

A bimonthly publication of the **Northwest Kansas Groundwater Management District No. 4**  
1175 S. Range, Colby, KS 67701 \* Tel: (785) 462-3915 \* Fax: (785) 462-2693 \* Web: [www.gmd4.org](http://www.gmd4.org)

## 33<sup>RD</sup> ANNUAL MEETING SET

The 33<sup>rd</sup> Annual Meeting of the district has been scheduled for:

**Wednesday, February 20, 2008**  
**Howard Johnson Hotel, 2218 Commerce**  
**Goodland, KS.**  
**1:00 P.M. MST**

The agenda will include: Approval of last year's meeting minutes; reports on the district finances, the 2007 Audit and last year's activities; an open session for comments/questions/suggestions; election of board positions for Cheyenne, Sherman and Thomas Counties; and whatever else comes up. The positions up for election will remain open until balloting to accommodate nominations from the floor, so a complete listing of candidates cannot be provided for this article.

This year Tom Cech, manager of the Central Colorado Water Conservancy District in Greeley, Colorado will give a presentation regarding the groundwater well shut downs in NE Colorado over the past several years. This interesting talk will be a bonus for all attendees.

## VIOLATIONS DISQUALIFY SOME

If you are, or will become interested in, any of the federal programs to set aside or retire water rights – EQIP and/or CREP - please be advised that they come with one condition you should keep in mind. Any water right owner who has been fined by DWR - for a meter violation, overpump or anything else - will NOT qualify for CREP, and will not receive any EQIP payments until the fine is resolved. At this time the local NW Kansas Groundwater Conservation Foundation program and the state's Water Rights Transition Assistance Program (WTAP) do not have this disqualification feature.

The big negative in this arrangement is the voluntary CREP program. This has been a very significant program in Colorado, Nebraska and SW Kansas for setting aside water use with federal payments. If such a program is ever created and implemented in NW Kansas, it should prove to be a definitive alternative for district water right owners. This district urges everyone to keep their water right options open by taking the necessary care with those rights and staying eligible for these federal programs – in other words, don't let a meter fine eliminate you from participating.

## IGUCAS UNDER CONSIDERATION

Where to start? Since last year when a bill was introduced to automatically sunset all **Intensive Groundwater Use Control Areas (IGUCAs)** the issue of what really to do with them has been discussed a lot. In fact, an interim Legislative Committee was formed this Summer to study all the issues. The following issues were suggested to the Interim Committee by testifiers:

- \* A review panel should be formed to advise the chief engineer on formation or not;
- \* Some formal, and mandated review process is needed for all IGUCAs formed;
- \* The formation process should require specific goals for each IGUCA;
- \* An IGUCA hearing for formation should be by independent hearing officer, not DWR;
- \* Clarification is needed on the triggering process within GMDs;
- \* DWR staff should not be a party to the hearings;
- \* Once initiated, the hearing officer should not discuss the efforts with any parties;

The legislative committee, after deliberations, is proposing a bill that addresses 3 of the above issues - a pre-hearing review panel; clarification of the triggering process inside a GMD; and a periodic IGUCA review process.

The GMD 4 testimony suggested: clarification of the IGUCA triggering process within GMDs; requiring the hearing process to set IGUCA goals; requiring a periodic review process that would allow for changing the IGUCA area, changing the IGUCA timeframe, changing the corrective control provisions originally instituted, and/or cancelling the IGUCA; and requiring any IGUCA order to consider the local GMD management plan if within a GMD. Our board does not support an independent hearing officer so long as the triggering process is clarified and ex parte communications of the hearing officer are disallowed. GMD 4 also does not support a pre-initiation advisory panel appointed largely by the Legislature. Everyone agrees that a review process is needed, but disagreement continues on how often it needs to be done, who should be on the review panel, what they should consider, etc., etc. A final issue is whether any changes should be made thru statute or regulation. Whew!

