

GROUNDWATER SUITS INCREASING?

In June, 2005 the state of Mississippi filed a suit against the City of Memphis - just across the river in Tennessee - for pumping Mississippi groundwater out from under the state. The suit is asking for more than \$1 billion in damages and that Memphis stop extracting groundwater from the Sparta Aquifer for their municipal use. At issue is the Memphis' use of the Sparta Aquifer which lies 500 feet below the surface in western Tennessee, eastern Arkansas and northwestern Mississippi. Memphis Light, Gas and Water (MLG&W) uses more than 180 wells to pump about 300 million gallons of water per day from the Aquifer. Mississippi claims that at least 60 million of these gallons comes from under its state which is causing a cone of depression that is over-drafting the aquifer, causing pollution, damaging property within the state and limiting availability of drinking water to Mississippi residents.

Closer to home, 2 ditch companies (Laird and Pioneer) in NE Colorado have just filed a petition with the Colorado Ground Water Commission to enjoin all groundwater users in the Republican River from pumping so they can divert their full decreed surface water rights. This would shut off just over 3,900 wells irrigating about 570,000 acres within seven NE Colorado Counties. This is not yet a lawsuit, but could be headed that way. State Engineer Hal Simpson is urging cooperation rather than litigation.

Utah is also threatening to sue New Mexico over a planned groundwater well field in New Mexico (for Las Vegas) which Utah claims will eventually reach beyond the New Mexico borders and take Utah groundwater.

Another suit is in Michigan where a bottled water plant is being sued by local residents claiming the withdrawals will impair their local environment by affecting nearby lakes, waterways and wetlands. Without a codified state groundwater law, this approach is setting the stage for groundwater regulation by judicial panel (one of which has already held oral arguments in the case) which could conceivably establish court-developed rules for groundwater development statewide. Perhaps anticipating just such a scenario, Michigan Governor Granholm had just weeks before the oral arguments announced that the state will begin regulating any groundwater withdrawals that will affect the size of any inland water body.

Each of these will be interesting cases to watch. More later.

GMD 4 METERING PROGRAM READY TO BEGIN

The Northwest Kansas GMD 4 metering program is ready to begin very soon with the issuance of metering orders by the Division of Water Resources. An initial DWR metering order can be expected for all wells located in GMD 4. If your well was previously required to meter, the order will recognize that order until the meter needs replacement. The order will contain a metering schedule over the next 4 years based on the quarter section location of the well - beginning in 2006 for all wells located in the NW quarter of any GMD 4 section. The orders will require all wells to be metered per state specification before pumping in the appropriate year, or, by December 31, of the appropriate year - whichever date comes first. Following the NW quarter wells in 2006, the schedule will be: NE quarter wells in 2007; SE quarter wells in 2008 and SW quarter wells in 2009.

Annual reminder letters will be sent for all wells to be metered in 2007 and later. This process will catch all land ownership changes and other transactions without requiring additional rounds of certified orders. Nothing will prevent you from metering wells ahead of schedule. You are cautioned to select an approved meter and install it properly.

If a well has already been metered voluntarily and the installation does not meet state installation specifications, the order will require that either the meter be replaced and installed correctly, or, that an exception be obtained from DWR following a meter calibration test confirming its accuracy. These calibration tests are expected to be supported by GMD 4 staff at no charge.

If you are not going to pump in the year your meter is required, a metering extension may be granted by the division of water resources, but you will need to request one. A new order will be generated for these cases. If you are not going to pump for 5 years or more, it is suggested you consider enrolling the water right into the state's water rights conservation program (WRCP).

There will be no exceptions made for small wells.

While the orders are being generated by DWR, the GMD staff will be doing a lot of the field verification work, subsequent monitoring and meter calibration tests. A new data base is also being designed for this program which will be accessible by both DWR and GMD for updates and maintenance.

For any questions, contact the GMD4 office at 785-462-3915, or the Stockton Field Office of DWR at 785-425-6787. Letters, E-mails or visits will also be just fine.

