

More Facts From RRWCD
By Stan Murphy, General Manager

On April 4, 2007, an ad was placed in the Wray Gazette by a party unknown to the Republican River Water Conservation District. Statements in that ad again confirm that there is confusion about what is going on within the Republican River Basin.

That ad began with the statement, “There is a strong possibility all of the irrigation wells within the 3-mile limit around the Republican River could be shut down.” While some would dispute that there is a “strong possibility” that all irrigation wells within three miles of the North Fork of the Republican River could be shut down, the statement lacks an explanation as to why those wells might be shut down.

Last year, the Pioneer Irrigation District of Colorado and certain owners of the Laird Ditch water right filed a petition with the Colorado Ground Water Commission to un-designate all ground water shown to be hydrologically connected to the surface flows of the North Fork of the Republican River, and to order a sufficient number of wells to cease diversions to protect their vested water rights on the river. The Commission dismissed the petition, but the Pioneer Irrigation District and the Laird Ditch owners have filed an appeal with the District Court for Yuma County.

Subsequent to the dismissal of the Pioneer-Laird petition, the Colorado Supreme Court ruled in the “Gallegos case,” where surface water right owners were also seeking relief from the claimed effects of pumping by wells located in the Upper Crow Creek Designated Ground Water Basin. The ruling in that case stated that if the surface right holders proved that pumping of ground water within the designated basin has more than a “de minimis” impact on their water rights and is causing injury to those rights, the Ground Water Commission is required to redraw the boundaries of the designated basin to exclude the ground water and wells in question. That ruling could ultimately result in all irrigation wells within three miles of surface streams in the Republican River Basin being shut down to prevent injury to senior surface water rights, assuming it is proved that pumping of ground water in the Northern High Plains Designated Ground Water Basin has more than a “de minimis” impact on senior surface water rights and is causing injury to those water rights.

Contrary to what the ad implied, however, shutting down all irrigation wells within three miles of the North Fork of the Republican River will not achieve compact compliance for Colorado. It would only help. So, the owners of those wells are not, as the ad stated, “responsible for putting the whole basin in compact compliance.” The District is offering supplemental payments to producers to retire irrigated lands and wells near the river, but it is doing so through voluntary programs such as the EQIP and CREP, not through mandatory curtailments. In fact, the District has no authority to order the curtailment of wells.

The District, through its water activity enterprise, does provide local funding for the CREP program as a voluntary incentive program for retiring irrigated acreage and water rights. For that program the well is permanently retired and the structure either abandoned properly or re-permitted as a livestock, domestic, or other small capacity type of well. The irrigated land is planted to a grass habitat for 15 years, with no farming or grazing during that period.

The District Board is fully aware of the negative impacts that a CREP program can have on an area due to the loss of the economic benefits associated with farming operations. However, the Board also realizes that Colorado must reduce consumptive use in the Republican River Basin to achieve compliance with the Republican River Compact and the benefits obtained through the CREP program far outweigh the negative economic effects, particularly for well owners whose wells are threatened with being shut down to protect senior surface water rights.

Eighty percent of the funding for the CREP program comes from federal funds that are brought into the community, while 20 percent of the funding comes from State and local sources. By providing local funding for the CREP program, the District leverages District dollars with the federal funds, which will retire more acres and provide higher incentive payments to well owners than if the District used District funds alone. This provides a tremendous benefit in reducing consumptive use to assist the State with compact compliance.

Without the CREP program, Colorado's compact compliance efforts would be diminished significantly and could potentially result in total curtailment of wells throughout the basin for failing to meet the terms of the Republican River Compact and the settlement stipulation between the states of Kansas, Nebraska, and Colorado. That would result in total economic disaster, and that is exactly what the Board is trying to prevent.

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