

A bimonthly publication of the **Northwest Kansas Groundwater Management District No. 4**
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METERING PROGRAM UPDATE

The meter notices of proof of completion continue to roll in and field inspections are being done as quickly as possible by both DWR and GMD staff. One unforeseen point of issue that has cropped up regards missing meter seals. If your meter is missing its seal, it will be considered out of compliance and you will need to have the meter inspected by a dealer and re-sealed, or, officially tested for accuracy by any authorized tester and if it tests accurate, have it re-sealed by whoever tests it. It seems most of these missing seals have been compromised by wind action eventually wearing out the wire attaching the seal to the meter. As GMD4 and DWR attach new seals steps are being taken to lessen or prevent such wind action. You may want to see what you can do about this before it becomes an issue.

Otherwise the program is on track and has received considerable cooperation from virtually all the well owners. GMD4 water right owners can be proud of their efforts in implementing this program.

The NE quarter well locations will be forwarded to DWR probably in August for metering in 2007.



EQIP IN GMD4

GMD 4 had 3 "quick response areas" which were targeted for the enhanced EQIP incentive payment of \$300 per eligible acre (\$100 per year for 3 years) to set aside irrigated acres for 4 years. The areas were: Townships 9-32, 9-33, 9-34 and 10-33 in Thomas County; and two, 2-mile radial areas - one in western Sheridan County and one in Rawlins County. Out of these 3 areas, NRCS received 15 qualified applications. Ten of these were approved and offered contracts totaling about \$413,500.00. Of these ten applications, a total of 1,378 irrigated acres will be set aside for 4 years. The average annual pumping history for these ten water rights (between 2000 and 2004) was just over 1,400 acrefeet. Nine of the applications were in the Thomas County quick response area and one was in the Sheridan County area. There were other EQIP applications to set aside water rights in the district at the regular incentive rate, but these are not included in this article.

WATER RIGHTS TRANSITION BILL PASSES

Last year's Legislature failed to pass an irrigation transition bill and instead directed all the parties to work on a compromise bill with wide support. The Kansas Water Congress (KWC) spearheaded the effort and through their process a new bill draft was introduced this year - HB 2710 - with complete support except for one or two entities. The Legislature may not have been completely serious about their directive though, because the House added 10 amendments and the Senate added another nine. And the joint conference committee amended some of the amendments. BUT...most of the amendments are good or acceptable, while a few are, well, "interesting".

In any event, the conference committee eventually concurred on this bill and it finally passed the full House by a vote of 103 to 21 and the Senate 38 to 2. Ready for the Governor's signature, the bill is (we think - the final wording is not yet available): a grant program for the permanent retirement of water rights (both full and partial) within pre-selected priority areas (including but not limited to the Prairie Dog and Rattlesnake Creeks), administered by State Conservation Commission (SCC) via regulations yet to be enacted, which is sun-setted in 5 years, restricted to no more than \$1.5 million of state and federal funds per year, and where no more than 30% of the annual funds can be used for partial water right retirements, with penalties for violations. Furthermore, the SCC has the authority to carry over unexpended funds and the GMD's along with DWR will select the priority areas in the GMDs, and GMDs must have meter and monitoring capability for the approval of partial retirements. SCC must also hold 2 public meetings in program areas to discuss hydrologic and economic impacts. The bill also requires any water right purchases with any Conservation Reserve Enhancement Program (CREP) funds be approved by the Legislature only after SCC and KWC prepare a program. For competing apps of similar hydrologic impact in any priority area, the senior right(s) will have priority.

It was a long time coming but 2710 is a good step forward in reaching the state goals of slowing the High Plains Aquifer decline rates in priority areas. We look forward to working with SCC on the implementing regulations. This is a first for Kansas.

REVISED MANAGEMENT PROGRAM ADOPTED

On March 9, 2006 the board conducted a public hearing to consider the proposed, Revised Management Program. With no district members in attendance, the board adopted the proposed plan as presented and made it effective March 9, 2006.

The program contains 6 problem statements dealing with depletion, public education, water quality, availability of energy, enforcement and public interest. Each of these problem statements has one or more goals set for it. Finally, the program identifies the programs being undertaken to achieve the stated goals.

The two newest elements of the plan are the enhanced management program and the metering program (both addressing the depletion problem). The descriptions of these two new programs are contained in the Revised Management Program which has already been posted on the district's web site at www.gmd4.org. Once there use the "Management Program" link. There is also information specifically about the enhanced management effort that is on the district's web site under the "Ogallala Enhanced Management Program" link.

The management program review process will begin again in the near future as this document is re-visited each year. If you have ideas on what should or should not be in this program, contact the district staff or any board member.

WATER CONSERVATION

All water right owners are reminded that several programs are in place for those who wish to conserve groundwater. The Water Rights Conservation Program (WRCP-DWR) allows the 5-10 year set aside of a valid water right without non-use issues. The Multi-Year Flex Program (MFA-DWR) allows 90% of a valid water right's average annual pumpage to be converted to a 5-year allocation with no annual limitations - only a 5-year limitation. The EQIP program (NRCS) provides a 3-year monetary incentive to set aside a water right for 4 years. The incentive is higher for designated quick response areas. Finally, it seems that we will have a state Water Rights Transition Program (WTAP-SCC) providing a payment to permanently retire valid water rights. Interested? Contact the district or the sponsoring agency for more info.

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NEW REG BEING PROPOSED

The GMD 4 board is proposing a new reg for small legitimate use applications. The reg would allow additional 15 acrefeet or less water rights in over appropriated areas only when a like amount of water is reduced from an existing water right within 2 miles. Moreover, the new water right cannot be overlapped with existing rights. This is a change over the current reg which can allow 15 acrefeet of exempted water rights per 1 mile radial area within closed areas. If you have comments, please voice them with either the board or staff. There will be a public hearing on the proposed reg once adopted by DWR.

