Moving Missouri River West … Truck by Truck

KEN ROYSE
Program Manager, Missouri River Joint Water Board

In October 2022, an interesting article appeared in the *Missouri Independent* newspaper, published out of Jefferson City, Mo. The article was titled "*Officials plan to truck 6,000 gallons of water From Missouri River across Kansas*."

The essence of the story was that a local water management district in western Kansas was seeking a solution to the decades-long decline of the Ogallala Aquifer (such aquifer being a significant source of water for users in states from Oklahoma all the way north to South Dakota). The Ogallala, according to the article, has only half the water that was once available, and additionally could be fully depleted within the next 10 years.

The project involved trucking approximately 6,000 gallons of Missouri River water nearly 400 miles to be introduced into the Ogallala aquifer by recharge basins at a cost of $7,000, provided by local entities in both Kansas and Colorado.

Don't be confused by the article, water managers of Kansas clearly recognize that trucking water for aquifer recharge is not a practical solution. This proposal isn't about the feasibility of providing water by truck. It is about showing that, given proper state permits, the water can be withdrawn and used any way and at any place the state of Kansas believes is beneficial. It is a test of Kansas' permitting process and an invitation to third parties to contest such permitting and use of Missouri River water.

Interestingly, the U.S. Army Corps of Engineers has done a series of studies related to recharge of the Ogalla Aquifer through Missouri River water. The studies determined a large McClusky Canal-style project would be needed (although twice the width, depth and length of the McClusky Canal) to appropriate roughly four million acre feet of water per year. This would be a hugely ambitious and expensive project to address a water shortage issue in western Kansas and the Great Plains.

It appears, however, that not all water managers in Kansas agree with this effort. One area water manager believes it is a distraction from the more urgent task of conserving water and that water users need to cut back in usage rather than "just dump water all over western Kansas." However, project sponsors maintain the project is "basically moving water from where it's in excess to where it's in short supply."

The article notes that the state of Kansas provided the needed permits and the local water district made proper arrangements with local authorities and entities for injecting the water. All the permitting bases appear to be satisfied.

Just as clearly, this effort appears to test what other, downstream, states may do in response to these types of withdrawals from the river. For instance, Missouri's legislature, in its attempts to protect river flows particularly for navigation needs, has created a budget and a directive to state leaders and agencies to challenge by court action any and all withdrawals from the river by upstream states which they feel may damage such usage.

Is a withdrawal of 6,000 gallons enough of a concern to invite a lawsuit? If that amount is not a concern, where is the line? What is the amount that is of concern? And if the water can be moved, by truck unchallenged, then why not by pipeline, or canal or any other method?

These same issues have been addressed by users in North Dakota. In 2020, the Garrison Diversion Conservancy District (Garrison Diversion) assigned appropriate water permits to withdraw and use 20 cubic feet per second (cfs) from the Missouri River system for consumptive water use in central North Dakota. The requested amount would be withdrawn from a water source which on any given day transmits nearly 20,000 cfs past Bismarck. Could that small amount really threaten river navigation in downstream states? Doubtful. Could that small amount be measured or noticed from the larger flow of the river? Again, doubtful, as a reduction by 20 cfs cannot even be measured by Missouri River gauges.

Nevertheless, upon hearing of the Garrison Diversion desire to withdraw this water, Missouri immediately filed a lawsuit to prevent the action. Missouri expressed a concern that this small permit was only being pursued in an effort by Garrison Diversion to set precedent for moving much larger volumes of river water to eastern North Dakota. Arguments by that state have focused on a larger future diversion request in the amount of 165 cfs, which is not even before any court.

That lawsuit was ultimately unsuccessful in Missouri federal court and is currently awaiting a decision from the Court of Appeals. But it certainly demonstrates the attention that other states are paying to the river system and the lengths they will go to protect their own best interests.

As of this writing, there have been no legal challenge to this Kansas water trucking project and all envisioned work was completed in November of 2022.

That is a good sign for them and for all the basin states that may at some point have similar ambitious projects needing Missouri River water. Per Mark Rude, manager of Ground Water Management District No. 3 in western Kansas, this accomplished “moving interstate water transfer from theory to reality in most basic terms.”