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STATE OF COLORADO
DEPARTMENT OF LAW

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January 28, 2025

The Honorable Ronald Berges
Chair, County Commission
Sedgwick County
315 Cedar St., Ste. 110
Julesburg, CO 80737

The Honorable John Fryar
Vice-chair, County Commission
Sedgwick County
315 Cedar St., Ste. 110
Julesburg, CO 80737

The Honorable Darrin Tobin
County Commission
Sedgwick County
315 Cedar St., Ste. 110
Julesburg, CO 80737

RE: Perkins County Canal/Condemnation Notices from Nebraska

Dear Commissioners:

As you are likely aware, last week, the Colorado Department of Law was informed that the Nebraska Department of Natural Resources sent a notice to one or more landowners in Sedgwick County.

The notice states Nebraska's intent to acquire portions of the Sedgwick County landowners' property that Nebraska claims is needed for construction of the Perkins County Canal Project. The notice also informs Colorado landowners that if they are unwilling to sell their property, Nebraska will commence with condemnation proceedings in federal court and claims that Nebraska is authorized to do so under the South Platte River compact and "applicable federal law."

Nebraska's pursuit of the Perkins Canal Project is a matter that the Colorado Department of Law/Attorney General's Office is closely engaged with—and opposed to. I have visited multiple times with the Nebraska attorney general to reinforce Colorado's legal position. And I conveyed that not only will this project provide little to no benefit to Nebraska—but also that if Nebraska continues down this path, the State of Colorado is prepared to defend its rights under the South Platte River Compact. My commitment to defending these rights includes going to court if necessary—an outcome that is near certain if Nebraska follows through on its threat to use condemnation proceedings to compel the sale of land owned by Coloradans.

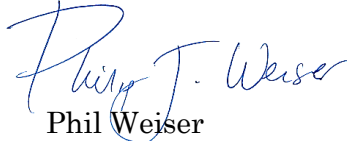
While the Colorado Attorney General's Office is legally authorized to represent the State of Colorado and its interests at-large, we are not authorized to provide individual citizens with legal services or to act as their attorney.¹ To that end, I encourage any Sedgwick County citizen who receives such a notice from the State of Nebraska to consult with a trusted lawyer with experience in condemnation proceedings who can represent them and advise to protect their interests.

¹ §§ 24-31-101(1)(a), 111, C.R.S. (2024).

The Department of Law/Attorney General's Office will remain focused on this issue to protect Colorado. To that end, I would appreciate your assistance in alerting my staff and me to any further communications received by Sedgwick County citizens from the State of Nebraska. We are also in contact with the Colorado General Assembly on this matter and may seek additional resources to best position Colorado to defend its rights in litigation.

Should you wish to discuss, or should you learn of further communications from Nebraska to Sedgwick County residents, please reach out to me at any time, or to Scott Steinbrecher, Deputy Attorney General for Natural Resources, scott.steinbrecher@coag.gov, or Kurt Morrison, Deputy Attorney General for Intergovernmental Affairs, kurtis.morrison@coag.gov. Thank you.

Sincerely,

A handwritten signature in blue ink that reads "Phil Weiser". The signature is written in a cursive style with a large initial "P".

Phil Weiser
Attorney General

cc: Senator Byron Pelton, Senate, Colorado General Assembly
Representative Dusty Johnson, House of Representatives, Colorado General Assembly
Ms. Kelly Lowery, County Attorney, Sedgwick County