

Bypass mechanisms active on five wells.

By Russ Pankonin

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Allocation on five irrigation

wells with active meter bypasses will be reduced significantly following action of the Upper Republican Natural Resources Board (URNRD) Tuesday night, Oct. 5.

This summer, NRD staff members found active bypass mechanisms on five irrigation wells owned by Wilder Farms in Dundy County.

The piping mechanism allowed a portion of the pumping to bypass required metering equipment on 990.8 acres.

Cease and desist orders were issued by the NRD immediately after the mechanisms were found.

In addition, inactive bypass mechanisms were found on three other wells owned by Wilder Farms.

The latest action comes on the heels of an investigation that uncovered bypass mechanisms on a number of wells owned by Jack Bond and Randall Bond, both of Greeley, Colo., and Bruce Kramer of Wauneta.

In those cases, the NRD issued a “death penalty” on 1,476.4 acres, retiring irrigation on those acres forever.

Another 779.4 acres were retired for 10 years, along with the loss of all carryforward.

Penalty Options Discussed

According to information released at the meeting, it’s estimated the bypass mechanisms on the Wilder ground have been operational for at least 15 years.

That’s when Wilder Farms purchased the land which had been owned by Jack Bond.

Board members met with a representative of Wilder Farms in executive session for approximately 30 minutes.

Upon reconvening, board members discussed a number of penalty options. These options ranged from reducing allocation to permanent retirement on the 990.8 acres.

Board member Terry Martin recommended penalties that included a five-year retirement of the affected acres. Board member Mick Strand suggested permanent retirement of the acres.

Jeff Wallin, board member at-large, said such measures punish the current owner rather than the owner that installed the bypasses.

The benefit to Wilder Farms was a larger carryover, he said. However, he doubted there was more water pumped than normal since they were unaware of the bypasses.

Board member Tom Terryberry noted there was no evidence that Wilder Farms was aware of the bypass.

However, they consumed water that has to be accounted for.

NRD staff prepared an analysis on the carryforward and allocation of the five bypassed wells and the three wells with inactive bypasses.

After the 2009 pumping season, a weighted average showed the bypassed wells with more than 70 inches of available water, compared to 32.17 inches of allocation on the non-bypassed wells.

A motion was made to drop the allocation to a total of 39 inches on the bypassed wells and corresponding acres for the 2010, 2011 and 2012 pumping seasons.

This represents the remaining three-year allocation—13 inches annually—of the current five-year allocation period.

Terryberry amended the motion, dropping the remaining three-year allocation from 39 inches to 32.17 inches. He said the bypassed wells should have no more water than the wells that weren't bypassed.

The amended motion passed on an 8-2 vote with Mick Strand and Martin voting no. Those voting yes included Terryberry, Wallin, Greg Pelster, Tom Schroder, Tom Gaschler, Mike Mosel, Dean Large and Kerry Bernhardt.

The pumping on the bypassed wells in 2010 will be deducted from the remaining 32.17 inches of allocation.

