

**By Deb Daniel**

**RRWCD General Manager**

Colorado, Kansas and Nebraska have unanimously approved a resolution that allows Colorado to operate the Compact Compliance Pipeline and deliver water to the North Fork of the Republican River for one year—2014.

It was hailed as being made possible thanks to the continuous efforts and cooperation of the Republican River Water Conservation District (RRWCD), the Sandhills Groundwater Management District and the State of Colorado.

On May 5, Colorado submitted to the Republican River Compact Administration (RRCA) the resolution approving an Augmentation Plan for the Colorado Compact Compliance Pipeline (CCP). Nebraska and Colorado voted in favor of the resolution. Kansas voted against it.

Colorado then instituted mandatory non-binding arbitration disputing Kansas' decision and requesting the arbitrator find Kansas had acted unreasonably. During a three-day hearing, Oct. 1-3, arbitrator Martha Pagel listened to testimony regarding the pipeline proposal.

She published her decision on Nov. 27 regarding the arbitration – finding that, although Colorado had met all the requirements for approval of the pipeline, Kansas nevertheless did not act unreasonably in not approving it.

However, one day before her decision was published, Kansas Chief Engineer David Barfield reached out to Dick Wolfe, state engineer for Colorado, with a proposal that would allow Colorado temporary use of the pipeline.

Colorado and the RRWCD carefully considered the proposal from Kansas, and with the cooperation of the Sandhills GWD, drafted and presented a new resolution during a special meeting of the RRCA held Thursday, Dec. 19.

During the special meeting, Kansas, Colorado and Nebraska discussed the resolution for the temporary use of the pipeline.

Barfield stated Kansas and Colorado have made great strides in closing the gap of disagreement concerning the use of the pipeline.

Kansas continues to not agree to the resolution which Colorado presented to the RRCA in May 2013. However, Barfield said he saw the temporary approval as a way of gaining experience and insight into pipeline operations.

Brian Dunnigan, RRCA Commissioner from Nebraska, stated Nebraska supported the resolution from Colorado. Dunnigan also pointed out that this resolution does not give long-term assurances to Colorado water users in their extensive efforts to try to reach compact compliance.

He stated he hopes the RRCA could reach permanent resolution of all outstanding issues.

Following Wolfe's request for a vote approving the resolution, Kansas, Colorado and Nebraska voted unanimously in favor of approving the use of the compact compliance pipeline in 2014 as stated in the resolution.

Since the RRWCD will be operating the Compact Compliance Pipeline in 2014, the RRWCD Board of Directors has terminated the water lease to Cure Land, LLC and Cure Land II LLC.

Dennis Coryell, RRWCD board president, stated, "This is a great day for the people of the Republican River Basin; it is a monumental step forward towards permanent compact compliance. It supports the certainty of the future of agriculture and the economy it supports within the basin."

“Although this approval is only temporary, it allows Colorado to show the other states the CCP can be operated and will provide a benefit to the water users in Nebraska and Kansas,” he continued.

“Hopefully this is the beginning of a new era where the states can work together to solve the problems facing all three states and we can soon have permanent approval to operate the CCP.”

Pumping of the pipeline will begin in early 2014. Presently, the well field has eight operational wells with another seven that will come on at a later date.

When fully operational, the project has the capability to add 25,000 acre-feet of water towards Colorado’s compact compliance efforts.

The resolution approved by the three states will give Colorado 100 percent credit for all water released into the Republican River.