

The Pueblo Chieftain

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Farmers leery as state moves on water rules

Officials trying to account for potential impact of irrigation changes on return flows to Arkansas River.

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While the state is moving toward coming up with a set of surface irrigation rules to show Kansas by this year's meeting on the Arkansas River Compact, farmers are nowhere near comfortable with a draft after hours of discussion.

Meanwhile, officials are scrambling to come up with a way to provide relief for farmers who put in sprinkler systems fed by ponds or other improvements after 1999, the last reckoning of Colorado water use by the two states.

"When these rules go into effect, you will never see another canal lined or any improvements made. Anything that's saved will have to be returned to the river, so what's the point?" Dale Mauch, a Lamar farmer, said after a committee looking at the new rules met Thursday.

"They want to take us back to 1948," Mauch fumed. "In 1948, there was no Pueblo Reservoir. They never heard of PAM (Polyacrylamide, used to line canals). They used mud."

The state wants to be proactive in drafting rules that both protect its compact interests while encouraging agricultural efficiency, but needs to move.

"There's an internal clock ticking today," said Division 2 Engineer Steve Witte. "We can't put these off indefinitely."

Farmers have told the state at past meetings that the accounting systems used to calculate the loss of return flows to the river should be offset by the leakage to canals and erosion to stream banks caused by "clear" water from Pueblo Dam.

Rather than trying to gain water by putting pipes in ditches, lining them with concrete or applying PAM, farmers say they are simply trying to avoid washing out the predominantly earthen ditches throughout the valley.

Sprinklers, the major on-farm improvement targeted by the rules, have been added in many cases as a more efficient way to apply water because they save on farm labor, farmers on the committee say.

Under some calculations suggested by state staff, surface irrigation

sprinklers are shown to be as efficient as sprinklers fed by wells. Farmers who use both say that is simply not possible.

About a year ago, Witte suggested efficiency rules for any surface improvements that might risk a new challenge of compact violation by Kansas. Ditch lining, pipes, sprinklers or drip irrigation systems added after 1999 are covered.

Witte argued that the improvements, without such rules, increase the potential to increase consumptive use, which is not allowed under the compact. They could also reduce return flows to downstream irrigators within the state.

Systems fed by wells are exempt, because they are covered under 1996 well rules. Municipal improvements are not mentioned because diversions of water from rights changed to municipal from agricultural in court already take historic consumptive use into account.

The rules would not be administered in the same way in all parts of the valley, as now written.

Farmers under the Trinidad Dam and Reservoir Project are covered under previous conditions agreed to by Kansas in 1966. The rules don't apply in designated groundwater basins or other areas not hydrologically linked to the Arkansas River. Farmers on Fountain Creek, or above Lake Pueblo, would be able to apply for general permits, which give the division engineer leeway to determine if a depletion to the river occurred.

Farmers in the Lower Arkansas Valley would be subject to a model that indicates the level of depletion based on which ditch system they are in. Certain improvements on farms would not be regulated. Farmers could also develop specific engineering for systems they have installed.

The state would determine if a depletion occurred as a result of the improvement and require the farmer to reduce consumptive use to historic levels or find replacement water.

After sparring with Witte over language in the proposed rules, farmers were still miffed about the need for them in the first place.

“What is the value of a permit?” asked Pueblo County farmer Tom Rusler. “What is the meaning?”

“There are two types of permits,” Witte replied. “If it does not cause a compact violation, you're good to go. Or, you have to have a replacement plan to maintain the return flow.”

The Colorado Water Conservation Board, a separate office from the Division of Water

Resources, will consider a \$250,000 grant to find solutions to assist farmers with engineering or replacement water at its meeting in Denver this week.

The Lower Arkansas Valley Water Conservancy District board will also meet this week on whether it would act as the lead agency for the grant.

“It’s an appropriate place for us to be,” said John Singletary, chairman of the Lower Ark board.