## NW KANSAS GROUNDWATER CONSERVATION FOUNDATION OPEN FOR BUSINESS

As reported in our previous editions, the Northwest Kansas Groundwater Conservation Foundation opened for business on October 1, 2007 in the 6 selected high priority areas of GMD 4. The initial program application period ended December 1, 2007 with no applications being filed. This situation has the Foundation Board re-assessing its program.

It certainly appears that the interest of NW Kansas water right owners in selling or setting aside water rights has been mis-judged. Factors in the slow start may include: 1) the dramatic improvement in the irrigated agriculture picture (high corn and wheat prices); 2) the difficulty of getting all the other programs (EQIP, WTAP, CREP) to match up with ours; 3) a natural hesitation toward new programs which need more time to get explained; and 4) not enough public information and program promotion.

The Foundation board would be interested in your comments for improving the program. It is still a very small program, so all-out promotional efforts have not been undertaken. In fact, announcements thus far have been restricted to this newsletter and the GMD 4 website – to “test the waters” so to speak. The website is currently showing very low traffic – averaging only 1 visit every other day. This could be an indication of the inadequate promotion, or, a very serious lack of interest in parting with one's water rights.

If you have ideas on what would make the prospect of selling or leasing your water right more appealing, the foundation board would like to hear it. The Foundation can be visited on line at the address below, or in person here at the GMD 4 offices.

<http://www.groundwaterfoundation.com>

## www.gmd4.org WEBSTATS

For the combined months of October and November, 2007: Our webpage experienced 3,352 visits resulting in 4,117 page views (average of 1.23 page views per visit). 87.5% of visits were new visitors and 12.5% were returners. The top 3 pages were: Quotes (72.2%); Formulas (9.9%) and the Home Page (9.8%). Our pages averaged 55 visits per day over these 60 days.

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PO Box 905  
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## WATER METER CALCULATOR ADDED

Just recently added to the district's web page is a meter calculator that will "do the math" for you if you just put in your beginning and ending meter readings in the right format. The only things you need to know are the units your meter is calibrated in, and, the "meter multiplier" for that meter. Pictures for each meter type and multiplier have been placed on the webpage to help identify which units and multiplier you might have.

The spreadsheet accounts for meter rollover, so your actual beginning and ending meter readings must be used. The only trick to inputting your meter readings is to INCLUDE all ending, or "fixed" zeroes. Leading zeroes can be included or not.

The spreadsheet is at: [www.gmd4.org/formulas.html](http://www.gmd4.org/formulas.html) and then click on the first Excel spreadsheet clickable. Let us know if you have questions or suggestions.

## TAILWATER COMPLAINTS – THEN AND NOW

I've taken a look at the trend of tailwater complaints handled by the district over the 30 years we've been looking into them. We have handled an average of 4.3 tailwater complaints a year since we opened shop in 1977. The 1977 – 1987 period found us handling an average of 6.8 complaints a year, while the latest 10-year period (1997 – 2007) has averaged just 1.5 complaints a year. Controlling irrigation water use has made huge strides since 1977.

## BOARD MEETINGS SET

The January board meeting will be January 10, 2008 beginning at 10:00 A.M. in the district offices, 1175 S. Range, Colby.

The February board meeting will be held in conjunction with the annual meeting. It will be February 20, 2008 in Goodland, beginning at 10:00 A.M.

The March, 2008 meeting has not been scheduled yet.

### 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 Zwegardt - 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

**What is a "Vested Water Right"?** On June 28, 1945 the Kansas Water Appropriation Act became effective. It made the state of Kansas an "Appropriation" state rather than a "Riparian" state as far as basic water doctrine goes. After enactment, all water rights in Kansas (groundwater or surface water) were considered in a priority system by date of application. The first new (post June 28, 1945) water right applied for got appropriation # 1.

