

RRWCD CONSIDERS PIPELINE AS COMPACT SOLUTION

By Stan Murphy, General Manager

Even though the Republican River Water Conservation District (RRWCD) has provided cost sharing for EQIP and CREP programs with NRCS and FSA that offer financial incentives to producers who voluntarily retire irrigated acreage and shut down wells in the Republican River Basin to help the State of Colorado comply with the Republican River Compact between Colorado, Kansas and Nebraska, it is clear that more has to be done.

RRWCD has therefore turned its focus toward constructing a Compact Compliance Pipeline capable of carrying 15,000 acre-feet of water per year from wells located approximately ten to twenty miles north of the North Fork of the Republican River and delivering the water directly into the North Fork near the Colorado/Nebraska stateline. Preliminary cost estimates for the project are from eighty to one hundred million dollars. Hopefully, the cost of the project can be reduced before the project becomes a reality. Constructing the Compact Compliance Pipeline is a way to get Colorado into compact compliance when the pipeline is completed and approved by the Republican River Compact Administration.

To resolve litigation in the U.S. Supreme Court over the Republican River Compact, Colorado, Kansas and Nebraska entered into a settlement stipulation in December of 2002, which addressed how the states would do compact accounting in the future. It provides that compact accounting will be done using a five-year running average. The first five-year period ends December 31, 2007. Colorado's consumptive use of water has exceeded Colorado's allocations in 2003, 2004, 2005, and 2006 by about ten to eleven thousand acre-feet each year, which means that Colorado will likely be out of compact compliance at the end of the first five-year period.

The first step towards constructing the pipeline was to conduct an engineering study to determine if the project is physically and economically feasible and to consider alternatives for the pipeline. The Colorado Water Conservation Board provided a \$50,000 grant for the study, which should be completed this month. Based on the study, the RRWCD will seek a loan from the CWCB Construction Loan Program. RRWCD would like to begin construction next fall with the goal of delivering water to the river in the latter part of 2009.

Various water sources have been considered for this pipeline, including using water from the Dakota formation far below the Ogallala aquifer, using waste-water from natural gas well production, drilling new wells where un-appropriated water is still available in the Ogallala aquifer, modifying the Colorado Ground Water Commission rules and regulations to allow drilling new wells where neighboring wells owners have signed waivers of injury, and purchasing and changing the use of existing irrigation wells to allow them to be pumped to the river.

Drilling new wells into the Dakota formation was considered, but due to the high costs to drill those wells and expected pumping rates that would be far short of what would be required for the project, that idea was set aside. Also, after considering the possibility of using waste-water from natural gas well production, that concept was abandoned when evidence showed that the quantity of water available would diminish significantly after the first two or three years of gas production. Other alternative remain under consideration.

As for paying for the Compact Compliance Pipeline project, water users will likely bear most of that cost through use fees and/or taxes. The RRWCD water use fees will need to be increased, but the amount of the increase has not been determined at this time. A low interest loan from the Colorado Water Conservation Board should be available for this project, and there might be a possibility that some grant money could be available. Federal funds for the project have been discussed, but RRWCD has been advised that an environmental impact statement would be required in that case, which would delay the project. RRWCD wants the Compact Compliance Pipeline project completed as quickly as possible in order to eliminate the possibility that producer's wells or water diversions will be curtailed due to proposed Compact Rules or non-compliance with the compact.

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