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May 24, 2006

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MAY 24 2006

ELECTIONS / LICENSING
SECRETARY OF STATE

2:26pm

Via Hand Delivery

The Hon. Gigi Dennis
Colorado Secretary of State
c/o Cesi Gomez
1700 Broadway, Suite 270
Denver, Colorado 80202

**Re: Petition for Rehearing in re Proposed Initiative
2005-2006 # 125**

Dear Secretary Dennis:

Enclosed please find a Petition for Rehearing in re Proposed Initiative 2005-2006 #125 submitted on behalf of petitioners L. Roger Hutson and Ken Wonstolen.

The names, addresses and contact information of the two petitioners are:

L. Roger Hutson
5320 S. Geneva St.
Englewood, CO 80111
303-916-6215
Fax: 303-861-0373
Email c/o: kwonstolen@coga.org

HOGAN & HARTSON L.L.P.

The Hon. Gigi Dennis

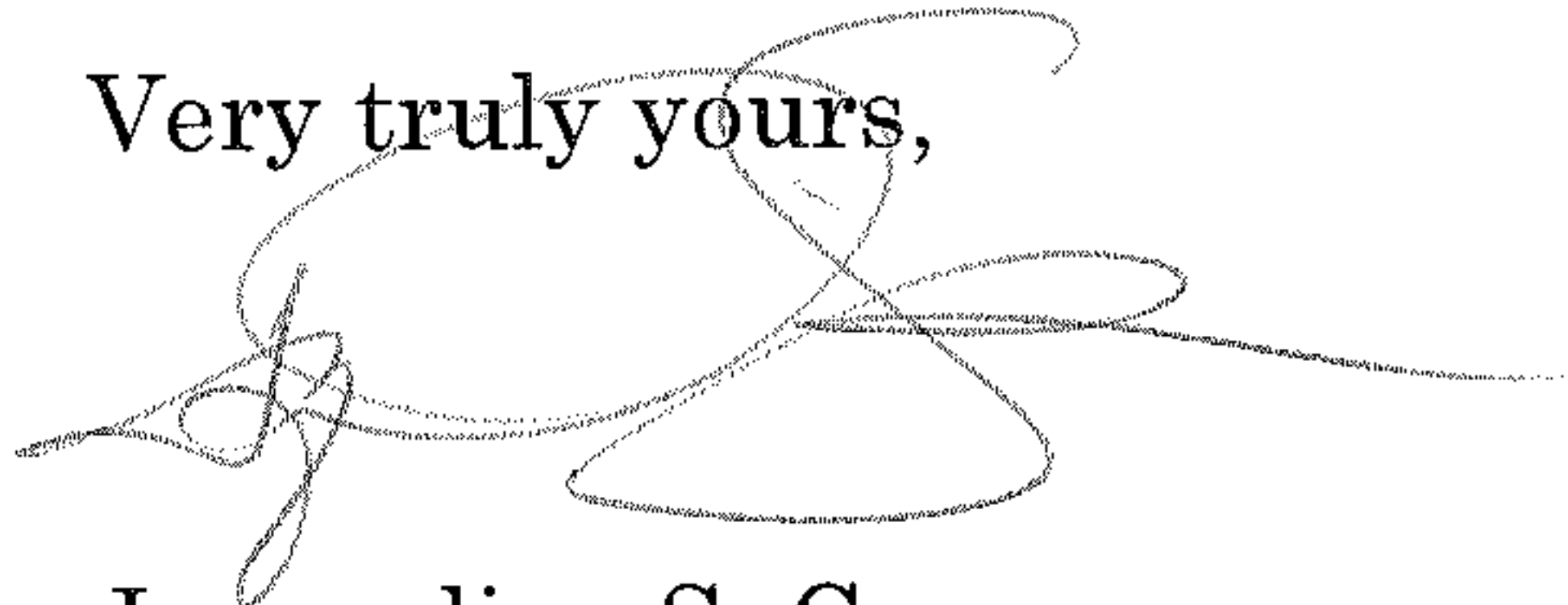
May 24, 2006

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Kenneth A. Wonstolen
601 West 11th Ave. #1109
Denver, CO 80204
720-299-6980
Fax: 303-861-0373
Email: kwonstolen@coga.org

In addition to these two petitioners, please also direct any communications or comments about this petition to me.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Jacqueline S. Cooper', with a long horizontal flourish extending to the right.

Jacqueline S. Cooper
of Hogan & Hartson L.L.P.

Enclosure

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MAY 24 2006

BALLOT TITLE BOARD
STATE OF COLORADO

ELECTIONS / LICENSING
SECRETARY OF STATE

2:26pm

MOTION FOR REHEARING

IN RE PROPOSED INITIATIVE 2005-2006 #125

L. Roger Hutson and Ken Wonstolen ("Petitioners"), who are registered electors of the State of Colorado, through their undersigned counsel, respectfully submit this Motion for Rehearing, pursuant to C.R.S. § 1-40-107(1). Petitioners move for a rehearing of the title, ballot title, and summary for regarding Proposed Initiative 2005-2006 #125, which were set by the Title Board ("Board") on May 17, 2006, and state as follows:

1. The initiative is so vague and ambiguous that the Board cannot ascertain its intent. Therefore, the title does not sufficiently inform the voters of the effect of a yes or no vote. *See* C.R.S. § 1-40-106.

2. The title fails to inform voters of the measure's intent because the title does not sufficiently inform voters of the meaning of "mineral extractor," "damages," "development," "pursuit," "extraction" or "mineral." *Cf. In re Proposed Initiatives 2001-2002 # 221 and # 22*, 44 P.3d 213, 220-21 (Colo. 2002). Moreover, the title does not state that the proposal would make procedural and substantive changes to existing Colorado law.

3. The title contains an impermissible catch phrase by use of the term "fair value." *See In re Title, Ballot, and Submission Clause, and Summary for 1999-2000 #256*, 12 P.3d 246 (Colo. 2000).

Respectfully submitted this 24th day of May, 2006.

HOGAN & HARTSON LLP



Sean R. Gallagher, #16863
Jacqueline S. Cooper, #35066
1200 Seventeenth St., Suite 1500
Denver, Colorado 80202
Telephone: 303-899-7300
Facsimile: 303-899-7333

ATTORNEYS FOR PETITIONERS

Petitioners' Addresses:

L. Roger Hutson
5320 S. Geneva St.
Englewood, CO 80111

Kenneth A. Wonstolen
601 West 11th Ave. #1109
Denver, CO 80204

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24th day of May, 2006, a true and correct copy of the foregoing Motion For Rehearing was placed in the United States mail, postage prepaid, to the following:

John Gorman
P.O. Box 3361
Glenwood Springs, Colorado 81602

Jack Real
55 Hideaway Lane
Glenwood Springs, Colorado 81601

