

Coalition develops strategy to fight Colo. entrepreneur's water proposal

Pipeline battle will be long and costly

By JEFF GEARINO - Southwest Wyoming bureau | Posted: Wednesday, March 24, 2010

GREEN RIVER -- Area residents can expect a long and costly legal battle that in the end may fail to quash entrepreneur Aaron Million's proposal to pump water from the Green River Basin and move it to Colorado's thirsty Front Range, members of a coalition fighting the project said.

The final outcome, however, may depend on whether local communities can convince federal water officials that the proposed project will negatively impact water users who rely on the Green River and Flaming Gorge Reservoir, officials said.

"This process is a marathon, not a sprint," said Sweetwater County Commissioner Paula Wonnacott, chairwoman of an anti-pipeline coalition called Communities Protecting the Green River.

"We are going to be in this (fight) for a long time," Wonnacott told about 80 area residents during a public meeting at the city middle school Monday night. "We're entitled as a community to protect the Green River ... and part of that protection is education."

Local residents have been marshaling their forces in fierce opposition to the Million Resource Group's pipeline project since the Fort Collins, Colo., developer announced the proposed project in 2008.

Green River, Rock Springs, Sweetwater County, industry and other entities formed the group last year after deciding there is strength in numbers and the project would be best fought under a united banner.

Million hopes to build a private, 560-mile-long pipeline that would carry up to 250,000 acre feet of water a year.

The water would be drawn from two diversion points north of the city on the Green River and two diversion points on the Flaming Gorge Reservoir south of the city of Green River.

He proposes moving 225,000 acre feet to Colorado's Front Range and as far south as Pueblo, Colo. He also wants to move approximately 25,000 acre feet to eastern Wyoming. The pipeline would run from the Flaming Gorge, along Interstate 80 and then south through Denver.

Emotions were still running high against the project during Monday night's meeting.

"This whole project is just due to one individual's greed ... why are we going through all this effort and time and energy and money just to accommodate a common thief?" said Rock Springs resident Cleve Holloway.

"What can we do to Million to cause him all the trouble and expense ... as private citizens, what can we do to kick his ass?" he said to applause.

Residents have repeatedly expressed concerns in past public meetings about the impacts of pumping water out of the Green River Basin, which they contend will hurt recreation, local industry, future economic growth and a world-class fishery in the Flaming Gorge.

Green River Mayor Hank Castillon said the coalition needs to be "ready and vigilant" while the Army Corps of Engineers works through its detailed environmental study on Million's permit application.

Million has applied to the corps for a permit under the terms of the Clean Water Act, which triggered the federal environmental impact statement process. Corps officials have said the study could take five years or more to complete.

Castillon said the coalition is beginning the process of developing an overall strategy to fight the project.

He said the coalition is negotiating the possible hiring of a University of Wyoming water law professor to serve as a group consultant.

"It's not going to be a free ride ... we're paying for this (fight)," said Castillon.

The mayor said the key to stopping the pipeline proposal may be to convince the corps during the EIS process that the project would cause problems for Green River Basin water users, including agricultural interests, local industry, municipalities and sportsmen.

He said as part of the strategy, the coalition is forming seven sub-committees that aim to tap into the communities' expertise on such issues as geology, soils, land-use patterns, fisheries, air quality, water quality, endangered species and public safety among others.

"You're the experts out there and we're asking you to help us ... we'll take any help we can get," Castillon said. "I think this is where the war will be won.

"And we need a concentrated effort to make this whole thing come together."

Compact rules

Million aims to take southwest Wyoming water under the terms of the Colorado River Compact, said Steve Wolff, Colorado River compact coordinator for the state engineer's office.

Wyoming and Colorado each have rights to about 250,000 acre feet of water flowing through the Green River Basin, according to SEO data.

Each acre foot equals about 325,000 gallons, or roughly enough water needed to cover one acre of land with one foot of water.

Wolff said in addition to the corps permit, Million has submitted permit applications to the state engineer's office for four points of water diversion -- two on the Green River north of the city and two from the Flaming Gorge Reservoir.

He said those applications are currently considered "incomplete," however, and will remain so until the corps completes its environmental impact statement and issues decision record, and until Colorado issues a permit for water transported and used in its state.

Wolff told residents that under compact water law, Wyoming can't keep Colorado from developing its rightful water allocation by impeding diversion points.

"That's the baseline for why this project is moving forward," he said.

Any water delivered to Colorado users through Million's proposed pipeline is considered Colorado's water and is not subject to Wyoming's water export law.

"There is (enough) water in the system, but obviously it is very important where you take it out and the impacts that it's going to cause," he said. "Our responsibility is to make sure no Wyoming water users are harmed by it."

Wolff said the state does have the authority to condition Million's pipeline permit -- if granted -- so that his would always be administered as "junior" to any current or future Wyoming water rights above Flaming Gorge.

"That would make all Wyoming water rights senior to any water in that pipeline," he said.

"If the state engineer thought that the water out of a state reservoir will harm Wyoming water users, he can condition any permit as he sees fit," Wolff said.

Contact southwest Wyoming bureau reporter Jeff Gearino at (307) 875-5359 or gearino@tribcsp.com