

Will the Compact Compliance Pipeline be Built?

By Stan Murphy, District Manager

Does the Republican River Water Conservation District still need to build the Compact Compliance Pipeline to deliver groundwater from wells located northeast of Wray, Colorado, to the North Fork of the Republican River at the Colorado/Nebraska state line to satisfy the requirements of the Republican River Compact between Colorado, Kansas and Nebraska? The answer is “Yes”, we need to build the Pipeline because it is the only way to get Colorado into compliance with the Republican River Compact. The only question is, “When?”

Results from the Republican River Compact Administration (RRCA) Groundwater Model in 2007 revealed that, assuming future hydrologic conditions are similar to those of 2002 - 2006, Colorado could shut down all large capacity wells (irrigation, municipal and commercial) within the Republican River Basin in Colorado and still be out of compliance with the Compact by approximately 9,000 acre-feet per year in 2032. Therefore, shutting off wells or implementing conservation practices will not get Colorado into compact compliance, even though those conservation practices are extremely important to conserve the Ogallala Aquifer for future use.

At the Republican River Compact Administration (RRCA) meeting in Kansas City, MO, on March 12, 2008, the State of Colorado and the RRWCD presented a proposed plan for augmentation and accounting procedures for the Compact Compliance Pipeline. For over a year, the three States held confidential meetings to try to agree on a resolution to approve the Pipeline. In April of this year, at a special RRCA meeting, Colorado requested a vote on a proposed resolution, which the Nebraska and Kansas members of the RRCA voted against, although the States agreed to continue confidential discussions to try to reach agreement. At the August 12, 2009 RRCA meeting in Lincoln, NE, Colorado presented a revised resolution to approve the Pipeline. The Kansas and Nebraska RRCA members again voted not to approve the Pipeline resolution.

Nebraska has expressed concern that approving the Pipeline would allow Colorado's wells to continue pumping and possibly decrease water availability in the future for Nebraska water users who irrigate from the Haigler Canal (the Nebraska portion of the Pioneer Ditch). Nebraska has also said that it does not believe it is appropriate for Colorado to make up deficits on the South Fork of the Republican or Arikaree Rivers by placing large volumes of water in the North Fork of the Republican River and asking Nebraska to take responsibility for conveying the entire volume to Hardy, Nebraska, where the Republican River crosses from Nebraska to Kansas in the eastern portion of the basin.

Kansas' interpretation of the Final Settlement Stipulation is that Colorado is using more water within the South Fork sub-basin of the Republican River than allowed by the Final Settlement Stipulation by about 2,500 acre-feet per year, thereby impairing Kansas' ability to use water allocated to Kansas within the South Fork sub-basin. Kansas has indicated that it wants the South Fork issue addressed before it will approve the Colorado Compact Compliance Pipeline on the North Fork. Kansas has also indicated that it believes that the credit for Pipeline deliveries should be determined using the RRCA Groundwater Model, which would likely reduce the credit that Colorado would get for the Pipeline deliveries. Colorado believes that it should get 100% credit for those deliveries in the RRCA accounting, measured at the state-line gage, as an offset to stream depletions from groundwater consumption, independent of the model.

Because of the dispute over the approval of the Compact Compliance Pipeline, Colorado invoked non-binding fast track arbitration on August 21, 2009, under the Final Settlement Stipulation. An arbitrator will be selected and a decision from the arbitrator should be issued in late February or March, although discussions between the three States will continue during the arbitration process to try to resolve the differences. For further information, contact Stan Murphy, 410 Main Street, Suite 8, Wray, CO 80758, phone 970-332-3552, or e-mail rrwcd@centurytel.net.