

The RRWCD Purchases Several Surface Water Rights

Submitted by RRWCD Board and General Manager

In an effort to increase the surface water flows in the Republican River system, the Republican River Water Conservation District has recently purchased and leased multiple surface water rights on both the North Fork and South Fork Republican Rivers.

By keeping the surface water in the river, the RRWCD is greatly enhancing the ability of the State of Colorado to stay in compliance with the Republican River Compact. Due to the extensive efforts of the RRWCD and the Colorado State Engineer's office, Colorado will be in compliance with the Compact in 2019.

This will be the first year since the Final Settlement Stipulation was signed in 2002, that Colorado will be in compact compliance.

In the Annual Compact accounting 60% of all surface diversions are treated as depletions to the flows of the rivers and those depletions must be replaced through the Compact Compliance Pipeline. This requires considerably more water than off-setting comparable groundwater pumping.

Last week, the RRWCD purchased the Hayes Creek Ditch and the Hayes Creek Ditch #3 surface water rights on a tributary of the North Fork Republican River. Some of these water rights were diverted each year, and the RRWCD was required to off-set those diversions with additional pumping from the compact compliance pipeline.

The RRWCD also purchased and leased a total of 27.5 cubic feet per second of surface water rights formerly owned by the Hutton Foundation Trust.

Significant diversions on the South Fork have impacted Colorado's efforts to come in to compliance with the Compact. As part of the Compact accounting there are tests for State Wide compliance and tests for each sub-basin. When calculating the sub-basin non-impairment test, additional diversions on the South Fork can contribute to a failure to meet the Compact non-compliance. By purchasing the surface water rights, the RRWCD can insure that the water will stay in the stream and will be measured at the state-line gage and again at the compact gage near Benkelman, NE.

After years of legal conflict, all entities can stop litigation because by purchasing these surface water rights, all legal actions by the Hutton Foundation Trust or by CPW, Inc. will be

terminated.

By purchasing the South Fork surface water rights, the RRWCD will not have to operate the Compact Compliance pipeline an additional 17 days that would be required to off-set the amount of water these rights would otherwise be entitled to divert.

The Republican River Compact Administration (RRCA) has approved the operation and accounting for the Compact Compliance Pipeline. As part of getting this approval, Colorado agreed to voluntarily retire up to 25,000 acres in the South Fork Focus Zone (SFFZ) by 2029. Colorado is pursuing 10,000 retired irrigated acres in the SFFZ by 2024 and an additional 15,000 retired irrigated acres by 2029.

Drying up the acres formerly irrigated by these surface water rights will contribute to the total of retired irrigated acres in the SFFZ, but Colorado is still far from the 10,000 acres to be retired by 2024.

The RRWCD continues to offer supplemental contracts for CREP and for EQIP conservation programs. The District offers increased annual payments for acres retired in the South Fork Focus Zone.

Currently the FSA, NRCS, the State of Colorado and the RRWCD are waiting for the USDA to publish the Rules and Regulations for the 2018 Farm Bill. As soon as the rules and regulations are published, producers can start applying for these conservation programs.

The consensus of the RRWCD Board is that by completing these purchases, it improves the ability to secure compact compliance now and into the future.

The RRWCD also approved a Water Use Fee Policy during the quarterly Board meeting on April 25th in Yuma. The Water Use Fee Policy includes a fee for junior surface water right diversions, and it modifies the annual fee for municipal and commercial wells. A copy of the fee policy is available on the RRWCD website at www.republicanriver.com.

If you have any questions please contact Rod Lenz, RRWCD President, 970-630-3265, Deb Daniel, RRWCD General Manager, 970-332-3552 or contact any RRWCD Board member.