

DISTRICT COURT, WATER DIVISION NO. 1, STATE OF COLORADO Weld County Courthouse 901 9 th Avenue P.O. Box 2038 Greeley, Colorado 80631 (970) 351-7300	<input type="checkbox"/> COURT USE ONLY <input type="checkbox"/>
Plaintiff: The Jim Hutton Educational Foundation, a Colorado non-profit corporation, v. Defendants: Dick Wolfe, in his capacity as the Colorado State Engineer; David Nettles, in his capacity as Division Engineer in and for Water Division No. 1, State of Colorado; Colorado Division of Water Resources; and Colorado Division of Parks and Wildlife.	Case Number: 15CW3018 Div. No. 1
NOTICE BY PUBLICATION	

THE PEOPLE OF THE STATE OF COLORADO

TO THE WELL OWNERS WITHIN THE NORTHERN HIGH PLAINS DESIGNATED GROUNDWATER BASIN:

You are hereby notified that the Jim Hutton Educational Foundation (“Foundation”) has filed a Complaint in the above-captioned matter. The Foundation’s Complaint includes three claims for relief.

- a. The Foundation’s first claim seeks declaratory and injunctive relief concerning the administration, management, and curtailment of its surface water rights. This claim includes challenges to the curtailment of the Foundation’s surface water rights under the Republican River Compact (“Compact”) and to the administration and management of Bonny Reservoir in a manner that injures the Hale Ditch and is inconsistent with certain contracts. The Foundation owns the Hutton Ranch located in Yuma County, Colorado, as well as four decreed surface water rights on the South Fork of the Republican River that are appurtenant to the Hutton Ranch. The surface water rights consist of the Tip Jack Ditch, a 1/3rd interest in the Hale Ditch (Priority No. 38), the Hutton Ditch No. 1, and the Hutton Ditch No. 2.
- b. The Foundation’s second claim is a constitutional challenge to Senate Bill 52 (“SB-52”), which was proposed and adopted in 2010. SB-52 rewrote C.R.S. §37-90-106(1)(a) so that any alterations to a designated groundwater basin could only be used to increase the land area in that designated basin or, if land was to be excluded, it could not be land on which any designated well had been permitted. According to the Foundation, SB-52 deprives surface water right owners of the protections that originally existed in C.R.S. §37-90-106(1)(a) when the Groundwater Management Act was adopted and when the Northern

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High Plains Designated Groundwater Basin was created by prohibiting the exclusion of lands from a designated groundwater basin when factual data demonstrates that wells on those lands are pumping groundwater that has more than a de minimis impact on surface water and as such cannot be properly classified as designated groundwater. The Foundation seeks to recover the legal right it held when the Northern High Plains Designated Groundwater Basin was created to redraw the basin boundaries as necessary to protect its surface water rights.

- c. The Foundation's third claim involves a constitutional challenge to the Colorado Groundwater Management Act if designated groundwater that is subject to the Compact cannot be administered pursuant to the Compact and/or if the boundaries of an existing designated groundwater basin cannot be redrawn under the Groundwater Management Act to exclude wells causing depletions under the Compact.

If you are a well owner in the Northern High Plains Designated Groundwater Basin you may have an interest in the above-captioned matter even though there are no claims for relief sought against you. If you desire to participate in the above-captioned matter, you must file your answer or other response to the Complaint within 35 days after service of this notice is complete. Service of this notice shall be complete on the day of the last publication. A copy of the Complaint may be obtained from the clerk of the court.

A ruling in this matter is binding on you whether or not you choose to participate in the above-captioned matter.

Published in the Burlington Record, the Yuma Pioneer, Wray Gazette, the Holyoke Enterprise, Haxtun-Fleming Herald, Sterling Journal-Advocate, South Platte Sentinel, Julesburg Advocate, the Range Ledger, the Limon Leader, Eastern Colorado Plainsman, Akron News-Reporter, the Prowers Journal, the Lamar Ledger, and Kiowa County Press.

First Publication: October 7, 8, or 9, 2015 (*depending on the newspaper*).

Last Publication: November 6, 2015, for purposes of calculating the response deadline.

Dated this 30th day of September, 2015.

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