

32nd ANNUAL MEETING HELD IN HOXIE

The 32nd Annual Meeting was held Wednesday, February 21, 2007 in Hoxie, KS at the Elks Lodge. The meeting summary is:

The 31st Annual Meeting Minutes were approved.

Incumbent Board members Mitch Baalman (SD), Doug David (GH), and Scott Maurath (LG) were re-elected to another 3-year term. Shane Mann (Quinter) was elected to the Gove county position replacing Dave Mann who opted to not run again.

The 2006 Audit showed a cash carryover from 2005 of \$224,391; 2006 total income of \$457,234; 2006 expenditures of \$365,211; resulting in \$316,414 carried over into the 2007 budget. The bulk of this cash carryover are the Foundation funds which are still being earmarked to support private grant requests.

A proposed 2008 budget of \$756,550 was considered and approved by the membership to present at public hearing later in the year. \$401,100 of the 2008 proposed budget is expected to be existing Foundation funds which will not be assessed for.

Various reports were given including: 2006 district activities; the status of the state/local overpumping program; and a cooperative groundwater modeling program.

Dave Mann, outgoing Gove County board member and GMD 4 Secretary was recognized for his dedicated service since 1998.

Twenty-five persons were in attendance. More information is available on the web page at: <http://www.gmd4.org/an-mtg.html>.

KSU'S KANSCHED PROGRAM IMPROVED

The irrigation scheduling software produced by KSU under their Mobile Irrigation Lab efforts has been updated and improved. It now handles multiple fields and includes additional crop coefficient values. The software is free to download from the MIL site at:

www.oznet.ksu.edu/mil

The program allows the producer to track his or her crop growth, precipitation events and irrigations so as to keep a pre-determined level of soil moisture available for the crop's use. A rainage, knowledge of soil type and cropping info are the required data inputs. The program also allows one to build field collections, has a suite of reports and graphs to help visualize the scheduling process, and can sync up with KanSched 1 if you're already a user. If you schedule your irrigations, you should give KanSched 2 a try.

EQIP UPDATE FOR GMD4

The 2007 quick response areas (QRA) are Townships 9-32; 9-33; 9-34 and 10-33 in Thomas County (second year) and Townships N/2 9-39; 9-40; 9-41; 9-42; and N/2 10-42 in Sherman County (first year). As of February 20, NRCS reports that 8 eligible applications exist in the Sherman County QRA and four in the Thomas county area. While these numbers are down from last year's program response they are sufficient to use the full allocation to GMD 4 which is approximately \$502,000.00 – \$53,000.00 more than last year's program allotment for this area.

Next year's program is already being discussed so things may change. One change will be the designated QRAs in GMD 4. The board's plan has been to offer each QRA for 2 years, then designate a new area – unless exceptional participation is experienced. As such the Thomas County QRA will be replaced by an area in western Sheridan County. (The Sherman QRA will get another year.) The new Sheridan QRA will be chosen at the March 8th board meeting. If you have ideas or concerns, get with staff or your board member before March 8. We are also working with NRCS on other program criteria including the eligibility criteria and possibly the incentive rate itself. Questions?

KANSAS WATER AUTHORITY POSITION FILLED

Lon Frahm of Colby has been appointed to the Kansas Water Authority representing the 3 Western Kansas Groundwater Management Districts headquartered respectively in Colby, Scott City and Garden City. He begins his 4-year term immediately. Lon will speak for all 3 GMD's on groundwater issues important to western Kansas. This appointment by Governor Sebelius fills a significant representational void for NW Kansas as well as providing the KWA with an intelligent and thought-provoking authority member. We should all thank and support Lon for his commitment of time toward this important position. Lon replaces Dave Brenn of Garden City (GMD 3 Board Member) who has represented all 3 GMD's admirably during his term. "Thanks" Dave and "Welcome" Lon.

LEGISLATIVE WATER BILLS UPDATE

HB 2070: Legislating an automatic sunset of any intensive groundwater use control area (IGUCA) 5 years after the effective IGUCA order date issued by the chief engineer. Proponents argued that IGUCAs alter the fundamental tenets of the Kansas Water Appropriation Act (altering the priority system) and thus eliminate the certainty of the priority system to the detriment of private water right holders. Opponents argued that: an automatic sunset would place significant burdens on state regulators and the regulated public to re-do an IGUCA every 5 years; the sunset time frame is too short to assess any hydrologic progress resulting from any IGUCA controls; and the regulated community would in effect lose the sharing re-allocation tools provided in an IGUCA - leaving only the total shut off of junior rights when cutbacks are required to protect senior water rights. The bill was eventually changed to a simple moratorium on all new IGUCAs until June 30, 2008 and a mandate that the issues go to summer interim study – presumably providing time craft a better bill. The bill failed to pass out of the House on February 21 and is dead unless it is amended into another, germane bill. GMD 4 opposed HB 2070.

