

## GMD4 PROTOCOL UPDATE

The board set the enhanced management high priority areas in March and these areas were mapped and described in the last newsletter (available on the GMD 4 web site). Setting the high priority areas was Task 2 of a 7-Task process. The board is now working on Task 3, which is the data validation process before program implementation.

This task is to validate the data for two things: 1) is it sufficient enough (in quantity and quality) to designate the high priority areas?; and 2) is it sufficient enough to support and evaluate the specific management efforts that may be undertaken within each individual high priority area?

The first data validation effort has been completed and the data has been found sufficient to support the designation of the high priority areas. We are working with the Kansas Geological Survey to assess the second aspect of the data validity issue. This process will start with a data cross-validation process which was completed recently. The results are that either more data points or better quality data points are (or both) needed in the high priority areas for a normally acceptable scientific confidence level. Discussions continue on how to best achieve the additional data confidence.

The real heart of the enhanced management process lies in Task 4. This is where the individual stakeholders in each high priority area begin meeting to discuss in earnest the process, their desired goals and the ways they prefer to reach their goals. These ideas will be recommendations to the board who then must decide what to do. The state water plan does support voluntary, incentive-based approaches as long as they are shown to be working.

However, we may be asked to head in a new direction as the state water plan is proposing to re-visit this entire process. More on this in the other headline article of this edition in the next column.

## GMD 2 SEEKING NEW MANAGER

Lee Wheeler, who began managing the Equus Beds GMD 2 (Halstead) about six months ago is leaving the district to pursue other options. The GMD 2 board is now seeking a new manager. While Lee wasn't in the position very long, his water conservation credentials were admired by many.

## GROUNDWATER DECLINES – HIGHER PRIORITY

During its April meeting, the KWA considered a list of 5 issues for enhanced attention over the next 5 years. Groundwater declines in the High Plains Aquifer made the list. Under consideration in the paper for the groundwater declines (proposed to begin in the Spring of 2008) is reconstitution of the Management Advisory Committee (MAC) which originally developed the protocol process currently being implemented by the GMDs and DWR since its development in 2001 / 2002. This action would indicate the KWA is either having second thoughts about the current protocol process, or, the intent is simply to re-focus and re-affirm the current approach.

It appears that part of the proposed state effort will be exploring the barriers to reducing consumptive water use in western Kansas – that component of the water use budget that is most responsible for the change in aquifer storage - hence the declines. The barriers are large and they are economic, social, legal and hydrologic – and therefore political. For example, with ethanol production raising the corn price, the pressure on producers to supply corn is significant. And with corn being one of the larger consumptive water users in western Kansas, the goal of reducing consumptive water use is looking more distant with the opening of each new ethanol plant.

The Division of Water Resources has also ramped up their monitoring of water right over pumping. Notices of non-compliance (failing to operate within the limits of the water right being one cause) have been generated across the state recently as another indication that water use is being made a higher priority.

As said before, the most productive answers will be the ones that most effectively address the economic, social, legal, political and hydrologic issues involved in water use in Kansas.

## [www.gmd4.org](http://www.gmd4.org) WEBSTATS

For the combined months of April and May, 2007:

2,811 Visits & 3,797 page views; average 1.35 page views per visit

88.3% of visits were new visitors & 11.75% were returning visitors

Top 3 pages: Quotes (61.5%); Home Page (14.6%) Formulas (9.6%)

Average of 46.8 visits per day

## PUBLIC TV CONDUCTS A TOWN-HALL MEETING ON WATER

On May 30 Smoky Hill public television conducted a town-hall meeting in Colby to discuss the recent drought and water issues. Moderated by Randall Weller, Hill City, the session had 5 panelists representing various water perspectives: Senator Ralph Ostmeyer; Randy Gustafson, Hays City Manager; Tracy Streeter, Kansas Water Office; Lon Frahm, irrigated agriculture; and Don Paxson, Kansas Water Authority. The program was broadcast on May 31, 2007.

A few of the issues brought up by the public in attendance were: **1)** Can we find ways to simultaneously reduce consumptive water use and increase economic returns – as doing one or the other are only partial solutions? The panel felt that ethanol production was doing this - stating that less water is being used for increased economic return; **2)** Are water rights property rights? The panel was all around this answer, but eventually settled on the correct response that water rights are property rights to the access and use of the state's water – with the caveat that one's water use cannot be wasted or impair earlier water rights; **3)** What is being done about reducing water use? In response the various state programs were explained – from CREP, WTAP, EQIP, but admittedly at frugal funding levels; and **4)** some panel members missed the mark on domestic & municipal water use – concluding that such uses have absolute priority in times of shortage. In fact, all rights in Kansas are subject to the priority system (prior appropriation doctrine) regardless of use type.

The final comments by the panel were: Lon Frahm: local control needs to be continued if the best solutions are to be implemented. Senator Ostmeyer: local involvement with local entities in the lead was critical for responsible solutions – whether it be water, schools or whatever. Tracy Streeter: there are lots of competing uses for water across Kansas that are all economically motivated, so balance must be found. Randy Gustafson: we need to be equally concerned about the regional agriculture as a base of our economy, and that the last thing we need are water fights. Don Paxson: “sustainable water use” was a term not used yet in the discussion, and that one way or another it was going to happen. He urged that we plan wisely for sustainable water use.

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**CHEMIGATION – PERMITS REQUIRED**

If you are interested in chemigating, be advised that a license and permit are required before you can do so. You should also know that the process takes a few weeks to complete, so give yourself at least this much lead time before you need to start.

