SUPER DITCH

Case by case

Standards tighten for moving water

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ROCKY FORD — The conditions placed on a pilot program for the Arkansas Valley Super Ditch were much more restrictive than a water lease by Aurora from the High Line Canal in 2004-05.

Wednesday, the Lower Arkansas Valley Water Conservancy District asked, “Why?”

Lower Ark water attorney Peter Nichols reviewed key differences between the substitute water supply plans for the two water leases:

● Aurora proposed leasing 18,000 acre-feet over two years, while the Super Ditch plan was for just 250 acre-feet from the Catlin Canal to Security and Fountain for one year.

● The Super Ditch had a more extensive process to provide information and technical details to objectors. More conditions, engineering requirements and scrutiny were placed on the Super Ditch.

● Some farms were taken out of the Super Ditch plan, while unlimited participation was permitted for the High Line Canal lease.

“The point here is that it's gotten more difficult. The standards haven't changed, but there are many more details needed to prove there is no material injury,” Nichols said.

Even though there were more restrictions, several water users filed a complaint about the plan in water court.

State Engineer Dick Wolfe, who attended the meeting, said comparing the two plans amounted to “apples and oranges.”

“We've been doing the same type of plan for decades,” Wolfe said. “But there are more terms and conditions as time goes on.”

In the High Line Canal case, specific concerns raised by other water users were addressed. Each case is unique, Wolfe added.

Nichols said Super Ditch will continue to work with the state for temporary plans before filing a change case in water court, a similar process used by well associations prior to obtaining water decrees.

“We're not giving up,” Nichols said. “We’ll be back next year, working to come up with a true alternative to buy-and-dry.”

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