

## GMD4 EQIP UPDATE

The FY 08 EQIP program is about to begin with initial sign-ups expected to begin soon, with the Ground and Surface Water program (within EQIP) having been recommended for additional funding in the FY 08 designated quick response areas (QRAs). This part of EQIP can provide \$300.00 per eligible acre to set aside a water right for 4 years if the water right qualifies.

A western Sheridan County area and a small eastern Thomas County area have been added for the FY 08 program, while last year's southwest Sherman County area remains eligible again. Check with NRCS for the specific QRA areas eligible for this funding.

Looking back, the FY 07 program in GMD 4 set aside 2,044 irrigated acres having been using an average of 1,638 acrefeet of water per year in the previous 5 years. The FY 06 program set aside 1,499 acres and 1,519 acrefeet of annual water use. These set asides are helping the QRA areas to reduce their groundwater withdrawals – thus slowing the water table declines.

It appears this program is being radically changed in the new farm bill and may not be available any more. We'll wait and see.

## FLEX ACCOUNT REMINDER

Water right holders have until **October 10** to apply for a Flex Account term permit that allows for more flexible water use over a five-year period that begins **Jan. 1, 2008**. Available only to vested and certified groundwater water right holders, this program is based on historical use rather than authorized quantities.

Under the current flex account term permit, water users establish a five-year allotment based on an average of their actual, lawful use between 1992 and 2002, less a 10 percent conservation amount required by law. Once a water user's allotment is established, that base amount is drawn down each year by the amount of water that is used. Water use in any one year may exceed the water right holder's appropriated amount as long as overall use for the five-year period does not exceed the total allotment.

DWR Staff are prepared to answer questions and to help water users complete the forms needed. The Stockton Field Office phone number is: (785) 425-6787. This GMD office can assist as well. More information on these accounts can be found at <http://www.ksda.gov/appropriation/?cid=297>.

## GMD 4 AREAS NOT YET "DESIGNATED" FOR WTAP

The program we've all been working on for 6 years, the Water Transition Assistance Program (WTAP), will open for business September 1, 2007 – taking applications to permanently retire existing water rights in exchange for a payment from the state that is considered to be the water right's "fair market value".

But our GMD 4 members needn't get too excited because only two areas thus far have been designated for eligibility. These areas are the Rattlesnake and Prairie Dog Creeks. While part of the Prairie Dog Creek is within GMD 4, all of the GMD 4 area of the Prairie Dog Creek has been prioritized at the lowest priority. Moreover, none of the 6, GMD 4 identified high priority areas will be designated this year.

On July 17 the GMD 4 board requested that DWR designate our high priority areas for program eligibility. This request has not been officially acted on yet, but the board is being told it will be refused because DWR does not consider our areas "closed to new appropriations" under our 2-mile, new development regulation (KAR 5-24-2). DWR insists that to be eligible, the board must formally close our high priority areas by direct regulation.

GMD 4 contends that our 6 designated areas are effectively closed to new appropriations under DWR regulation KAR 5-24-2 as no new water rights have been appropriated in any of these areas since KAR 5-24-2 was promulgated in 1986. GMD 4 further contends that its elimination of new, exempted water rights (by regulation KAR 5-24-10) actually makes our areas more closed than either the Rattlesnake or Prairie Dog Creeks where new, 5 acre foot water rights can still be allowed by exemption.

The "closed to new appropriations" issue is being re-visited as the parties are working on a possible agreement for next year's program. The progress on this effort will be covered in a later edition of this newsletter. Should anyone have questions, call, write or visit the district office.

## NW KANSAS GROUNDWATER CONSERVATION FOUNDATION OPEN FOR BUSINESS

The Northwest Kansas Groundwater Conservation Foundation will open for business on October 1, 2007 in the 6 selected high priority areas of GMD 4.

GMD 4 has been collecting extra funding for several years to apply toward reducing consumptive water use upon the establishment of its Foundation. The Foundation bylaws allow for funds to be paid to water right owners in the high priority areas who agree to reduce consumptive water use. The Foundation has always strived to work in concert with other water use reduction programs such as EQIP, WTAP and WRCP, but this has been a challenge because all 4 programs (developed by 4 different agencies) have different approaches to water use reductions and different timing dates and different incentive approaches and levels. Some of these programs can work together, and some can't.

EQIP is a 4-10 year, full water right, set-aside program with 2, federally set, payment levels – inside QRA's and outside QRA's. WTAP is a permanent retirement program for full or partial water rights with a payment based on a bid process – in eligible areas only. WRCP is a 5-10 year, full water right, set aside program with no payments – only in areas closed to new water rights. The most flexible seems to be the GMD 4 Foundation which can provide payments for full or partial water right reductions for any time period, permanent or temporary set-asides, or any other proposal which will reduce water use – but only in the specified high priority areas of GMD 4.

The Foundation (<http://www.groundwaterfoundation.com>) can be visited on line or in person here at the GMD 4 offices. Staff will be available to help interested persons sort out the programs and discuss which can work together. These are all voluntary programs.

## www.gmd4.org WEBSTATS

For the combined months of June and July, 2007: Our webpage experienced 2,602 Visits resulting in 3,545 page views (average of 1.36 page views per visit). 86.4% of visits were new visitors. The top 3 pages were: Quotes (58.9%); Home Page (14.3%) and Formulas (10.9%). Our pages averaged 43.3 visits per day and 1.36 pageviews per visit over these 60 days.

