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DISTRICT COURT, WATER DIVISION NO. 5,  
COLORADO  
109 – 8<sup>th</sup> Street, Suite 104  
Glenwood Springs, Colorado 81601-3361

CONCERNING THE APPLICATION FOR WATER  
RIGHTS FOR COLORADO RIVER WATER  
CONSERVATION DISTRICT AND WEST DIVIDE  
WATER CONSERVANCY DISTRICT

IN PITKIN COUNTY

Timothy J. Beaton, #10403  
Patricia M. DeChristopher, #36951  
Aaron S. Ladd, #41165  
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**▲ COURT USE ONLY ▲**

Case No.: 11CW93

**RULE 26(a)(1) DISCLOSURES OF OPPOSER, BOARD OF COUNTY  
COMMISSIONERS OF PITKIN COUNTY**

Opposer, Board of County Commissioners, Pitkin County, Colorado (“Pitkin County”), by and through its undersigned attorneys, hereby submits the following initial disclosures pursuant to Rules 16(b) and 26(a)(1) of the Colorado Rules of Civil Procedure and Rule 11 of the Uniform Local Rules for All State Water Court Divisions.

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

1. Louis T. Rozaklis, AMEC, 1002 Walnut Street, Suite 200, Boulder, CO 80302, (303) 443-7839. Mr. Rozaklis has been retained by Pitkin County as its water rights consultant. In that context, Mr. Rozaklis may have discoverable information related to the water rights of Pitkin County.

2. Alan C. Martellaro, P.E., Division Engineer for Water Division No. 5, 50633 U.S. Highway 6, Glenwood Springs, Colorado 81601, (970) 945-5665. Mr. Martellaro has knowledge of the administration of water rights in Water Division No. 5, State of Colorado, including the Crystal River.
3. Kyle Whitaker, Assistant Division Engineer for Water Division No. 5, 50633 U.S. Highway 6, Glenwood Springs, Colorado 81601, (970) 945-5665. Mr. Whitaker has knowledge of the administration of water rights in Water Division No. 5, State of Colorado, including the Crystal River.
4. Bill Blakeslee, Water Commissioner for Water District No. 38, P. O. Box 396, Glenwood Springs, Colorado 81602. Mr. Blakeslee has knowledge of the administration of water rights in Water District No. 38 within Water Division No. 5, State of Colorado, including the Crystal River.
5. Each individual identified in the Rule 26(a)(1) disclosures of the other parties in this case.

**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 Pitkin County that are relevant to disputed facts alleged with particularity in the pleadings:**

Pitkin County and/or the law firm of Moses, Wittemyer, Harrison and Woodruff, P.C. has possession, custody or control over the following documents or categories of documents which may be relevant to the disputed facts in this case:

1. Documents related to the Wild and Scenic River Act designation of the Crystal River.
2. Documents containing evaluations of the West Divide Project by the Bureau of Reclamation and others.
3. Minutes of the West Divide Water Conservancy District.
4. Minutes of the Colorado River Water Conservation District.
5. Newspaper articles related to the West Divide Project and/or Case No. 11CW93, Water Division No. 5.

6. Documents related to instream flows on the Crystal River, including but not limited to Streamflow Investigation of the Roaring Fork River Watershed by Grand River Consulting Corp., dated January 2011.
7. Decrees and other documents of record relating to Pitkin County's water rights.
8. The application, pleadings, and documents of record in this case.
9. Decrees and other documents of record relating to the applicants' water rights.
10. Stream flow and/or gage records, diversion records, field notes of the Water Commissioner, water rights tabulations and similar administrative records, if any, pertaining to the water rights that are the subject of the application in this case.
11. Any documents identified in the initial disclosures of the other parties in this case.

The undersigned counsel should be contacted to make arrangements for document review and copying.

**C. Privileged information:**

Pursuant to C.R.C.P. 26(b)(5), the following categories of information and documents are not discoverable and may be withheld from disclosure by Pitkin County on the basis of privilege or protection as trial preparation material:

1. All documents which constitute attorney-client communications;
2. All documents which constitute attorney work product;
3. All documents prepared in anticipation of litigation or for trial by or for Pitkin County or by or for Pitkin County's representatives in this case or any other case; and
4. Any confidential joint defense or common interest communication in any litigation by or for Pitkin County.

**D. Rule 26(e) supplementation:**

The disclosures described herein are based on Pitkin County's current understanding of the issues raised by the pleadings in this case. As the issues and resulting claims and defenses concerning this case are more fully developed, additional persons with relevant

knowledge or additional relevant documents may become known to Pitkin County. Pitkin County reserves the right and acknowledges its duty to supplement or revise the foregoing disclosures in accordance with Rule 26(e) of the Colorado Rules of Civil Procedure.

**E. Rule 26(a)(1)(C) damages:**

Pitkin County makes no claim for monetary damages in this case.

**F. Rule 26(a)(1)(D) insurance:**

No insurance agreements are applicable to this matter.

Respectfully submitted this 1<sup>st</sup> day of February, 2012.

MOSES, WITTEMYER, HARRISON AND  
WOODRUFF, P.C.

*/s/ Patricia M. DeChristopher*

Timothy J. Beaton, #10403

Patricia M. DeChristopher, #36951

Aaron S. Ladd, #41165

ATTORNEYS FOR OPPOSER, BOARD OF  
COUNTY COMMISSIONERS OF PITKIN  
COUNTY

*E-FILED PURSUANT TO C.R.C.P. 121*

*Duly signed original on file at the law offices of Moses, Wittemyer, Harrison and Woodruff, P.C.*

## CERTIFICATE OF SERVICE

I hereby certify that the foregoing Rule 26(a)(1) Disclosures of Opposer, Board of County Commissioners of Pitkin County, was served on the following via LexisNexis this 1<sup>st</sup> day of February, 2012.

<b>Party Name</b>	<b>Attorney</b>	<b>Firm</b>
<a href="#">COLORADO RIVER WATER CONSERVATION DISTRICT</a>	Fleming, Peter C	Colorado River Water Conservation District
<a href="#">COLORADO RIVER WATER CONSERVATION DISTRICT</a>	Turner Esq, Jason V	Colorado River Water Conservation District
<a href="#">CRYSTAL RIVER CAUCUS</a>	Jochems, William D	Jochems, William D
<a href="#">CRYSTAL VALLEY ENVIRONMENTAL PROTECTION</a>	Jochems, William D	Jochems, William D
<a href="#">DIV. 5 ENGINEER</a>	Division 5 Water Engineer	Division 5 Engineer
<a href="#">DURRETT, PAUL G.</a>	Pro Se	Pro Se-
<a href="#">GARFIELD COUNTY BD OF COUNTY COMMISSIONERS</a>	Gorgey Esq, Andrew	County Attorneys Office-Garfield County
<a href="#">STATE ENGINEER</a>	State Water Engineer, Colorado	State Engineers Office
<a href="#">TROUT UNLIMITED</a>	Peternell, Andrew	Trout UnLtd
<a href="#">WEST DIVIDE WATER CONSERVANCY DISTRICT</a>	Olszewski, Edward B	Olszewski Massih & Maurer PC

*/s/ Rhonda L. Olson*

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