THE GMD REGULATION PROCESS

By statute, GMD's cannot promulgate their own regulations but can only recommend regs to the division of water resources (DWR) who then promulgate them as their own regulations specifically for our GMD area. The GMD 4 regulations show up as DWR regulations K.A.R. 5-24-1 et seq. The complete GMD 4 set of regs are at: www.accesskansas.org/kda/dwr/Laws-Rules/GMD4Regs.pdf

The current GMD 4 regs cover: definitions; allowable withdrawals; well spacing; tailwater control & waste; allowable appropriation - reasonable use; changes in points of diversion; well construction; resource development plans; water flowmeters; exemptions for up to 15 acrefeet of groundwater; and investigation and enforcement.

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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ADDRESS CORRECTIONS ARE APPRECIATED

KANSAS GROUNDWATER MANAGEMENT - IS IT WORKING?

This topic was the subject of a day-long seminar at the KU Law School last month which included 3 of the 5 Kansas groundwater management districts, the division of water resources, KU professor John Peck and others. Specially invited was Dr. Tushaar Shah from Anan, India (affiliated with the International Water Management Institute). IWMI assists governments around the world in implementing water management activities. Dr. Shah had remarked to professor Peck that institutional groundwater management has not worked anywhere in the world. So he was promptly invited to Kansas to explore our system.

GMDs 2 and 5 (Halstead and Stafford) covered their activities - both successes and things that are yet needing to be done. Both these GMDs concluded a respectable level of success. Our GMD defined groundwater management "success" as the implementation of our publicly derived management program, and covered the activities done to achieve every goal contained therein. We concluded an 80% success rate and admitted that more needs to be done.

Dr. Shah reported that India has no regulations on well drilling or water use, and there are 21 million irrigation wells in the country - each well witnessed and counted during their census process. He also said that India is typical of virtually all the Asian countries in which IWMI is active. He was impressed with the Kansas groundwater management system on several levels - particularly how both state and local governments are working together and what they have been able to accomplish. If interested, you can visit the IWMI at: <http://www.iwmi.cgiar.org/>

WTAP COMMENTS

A recent editorial from a Grainfield man said the decision to buy out water rights to address the Ogallala decline problem was idiotic - and that the Ogallala water table dropped 12.5 feet in 2003. One reason the buyout idea is being discussed is because Kansas water rights are private property and you don't take property for the public good without compensation. After the costly and lengthy condemnation case, and market value is paid at some future value, it may be cheaper (and certainly more timely and less contentious) to buy them now. Oh, and the Ogallala did not drop 12.5 feet in 2003. It's dropped 12.5 feet since pre-development - about 1960.

Pumping the Tailwater

Editorial Comment by Wayne Bossert, GMD 4 Manager

I DON'T KNOW WHAT TO BELIEVE

The following excerpts are from the book *A Voyage of Discovery: A History of Ideas About the Earth, With a New Understanding of the Global Resources of Water and Petroleum, and the Problems of Climate Change*, written by Emeritus Professor Lance Endersbee, former Dean of Engineering and former Pro-Vice Chancellor of Melbourne, Australia's Monash University.

CHINA: *The pumping of groundwater in the North China Plain has resulted in the entire area subsiding, with many funnels and sinks appearing on the ground surface. Cities are reporting substantial subsidence...*

INDIA: *The population of India is well over one billion people, and increasing. There were 1 million wells with pumps in 1960. Now there are 21 to 26 million groundwater wells...Half of the country's traditional hand-dug wells have already run dry, as have millions of bored wells.*

BANGLADESH: *Until the 1970s, the people in the countryside were largely dependent...on surface water ponds and rivers. With increasing population, the surface ponds became highly polluted. Sewage bacteria unleashed water-borne diseases, which killed a quarter of a million children each year...The United Nations became concerned about this dreadful calamity, and...UNICEF sought to solve the problem by installing a great number of water wells in order to replace dangerous surface waters with clean groundwater...The health problem seemed to be solved, but by 1985 the people were beginning to be diagnosed with arsenic poisoning. Almost all the wells had traces of arsenic....This means that virtually the entire population is now exposed to some degree to arsenic poisoning; almost every one of the 68,000 villages in Bangladesh is at risk.*

YEMEN: *Groundwater was developed in the last few decades to provide water for urban areas, and for limited agriculture. The water table is now falling at 2 meters each year in the agricultural areas. The capital is Sanaa, and its groundwater level has been falling at 6 meters [19.8 feet] each year.*

IRAN: *...limited areas of soils suitable for agriculture, and a population of 69 million. Iran is facing an acute shortage of water. In eastern Iran, villagers are leaving the region as wells run dry. It has been reported that in the fertile plain in the northeast, the water table has been falling by 2 to 3 meters a year.*

Being largely unaware of international groundwater conditions, I must admit that I completed reading this chapter with more than a little foreboding. Then I got to the United States. The author writes:

In the United States, the state governments retain residual responsibilities for...water. All states maintain their own legislation on water. In the case of groundwater, the property owner has an absolute right of capture of the groundwater under his property. This means that the land owner may pump as much water as he wishes, without incurring any responsibility, if his actions are found to be detrimental to his neighbors or the community as a whole.

From my knowledge base of US Groundwater management, this is not even close to being true. The rule of capture he assigns to the entire US applies to Texas alone - certainly not Kansas. And while groundwater can be less regulated in much of the US outside the Ogallala, I know of no case where it is completely unregulated. Missing the US situation so badly makes me wonder how accurate the rest of his research is and how dire the rest of the world's groundwater conditions really are. In any event we'll continue to work on our problems regardless what is going on in the rest of the world, or the rest of the U.S. for that matter.