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## METERING PROGRAM UPDATE

2008 will be the 3<sup>rd</sup> year of our 4-year metering program. The wells slated to be metered in 2008 will be those located in the SE quarter of each GMD4 section. We have decided to wait a while longer before the well owners in the SE quarter are officially notified, but those notifications will go out in a timely fashion.

The paperwork these well owners will need was included in the original metering order received in late 2005. The single-page form that must be completed and sent to DWR records all the details of the specific meter installed – including its manufacturer, serial number, size, calibration unit, location, date installed, etc. If you have misplaced this form(s), let us or DWR know and we'll send along new copies for completion.

Each meter form received will trigger a field verification visit and if all is found in order, the metering process will be complete for that well. Thus far, a significant majority of meter installations have been done very well by the installers. But a heads-up may be in order. Past problems have included: missing seals; installations with not enough up/down gradient space; and meters not installed in factory-approved measuring chambers. All deficiencies will have to be corrected before the well can pump in 2008.

## GMDs meet with Monsanto

Kansas GMD reps Mark Rude and Wayne Bossert with 4 NRD reps from Nebraska met with Monsanto on August 22 in York, Nebraska to discuss water conserving corn genetics. Monsanto arranged the meeting asking regional water managers to discuss water programs and regulations. Monsanto also covered their corn breeding program. The message from the water districts was a strong need for improvements in drought-tolerant corn hybrids due to looming water restrictions via either: reducing supplies; regulation; or court orders. Monsanto reported it takes 8-10 years and \$100 million to identify and release a new hybrid. Don't know if Monsanto will now choose to help solve the water crisis by pressing on, or, opt out for fear of less corn seed demand.

### 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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**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

Exempted water rights is an issue that has seen some change of late – always toward the “more restrictive” side of the issue. Twenty years ago, new water rights of 25 acrefeet or less were routinely approved across the state in areas that were otherwise overappropriated, but not yet officially closed by order. The thinking was to not unduly restrict small, legitimate requests for water. Today, new water right exemptions of 5 acrefeet or less are still available in most, non-closed areas of the state – except in this GMD. In GMD 4, to get a new, exempted water right (which can be up to 15 acrefeet) someone within 2 miles of the new well is required to forfeit a like amount of consumptive water. While it may appear that our 15 acrefoot exemption is less restrictive than the 5 AF exemptions elsewhere, our required offset actually makes this regulation more restrictive because these are not new water rights at all. This is becoming an important distinction as we consider programs aimed at retiring water rights. No one is interested in buying out (retiring) water rights in areas where new water rights can be approved. Having the most closed area of the state should improve GMD 4's eligibility for the developing water right retirement programs. However, we're finding that the state prefers “officially closed areas” (even when new 5 AF rights are allowed) to areas we maintain are effectively more closed.

## CONSERVATION ALLIANCE UPDATE

Last edition we reported on SB 89 and that the GMD 4 board decided to promote the formation of an Upper Republican River Compact Conservation Alliance to work over the next year or so putting together a coordinated set of conservation projects for the Upper Republican portion of the basin. This cooperative proposal would then be eligible for a grant from any award funds Kansas could receive from either Nebraska or Colorado on the Republican River Compact settlement – whose administration begins August 1, 2007.

All the listed stakeholders (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; and the Upper Republican BAC) have been sent a proposal and asked to express their interest by August 15.

It appears that there is enough interest on the behalves of enough stakeholder groups to form the Alliance, even though we have not heard from all the contacts yet. In fact, as things stand now, we've had positive responses from only one or two stakeholders in most of the stakeholder groups – some of which have 6 or more contacts. We'll count the stakeholder group as “active” even with a single “yes” response and those responding will represent the entire group.

If interested, the meeting notes will be available from the Alliance facilitator once the process gets up and running. Got a conservation project idea? Let the Alliance hear from you.

## Pumping the Tailwater

Editorial Comment by Wayne Bossert, GMD 4 Manager

## ASSOCIATIONS AND ASSOCIATES

Our GMD has been involved in the national Groundwater Management Districts Association (GMDA) since our formation in 1977. We have religiously attended the 2 conferences per year and have actually held a board position since 1978. I have been President of the Association twice, and have held the Secretarial duties for probably 15 years now. Have the benefits gained from these efforts been worth the time and cost?

There's actually no way to quantify or “account” for the intangibles of this rhetorical question, but I'll go on record as saying that the time and costs have been justified. The contacts alone with the other GMD board members, managers and staff have many times provided this GMD with opportunities we would not have had otherwise. A prime example is our recent meeting with Monsanto to discuss the value of a reduced-water corn hybrid. Were it not for our affiliation and participation in GMDA we wouldn't have been involved.

We are constantly looking at how other districts approach very similar resource problems. While state water laws can differ a lot, thus making some resource ideas impossible to use in Kansas, you'd be surprised how many ideas and approaches will translate for use in Kansas – at least to some degree. The thinking that is required to understand what others are doing and then ask if there is a “Kansas application” is always positive. There is no better group of people to discuss groundwater issues with than the fine associates in GMDA.

Moreover, the ideas that can be discussed and gleaned span the entire operations of all districts, from exciting new projects to the more mundane ways administrative issues are approached. These are almost always useful bits of information that keep us all better informed and grounded.

Finally, there are the conferences themselves. The Summer meetings are usually more technical – focusing on projects, modeling efforts, and other individual district activities. The Winter meetings are more policy oriented – usually focusing on the federal water-scape. This is where GMDA develops its resolutions and exercises its voice to these important players. GMDA maintains a web page at: [www.gmdausa.org](http://www.gmdausa.org) and has just developed an interactive wiki- page – containing the association's interactive history document. If not already an active member of GMDA, you should consider it.