SB 89: Republican River Litigation Fund: This bill proposes how to distribute any monies Kansas might be awarded from the Republican River compact. Five percent of any award will first go to monitoring and compliance issues. One-third of the remaining funds are to go to the state water plan fund for conservation programs statewide, and 2/3 to a dedicated conservation projects fund. Of this 2/3, 1/3 is to go for projects in the upper basin (Phillips County & west); 1/3 for projects in the lower basin (Smith County & east) and 1/3 for projects in either basin. There are 10 types of conservation projects listed for funding and anyone may apply to the Kansas Water Office for these project funds. There is a review process outlined, and any project in excess of \$10,000 must be given a specific Legislative funding line item. The bill remains in the process as of this writing. GMD 4 supports SB 89 but questions two items: the inclusion of 2 conservation projects for state funding which can increase consumptive water use (a situation inconsistent with the goals of the bill) and the ability of state agencies to purchase private water rights. GMD 4 will continue to question these issues while otherwise supporting the bill.

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Management District No. 4
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CHANGE SERVICE REQUESTED

FOUNDATION DIRECTION DISCUSSED

The NW Kansas Groundwater Conservation Foundation’s basic direction was discussed at the February board meeting. While no decisions were made, the topic was placed on the March 8 meeting agenda for further discussion. Some were thinking the collected Foundation funds to date (approximately 324,000.00 of GMD 4 assessments) should be pressed into service now rather than waiting for private grants to supplement these funds which is the current plan. While the idea is as valid as the current plan, it will take a change in the Foundation by-laws to implement, which is to be discussed in March.

Another discussion point will be the use of the funds. The current plan is to directly set aside or retire consumptive water use through the foundation. The idea of using these funds instead to enhance the EQIP program in NW Kansas was also offered. While also a good idea, this change does not appear to be in the current Foundation’s scope. If you have ideas or concerns about the Foundation, contact a board member, staff, or plan on attending the March 8 meeting in Colby.

WEBSTER MANAGEMENT PLAN RELEASED

The final management plan for Webster Reservoir including Webster State Park, Webster Wildlife Area and Woodston Diversion Dam has been released by the Bureau of Reclamation and contains about 300 pages of information, maps, charts, graphs, tables, etc.

Webster statistics are (at conservation pool – surface elevation of 1892.45 feet above sea level): 45 miles of shoreline, 76,157 acrefeet of water, 880 acres of recreation area, 1,853 acres of wildlife area, and 3,739 acres of water surface area. The reservoir has 183,353 acrefeet of flood control storage above the conservation pool, and an additional 140,912 acrefeet of surcharge storage above the flood control top elevation. All the uses share 71,926 acrefeet of storage between the top of the inactive conservation pool (1860 elevation) and the bottom of the flood control pool (1892.45 elevation). If interested, a copy of the management plan is available in the district office for review or checkout.

WEBPAGE REMAINS UPDATED FOR INFO

If you have questions about GMD 4 or its activities you are urged to visit the web page first. There is much information on this page that is kept current every 2 weeks or so. Material available includes: approved minutes since 2003; newsletters since 2004; links to other water agencies in Kansas; the GMD Act; GMD4 regulations; water level data; a water use calculator; personnel info; annual meeting info; special program discussion; water quotes; and the newest feature – Special Announcements on the front page.

www.gmd4.org

Pumping the Tailwater

Editorial Comment by Wayne Bossert, GMD 4 Manager

IGUCA Debate and Issues

IGUCA – Intensive Groundwater Use Control Area. These amendments to the GMD act were passed years ago to provide additional methods of reducing water use when necessary (to protect senior water rights, enact the public benefit, prevent waste, etc.). Before these changes, the only way to solve a water supply problem was to reduce water use in reverse order of priority – meaning the most junior right holder was eliminated completely, and this process continued until the problem was solved.

