Hartman Daniel Steuer
Dick Wolfe, State Engineer	Defendant	Ema I.G. Schultz Preston V. Hartman Daniel Steuer
Colorado Division of Parks and Wildlife	Defendant	Katie L. Wiktor Timothy J. Monahan
Yuma County Water Authority Public Improvement District	Intervenor-Defendant	Steven O. Sims John A. Helfrich Dulcinea Z. Hanuschak
Republican River Water Conservation District	Entrant-Defendant	David W. Robbins Peter J. Ampe
City of Wray, Colorado; City of Holyoke, Colorado; Harvey Colglazier; Lazier, Inc.; Marjorie Colglazier Trust; Timothy E. Ortner; Mariane U. Ortner; David L. Dirks; Julie Dirks; Dirks Farms LTD.	Entrants-Defendants	Alvin R. Wall
Protecting Our Local Community’s Water, LLC; Saving Our Local Economy, LLC; East Cheyenne Ground Water Management District	Entrants- Defendants	John D. Buchanan Timothy R. Buchanan
Tri-State Generation and Transmission Association, Inc.	Entrant-Defendant	Aaron S. Ladd Justine C. Shepherd Roger T. Williams
Don Andrews; Myrna Andrews; Nathan Andrews	Entrants-Defendants	Stuart B. Corbridge Geoffrey M. Williamson

May Acres Inc.; May Family Farms; Happy Creek Inc.; J and D Cattle LLC; Steven D. Kramer; Thomas R. May; Kent E. Ficken; 4M Feeders Inc.; Carlyle James, as Trustee of the Chester James Trust; 4M Feeders LLC; May Brothers Inc.; James J. May	Entrant-Defendants	William A. Paddock Johanna Hamburger
City of Burlington	Entrant-Defendant	Alix L. Joseph Steven M. Nagy
Colorado Agriculture Preservation Association	Entrant-Defendant	Bradley C. Grasmick
Colorado State Land Board	Entrant-Defendant	Virginia M. Sciabbarrasi
Colorado Ground Water Commission	Entrant-Defendant	Chad M. Wallace Patrick E. Kowaleski
Arikaree Ground Water Management District	Intervenor-Defendant	David C. Taussig Eugene J. Riordan Leila C. Behnampour
Central Yuma Ground Water Management District; Frenchman Ground Water Management District; Marks Butte Ground Water Management District; Plains Ground Water Management District; Sand Hills Ground Water Management District; W-Y Ground Water Management District	Intervenor-Defendant	Eugen J. Riordan Leila C. Behnampour
East Cheyenne Ground Water Management District	Intervenor-Defendant	John D. Buchanan Timothy R. Buchanan

/s/ Jeanette Kingman

\*This document was filed electronically pursuant to C.R.C.P. 121 § 1-26.