

Johnson, Lee H - CO#18852
Carlson Hammond & Paddock LLC
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WOODSIDE PARK UNITS 5 AND 6
HOMEOWNERS A
850 Meadow Dr.
Pine, CO 80470

To: WOODSIDE PARK UNITS 5 AND 6 HOMEOWNERS A
From: Johnson, Lee H - CO#18852
Subject: Service of Documents in In the interest of: WILL-O-WISP METROPOLITAN DISTRICT

You are being served documents that have been electronically submitted in In the interest of: WILL-O-WISP METROPOLITAN DISTRICT through LexisNexis File & Serve. The details for this transaction are listed below.

Court: CO Weld County District Court 19th JD
Case Name: In the interest of: WILL-O-WISP METROPOLITAN DISTRICT
Case Number: 2008CW142
Transaction ID: 32997707
Document Title(s):
Applicants Rule 26(a)(1) Disclosures (6 pages)
Authorized Date/Time: Sep 1 2010 4:03PM MDT
Authorizer: Lee H Johnson
Authorizers Organization: Carlson Hammond & Paddock LLC
Sending Parties:
WILL-O-WISP METROPOLITAN DISTRICT
Served Parties:
WOODSIDE PARK UNITS 5 AND 6 HOMEOWNERS A

DISTRICT COURT, WATER DIVISION 1, STATE OF COLORADO Court Address: Weld County Courthouse 901 Ninth Street Greeley, Colorado 80631	<p style="text-align: center;">▲ COURT USE ONLY ▲</p>
Applicant: The Will-O-Wisp Metropolitan District	
IN THE MATTER OF THE APPLICATION FOR WATER RIGHTS OF THE WILL-O-WISP METROPOLITAN DISTRICT IN PARK COUNTY.	Case Number: 08CW142 (W-8771-77, 82CW355, 82CW369, 94CW183 and 01CW105)
Attorney or Party Without Attorney: Applicant's Co-Attorneys Name: Lee H. Johnson, Reg. No. 18852 Beth Ann J. Parsons, Reg No. 32128 Address: 1700 Lincoln Street, Suite 3900 Denver, Colorado 80203-4539 Phone Number: (303) 861-9000 Fax Number: (303) 861-9026 Email: ljohnson@chp-law.com Name: Richard W. Toussaint, Reg. No. 9217 Address: 32065 Castle Court, Suite 150 Evergreen, Colorado 80439 Phone Number: (303) 674-0800 Fax Number: (303) 674-8492 Email: Rtousaint@tnclaw.com	Div.: CtRm:
APPLICANT'S RULE 26(A)(1) DISCLOSURES	

Defendant Will-O-Wisp Metropolitan District (hereinafter "the District"), by and through its attorneys, Toussaint, Nemer & Coaty, P.C., and Carlson Hammond & Paddock LLC, hereby submit the following information pursuant to Rule 11 of the Uniform Local Rules for all State Water Court Divisions and Rule 26(a)(1) of the Colorado Rules of Civil Procedure.

I. Rule 26(a)(1) Disclosure

A. Name, address and telephone number, if known, of each individual likely to have discoverable information relevant to disputed facts alleged with particularity in the pleadings, identifying both the person as well as the subject of the information.

1. Rick Angelica, President of the Board of Directors of the District, 943 Wisp Creek Drive, Bailey, CO 80421 (303) 816-4886. Mr. Angelica is the President of the Board of Directors of the District and may have discoverable information concerning the District's water supply system, including, but not limited to, the various components of the District's system; the ownership, operation and history of the same; the continuing efforts related to the completion of the District's water supply system; and, the various activities identified in the application in this matter.

2. John Howell, Member of the Board of Directors of the District. Mr. Howell is a member of the Board of Directors of the District, and may have discoverable information concerning the District's water supply system, including, but not limited to, the various components of the District's system; the ownership, operation and history of the same; the continuing efforts related to the completion of the District's water supply system; and, the various activities identified in the application in this matter.