Issue 1: Which is the better way to reduce water use – IGUCA or reverse order of priority? Reverse order of priority can be problematic when junior users are the most efficient, or the most economically productive, or, when senior users are in the worst part of the aquifer. The IGUCA allows the reduced supply to be shared - including amongst all users. It can result in a strict priority solution, too. Many times the IGUCA will result in the restricted supply being used more effectively - in economic/social terms.

In our discussion of this issue here in GMD 4 the vast majority of water users prefer the tools within the IGUCA over administration by reverse order of priority. Notice I said the “tools within the IGUCA” rather than saying they prefer the IGUCA itself. Because an IGUCA is entirely a state process once the decision is made to establish it, and because the statutes do not include any process out of an IGUCA, many water users remain skeptical of it. The IGUCA Order can address these issues.

Issue 2: Who initiates an IGUCA? The statutes say that whenever a GMD board, or a set number of GMD voters, recommend that an IGUCA be established, the chief engineer must initiate the process. The next sentence says that the chief engineer can initiate an IGUCA when certain conditions exist in a groundwater use area outside a GMD. Somehow the Attorney General interpreted this language such that the chief engineer can initiate an IGUCA on his or her own within a GMD – citing the greater public good and the fact that the GMD law cannot usurp any DWR power under the water appropriation act. We think this issue needs clarification.

Issue 3: Does an IGUCA override the Water Appropriation Act? Some say “yes” - to the detriment of water right owners and those seeking water rights who have made or will be making plans/investments on a specific seniority of water rights. The IGUCA can change these things. While this is true, an IGUCA can also accommodate the priority system very closely. But, be careful, the closer the pure priority system is accommodated, the less economic and social flexibility there is in the solution (refer to Issue 1 again).

Issue 4: When does an IGUCA end? Currently an IGUCA does not end unless the formation order covers this eventuality – at the discretion of the chief engineer. So far, no IGUCA orders do so. Since the existing IGUCA orders (where water use reductions are mandated) adjust the water right withdrawals by order and do not actually reduce the water rights themselves, one can see why IGUCAs need to be more permanent than not. We were hoping for something in between the current, never-ending IGUCA, and the automatic sunset of every IGUCA proposed by HB 2070. We thought a conditional sunset might have some merit. Perhaps the best approach would be to leave the process as it is and concentrate on some very specific IGUCA order language dealing with if and when the IGUCA should be lifted.

In closing, my guess is the IGUCA tools will be in the highest demand when water use in an area has to be reduced - for whatever reason – by any authorized entity.

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.

DIRECTORS: Roger Zweygardt - St Francis, CN Cty; Monty Biggs - Atwood, RA/DC Cty; Jeff Deeds - Goodland, SH/WA Cty; Dave Rietcheck - Treasurer, Goodland, SH/WA Cty; Jon Friesen - Colby, TH Cty; Lon Frahm - Colby, TH Cty; Mitch Baalman - Vice President, Menlo, SD Cty; Bill Nondorf - Secretary, Hoxie, SD Cty; Doug David - Hill City, GH Cty; Scott Maurath - President, Oakley, LG Cty; Shane Mann - Quinter, GO Cty.

STAFF: Wayne Bossert - Manager; Ray Luhman - Assistant Manager; Dan Simmering - Field Technician; Rita Wade - Secretary/Receptionist; Ron Vignery - Attorney.

ADDRESS CORRECTIONS ARE APPRECIATED

THE NATURE OF A KANSAS WATER RIGHT

Various conceptions/misconceptions:

- 1) **If I acquire a water right DWR will know of the change in ownership and post it for me.** NO. If you acquire a water right you must notify DWR and inform them. Sending along a copy of the transfer documentation (deed, or whatever) is the best choice. You should take care of this personally.
- 2) **I should report irrigating my entire authorized place of use.** NO. Your water use report must be accurate, legible and filed on time. Report only the acres you actually irrigated.
- 3) **If I have a meter I should report metered values.** YES. In fact, if you were required to meter you are required to file metered values. You should make sure the beginning value equals last year’s ending value unless meter work changes the register.
- 4) **My right is subject to abandonment if I don’t use it at least once every 3 years.** NO. The law was changed such that abandonment is now considered only after 5 years of non-use – and only when no sufficient cause for non-use is provided. Moreover, valid rights are eligible for the Water Rights Conservation Program (WRCP) allowing non-use for up to 10 years for conservation purposes. You must apply for WRCP.