

KANSAS

Colorado gets water bill

TOPEKA — Colorado should pay Kansas \$78 million in damages for diverting water from the Arkansas River, according to a team of experts.

Economic experts hired by the state estimated that amount of damage to Kansas because of the proliferation of water wells in the Arkansas River basin in Colorado, Attorney General Carla Stovall said Tuesday.

Kansas sued Colorado over Arkansas River water in 1995, claiming the Colorado pumping violated provisions of the 1948 Arkansas River Compact by depleting river flows that should have come into Kansas.

The U.S. Supreme Court upheld Kansas' claim in May 1995 and returned the case to a special master.

The master determined that Colorado's violations of the compact between 1950 and 1994 had wrongfully deprived Kansas of 420,000 acre-feet of water, or about 140 billion gallons. An acre-foot of water is the amount needed to cover 1 acre to a depth of 1 foot.

In the second phase of Kansas' lawsuit against Colorado, the U.S. Supreme Court will determine the amount of damages to Kansas because of Colorado's violations of the compact.

The high court also will determine the method of compensation Colorado will be required to use.

Kansas has proposed that past violations be repaid in dollars, while Colorado has said it wants to compensate Kansas with water from the Arkansas River basin.

The Supreme Court also will determine what additional water Colorado must deliver to the Kansas state line from the Arkansas River basin to comply with the compact.

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Appendix to POWER letter of
Nov. 18, 1998 re Colorado River water;
see page 3, "COLORADO HISTORY"