

33RD ANNUAL MEETING REPORT

The 33rd Annual Meeting of the district was held February 20, 2008 in Goodland, KS. Turnout was better than last year with 55 persons signing in. The highlights are: The 32nd annual meeting minutes (Hoxie, February 21, 2007) were approved as presented; the 2007 Audit was approved showing a total 2007 income of \$752,232.76, total 2007 expenditures of \$352,606.93 (leaving \$399,625.83 cash on hand as of December 31, 2007); a 2009 operating budget of \$854,960.60 was approved for public hearing; and Roger Zwegardt (CN), Dave Rietcheck (SH/WA) and Jon Friesen (TH) were all elected to the board for another 3-year term. They all ran unopposed.

Tom Cech, manager of the Central Colorado Water Conservancy District in Greeley, CO gave a presentation on the groundwater well shut downs in the Platte River valley Alluvial Aquifer over the past several years. Also, Kelly Stewart, Assistant Water Commissioner for the Stockton Field Office of the Division of Water Resources discussed the current Blatant and Recurring Overpump program for Kansas. Both talks were very informative and well received.

More information, including a copy of the annual meeting packet, is always available from the district office and from the district's web site: www.gmd4.org/an-mtg.html.

The next annual meeting will be in Colby on February 18, 2009.

BOARD CHOOSES PRIORITY AREAS

During the February board meeting, all 6 of the identified High Priority Areas within GMD 4 were designated as Quick Response Areas (QRAs) for next year's EQIP Ground and Surface Water Program – if this program survives the 2007 Farm Bill debate. This means that water right owners in any of the specified areas may be eligible for the enhanced EQIP program next year. This action will need to be agreed to by NRCS. Up to this action, the board had been designating only 2 of the 6 areas in any given year.

In a related note, Kansas State Conservationist Harold Klaege retired recently. Harold worked with us all to implement the enhanced EQIP program for just the special areas in the Ogallala. We hope the incoming state Conservationist will share his enthusiasm for this program and will support it just as strongly. The EQIP program is an integral part of our attempts to meet the state water plan objectives, which are guidance goals for all water managers.

IGUCAS STILL UNDER CONSIDERATION IN LEGISLATURE

The intensive groundwater use control area (IGUCA) statutes went under fire last session when a bill was introduced to automatically sunset every IGUCA after 5 years. Virtually everyone but the group sponsoring that bill opposed it. During that debate, a number of issues were identified where the IGUCA statutes could be improved – including: 1) a required periodic review process of each IGUCA; 2) clarification of the original legislative intent on triggering IGUCAs within existing GMD's (remember, prior to an Attorney General's opinion in 2002, only a GMD could trigger an IGUCA within its boundaries); 3) clarifying the role of the state agencies in the hearing process; 4) tweaking the role of the chief engineer in the hearing process; 5) requiring stated goals and objectives for each IGUCA; and finally, 6) providing for any IGUCAs elimination if the review process found that its continuation was no longer needed.

The legislature placed all these discussions and issues in an interim study committee hoping a better bill would be introduced in 2007. HB 2625 came out of this process, but only addressed 3 of the identified issues and took entirely new approaches to the IGUCA designation hearing process and the automatic review processes – one of creating an advisory committee for each activity with 4 of the 7 members appointed by the legislative leadership. The good news for local GMD's was that it also contained clarification that only the GMD's could trigger an IGUCA within a GMD – an authority a 2002 Attorney General's opinion changed. Most entities who testified, regardless of whether they supported or opposed this bill (including all 5 GMDs), supported the IGUCA trigger clarification language. Confusion on this bill, however, spawned a substitute bill, which most were surprised to see.

Substitute for HB 2625 eliminated the IGUCA clarification language which most of the conferees supported and focused on just one issue – a review process for all IGUCAs. It was also considered a “compromise bill by all the parties” even though the GMDs and others were NOT involved. The GMD's opposed this bill and tried to get the trigger language amended back in, but failed. As of this writing, it's in the Senate where we hope to re-insert the IGUCA trigger clarification language so important to local control.

