

State engineer optimistic that pipeline proposal will be approved

Written by Holyoke Enterprise

The non-binding ruling from Arbitrator Martha Pagel on Oct. 7 found that Kansas did not act unreasonably in refusing to approve Colorado's Compact Compliance Pipeline (CCP) proposal. However, the arbitrator stated, "The CCP proposal, in general, provides a reasonable and necessary approach for meeting Colorado's compact obligations."

Colorado State Engineer Dick Wolfe expressed optimism that approval for the CCP will eventually be received.

The arbitrator found that, with certain clarifications and revisions as recommended in her ruling, the CCP proposal "represents an appropriate and necessary augmentation plan that should be approved by the Republican River Compact Administration (RRCA)."

The majority of the arbitrator's decision focused on additional details that the arbitrator felt should have been included to allow Kansas to approve the CCP proposal.

Colorado recognizes its obligations to be in compliance with the Republican River Compact. Therefore, it continues to negotiate with Kansas to ultimately seek approval of its CCP proposal.

The Republican River begins on the eastern plains of Colorado, flowing into Nebraska and Kansas, where it then flows into the Kansas River.

The waters are divided among the three states by the 1942 Republican River Compact. In 1998, Kansas filed lawsuit against Nebraska and named Colorado as a party to the lawsuit. The states settled that lawsuit in 2002.

One part of the 2002 settlement required the states to submit future disputes to a mandatory dispute resolution process, including non-binding arbitration. The current dispute arose from the lack of approval by Kansas and Nebraska to Colorado's CCP proposal on two previous attempts in 2009 before the RRCA.

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The RRCA is comprised of a representative from each of the three states including Wolfe as Colorado's commissioner.