

Douglas Budget

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Wagonhound water move draws hearing

By JOHN CREEK
Reporter

The city of Douglas and 21 landowners will voice their concerns over a petition requesting to move water rights 31 miles up the North Platte River during a state Board of Control hearing at 10 a.m. on April 17 at the Community Meeting Room of the Converse County Courthouse.

"We have always had a positive relationship with the Board of Control, and have full confidence that it will rule in a manner that is beneficial to the state," said Victor Garber, one of the concerned landowners.

The application filed by Wagonhound Land and Livestock, LLC, and Steven VenJohn on Oct. 2, 2007, is seeking to transfer two separate water rights totaling 2.5 cubic foot per second (cfs) from the Orin Junction area to Wagonhound's Morton Ranch, which is located near Orpha. The application states that Wagonhound wishes to use the water to irrigate two fields using center pivots. The proposed move would jump ahead of 79 listed water rights owners along the river between the two points.

"One of the issues here, when you make these kind of changes, is that the Board of Control has to protect against causing injury to anyone else," said Harriet Hageman, attorney for the protestants.

In a separate conversation with the Budget, Wagonhound attorney Bob Berger addressed the injury concerns by stating that the company has taken a close look at the relocation and is confident that the move would not harm the rights of the other water users.

The fact that one of the water rights in question dates back to 1892, and that the irrigation system used by Wagonhound does not allow for return flow to the river are two major concerns expressed by landowners, Garber said.

Also, the city is seeking to protect its \$4.8 million investment in a new water treatment facility which is scheduled to go online in May, City Administrator Bobbe Fitzhugh.

The amount of water that Wagonhound and VenJohn seek to move is equal to 36 percent of the total water supply the city is entitled to divert from the river. The city of Douglas has three appropriated water rights that allow for the diversion of 6.97 cfs of water out of the river for municipal purposes.

"The city is not opposed to the selling or transfer of water rights, but what we are concerned with is the precedent that will be set," Fitzhugh said.

The concerned parties, represented by Hageman & Brighton, P. C., want to ensure that if the move is allowed, it will follow state statutes and not cause injury to the other rights holders.

The protestant parties are worried about future access to water reserves, because the state is in the grips of a decade-long drought and the population of the area is expected to double in the next decade or so.

"The drought has effected us all, but the amount of water we are discussing taking from the North Platte River is an imperceptible difference even at low flow," Berger said.

"We are not changing the amount or priority dates, and if approved we will be withdrawing the exact same amount of water as we do now," he said.

"What we have is a strong coalition of water right owners that want to make sure that their voices are heard," Garber said. "We all pay the price if it (the move) isn't done in the proper fashion."

After the hearing the state Board of Control will consider the evidence at its next scheduled quarterly meeting, and render a decision or carryover for further consideration.

If any of the parties feel aggrieved by the decision, they can appeal the ruling to District Court.

The Wyoming State Fair is listed on Board of Controls documents as being opposed to the proposal, however WSF has not joined those who hired Hageman's firm.

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