REPUBLICAN RIVER COMPACT BILL

SB 89 was introduced to direct all Colorado and Nebraska award monies coming to Kansas as a result of the compact settlement. The overall intent of the bill was to place as much money as desired back into the affected Republican River basin to accomplish water conservation. It was later morphed in to Substitute for SB 89 – but with the same intent.

At this time there are two versions – a Senate version and a House version. They each take different approaches to dividing the award funds, and both take some money off the top to either replenish an existing litigation fund or provide a monitoring and enforcement posture for Kansas. Here the similarities end. Our area has supported the Senate version which we felt was a little “kinder” to the Upper Republican area.

The bill is now in conference committee where they initially approved the House version, but are still holding onto the bill for additional clarification on how specifically the award funds would be divided.

Lost in the debate seemed to be the original purpose of the bill – to mitigate the damages to Kansas water right owners and users within the affected basin - an issue we addressed in our discussions with the legislature but did not politically prevail. In both versions a significant amount of the award funds were to go to statewide conservation. How the final compromise bill addresses this issue remains to be seen. I'll report on the final action next edition.

www.gmd4.org WEBSTATS

For the combined months of December, 2007 and January, 2008: Our webpage experienced 3,196 visits resulting in 3,958 page views. The top 3 pages were: Water Quotes (71.60%); The Home Page (10.31%) and Formulas (9.55%). From startup (April 1, 2007) to January 31, 2008, we've averaged 1,459 visits and 1,868 pageviews per month.

While these numbers are respectable, they don't include a lot of local, district use – the folks we built and maintain this site for. Before you get excited, we can't tell exactly who is using the page, but when we see 25 visits from Batangas, it's a good bet these aren't district members. If you're a GMD4 member, give the pages a look-see once. Just about everything you might want to know about GMD4 should be inside the website. And if it isn't, let us know.

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THE NEW "WATER CYCLE"

The contest was to produce something using pedal-power that would benefit humanity. Five Palo Alto, CA inventors collaborated on the "Aqueduct", a three-wheeled bicycle that would purify water. It looks like a sidewalk cruiser for seniors, but serves a useful purpose along the way. In areas where unprotected well or pond water is used, the owner would pedal to the water source, fill up to 20 gallons of water into the tank under the seat, then pedal home, all the while pumping the untreated water through a carbon filter and into a 2-gallon clean water tank cradled over the front wheel. The trike will produce a gallon of fresh water per mile or two, and once home, the drive belt to the wheels can be disengaged and someone (kids?) can continue pedaling to purify the other 18 gallons of water. That was the good news. The bad news is its cost – at \$1,000.00 it's too costly for third world villagers who would most need it. In fact, research shows any cost more than 50 cents per month for filters (assuming the bikes are given away) will be beyond reach. Too bad. The team won \$5,000.00 first prize from over 100 entries, and donated the award to Kickstart, a group that works on providing clean water for the developing world. They pledged to continue work on it until it's more affordable.

BOARD GIVES UP ON WTAP – FOR NOW

The division of water resources (DWR) recently wrote the board requesting resolution of the WTAP disagreement over our GMD 4 high priority areas being eligible for state water rights buy outs. Currently they are not considered formally closed to new appropriations, and thus do not qualify for this 5-year pilot program. The chief engineer offered an alternative approach to our formally closing these areas by GMD regulation – that of his office closing these areas by DWR order. Either way, the areas would be formally closed, which the board has resisted to date. In the end, it was decided that our July, 2007 request to designate all 6 areas as WTAP-eligible, was requested to be returned until such time as the program changed its eligibility requirements.

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 Zweggardt - 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

We can't stress enough how important the "authorized place of use" is for irrigation water rights. These are the acres legally allowed to be irrigated under the water right. You should take the time to make certain the acres you are irrigating are in fact covered by the water right – or are listed as authorized acres. If not, you should act to reconcile the discrepancy ASAP.