VOLUNTEER PRECIP NETWORK AVAILABLE

(Article excerpted from the Kansas CoCoRaHS web-page)

CoCoRaHS is a grassroots volunteer network of backyard weather observers of all ages and backgrounds working together to measure and map precipitation (rain, hail and snow) in their local communities. By using low-cost measurement tools, stressing training and education, and utilizing an interactive Web-site, our aim is to provide the highest quality data for natural resource, education and research applications. The only requirements to join are an enthusiasm for watching and reporting weather conditions and a desire to learn more about how weather can effect and impact our lives. Our web page provides the ability for our observers to see their observations mapped out in "real time", as well as providing a wealth of information for our data users.

CoCoRaHS is a helpful supplement to the 7,000 plus cooperative weather stations that collect daily precipitation data and is important in filling in the many gaps between these existing weather stations. Currently CoCoRaHS is operating in six states.

If you would like to join us and become part of our expanding network please go to: <http://www.cocorahs.org/Application.aspx>. Complimentary training is provided to help you become an effective weather observer. A training schedule and an on-line training manual are also available.

(Editor's Note: If you are a GMD4 precipitation cooperater and would prefer to participate in the Kansas CoCoRaHS effort rather than our reporting program, this will be OK as the CoCoRaHS in-season daily rainfall data will be available to us as well. It is our aim to make sure these two programs do not compete against each other. The data is the important goal that both efforts are seeking.)

EARLY NOTICE

The 33rd national Groundwater Management Districts Association (GMDA) annual conference will be **January 16-18, 2006** in San Antonio, Texas at the Drury Inn & Suites on the Riverwalk. The theme is: Groundwater Management in a Changing World. Gary Lindstrom of the Tri-Basin NRD in Nebraska is handling all the program details, so you know it will be informational as well as entertaining. More info later on the spouses' tours, regular tours and specific presentations. Mark the dates - NOW!

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NEW WEB SITE FOR WATER RIGHTS ON TAP

The Kansas Geological Survey (KGS) is now putting the finishing touches on a new web page for water rights information. It is being sort of (informally) beta tested at this time. The new page may be ready as early as October, but will not be opened until it's ready. Named **WIMAS for the Web** (Water Information Management and Analysis System), this web page will provide the basic water rights information (only the public information) for all Kansas water rights and will be updated daily. The page will sport plenty of extras. Once the wells/water rights of interest are identified (by legal, County, latitude/longitude box, or water right number - each of which can be filtered by use type and/or source of supply) the final listing can be sorted, looked at by individual water right, and through composite values such as acres irrigated or acrefeet reported used, and several trends. Among the returned info is: authorized acrefeet, rate of diversion and place of use; water use correspondent; water use history; meter values; and much more. There are also links to the well completion forms containing well depth and saturated thickness info which can be mapped over a topo sheet or a choice of two sets of aerial photos. **One caution:** Water rights can be complex creatures with overlaps, both active and non-active wells, changes in type of use made and many other factors. This site may require a moderate level of attention to detail, but will be well worth the effort. It'll be on my "bookmark" list for sure. Comments?

GMD4 IN KIDS FOR SAFETY PROGRAM

The 2nd annual Thomas County Kids for Safety program will be held September 28 from 3:00 - 6:00 pm in the Colby Community Building. This year's theme is "Water" and GMD 4 staff will be displaying the groundwater flow model. Also expected is the Enviroscape model and the incredible, edible aquifer project. If you have kids plan on attending the program. In addition to the safety and educational displays and presentations, there will be fun events, door prizes and more. Contact Connie Walden of the Thomas County Health Dept for more information - (785) 460-4596.

WATER RIGHTS TRANSITION UPDATE

The concept of transitioning water rights out of use continues. The Kansas Water Congress (KWC) is currently taking on the issue of the Kansas program (formerly called ITAP) by developing bill language for introduction in the 2006 session. The specifics of the bill are still under development, but it will be completed before the 2006 session. Expect it to focus on setting aside water usage rather than irrigated acres and to include several participation options.