3. Cindy Ermi, 429 Wisp Creek Drive, Bailey CO, 303 838 1493 and Elizabeth Peterson, 212 Wisp Creek Drive, Bailey CO, 303 838-1997. Both Ms. Ermi and Ms. Peterson are former employees of the District and may have discoverable information concerning the District's water supply system, including, but not limited to, the various components of the District's system; the ownership, operation and history of the same; the continuing efforts related to the completion of the District's water supply system; and, the various activities identified in the application in this matter.

4. Bill Schwartz, Plant Operator for the District, 33 Gail Lane, Bailey, CO 80421 (303) 915-4098. Mr. Schwartz is the Plant Operator for the District, and may have discoverable information concerning the District's water supply system, including, but not limited to, the various components of the District's system; the ownership, operation and history of the same; the continuing efforts related to the completion of the District's water supply system; and, the various activities identified in the application in this matter.

5. Brian Zick, TEC, The Engineering Company, 2310 E. Prospect Rd., Ste. B, Ft. Collins, CO 80525 (970) 484-7477. Mr. Zick is a consulting engineer for the District, and may have discoverable information concerning the District's water supply system, including, but not limited to, the various components of the District's system; the ownership, operation and history of the same; the continuing efforts related to the completion of the District's water supply system; and, the various activities identified in the application in this matter.

6. Tom Williamsen, water rights engineer and Andy Olson, technician, Helton & Williamsen, P.C. 384 Inverness Parkway, Englewood, CO 80112 (303) 792-2161. Helton & Williamsen provides consulting services to the District in areas related to water resources and may have discoverable information concerning the District's water supply system, including, but not limited to, the various components of the District's system; the ownership, operation and history of the same; the continuing efforts related to the completion of the District's water supply system; and, the various activities identified in the application in this matter.

7. Roger Mlodzik, Former Water Commissioner, Colorado Division of Water Resources, 1313 Sherman Street, Rm. 818, Denver, CO 80203 (303) 866-3581. Mr. Mlodzik is the former Water Commissioner for the Elk Creek drainage, among others, and may have discoverable information concerning the historical operation and administration of water rights on Elk Creek and the South Platte River drainage.

8. Dan Gardner, Water Commissioner, Colorado Division of Water Resources, 1313 Sherman Street, Rm. 818, Denver, CO 80203 (303) 866-3581. Mr. Garner is the current Water Commissioner for the Elk Creek drainage, among others, and may have discoverable information concerning the historical operation and administration of water rights on Elk Creek and the South Platte River drainage.

9. Mr. David Nettles, Colorado Division of Water Resources, 1313 Sherman Street, Rm. 818, Denver, CO 80203 (303) 866-3581. Mr Nettles is the former deputy division engineer, and current acting division engineer, for Water Division No. 1. As such, he may have discoverable information concerning the administration of water rights in Water Division No. 1.

B. Description of documents, data compilations, and tangible things in the possession, custody, or control of the District that are relevant to disputed facts alleged with particularity in the pleadings. These documents are available for inspection and copying at the offices of Toussaint, Nemer & Coaty, P.C. by appointment during regular business hours.

1. Relevant Water Court Decrees and Water Administration Records. The items in this category involve relevant documents and records related to water rights administration in the South Platte River basin, including, but not limited to, the decrees in Case Nos. W-8771-77, 82CW355, 82CW369, 94CW183 and 01CW105; the decrees concerning the District's other water rights, including, Case Nos. 81CW144, 83CW002, 88CW191, 95CW105, 02CW21 and 08CW281, relevant call records and diversion records for water rights diverting from Elk Creek and the South Platte River.

2. Relevant Deeds, Agreements and Documents concerning the District's Water Supply System. The items in this category include relevant deeds, agreements and documents concerning the District's water supply system, including, but not limited to documents relevant to the Woodside Reservoir decree and/or other components within the

District's water supply system; non-privileged documents related to eminent domain proceedings and permitting activities; and, property interests associated with the construction of the diversion facilities, pump station and pipeline from Elk Creek to the District. The items in this category also include the District's 1041 resolution from Park County, the District's 404 Permit from the Army Corps of Engineer's, the District's 401 certification from the State of Colorado and membership information in the South Platte Water Related Activities Program, Inc., (SPWRAP), a Colorado nonprofit corporation, along with relevant and non-privileged documents concerning the same.