It is not uncommon for a new irrigation system (particularly a pivot) to be put on the field without proper regard for the acres originally covered (authorized). This can lead to unauthorized land being irrigated which can then jeopardize the water right. While often these acres can be added later, this is not always the case. And even if they can, the illegal use of water while not covered can have consequences for the water right later down the road. It is always best to check your acres before changing any irrigation system to any degree.

While we're at it, the specific location of the well must agree with the water right as well. Most well locations these days are spotted in pretty closely – described as so many feet North, and so many feet West of the SE corner of the section. While there is a little wiggle room in these numbers, the closer they are to "spot on" the better. If you'd like help interpreting these authorizations for your GMD 4 water right, call the office or the division of water resources in Stockton, KS.

REPUBLICAN RIVER COMPACT ISSUES

There have been many questions over this compact settlement and what's going to happen in the next few years. The settlement basically apportions the flow of the river system between the 3 states in such a way that as the supply fluctuates, so do the apportionments, and, due to the wide fluctuations possible, both 2 and 5-year averaging is applied depending on wet or dry conditions.

Under the settlement, the first compliance check for the first five-year running averages will be for the years 2003 to 2007. The settlement also prescribes more restrictive compliance requirements during water-short conditions, which then requires two-year averaging. Since the basin is water-short due to drought, the first water-short compliance check is for 2005 and 2006.

Compact accountings to date show both Nebraska and Colorado overusing their allocations in the individual years 2003 to 2006.

Although Kansas and Nebraska disagree on the precise way the first dry-year accounting (2005 and 2006) should be done, Nebraska will be out of compliance regardless which state's methodology is used. Further, although the accounting for 2007 is not yet available, Nebraska will be out of compliance for the statewide, five-year accounting period (2003 through 2007) in any case.

As far as Colorado's compliance proposal goes, which is prompting a lot of questions here in Kansas, it has not yet been approved by Kansas or Nebraska.

More information can be read on the DWR website located at:

http://www.ksda.gov/interstate_water_issues/content/142

Pumping the Tailwater

Editorial Comment by Wayne Bossert, GMD 4 Manager

Water Bills & the Legislative Process

This session there are 2 very important bills for our GMD – Substitute for SB 89 and Substitute for HB 2625 – both of which are covered elsewhere in this newsletter. As of this writing neither of these bills has been finalized. The subject of this article will not be so much on the bills themselves since they're still up in the air, but on the lessons we may be learning.

The most important lesson I have learned thus far is the need for identifying our important bills early in the process and seeking our Legislators' positions on these bills as early in the process as possible. Then to keep in constant contact with them on the bills. This session we should have been asking them very often where they think our important bills are going, and more importantly, how they have been working on them for us, and how they are going to continue working to support our positions.

Another lesson is how important it is to have a contact list of constituents that'll make a call or write a letter or email just to make sure our legislators know where we stand and that everyone is on the same page. Such an effort should be used sparingly (certainly on the most important issues) and would have been invaluable this year on these two important water bills. We formed such a group once, but when an extended time lapsed with no water bills, it sort of fell by the wayside. Perhaps we should try to re-instate the list again. If you were involved before and would like to continue pick this effort back up, please give me a call. If you weren't involved before, but think it's a good idea, give me a call as well.

Another lesson learned is that most of the Legislature is not all that aware of our needs and even less aware of the intricacies of water issues in Kansas. As much as we try to inform and educate them, we are 300 miles from the action and it is very difficult to carry on a technical and continued dialog. In the case of HB 2625, the state agency who was the only opponent to the clarification language we desired, was able to take advantage of their Legislative proximity (literally across the street) to sell their message way more often than we were.

But, all this is water under the bridge for the 2008 session. I hope the Legislature can see the benefits of local control and support the local water users and landowners. If not, I guess more state control is due.

I hope the next newsletter will cover the happenings on the above mentioned bills in depth – if for no other reason, just to see how weak our "local control" position is. Because of our rural nature and low population, we simply have to have our legislators working for our water interests if we stand a chance. Let's hope it's good news on these 2 bills for the rest of the session.