

THE PIPELINE WILL OPERATE IN 2014

Submitted by: Deb Daniel, RRWCD General Manager

Thanks to the continuous efforts and cooperation of the Republican River Water Conservation District, the Sandhills Groundwater Management District and the State of Colorado, Kansas, Nebraska and Colorado unanimously approved a resolution that allows Colorado to operate the Compact Compliance Pipeline and deliver water to the North Fork of the Republican River for one year – 2014.

On May 5, 2013, Colorado submitted to the Republican River Compact Administration (RRCA) the Resolution Approving and Augmentation Plan for the Colorado Compact Compliance Pipeline (CCP). Nebraska and Colorado voted in favor of the resolution. Kansas voted against it.

Colorado then instituted mandatory non-binding arbitration disputing Kansas' decision and requesting the Arbitrator find Kansas had acted unreasonably. During a three day hearing, October 1-3, 2013, Ms. Martha Pagel, acting as the arbitrator listened to testimony regarding the pipeline proposal.

On November 27, 2013, Ms. Pagel published her decision regarding the arbitration – finding that, although Colorado had met all the requirements for approval of the CCP, Kansas nevertheless did not act unreasonably in not approving the CCP.

One day before Ms. Pagel's decision was published; Kansas Chief Engineer David Barfield reached out Dick Wolfe, State Engineer for Colorado, with a proposal that would allow Colorado temporary use of the pipeline.

Colorado and the RRWCD carefully considered the proposal from Kansas and with the cooperation of the Sandhills GWD, drafted and presented the resolution during a special meeting of the RRCA held last week on Thursday, December 19th.

During the special meeting, Kansas, Colorado and Nebraska discussed the resolution for the temporary use of the pipeline. David Barfield, Chief Engineer for Kansas stated that Kansas and Colorado have made great strides in closing the gap of disagreement concerning the use of the pipeline. Kansas continues to not agree to the resolution which Colorado presented to the RRCA in May 2013, but he saw the temporary approval as a way of gaining experience and insight into pipeline operations.

Brain Dunnigan, RRCA Commissioner from Nebraska, stated Nebraska supported the resolution from Colorado. Dunnigan also pointed out that this resolution does not give long term assurances to Colorado water users in their extensive efforts to try to reach compact compliance. Mr. Dunnigan stated that he hoped the RRCA could reach permanent resolution of all outstanding issues.

Dick Wolfe thanked his staff and the Attorney General's staff in all their efforts to negotiate with Kansas. Mr. Wolfe thanked the Republican River Water Conservation District and the Sandhills GWMD for all that they have done to assist Colorado in trying to reach compact compliance.

Mr. Wolfe also stated his appreciation to the legal counsel and engineering consultants for the RRWCD and their efforts in assisting Colorado with this monumental task.

Following Mr. Wolfe's request for a vote approving the resolution, Kansas, Colorado and Nebraska voted unanimously in favor of approving the use of the compact compliance pipeline in 2014 as stated in the resolution.

Since the Republican River Water Conservation District (RRWCD) will be operating the Compact Compliance Pipeline in 2014, the RRWCD Board of Directors has terminated the water lease to Cure Land, LLC and Cure Land II LLC.

Dennis Coryell, President of the RRWCD stated “This is a great day for the people of the Republican River Basin; it is a monumental step forward towards permanent Compact compliance. It supports the certainty of the future of agriculture and the economy it supports within the basin.”

“Although this approval is only temporary, it allows Colorado to show the other States the CCP can be operated and will provide a benefit to the water users in Nebraska and Kansas. Hopefully this is the beginning of a new era where the States can work together to solve the problems facing all three States and we can soon have permanent approval to operate the CCP.”

Mr. Coryell went on to thank Mr. Barfield for initiating this temporary approval. Dennis thanked Dick Wolfe and the personnel of the State of Colorado for all of their hard work. Coryell also expressed his appreciation to Mr. Barfield and Mr. Dunnigan for supporting Colorado’s resolution to operate the pipeline.

“Thanks to the Sandhills Groundwater Management District and District Manager Nate Midcap for their approval to export water from their district”

“I especially want to thank the water users within Colorado’s Republican River Basin for their long-standing and continued support of the efforts of the RRWCD. “It’s amazing what we can accomplish,” concluded Mr. Coryell “when we work together and succeed in finding a way to move forward toward our goals.”