

## PROTOCOL PROCESS UPDATE

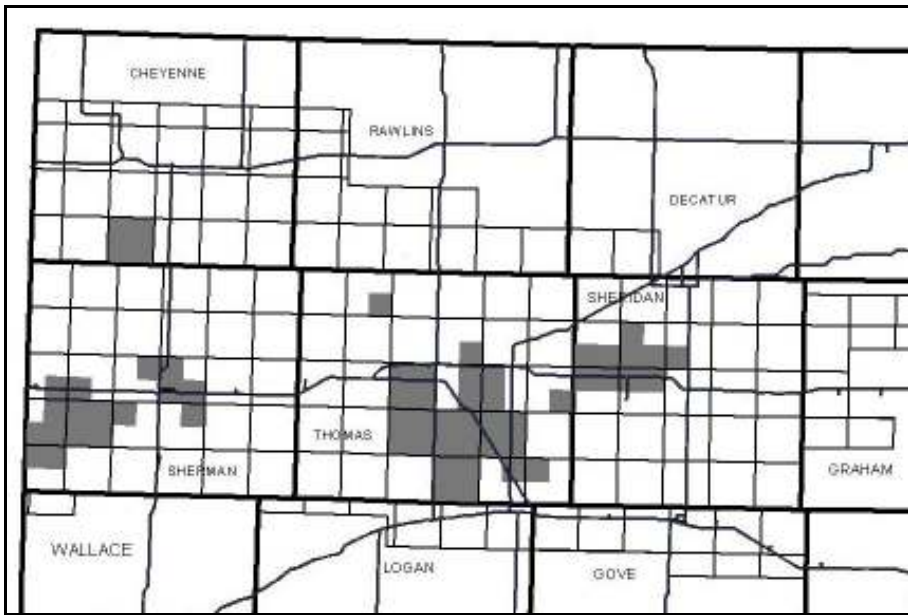
It'll soon be time for the public meetings for the designated high priority areas (HPAs) shown below. The board is gearing up to begin these meetings in the Fall when farming slows for the year.

The plan will be to have a series of meetings, specifically for the landowners and water users of each priority area, in a location as handy to these folks as practical. While the presentation materials are still being developed for each area, they will likely be far more brief than detailed – thus allowing more time for questions, discussion and comments. Eventually, the process should culminate in a set of local recommendations to the board as to area goals and approaches to reach those goals.

The district intends to take its time in presenting information and the groundwater data so necessary to understanding the current groundwater condition. The last thing we need are recommendations based on too sketchy, or misunderstood, information.

The board wants to stress the importance of these meetings. As stated earlier, the agreed direction is to slow the groundwater decline rates of the High Plains Aquifer and extend its economic life. Current water use patterns will have to be re-visited to achieve this goal.

Questions? Call, write, fax or email the office. See also other related articles in this edition.



## MODELS TO BE A PART OF PROTOCOL PROCESS

As introduced last edition, groundwater and economic models are expected to play a role in the developing protocol process. Ultimately to be accepted, these models need to be reasonably well understood by everyone involved – including the landowners and water users of the model domain.

The hydrologic model is essentially the Republican River Compact Administration model developed by Colorado, Nebraska and Kansas and then approved by the US Supreme Court. We have taken this model and tweaked it for use in GMD 4. By “tweaking” I mean more current data has been gathered up and inserted and some of the critical parameters such as recharge and irrigation return flows have been looked at a bit more closely. Presumably if a management decision is made to withdraw more or less water, it will have an effect on future water in storage.

The hydrologic results – meaning groundwater level changes – are then used to run the economic model which predicts producers’ cropping reactions to the new saturated thickness - which is somewhat related to well yield and groundwater pumpage. Any policy or regulatory scenario can be run out for many years into the future to show what impact it will have on the groundwater levels and the economy generated by the water use. The specific runs can also be compared to reference scenarios such as doing nothing (status quo) and shutting off all pumpage.

The models are a cooperative project between the Kansas Water Office (KWO), Division of Water Resources Kansas, Department of Ag (DWR); the Bureau of Reclamation (BoR), Kansas State University (KSU) and GMD 4. The final report for the hydrologic model is being finalized now while the final report for the economic study has already been submitted. It was the hope of the GMD that both models could be placed on our GMD 4 computers and run in-house. This may or may not eventually occur.

As covered in the latest Summer Session of the Kansas Water Congress (July 31 – August 1, 2008 in Wichita) water modeling in Kansas is getting more emphasis now than ever before – from surface water, to impairment issues, to management futures.

## BOARD ASKS CHIEF ENGINEER TO CLOSE AREAS

The GMD 4 board took action in the July 17<sup>th</sup> board meeting asking chief engineer David Barfield to formally close the 6 designated high priority areas (HPAs) to new appropriations of water except for domestic, term and temporary permits. This action is the first step in making these 6 areas eligible for the state’s newly revamped Water Transition Assistance Program (WTAP) slated to begin sign-ups October 1 thru November 15, 2008 if all goes well.

The requested areas were effectively closed to new appropriations anyway under current GMD 4 regulation KAR 5-24-2, but to be eligible for WTAP they must be formally closed by order or regulation. The expected re-vamping of the state’s WTAP program will make it more fair to all water right owners – a factor in the board’s request. The board has actually asked that the 6 areas be “conditionally” closed – allowing for the order(s) to be vacated upon termination of the WTAP program for any area in which no WTAP funds were expended.

