

DISTRICT COURT, WATER DIVISION NO. 1,
STATE OF COLORADO
Weld County Courthouse
901 9th Avenue, P.O. Box 2038
Greeley, Colorado, 80632
(970) 351-7300

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 ▲

**Attorneys for Tri-State Generation and
Transmission Association, Inc.**

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Case Number: 2015CW3018

Water Div. No. 1

**TRI-STATE GENERATION AND TRANSMISSION ASSOCIATION, INC.'S
C.R.C.P. 26(a)(1) INITIAL DISCLOSURES**

Defendant, Tri-State Generation and Transmission Association, Inc. ("Tri-State"),
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.

1. The name, address and telephone number of each individual likely to have discoverable information relevant to disputed facts alleged with particularity in the pleadings (Rule 26(a)(1)(A)):

- a. **Michael G. Sorensen**, Senior Manager, Fuel and Water Resources, Tri-State Generation and Transmission Association, Inc., 1100 West 116th Avenue, Westminster, Colorado 80234, (303) 254-3208. Mr. Sorensen is an employee of Tri-State, responsible for, *inter alia*, management of Tri-State's water resources and may have discoverable information regarding Tri-State's water supply, facilities, and operations within the Republican River basin.
- b. **Kelly Beal**, Senior Engineer, Water Resources-Field, Tri-State Generation and Transmission Association, Inc., 1100 West 116th Avenue, Westminster, Colorado 80234, (303) 254-3208. Ms. Beal is employed by Tri-State as an in-house water resources engineer responsible for, *inter alia*, evaluation and maintenance of adequate water supplies to meet Tri-State's water demands and may have discoverable information regarding Tri-State's water supply, facilities, and operations within the Republican River basin.
- c. The Parties named in this case and each individual properly identified in the Rule 26(a)(1) disclosures of Plaintiff and other parties in this case.
- d. Tri-State hereby reserves the right to identify and disclose additional individuals who may have knowledge of disputed facts alleged with particularity in the pleadings in this case.

2. Listing of all documents, data compilations, and tangible things in the possession, custody, or control of the party that may not have been previously disclosed and are relevant to disputed facts alleged with particularity in the pleadings (Rule 26(a)(1)(B)):

- a. State of Colorado Ground Water Commission Final Well Permit No. 3529-FP for Tri-State's Northern High Plains Designated Basin well, drilling log, amended final permit, application to amend Final Permit and related documents.

- b. Deeds showing Tri-State's Ownership of Final Well Permit No. 3529-FP.
- c. Information and documents pertaining to Tri-State's water resources, water supply, and water planning.
- d. Water use records, including but not limited to water use records for Tri-State's well.
- e. Maps depicting the Republican River basin and Northern High Plains Designated Basin.
- f. State of Colorado Ground Water Commission Rules and Regulations for the Management and Control of Designated Ground Water; and Northern High Plains Management Districts, including the Marks Butte, Frenchman, Sandhills, Central Yuma, Plains, WY, Arikaree, and East Cheyenne Ground Water Management District.
- g. Division of Water Resources Republican River Use and Measurement Rules.
- h. Pleadings and other documents, classes of documents, tangible things, or other information properly filed or submitted in this case.
- i. 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).
- j. Tri-State 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.

Subject to applicable law governing privileged and protected documents, materials, and information, Tri-State's documents are available for inspection and copying at a 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, Tri-State is not waiving any rights or privileges it may have, including but not limited to attorney-client, work product, or deliberative privileges.

3. Description of the categories of damages sought and a computation of any category of economic damages (Rule 26(a)(1)(C)):

Not applicable.

4. 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.

5. 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 Tri-State 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 Tri-State'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 Tri-State and its counsel.

6. 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.

7. Future Supplementation:

The disclosures made herein are based upon Tri-State's current understanding of the claims, defenses, 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/ Aaron S. Ladd

Aaron S. Ladd, Atty. Reg. #41165

Justine C. Shepherd, Atty. Reg. #45310

TRI-STATE GENERATION AND
TRANSMISSION ASS'N, INC.

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

By: /s/ Roger T. Williams

Roger T. Williams, Atty. Reg. # 26302

ATTORNEYS FOR TRI-STATE GENERATION
AND TRANSMISSION ASSOCIATION, INC.

CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of March, 2016, I served a true and correct copy of the foregoing **TRI-STATE GENERATION AND TRANSMISSION ASSOCIATION, INC.'S C.R.C.P. 26(A)(1) INITIAL DISCLOSURES** 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.
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Arikaree Ground Water Mgmt Dist	Leila Christine Behnampour	Vranesh and Raisch
Arikaree Ground Water Mgmt Dist	David C Taussig	White & Jankowski, LLP
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Central Yuma Ground Water Mgmt Dist	Eugene J Riordan	Vranesh and Raisch
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North Well Owners	Kimbra L. Killin	Colver Killin and Sprague LLP
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Plains Ground Water Mgmt Dist	Leila Christine Behnampour	Vranesh and Raisch
Protect Our Local Communitys Water Llc	John David Buchanan	Buchanan Sperling and Holleman PC
Protect Our Local Communitys Water Llc	Timothy Ray Buchanan	Buchanan Sperling and Holleman PC
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Sandhills Ground Water Mgmt Dist	Eugene J Riordan	Vranesh and Raisch
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