Basically, the owner or operator needs to assume the responsibility as the Chemigation Equipment Operator, or CEO. This person can then register up to 10 chemigation units under this license. The CEO must take an open book chemigation test and pay the appropriate fees before being approved. The CEO license is \$25.00 and the registration of systems is \$75.00 for the first system and \$15.00 for each additional system.

The GMD has the booklets and can help persons through this process, but the Department of Agriculture is the responsible agency issuing the licenses. For more information, call the office of contact the Kansas Department of Agriculture.

**WEATHER STATIONS TO BE ADDED**

Kansas climatologist Mary Knapp visited the district recently to discuss adding 3 or 4 automated weather stations in NW Kansas. These stations will collect data on wind speed and direction, solar radiation, maximum and minimum daily temperature, rainfall, and soil moisture and soil temperature at the 10, 20 and 40 cm depths. The data will be uploaded daily to a database and be available the next morning by 8:00 a.m. for public use.

Stations are to be added in SW Sherman County, Western Sheridan County, Southern Cheyenne County and perhaps one in NE Rawlins County. The state will be using cooperators for placing the long-term stations.

From these data, daily crop ET can be derived which will be important for crop irrigation scheduling. The stations will be combined with all the NWS stations and others which will eventually become the Kansas mesonet system – the definitive, one-stop location for weather data in Kansas. More info later.

**CONSERVATION ALLIANCE PROPOSED**

SB 89 did not pass this year, but it proposed a process to handle any award moneys received from either Colorado and/or Nebraska resulting from the Republican River Compact Settlement. It will be carried over into the 2008 Session and considered again.

Following reimbursement to the state for the litigation costs and placing 5% of any award money into a monitoring and enforcement account, the rest of these funds are slated to go to the basin areas for conservation projects – administered by the Kansas Water Office. The bill specifies 10 types of conservation projects which qualify, but these are broad enough to address just about any conservation issue.

The district board has decided to promote the formation of an Upper Republican River Compact Conservation Alliance that will include representatives of all stakeholders. The final alliance, if formed, will work over the next year considering a coordinated set of conservation projects for the Upper Republican portion of the basin. This approach should eliminate any number of individual, uncoordinated project requests – hopefully resulting in the best conservation results for the money.

Identified stakeholders currently include: Conservation districts; municipalities; RC&D’s; environment; County Commissions; Almena Irrigation District; County Farm Bureaus; Feed & Grain Assn; domestic users; financial sector; Cattle & Swine feeders; Industry; the Upper Republican BAC and this district. If others need to be included, don’t hesitate to let us know - soon.

**Pumping the Tailwater**

*Editorial Comment by Wayne Bossert, GMD 4 Manager*

**HOW INTERESTED IS THE PUBLIC REALLY?**

Much is said and written about how vitally interested the public is and should be in Kansas water resources, but often the opposite impression is received at the crunch times. For example, the Smoky Hill Public TV’s town hall meeting on water held last month. There should have been a full house on hand to discuss water issues with the 5 panelists. There were less than a dozen people to ask questions and benefit from the answers. Take also the very important Water Transition Assistance Program hearing on state regulations - just 5 people at the Norton hearing with only 1 providing testimony. And one guy admitted he was actually in the wrong meeting. Then there was the GMD 4 annual meeting held in Hoxie this past February where 6 people managed to attend (not including the board and staff and agency personnel). And even the editorials (mostly blistering) in the Hays paper by our friend Bob Hooper generate few if any follow-up discussions.

On the other hand, examples of public interest and involvement are in evidence as well. Take the 11 board members of this GMD. These persons go above and beyond the call of duty in serving on the board. Not only do they meet 10 or 11 times annually with a board packet of some 20-30 pages each time, but they also deal with other local vs state issues on the spur of the moment as they come up throughout the year. By the way, most of the 6 attending the GMD 4 annual meeting in Hoxie were former board members. Also the Big Bend GMD 5 in Stafford consistently gets attendance in the 125-150 person range. Of course they have had a few hot-button issues on their table for the last decade or so. The lack of public participation in the absence of a “hot issue” appears common across all levels of government in Kansas regarding water.

It’s easy to surmise that the public is simply too busy with their own interests to get involved, but this doesn’t explain those few issues (like wind power in Ellis County) that capture the public’s interest in spades. Is it the learning curve of water that precludes such public involvement? Is water really that dry of a subject? Are the issues and solutions too complicated to deal with? Are there too many boards and BACs and authorities to keep them all straight? Is it all of the above?

If anyone wants to take a sincere stab at this, maybe our approaches to water can change in such ways that make it easier or more rewarding for the public to get and stay involved – at least at the local GMD level. More involvement can mean better answers.

**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

**THE NATURE OF A KANSAS WATER RIGHT**

As we’ve covered before in this segment, every water right in Kansas has a specific list of terms and conditions that are clearly stated on the approval of application and permit to proceed, and again on the certificate of appropriation issued following the perfection period. It is one of these terms and conditions – the authorized annual quantity of water – that is the subject of this segment.

Just weeks ago the Kansas Department of Agriculture, Division of Water Resources, issues about 500 notices of non-compliance statewide to water right owners who reported pumping in excess of their authorized quantities at least twice since 1995. We have stated many times in the past that the time would come when there would be a penalty for over using a water right. It appears the time is now here.

These notices of non-compliance can be sent out for any violation of any term and condition of a water right. Just so happens most of the first batch were addressing the over pumping issue. The notices represent a water right owner’s first warning and a formal notice to not “non-comply” again. The next non-compliance for these water right owners will result in some legal action – possibly a fine, water right suspension or eventually water right revocation. Water right owners should pay close attention to these notices.