

## RRWCD directors approve closing on groundwater rights

Written by Holyoke Enterprise

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On Monday, May 18, the Republican River Water Conservation District Board of Directors voted to authorize closing on the purchase and sale of the groundwater rights for the Republican River Compact Compliance Pipeline, even though the Republican River Compact Administration has not yet approved the augmentation plan and accounting procedures for the Pipeline project.

After questioning Deputy State Engineer Mike Sullivan at length and taking comments from the public, the RRWCD Board of Directors voted to authorize the closing because of concern that the \$60 million loan funds from the Colorado Water Conservation Board may not be available in the future due to the State's current budget situation.

The Board recognized that Colorado is exceeding its statewide Compact allocations and that the Pipeline project is needed to avoid an action by Nebraska or Kansas for an injunction against Colorado to halt well pumping in the District until Colorado is in compliance with its Compact allocations.

The RRWCD Board also recognized that Kansas believes Colorado is impairing Kansas' ability to use its South Fork sub-basin allocation within the South Fork sub-basin. The RRWCD Board has requested assurances from the State of Colorado that if the Board goes forward with the Pipeline project, Colorado will drain Bonny Reservoir or take other actions equivalent to draining Bonny Reservoir if Kansas is correct regarding its interpretation of the Final Settlement Stipulation between the States.

Although the State of Colorado has not provided the assurances sought by the Board, the Board concluded the only feasible way to comply with Kansas' view of the sub-basin non-impairment requirement in the South Fork sub-basin is to drain Bonny Reservoir. The State of Colorado is continuing negotiations with Nebraska and Kansas in an effort to get the Compact Administration's approval of the augmentation plan and accounting procedures for the Pipeline project.

If the negotiations are not successful, the State of Colorado will pursue the dispute resolution process established in the Final Settlement Stipulation, which includes non-binding arbitration of disputes.

For more information, contact Stan Murphy at the RRWCD office, 410 Main Street Suite 8, Wray, CO, 970-332-3552, or email [rrwcd@centurytel.net](mailto:rrwcd@centurytel.net).