

# **RRWCD Receives Report on Judge Hartmann's Decision in Hutton Foundation vs. State Engineer**

**Submitted by Deb Daniel, RRWCD General Manager**

Wheat harvest had little effect on attendance to the Republican River Water Conservation District quarterly Board meeting in Haxtun, CO, on Thursday, July 9<sup>th</sup>.

Following the quarterly financial report given by Administrative Assistant Dawn Webster, the Board reviewed the annual audit report from Winfrey, County and Hays and approved engaging with this firm again to complete the 2015 audit next year.

The Board discussed at length the expenses paid to Board members. It was decided that this issue is a budgeting issue and will be evaluated further in the upcoming Budget Committee meeting scheduled to be held on August 18<sup>th</sup>.

Pipeline operator Tracy Travis, gave a report on the operations of the Compact Compliance Pipeline from January 1<sup>st</sup> to April 17<sup>th</sup> and the annual maintenance report. Travis will have the pipeline, including the 8 irrigation wells currently connected to the system, ready to operate again this fall.

Ken Hardesty, of GEI Engineering gave a detailed report on how the initial design of the pipeline system included bringing the remaining 7 wells into the pipeline system. GEI designed the system to include 15 large capacity wells pumping water simultaneously into a 155,000 gallon collection tank and free-flowing through the 12 mile ductile-iron pipeline to the Republican River to assist the State of Colorado in achieving and maintaining compact compliance.

Program specialist Tim Davis, updated the Board on the status of new and current conservation programs. The sign-up deadline for the Ogallala Aquifer Initiative is July 17<sup>th</sup>.

David Robbins, legal counsel from Hill and Robbins, PC, reported that Judge Hartmann, water judge for Water Division No. 1, issued a ruling in the legal action between the Jim Hutton Educational Foundation vs. the State of Colorado. In that legal action, the Foundation has sued the State Engineer seeking, essentially, to de-designate the Northern High Plains Basin and force the State Engineer to curtail wells within the Basin. The State Engineer asked Judge Hartmann to require the Foundation to personally serve notice of the lawsuit on the well owners throughout the Basin.

Judge Hartmann agreed with the State Engineer, stating in his written ruling: "...Accordingly, the court finds the designated groundwater well owners in the NHP Basin must be joined as parties to the present action. ...Therefore, the court concludes the Foundation must serve all well owners in the NHP Basin who may be affected by its requested relief pursuant to Rule 4, C.R.C.P."

"According to Judge Hartmann's decision, the Hutton Foundation will have to legally serve all well owners that they maintain may adversely affect the surface water rights owned by the Foundation," stated Robbins.

Jim Slattery District Engineer from Slattery and Hendrix, PC, gave a presentation on Basin Hydrology and the South Platte. Slattery described how the lag-time effect of years of groundwater pumping impacts the annual groundwater model calculations.

“I will be running the groundwater model calculations again in late August to project how much water will have to be delivered through the pipeline system at the end of this year,” explained Slattery.

Republican River Water Commissioner Dave Keeler gave the report from the State Engineer’s office. Colorado, Nebraska and Kansas continue to have monthly meetings. The Republican River Compact Administration will be holding the annual workshop and meeting in Lincoln, NE, August 26<sup>th</sup> and 27<sup>th</sup>.

In an effort to increase streamflow to the South Fork of the Republican River, the RRWCD Board approved the purchase of surface water rights owned by Leesa McCue of the Bonny Company Trust.

The Board closed the meeting by approving to pay \$3,889.43 in lieu of taxes on the Dryden property in Yuma County.

As always the public is invited to attend the next RRWCD Board meeting will be held on October 8<sup>th</sup> in Wray, CO.