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| DISTRICT COURT, WATER DIVISION 5, COLORADO Court Address: Garfield County Courthouse 109 8 th Street, Suite 104 Glenwood Springs, CO 81601 (970) 947-3861 | |
| IN THE MATTER OF THE APPLICATION FOR WATER RIGHTS OF: COLORADO RIVER WATER CONSERVATION DISTRICT and WEST DIVIDE WATER CONSERVANCY DISTRICT, in GARFIELD, GUNNISON, MESA, and PITKIN COUNTIES, COLORADO | ▲ COURT USE ONLY ▲ |
| <i>Attorneys for Colorado River Water Conservation District:</i> Name: Peter C. Fleming, #20805 Jason V. Turner, #35665 P. O. Box 1120 Glenwood Springs, CO 81602 Phone #: (970) 945-8522 E-mail: pfleming@crwcd.org jturner@crwcd.org | Case Number: 11CW93 (C.A. 4613, C.A. 4954 W-44, W-789(76), 80CW94, 84CW70, 88CW85, 95CW52, 94CW171, 03CW41) Div.: Ctrm.: |
| <i>Attorneys for West Divide Water Conservancy District:</i> Name: Olszewski, Massih & Maurer, P.C. Edward B. Olszewski, #24723 P.O. Box 916 Glenwood Springs, CO 81602 Phone #: (970) 928-9100 Fax #: (970) 928-9600 E-mail: ed@ommpc.com | |
| COLORADO RIVER WATER CONSERVATION DISTRICT'S AND WEST DIVIDE WATER CONSERVANCY DISTRICT'S RULE 26(a)(1) DISCLOSURES | |

Colorado River Water Conservation District ("River District") and the West Divide Water Conservancy District ("West Divide") ("collectively referred to as "Co-Applicants"), by and through its undersigned counsel, hereby submits the following disclosures pursuant to C.R.C.P. 26(a)(1) and the Uniform Local Rules for All State Water Court Divisions, Rule 11(b):

- A. **Name, Address and Telephone Number of Individuals Likely to Have Discoverable Information Relevant to Disputed Facts Alleged with Particularity in the Pleadings:**

1. R. Eric Kuhn, General Manager, Colorado River Water Conservation District, P.O. Box 1120, Glenwood Springs, Colorado 81601 (970) 945-8522. Mr. Kuhn has knowledge regarding the River District's water rights and the administration of water rights within Water Division 5.
2. John Currier, Chief Engineer, Colorado River Water Conservation District, P.O. Box 1120, Glenwood Springs, Colorado 81601 (970) 945- 8522. Mr. Currier has knowledge of information similar to Mr. Kuhn.
3. Alan Martellaro, Division Engineer for Water Division No. 5, and other employees of the office of the Division Engineer for Water Division No. 5, P.O. Box 396, Glenwood Springs, CO 81602, (970)945-5665. These persons possess information regarding water rights and water rights administration in Water Division No. 5.
4. Samuel P. Potter, President, West Divide Water Conservancy District, 818 Taughenbaugh Blvd, Suite 101, Bookcliffs Professional Building, P.O. Box 1478, Rifle, CO 81650, (970) 625-5416. Mr. Potter has knowledge regarding the West Divide water rights, the West Divide service area, and the district's augmentation plans.
5. Kelly Couey, Vice President, West Divide Water Conservancy District, 818 Taughenbaugh Blvd, Suite 101, Bookcliffs Professional Building, P.O. Box 1478, Rifle, CO 81650, (970) 625-5416. Mr. Couey has knowledge of information similar to Mr. Potter.
6. Bruce E. Wampler, Treasurer, West Divide Water Conservancy District, 818 Taughenbaugh Blvd, Suite 101, Bookcliffs Professional Building, P.O. Box 1478, Rifle, CO 81650, (970) 625-5416. Mr. Wampler has knowledge of information similar to Mr. Potter.
7. Robert J. Zanella, Secretary, West Divide Water Conservancy District, 818 Taughenbaugh Blvd, Suite 101, Bookcliffs Professional Building, P.O. Box 1478, Rifle, CO 81650, (970) 625-5416. Mr. Zanella has knowledge of information similar to Mr. Potter.
8. Dan R. Harrison, Director, West Divide Water Conservancy District, 818 Taughenbaugh Blvd, Suite 101, Bookcliffs Professional Building, P.O. Box 1478,

Rifle, CO 81650, (970) 625-5416. Mr. Harrison has knowledge of information similar to Mr. Potter.

9. Kerry Sundeen, Grand River Consulting, 718 Cooper Avenue, Glenwood Springs, CO 81601, (970) 945-2237. Mr. Sundeen has knowledge regarding West Divide's water rights, the West Divide service area, and the district's augmentation plans and the administration of water rights within Water Division 5.

B. Documents, Data Compilations and Tangible Things Relevant to the Disputed Facts Alleged with Particularity in the Pleadings.

1. The Application, Statements of Opposition, and other pleadings and Documents of record in this case.
2. Decrees, stipulations and other documents of record, if any, pertaining to the water rights that are the subject of the Application in this case.
3. Decrees, stipulations and other documents of record, if any, including well permits and other public records pertaining to other water rights in the Colorado River basin, including the water rights owned and operated by Co-Applicants.
4. Correspondence in this case or otherwise relating to the water rights that are the subject of the Application in this case and/or to other water rights in Water Division No. 5, including but not limited to Co-Applicants' water rights.
5. Any water use and accounting records maintained by or on behalf of Co-Applicants for its water rights and/or water supply system.
6. Engineering reports, maps and diagrams regarding the water rights that are the subject of this Application, the water rights owned by Co-Applicants and/or the water rights of other Opposers to this case.
7. Photographs, maps and diagrams relating to Co-Applicants' properties, facilities and water rights.
8. Water rights tabulations, gage or stream flow records, diversion records and other public documents pertaining to water rights and water rights administration in Water Division No. 5.

