

Lots of ideas, no solutions offered at water meeting

By JAMES AMOS
The Pueblo Chieftain

LAMAR — Water and how to keep it in the Lower Arkansas Valley was the focus of a Tuesday morning meeting that Gov. Bill Owens held with area community leaders and water managers.

Local officials don't want any more of the region's farming water sold to Front Range cities, but stopping those sales without trampling private-property rights has been impossible.

Bob Bauserman, an Otero County commissioner and member of a local group exploring the issue, told the governor that conservation easements may be the solution. Farmers would be paid to sign away their right to sell their water rights, tying the water to the region and solving the cash-flow crises that has led farmers to sell in the first place.

Who would pay for the easements? Bauserman said he hoped Owens could help with that.

"The only thing holding us back is the money," he said.

Greg Walcher, director of the

Colorado Department of Natural Resources, said the idea makes sense because society should help pay for what ultimately is a societal benefit — the future of irrigated agriculture in the Lower Arkansas Valley.

Bauserman said other sale-stopping measures such as leasing water to Front Range cities don't work as well because the water still leaves the area.

However, Rocky Ford implement dealer Jim Moreland said measures such as creating interruptible supplies, in which farmers and cities share water, would help.

Conservation also was mentioned when farmer/rancher Tom Pointon, Bent County's representative at the Southeastern Colorado Water Conservancy District, said more water can be saved for other uses.

"In a good water year, we put a lot more water on the land than we need to," he said.

Farmers use 80 percent of the state's water, Owens noted. If they could use less, then cities would have more to drink.

"There just might be enough water for everyone," Owens said.

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Colorado unwilling to pay debt with water

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LAMAR — Colorado no longer will offer to use water to repay Kansas for damages Kansas will collect in its lawsuit against Colorado over the Arkansas River.

Dave Robbins, part of the legal team defending Colorado against Kansas, said Tuesday that an

earlier offer by Colorado to repay in water whatever damages are decided by a special court official was a "legal strategy" that is no longer needed.

"We are no longer pressing to repay any of our damages in water," he told a small gathering of local officials and water

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Owens also called for the state to become more aggressive about storing water. If dams are politically unpalatable, Owens said underground storage such as that used at Highlands Ranch could be the future alternative.

Helping farmers make a profit would stop water sales, several people said, and Owens said he's trying to do that. He has reviewed the tax-relief bills he's signed and said he supports keeping enterprise zones in rural areas so agricultural producers can get tax credits when they invest in equipment.

To increase those tax credits, Owens said some enterprise zones will have to be eliminated. The governor said he doesn't support the zones in economically healthy places such as Aspen and parts of the Front Range, and called on zone administrators to stop fighting efforts to close down such urban enterprise zones.

Also while in Lamar, Owens signed a bill sponsored by Rep. Brad Young, R-Lamar, that combines two state emergency medicine accreditation agencies into one. Young said the bill will streamline emergency medical policies for the state.

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managers who had come to speak with Gov. Bill Owens.

Kansas sued Colorado in 1985 over several river-related issues and won its claim that Colorado allowed the owners of high-capacity wells to pump too much water from the river's underlying aquifer. The pumping violated the 1949 contract between the states that regulated how much water each state could keep.

The portion of the case that will decide how much Colorado owes Kansas is still being heard by a special federal court official, who will issue his decision this fall, Robbins said.

Kansas officials always have said that their state wants to be repaid in money, originally demanding more than \$100 million.

Now, after 15 years of litigation, Kansas' claim has been reduced to \$65 million. However, Colorado attorneys say the state owes Kansas only about \$4 million.

First floated a few years ago,

the offer by Colorado officials to pay the lawsuit's damages in water enraged local community leaders and water owners, most of whom are farmers who own stock in mutual irrigation companies.

They argued that they aren't at fault in the case and shouldn't have to supply, by sale or otherwise, the water needed to repay Kansas. It was state water officials, who either didn't realize the connection between the aquifer and the river or didn't care, who allowed the 1,500 or so wells in question to be drilled and operated, local residents argued. Therefore, they said, the state should put up the cash to settle the case without taking water that already is a precious and expensive commodity.

Colorado has worked hard to whittle down Kansas' estimate of how much it was damaged by decades of water-shorting. Colorado attorneys initially attacked the computer model Kansas used to estimate how much water it lost to Colorado wells.

More recently, Robbins and other Colorado attorneys have argued that much of the damage Kansas is claiming is "highly speculative" and include estimates of commerce lost by businesses that might have had more trade from farmers who might have made more money from their crops if Colorado hadn't improperly used the extra water.

Robbins reminded the group Tuesday that the court official overseeing the case has never decreed that Colorado now is obeying the 1949 compact, a decision that Colorado needs to stop the damages-meter from ticking.

That also will be decided soon, although Colorado instituted new well-use rules a few years ago that require the owners of most high-capacity wells to replace water their wells keep from reaching the Kansas border. Colorado officials think the new rules and other water-management changes are enough to comply with the compact, but only the court official can say for