The Kansas ground and surface water portion of the EQIP program has been requested by the state technical committee to dedicate 90% of these annual program funds toward setting aside water use in the High Plains Aquifer for 4 years - focusing on locally identified quick response areas. No formal word yet if the program will be approved in this manner, but the final decision is due very soon.

At the local level, our groundwater conservation foundation has so far been unsuccessful in securing outside grants to support the developing state and federal program efforts. Perhaps it's because these other efforts have not yet materialized. We are continuing to provide some GMD funding to the cause, however.

Finally, no word from Senator Brownback on any independent federal support effort he has been expressing interest in. He may be looking toward the new Farm Bill as the tool of choice.

With luck, all these efforts will come about and support each other.

NEW CONSERVATION SECTION FOR THE STATE WATER PLAN

One of the new items being looked at for the State Water Plan is a new and expanded Conservation Section. The first working draft developed by the KWO (with advisory input from a special conservation task force) was approved by the Kansas Water Authority on August 11 for public release and comment.

For those interested in the role conservation may be playing in this state in the future, you should obtain a copy of this proposed section and digest it before the public hearings - expected to be held in October of this year.

One of the most significant elements of this new section is its change in the basic definition of conservation. The existing definition has been expressed as "...any beneficial reduction in water use or in water losses. *Water conservation means use efficiency.*" (KWO Fact Sheet #16, July, 2002). The new definition is proposed to be: "...the beneficial reduction in consumptive water use."

The definition change is being driven largely by the adoption of the new 2010 objectives for the High Plains Aquifer - to reduce the decline rates and extend the life of the aquifer. There are new questions regarding the ability of water use efficiency improvements (existing definition) to meet this objective.

If you have ideas of what the definition of conservation should be or how this new section should be structured, please consider voicing them during the public hearings. More information to come.

E-FILING WATER USE REPORTS

Some people in KS have been asked to test-drive the new water use report e-filing system. We here at GMD 4 have done so and offered a couple of suggestions to clarify instructions. Otherwise the site looks organized and pretty straight forward. The intent is to provide each water user a PIN and ID number to be entered on a secure web site that will accept your annual water use info. Very good idea. You can then use the new WIMAS page to check your entries!!

Pumping the Tailwater

Editorial Comment by Wayne Bossert, GMD 4 Manager

KANSAS WATER CONGRESS (KWC)

The KWC was formed in February, 2003 to create a grass-roots advocacy group consisting of as many water stake-holders as possible. The business of the Congress is to:

- ▶ Provide a forum where water users can work to reach consensus on chosen water issues;
- ▶ Advocate for positions achieving a 2/3rds consensus;
- ▶ Promote & facilitate interactions between water users and state agencies and seek efficiency in the process;
- ▶ Provide education & information on water issues to all participating entities in the water policy-making arena; and
- ▶ Promote the broadest possible membership representing the most diversified set of water interests practical.

Overseeing the Congress is a 29-member board representing each of the state's 12 river basins; each of the 5 GMD's; eastern KS agriculture; western KS Agriculture; state government; eastern KS cities; western KS cities; state financial entities; a resident engineer; a resident attorney; an eastern KS industrial person; a western KS industrial person; an energy or mining representative; and a recreation/wildlife representative.

The Congress is mainly financed by annual membership fees (individual and sustaining) and seminar/workshop registrations. It is a non-profit entity distinct from existing state agencies, private organizations and political affiliations.

Should you be participating? GMD 4 has been a sustaining member since inception, but I recall our board being a fairly hard sell. Bluntly put - they were skeptical of what seemed to be another "water group" entering the fray. However, we stayed involved and having watched the Congress identify its first set of water issues to debate and work on reaching 2/3rds consensus, I feel the investment has been worth the effort. I hope you will consider participation in this group, too. For more info, contact me, or Dave Brenn of the KWC at 785-290-0003.

The Water Table

Sponsored by the NW Kansas Groundwater Management District No. 4, 1175 S. Range, Colby, KS 67701-0905. Office hours: 8:00 a.m. to 5:00 p.m. Monday through Friday (except the noon hour) - closed during State holidays.

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