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| <p>DISTRICT COURT, WATER DIVISION NO. 1 COLORADO</p> <p>Weld County Courthouse 901 9th Avenue P. O. Box 2038 Greeley, Colorado 80632 (970) 351-7300</p> | <p style="text-align: center;">▲ COURT USE ONLY ▲</p> |
| <p>Plaintiff: The Jim Hutton Educational Foundation, a Colorado non-profit corporation,</p> <p>v.</p> <p>Defendants: Dick Wolfe, P.E., in his capacity as the Colorado State Engineer; David Nettles, P.E. in his capacity as Division Engineer in and for Water Division No. 1, <i>et al.</i></p> | |
| <p>David W. Robbins, # 6112 Peter J. Ampe, # 23452 Hill & Robbins, P.C. 1441 18th Street, Suite 100 Denver, CO 80202-1256 Phone: (303) 296-8100 Fax: (303) 296-2388 E-mail: davidrobbins@hillandrobbins.com peterampe@hillandrobbins.com</p> | <p>Case Number: 15CW3018</p> <p>Ctrm/Div: _____</p> |
| <p>REPUBLICAN RIVER WATER CONSERVATION DISTRICT'S RULE 26(a)(1) DISCLOSURES</p> | |

The Republican River Water Conservation District ("RRWCD"), acting through its Water Activity Enterprise, by its attorneys, Hill & Robbins, P.C., submits the following disclosures pursuant to Rule 26(a)(1) of the Colorado Rules of Civil Procedure.

INTRODUCTORY STATEMENT

The following disclosures are made based upon the information reasonably available as of this date. By making these disclosures, the RRWCD does not represent 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.

The RRWCD does 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, identifying who the person is and the subjects of the information.

1. Dick Wolfe
State Engineer and Executive Director of the Colorado Division of Water Resources
Department of Natural Resources
Division of Water Resources
1313 Sherman Street, Room 818
Denver, CO 80203
(303) 866-3585

Mr. Wolfe is the Colorado State Engineer and is likely to have discoverable information relevant to disputed facts alleged with particularity in the pleadings including, but not limited to, the circumstances relating to the Hale Ditch, Hutton No. 1, the Hutton No. 2, and the Tip Jack Ditch water rights and the High Plains Designated Basin and well permits issued therein.

2. Michael J. Sullivan
Deputy State Engineer
Division of Water Resources
1313 Sherman Street, Room 818
Denver, CO 80203
(303) 866-3585

Mr. Sullivan is the Colorado Deputy State Engineer and is likely to have discoverable information relevant to disputed facts alleged with particularity in the pleadings, including, but not limited to, the circumstances relating to the Hale Ditch, Hutton No. 1, the Hutton No. 2, and the Tip Jack Ditch water rights and the High Plains Designated Basin and well permits issued therein.

3. David Nettles
Division Engineer, Water Division No. 1
810 9th Street, Suite 200
Greeley, CO 80631
(970) 392-1816

Mr. Nettles is the Division Engineer for Water Division No. 1 and is likely to have discoverable information relevant to disputed facts alleged with particularity in the pleadings, including, but not limited to, the circumstances relating to the Hale Ditch, Hutton No. 1, the Hutton No. 2, and the Tip Jack Ditch water rights and the High Plains Designated Basin and well permits issued therein.

4. David L. Keeler
Water Commissioner
39887 County Road 32.5
Wray, CO 80758
(970) 332-4502

Mr. Keeler is the Water Commissioner for the Republican River Basin and is likely to have discoverable information relevant to disputed facts alleged with particularity in the pleadings, including, but not limited to, the circumstances relating to the Hale Ditch, Hutton No. 1, the Hutton No. 2, and the Tip Jack Ditch water rights and the High Plains Designated Basin and well permits issued therein.

5. Devon Ridnour
Water Commissioner
810 9th Street, Suite 200
Greeley, CO 80631
(970) 352-8712

Mr. Ridnour is the Water Commissioner for the former Water Districts 49 and 65 and is likely to have discoverable information relevant to disputed facts alleged with particularity in the pleadings, including, but not limited to, the circumstances relating to the Hale Ditch, Hutton No. 1, the Hutton No. 2, and the Tip Jack Ditch water rights and the High Plains Designated Basin and well permits issued therein.

6. James E. Slattery, P.E.
Slattery & Hendrix Engineering LLC
8357 Windhaven Drive
Parker, CO 80134
(303) 309-0061

Mr. Slattery is the RRWCD Engineer and is likely to have discoverable information relevant to disputed facts alleged with particularity in the pleadings, including, but not limited to, the circumstances relating to the Hale Ditch, Hutton No. 1, the Hutton No. 2, and the Tip Jack Ditch water rights and the High Plains Designated Basin and well permits issued therein.

7. Randy Hendrix
Slattery & Hendrix Engineering LLC
8357 Windhaven Drive

Parker, CO 80134
(303) 309-0061

Mr. Hendrix is likely to have discoverable information relevant to disputed facts alleged with particularity in the pleadings, including, but not limited to, the circumstances relating to the Hale Ditch, Hutton No. 1, the Hutton No. 2, and the Tip Jack Ditch water rights and the High Plains Designated Basin and well permits issued therein.

