



Print Page

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Water transfer draws protest

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DOUGLAS -- Some water rights holders along a 33-mile stretch of the North Platte River are concerned about how they could be affected by a large ranch's petition to transfer significant water rights upstream.

More than 20 water users, including the city of Douglas, have formed a coalition to formally protest the transfer before the State Board of Control in April. But Wagonhound Land and Livestock representatives say the transfer is necessary to allow circle irrigation of expansive hay meadows it owns several river miles above Douglas.

"Water is your limiting factor for the economic well-being of communities," said Harriet Hageman, a Cheyenne attorney hired by the coalition. She said her clients are right to be concerned, as variables including drought, an increase in rural subdivisions and regional supply and demand issues make water an ever-more critical issue.

Petitioners Wagonhound Land and Livestock and Steven VenJohn want to move water rights from land near Orin Junction, about 12 highway miles south of Douglas, upstream to Wagonhound property near Orpha, several miles north of Douglas. The rights allow the ranch to draw 2.5 cubic feet of water per second from the river. The water would be piped from the North Platte River to a pivot sprinkler system Wagonhound would use to irrigate hay fields, said the ranch's attorney, Robert Berger of Lonabaugh and Riggs in Sheridan.

The ranch plans to use the water "purely for agricultural irrigation," Berger said, which echoes the historic use of the land Wagonhound wants to irrigate as well as the current application of the water rights on the land near Orin.

The impending hearing before the State Board of Control is par for the course when dealing with water rights transfers, he said.

"It is an opportunity for the public to learn more about the proposal," Berger said, noting that Wagonhound officials have sent letters to water rights holders in between the two points and has offered to openly discuss its plans.

"Wagonhound firmly believes they will not be injuring any users," he added.

Some users disagree, contending the likelihood of injury increases anytime significant water rights are moved upstream. Although Berger said the amount of water Wagonhound wants to transfer is small compared to the large volume in the river, others consider the quantity significant.

Among those users is the city of Douglas, which uses the North Platte River as a major municipal water source. The amount of water Wagonhound and VenJohn plan to move upstream is the equivalent of about 36 percent of the total water supply that the city is entitled to divert from the river, city administrator Bobbe Fitzhugh said, and is the equivalent of about 18 percent of the city's total water supply.

City water use from the North Platte River has increased in recent years, a trend which Fitzhugh said should continue as the population increases. While the city historically relied primarily on water piped from a well, North Platte River water proved critical in summer as residents' demand for water increased.

A recent \$4.8 million rehabilitation to the system that draws from the North Platte is making the river the city's primary municipal water source, Fitzhugh said. Douglas is experiencing 5 percent population growth annually and is anticipating its population will double within the next seven to 10 years. As that growth is realized, she expects the city to exercise its full water rights on the river and, possibly, to acquire additional rights.

Vic Garber ranches south of Douglas along the North Platte River, and is worried that the separation of water rights from the land they traditionally serve could hurt Wyoming communities and ranchers into the future. He doesn't dispute that the North Platte has a steady flow, but most is already accounted for, he said.

"There is a lot of water that's flowing down this river, but every bit of it has got a tag on it," Garber said. "We are all competing for that water, whether you're irrigating a crop or watering your residents. We want to make sure our voice is heard."

Hageman said her clients have faith in the State Board of Control and that a transfer would be approved only if it does not injure other users.

"We all pay the price if it isn't," Garber said. "And a heavy price."

The State Board of Control is composed of the state engineer and the supervisors for each of the four water divisions in Wyoming.