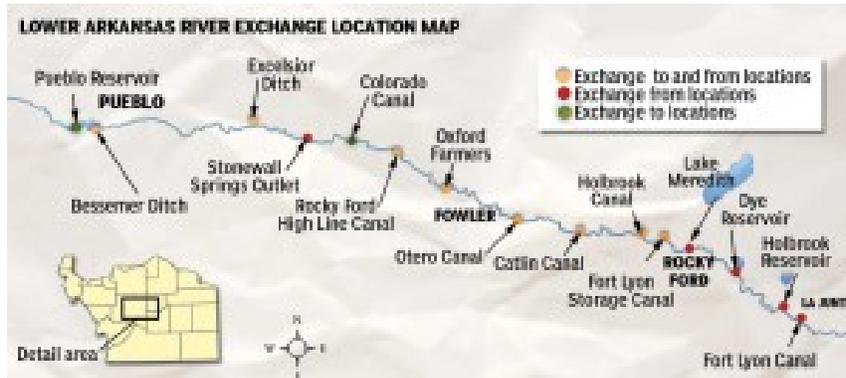


The Pueblo Chieftain

Super Ditch would need Lake Pueblo storage



Peter Nichols

Posted: Friday, March 26, 2010 12:00 am

By CHRIS WOODKA | THE PUEBLO CHIEFTAIN

The Arkansas Valley Super Ditch would need a long-term storage contract of up to 11,000 acre-feet in Lake Pueblo, the group's attorney told the Southeastern Colorado Water Conservancy District last week.

"We can stair-step the exchanges up the river, rather than all at once into Lake Pueblo, although we could exchange into Lake Pueblo if the conditions are right," said Peter Nichols, the attorney for Super Ditch.

The Super Ditch expressed interest in the long-term excess capacity account in a letter to the district, and Nichols' talks to the Southeastern board about the group's application for an exchange now in Water Court.

The Southeastern board had questions about how much land could be fallowed during the exchanges and whether water would be sold out of the Arkansas Valley by Super Ditch during the discussion. There were also questions about how shareholders on different ditch systems would be treated equitably and the timing of change of use cases in Water Court.

"We're making progress faster than most people would have thought possible," Nichols said, adding that the first change of use case could be filed later this year.

While a blanket change of use case for all seven ditches that could be part of the enterprise was first envisioned, the Super Ditch will file a change case for each lease agreement to quantify the type of water being used and to avoid anti-speculation violations, Nichols said.

Super Ditch is working on an agreement with the Pikes Peak Regional Water Authority that would begin delivering water next year to users in El Paso County.

Bub Miller, Southeastern director from Otero County, asked how the Super Ditch would determine whose water to use.

Nichols said the leases would be with individual farmers, but arranged by the Super Ditch board.

“If we have over-subscription, we have to pro-rate that,” Nichols said.

“Are you prepared to lease water out of the basin?” asked Vera Ortegón, director from Pueblo County.

“It would be up to the Super Ditch board and they would not want to limit their market,” Nichols replied.

President Bill Long asked if there would be limitations on the fallowing of land.

Nichols replied that the dry-up of land would be monitored, and some limitations of whether the same piece of land could be dried up one year in three or one in four could apply. There might also be farmers who want to dry up parts of their farms. However, nothing so far has limited the amount of dry-up allowed.

Engineering shows that with 85 percent of farmers on six of the ditches participating, up to 58,000 acre-feet of water could be exchanged in a very wet year.

A lower figure of 25 percent was used for the Bessemer Ditch, because many of the water rights have been purchased by the Pueblo Board of Water Works or St. Charles Mesa Water District.

Other ditches involved in Super Ditch are the Catlin, Fort Lyon, High Line, Holbrook, Otero and Oxford.

In a dry year, with only 65 percent of farmers participating, the amount available would drop to just 3,600 acre-feet.

The storage is seen as a way to balance the wet and dry years in order to fill contracts.

“You did not look at the exchange rights of utilities at build-out,” said Alan Hamel, executive director of the Pueblo water board and an advisory director for Southeastern. “It makes a big difference.”

Nichols acknowledged that, but said they weren’t included in engineering for the exchange case because they don’t reflect current conditions.

The studies used in the case did take into account Pueblo’s recreational in-channel diversion and the 2004 intergovernmental agreements that set up the Pueblo minimum flow program.

Leases also would take into account concerns like erosion, weed control and deliveries to Kansas under the Arkansas River Compact, Nichols said.

“Does Aaron Million’s pipeline proposal have an impact on the customer base of the Super Ditch?” asked Shawn Yoxey, a Pueblo County director.

“No,” Nichols replied bluntly. “I am skeptical of Aaron Million’s project.”

Next month, the Southeastern board will vote on how it will treat the exchange application in court. Statements of opposition are filed either to oppose projects, keep track of them or protect interests.

The Southeastern district would most likely be involved in the case to ensure proper use of Fryingpan-Arkansas facilities, exchange information and establish terms and conditions, said attorney Lee Miller.

Reed Dils, Chaffee County director and the basin’s representative on the Colorado Water Conservation Board, asked about how state-funded research, through \$500,000 in grants to the Lower Arkansas Valley Water Conservancy District, has been used.

Nichols replied that the other major river basins in Colorado — the South Platte, Colorado and Rio Grande — are all looking at similar concepts to varying degrees. Other states have been interested in the Super Ditch model as well.

“Frankly, I’m very encouraged to see all the progress you’ve made,” said Harold Miskel, El Paso County director. Miskel was on the CWCB when the first Super Ditch grant proposal was made. “I’m excited that we are finding a solution to providing water and saving farms.”