3. Relevant Court Documents. The items in this category include relevant and non-privileged documents concerning the District's defense of litigation in Case Nos. 07CW45 and Case No. 05CV302, including, but not limited to, the decrees issued and pleadings filed in those matters.

4. Relevant Engineering Documents. The items in this category include relevant engineering documents and reports concerning the District's Water Supply System, including prior engineering reports, analysis of flow conditions, various survey and preliminary design documents.

The items described in the categories identified above, to the extent they are in the possession, custody, or control of the District, and are not otherwise public documents equally available to other parties in this case, will be made available for inspection and copying upon request at the offices of Toussaint, Nemer & Coaty, P.C.

C. Privileged Information: On the basis of privilege and/or protection as trial preparation material, The District has withheld and/or will withhold documents of the following described categories:

1. Confidential letters, correspondence or memoranda from the District's counsel to the District, and from the District to its attorneys. Such communications were prepared in anticipation of litigation or in furtherance of the interests of the District in this case or the cases and proceedings identified in the application in this matter and/or other related matters, and as such are privileged attorney-client communications and/or attorney work product.

2. Confidential letters, memoranda, and other correspondence from expert consultants to the District and its attorneys. These communications were prepared in anticipation of litigation or in furtherance of the interests of the District in the above-captioned matter and/or other related matters, and as such constitute work product protected from disclosure by C.R.C.P. 26.

3. Letters, notes, research, memoranda, and legal analysis prepared by the District's attorneys in anticipation of litigation or in furtherance of the interests of the District in the above-captioned matter and/or other related matters. These documents constitute attorney work product.

D. Damages: The District currently is not seeking damages.

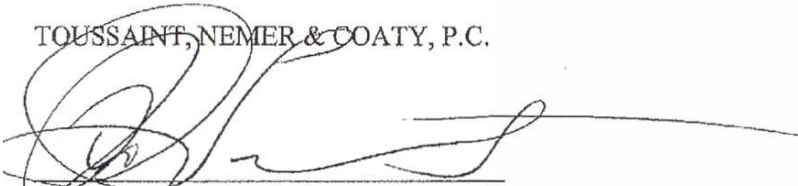
E. Insurance Agreements: Not applicable to this action

II. Rule 26(e) Supplementation

The District hereby acknowledges its right and duty to supplement disclosures under Rule 26(e).

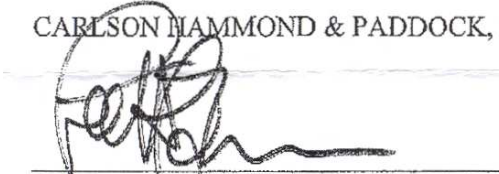
Respectfully submitted this 1st day of September, 2010.

TOUSSAINT, NEMER & COATY, P.C.



Richard W. Toussaint
ATTORNEYS FOR WILL-O-WISP
METROPOLITAN DISTRICT

CARLSON HAMMOND & PADDOCK, LLC



Lee H. Johnson
Beth Ann J. Parsons
ATTORNEYS FOR WILL-O-WISP
METROPOLITAN DISTRICT

CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of September 2010, I electronically filed and served by LexisNexis File and Serve a true and correct copy of the foregoing **APPLICANT'S RULE 26(A)(1) DISCLOSURES** in Case No. 08CW142, and that copies of the same, addressed as follows, were mailed via U.S. mail, first-class postage prepaid, to all parties not enrolled to receive electronic filings:

Robert V. Trout, Esq.
Ema Schultz, Esq.
Trout, Raley, Montañño, Witwer & Freeman,
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Division of Water Resources
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Division Engineer
Water Division No. 1
Colorado Division of Water Resources
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Steve Wilson
Woodside Park Units 5 and 6 HOA
850 Meadow Drive
Pine, CO 80470



*THIS DOCUMENT WAS E-FILED PURSUANT TO RULE 121. A
DULY SIGNED ORIGINAL IS ON FILE AT THE OFFICES OF
CARLSON, HAMMOND & PADDOCK, L.L.C.*