8. Rod Lenz
410 Main Street, Suite 8
Wray, CO 80758
(970) 332-3552

Mr. Lenz is the President of the Board of Directors of the RRWCD and is likely to have discoverable information relevant to disputed facts alleged with particularity in the pleadings, including, but not limited to, water rights and designate ground water permits owned by the RRWCD.

9. Deb Daniel
410 Main Street, Suite 8
Wray, CO 80758
(970) 332-3552

Ms. Daniel is the General Manager of the RRWCD and is likely to have discoverable information relevant to disputed facts alleged with particularity in the pleadings, including, but not limited to, water rights and designate ground water permits owned by the RRWCD.

10. Aaron Thompson
Area Manager, United States Bureau of Reclamation
Nebraska-Kansas Area Office
Federal Building, 203 West 2nd Street
Grand Island NE 68801
(308) 389-4622

Mr. Thompson may have relevant discoverable information regarding management of the Bonny Reservoir water rights and dam.

11. Plaintiff, their attorneys, employees and/or agents may also have discoverable information relevant to disputed facts alleged with particularity in the Complaint.

12. Any witness identified or endorsed by any other party, including C.R.C.P. Rule 30(b)(6) witnesses, and all additional witnesses endorsed within such time as may be allowed by the Court, as well as any rebuttal, foundation or impeachment witnesses as necessary.

By listing any person above, the RRWCD does not waive any privilege or protection that may be claimed by the RRWCD with regard to the person or information held by the person.

B. A description by category and location of all documents, data complications, and tangible things that are in the possession, custody, or control of the party that are relevant to the disputed facts alleged with particularity in the pleadings.

Documents relevant to disputed facts alleged with particularity in the pleadings, by category, are as follows:

1. The Order creating the Northern High Plains Designated Basin and the contents said file and record therein.
2. The minutes, resolutions, files and records of the Republican River Compact Administration.
3. The file, record and contents of *Kansas v. Nebraska and Colorado*, No. 126, Original.
4. The file, record and contents of Concerning the Protest of the Jim Hutton Educational Foundation to the Revised Abandonment List of Water Rights Involving Water Rights in Yuma County, Water Division No. 1, Case No. 2012CW111.
5. The file, record and contents of The Jim Hutton Educational Foundation, a Colorado non-profit corporation v. State of Colorado, Department of Natural Resources, Division of Water Resources, Dick Wolfe, P.E., *et al.*, Water Division No. 1, Case No. 2011CW186.
6. Records regarding the Republican River Conservation Reserve Enhancement Program.
7. Records regarding Republican River Environmental Quality Incentives Program and Agricultural Water Enhancement Program.
8. Records regarding planning, construction and operation of the Republican River Water Conservation District Compact Compliance Pipeline.
9. Any document in the record of this case.
10. Any documents produced by any party in response to discovery or deposition requests.
11. Any exhibit offered or endorsed by any other party.
12. Any exhibit offered for the purposes of rebuttal.

13. The documents identified in the disclosure statements of any of the other parties in this case.
14. Confidential letters, memos or other communications from the RRWCD's counsel to the RRWCD's directors and employees and from the RRWCD's directors and employees to the RRWCD's counsel. Such communications were prepared in anticipation of litigation or in furtherance of the RRWCD's interests in this case and/or other related matters, and, as such, are privileged attorney-client communications and/or attorney work product.
15. Letters, notes, research, memoranda, legal analysis, and other documents (including drafts thereof) prepared by the RRWCD's counsel, in anticipation of litigation or in furtherance of the RRWCD's interests in this case and/or other related matters. Such documents constitute attorney work product.
16. Copies of documents, otherwise made available through disclosure, which copies bear notes of counsel which were prepared in contemplation of litigation or which were intended to be used in furtherance of the RRWCD's interests in this case and/or other related matters.
17. Confidential letters, memoranda and other communications from any expert consultants to the RRWCD and its counsel prepared in anticipation of litigation or in furtherance of the interest the RRWCD in this case that is protected from disclosure by C.R.C.P. 26.
18. Assertion of privilege pursuant to Rule 26(b)(5): The RRWCD asserts, pursuant to Rule 26(b)(5), that the categories of documents listed in paragraphs 14 through 17 above are privileged and/or subject to protection as trial preparation materials.

RRWCD's disclosed documents are available, or will be made available, for inspection and copying at reasonable cost by appointment at the offices of Hill & Robbins, P.C., 1660 Lincoln Street, Suite 2720, Denver, CO 80264. Contact Peter Ampe to schedule an appointment. Some documents described should also be available from the State Engineer's office, the Division Engineer's office, the Colorado Ground Water Commission, the Ground Water Management Districts within the Northern High Plains Designated Basin and/or the Water Court, Water Division 1, Colorado.

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

Not applicable.

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.

E. Rule 26(e) Supplementation.

The RRWCD recognizes its continuing duty under C.R.C.P. 26(e) to supplement these disclosures. These disclosures are made based on the RRWCD current understanding of the relevant facts and issues in this case. The RRWCD reserves the right to supplement these disclosures as more information becomes available.

Dated: March 4, 2016.

Respectfully submitted,

signed original on file at Hill & Robbins, P.C.

s/ Peter J. Ampe

Peter J. Ampe

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 4th day of March, 2016, service of the foregoing **RRWCD's RULE 26(a)(1) DISCLOSURES** was made via ICCES, to all parties of record:

signed original on file at Hill & Robbins, P.C.

s/ Jeri MacAllister

Jeri MacAllister