

The Pueblo Chieftain

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Lower Ark gets role in ag rules remedy

A grant would help farmers who made surface irrigation improvements before state completed guidelines.

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The Lower Arkansas Valley Water Conservancy District will play a big role in easing the blow of proposed state surface irrigation regulations.

The Colorado Water Conservation Board this week awarded a \$250,000 grant to the Lower Ark district to reduce the impacts to irrigators who have made improvements since 1999.

The new state rules are attempting to address the possibility that improvements like sprinklers, drip irrigation and ditch lining will not reduce flows in the Arkansas River by increasing consumptive use.

State Engineer Dick Wolfe wants to encourage efficiency in agriculture, but believes Kansas could raise the issue under the Arkansas River Compact. Colorado and Kansas wrapping up a 1986 Supreme Court case over compact violations caused by well pumping.

The two states agreed to Colorado's consumptive use in 1999, raising concerns that farmers who have made surface improvements - primarily sprinkler systems fed by ponds - since then may be affecting consumptive use.

Preliminary estimates by the Division of Water Resources show the damage so far is light, about 1,100 acre-feet per year, but could grow as more farmers install sprinklers or ditch companies seal ditches.

During meetings this year, a committee formed by Wolfe has discussed possible solutions, including engineering for farmers or buying replacement water to meet the needs of those who installed systems before rules were drafted.

Lower Ark Chairman John Singletary Wednesday got consensus from the board to administer

the grant, saying that it does not necessarily require the district support rules once they are proposed.

“This does not put us in an obligatory position,” Singletary stressed. “It doesn’t preclude our input.”

Lower Ark General Manager Jay Winner said he does not know exactly how the money will be used.

“I think we’ll have a better idea when the solutions committee starts meeting and making decisions,” Winner said, referring to a subcommittee of Wolfe’s group. Both Winner and Singletary serve on the panel.

The new state rules would not apply to well systems, which are covered by 1996 well rules. They also would not cover efficiencies gained by irrigation scheduling, seed varieties or other non-structural means, since the compact covers only “works” that could potentially reduce flows to Kansas.

The rules also provide general permits for some areas of the valley and exempt lands under the Trinidad Dam and Reservoir Project, which have covered Kansas concerns in a federal operating agreement.

The latest draft of rules also exempts on-farm ditch lining and pipes.

Wolfe wants to share a copy of the rules as now written with Kansas at next month’s meeting of the Arkansas River Compact Administration. However, he will wait until next year to promulgate the rules.

Once the rules are drafted, they are subject to action in Division 2 Water Court.