9. Deeds, contracts or other documents showing ownership of or rights to use Co-Applicants' properties, water rights and facilities.

To the extent that the above-described documents are in the possession, custody and control of Co-Applicants or its representatives, are non-privileged, and are not otherwise public documents available to the other parties in this case, said documents will be made available for inspection and copying, at reasonable cost and upon reasonable advance notice to the undersigned counsel, at the offices of the Colorado River Water Conservation District, 201 Centennial Street, Suite 200, Glenwood Springs, CO 81602 and/or the West Divide Water Conservancy District, 818 Taughenbaugh Blvd, Suite 101, Bookcliffs Professional Building, P.O. Box 1478, Rifle, CO 81650.

- C. Computation of Damages.** Co-Applicants do not claim any "damages" or "economic damages."
- D. Insurance Agreements.** Not applicable.
- E. Privileged Information.**

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 Co-Applicants on the basis of privilege or protected as trial preparation materials.

1. Confidential letters, correspondence or memoranda from counsel to the staff and Boards of Directors of the two districts and from the Boards of Directors and/or staff of the two districts to their attorneys. Such communications were prepared in anticipation of litigation or in furtherance of the interest of the Co-Applicants in this case and/or other related matters and as such are privileged attorney-client communications and/or attorney work product.
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. Confidential letters, memoranda and other correspondence from any non-testifying expert consultants to the Co-Applicants and its attorneys or prepared in anticipation of litigation or in furtherance of the interests of the Co-Applicants in this case that is protected from disclosure by C.R.C.P. 26.

4. 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 Co-Applicants' interest in the litigation of this case or any other case.
5. Letters, notes, memoranda, documents or other evidence dealing with (1) furnishing or offering or promising to furnish, or (2) accepting or offering or promising to accept, a valuable consideration in settlement negotiations or a compromise of a claim or dispute in this or any other case. This includes evidence of conduct or statements made in settlement or compromise negotiations in said cases.
6. Any confidential co-applicant joint defense or common interest communication in this case or any other case.

F. Supplementation

The disclosures made herein are based on Co-Applicants current understanding of the issues raised by the pleadings in this case. As the issues and resulting claims and defenses are more fully developed, additional persons with relevant knowledge or additional relevant documents may become known, Co-Applicants will supplement the foregoing disclosures as required by C.R.C.P. 26(e).

Respectfully submitted this 2nd day of January, 2012.

ATTORNEYS FOR THE COLORADO RIVER
WATER CONSERVATION DISTRICT


By /s/* Jason V. Turner
Peter C. Fleming, #20805, General Counsel
Jason V. Turner, #35665, Associate Counsel

ATTORNEYS FOR THE WEST DIVIDE WATER
CONSERVANCY DISTRICT

By /s/* Edward B. Olszewski
Edward B. Olszewski, #24723

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **26(a)(1) DISCLOSURES** will be e-filed and served upon the following parties through www.lexisnexis.com within twenty-four (24) hours of January 2, 2012, or deposited in the United States Mail, first class, postage prepaid, as follow:

|  Party | Party Type | Attorney | Firm | Method |
|---|-------------------|--------------------------------|---|-----------|
| AMERICAN RIVERS | Opposer | Pro Se | Pro Se- | U.S. Mail |
| CRYSTAL RIVER CAUCUS | Opposer | Jochems, William D | Jochems, William D | E-Service |
| CRYSTAL VALLEY ENVIRONMENTAL PROTECTION | Opposer | Jochems, William D | Jochems, William D | E-Service |
| DIV. 5 ENGINEER | Division Engineer | Division 5 Water Engineer | Division 5 Engineer | E-Service |
| DURRETT, PAUL G. | Opposer | Pro Se | Pro Se- | U.S. Mail |
| GARFIELD COUNTY BD OF COUNTY COMMISSIONE | Opposer | Gorgey, Andrew | County Attorneys Office-Garfield County | E-Service |
| PITKIN COUNTY BOARD OF COUNTY COMMISSION | Opposer | Beaton, Timothy J | Moses Wittemyer Harrison & Woodruff | E-Service |
| PITKIN COUNTY BOARD OF COUNTY COMMISSION | Opposer | DeChristopher, Patricia M | Moses Wittemyer Harrison & Woodruff | E-Service |
| STATE ENGINEER | State Engineer | State Water Engineer, Colorado | State Engineers Office | E-Service |
| TROUT UNLIMITED | Opposer | Peternell, Andrew | Trout UnLtd | E-Service |
| WEST DIVIDE WATER CONSERVANCY DISTRICT | Applicant | Olszewski, Edward B | Olszewski Massih & Maurer PC | E-Service |

/s/* Lorra Nichols
Lorra Nichols

**In accordance with C.R.C.P. 121 §1-26(9), this document has been electronically filed via www.lexisnexis.com. A printed copy of this document with original signatures is maintained by the filing party and will be made available for inspection by other parties or the Court upon request.*