It was all the existing (pre June 28, 1945) water uses needing to be considered by the new appropriation system that became the "Vested Water Rights". In essence, all vested water rights in Kansas represent uses that were ongoing (or specifically under development) on June 28, 1945. All vested water rights are "senior" to (pre-date) all appropriation rights, but they all have the same priority date among themselves. In other words, there is no seniority system for vested water rights in Kansas.

The legislature closed the filing process for claiming vested water rights on July 1, 1980. Now, only domestic water rights remain un-quantified (not accounted for).

The last Vested Water Right tidbit is: KSA 82a-703 says: Nothing contained in this act shall impair the vested water right of any person except for nonuse. Vested rights seem pretty secure.

## CONSERVATION ALLIANCE UPDATE

The first meeting of the conservation projects alliance was held November 28, 2007 in Colby. This was an informational and organizational meeting primarily. GMD 4 manager Wayne Bossert opened the meeting with a complete update of the original proposal just to re-acquaint everyone with the original set of ideas. In the leadership elections, Wayne Bossert was elected chairperson, and Anne Marie Worley was elected Secretary. The original stakeholder groups were considered next to see if any were missed or if any needed to be eliminated or consolidated. The "Domestic" stakeholder group was considered too diverse to reasonably quantify, so was dropped. It was also decided to retain 1 representative for each of the remaining stakeholder groups. Substitute for Senate Bill 89 was discussed next for any amendments needing attention in the 2008 Legislative session. There were none identified. The last business item was a possible merger or affiliation with either a WRAPS (Wetlands Restoration and Protection Strategy) or the developing RRRP (Republican River Riparian Partnership) program. While each of these entities offered some advantages, they each had disadvantages as well. It was decided to keep in touch with both groups and consider affiliation later in our processes if advantageous. The next meeting will be in late February or early March, 2008. It was noted that the Animal Feeding Industry and the Ag Feed & Grain Associations stakeholder groups had not yet designated their representatives. It was hoped they would do so before the next meeting. Their participation is important to the final product – a list of conservation projects that will serve the Upper Republican River Basin the best. More to come as the process unfolds.

## Pumping the Tailwater

Editorial Comment by Wayne Bossert, GMD 4 Manager

## USGS SCIENTIST SURVEY RESULTS

In 2006 a survey was taken by USGS senior scientists. They were responding to a series of societal issues and offering USGS leadership ideas for an agency roadmap. The first question was: *Of the 8 major societal issues listed, which do you think are the most critical importance to all Americans?* The societal issues were: Energy and Minerals; Biodiversity; Landscape Change; Health; Climate; Water; Natural Hazards; and Ecosystems. **The number one issue by the most responders was WATER.**

They were also asked WHY they listed WATER as the number 1 societal issue. There were many responses, but the common threads were: Water is the central issue in most if not all the other 7 issues; and water is the fundamental need for all human, plant and animal existence.

The next question was: *What is the most important thing USGS must do to ensure we are a major contributor to addressing the issue of WATER?* No surprises here. The answers were almost universally along the lines of needing to continue and enhance data and monitoring capabilities for use by the stakeholders, policy-makers and the public so that adequate water will be available. Also, that USGS needs to remain in the forefront, or leadership role for water resources data and knowledge.

Question 4 was: *Of the 8 major societal issues listed, which do you think USGS can have the most potential impact upon?* WATER again was the number 1 response. And WHY? The responses were again similar in that the agency has the best scientists, data, infrastructure, research capabilities, mission relevance, historical presence and overall knowledge to make a difference. And they should remain poised to do so.

When asked for additional science questions regarding the WATER issue, responses included: *Are current means of providing water detrimental to ecosystems?* and *How much water, both in quality and quantity, and over time and space, do ecosystems need to remain healthy?* and *What are the overall effects and implications of too much water use on the land surface?* Not all, but plenty of environmental issues expressed.

The survey ends on page 124 with no summary, no recommendations and no hint of what may come next. One thing is for sure, the USGS staff feels WATER is an important issue.