Prior to expending any funds, the State Conservation Commission (SCC) must hold public meetings in each target area to explain the program and address issues of possible economic impacts to the area. The following 3 meetings have been scheduled to satisfy this requirement for our 6 HPAs:

**Colby:** Colby Community College; Sept. 24 at 1 pm; Room #107

**Goodland:** NW KS Technical College; Sept. 24 at 7 pm; Lions Room

**Hoxie:** Midwest Energy; Sept. 25 at 9 am; Community Room

If you are a water right owner within one or more of the designated HPAs and want to know more about WTAP, you should plan on attending one of these meetings. Remember, it is anticipated that the first sign-up period will be October 1, 2008 – November 15, 2008. More on WTAP on page 2.

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

For the combined months of June and July 2008: Our webpage experienced 3,707 visits resulting in 4,542 page views. The top 3 pages were: Water Quotes (70.9%); Home Page (9.3%) and Formulas (8.4%). For the 12 month period August 1, 2007 to July 31, 2008 we’ve averaged 57 visits and 70 pageviews per day.

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Management District No. 4  
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## WTAP REGS AND THE RE-VAMPED PROGRAM

The state's water right transition assistance program (WTAP) had the hearing on its regulations on August 19, 2008. The new program is very different than last year's effort and may interest more water right owners than before.

The proposed revisions to the WTAP program include:

1. Implement a fixed price-point strategy based directly on the calculated Historic Consumptive Water Use of the water right (instead of the "Fair Market Value of the Water Right" method which currently uses county appraisal data). The fixed price is proposed at \$2,000.00 per acrefoot;
2. Provide one extra sign-up period per year - Fall and Spring;
3. Additional clarity on how "partial water" rights can be enrolled;
4. More definition on adding new target areas across the state; and
5. Clarification of inter-agency roles and responsibilities.

GMD 4 stands in support of the revised regulations and believes this program worthy of consideration by district members in the eligible areas. Keep in mind that only the 6 designated high priority areas are being worked on for eligibility at this time - assuming the board can get the areas correctly recognized by the state by the sign-up deadline.

### 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

### Conservation Plans:

KSA 82a-733 allows the chief engineer (CE) to require a water right owner to adopt and implement a conservation plan – under certain circumstances.

The first circumstance is that the CE must find that any required plans will "...assure public benefit and promote the public interest." In selecting who needs a conservation plan once the first finding is made, the CE must give priority to: 1) those sharing a potentially drought-affected water supply; 2) water users using higher amounts of water than their regional peers; and 3) users applying for any state grant, loan or cost-share funds for water-related projects. The CE must also consider the availability of technical help in do a conservation plan and inform any required water right owner of the available sources of help.

If required to do a conservation plan by the CE, the regulated person gets a minimum of 60 days to do so. Moreover, the plan must be done consistent with the conservation planning guidelines developed by the Kansas Water Office (KWO), who, is required to provide (or arrange to provide) technical assistance. The implementation of the conservation plan also becomes a condition of the water right or permit to appropriate water. As such, failure to implement a required plan jeopardizes the water right.

Within a GMD, all groundwater conservation plans required by this law must be approved by both the CE and the GMD – unless the GMD management plan requires them independently. Moreover, the CE may delegate the authority to implement and enforce any provisions of 82a-733 to a GMD for conservation plans within the GMD. (NOTE: GMD 4 does require conservation plans on new and most changed water rights via its management program.)

Finally, the CE may delegate to any city that has a municipal conservation plan meeting state guidelines, the authority to require private domestic well users within the city to adopt and implement conservation plans and practices equal to those of the city water users.

## Pumping the Tailwater

By Wayne Bossert, GMD 4 Manager

### Lots on the table over the next few years...

You'll be hearing lots more on the future management efforts of the Northwest Kansas Groundwater Management District now that many of the component elements are coming together. The more complete picture looks like this:

It all began in 2001 when the locally manned Management Advisory Committee (MAC) spent nearly a year developing an acceptable approach to managing the Ogallala Aquifer – specifically slowing the groundwater decline rates and extending its usable life. The MAC co-developed 5 recommendations and 17 guiding principals on how this should be done. These recommendations are all in the report and were also covered earlier in this newsletter. In essence, the Ogallala areas are to develop a subbasin management approach to slowing declines by prioritizing smaller, higher priority areas. The GMDs are to take the lead in the districts, and DWR elsewhere. The process GMD 4 developed includes 7 Tasks and was incorporated into its management plan in 2006. Tasks 1 and 2 are to designate high priority areas based on our own criteria. This was finalized in March 2007 with the designation of 6 HPAs (see map on page 1).

Task 4 calls for public meetings in each HPA with the local landowners and water users making recommendations to the board on where the HPA should end up in the next 20 years. Ideally these local meetings were to direct the board on any and all management approaches. Unfortunately, several voluntary, water right set-aside programs were developed sooner, causing the board to decide whether we wanted to participate (or not) before getting local direction. Reasoning that all areas would be receptive to the voluntary, cost-share programs, the board decided to participate in them without waiting for local direction. These were the Ground and Surface water program within EQIP, the Water Transition Assistance Program of the State Conservation Commission (SCC) and the formation of our local Conservation Foundation. The portion of EQIP we were using most has now been replaced by a new program (Agricultural Water Enhancement Program - AWEP) in the 2008 Farm Bill and until the final rules are released we won't know its applicability to our needs.

Knowing that the best tools would be needed to evaluate enhanced management proposals to reduce consumptive water use, the board began last year developing the groundwater / economic model covered in the last newsletter edition. This product is designed to predict the hydrologic and economic responses to any water use reduction scenarios the HPAs may recommend via the up-coming public meeting process. The hope is to avoid water use reduction efforts that have the highest economic consequences.

An added bonus for this effort may be the Republican River Compact Settlement Agreement and passage last session of Sub for SB 89 – a bill that dedicates a percentage of all award moneys to conservation projects in the Republican Basin area. GMD 4, along with many other stakeholder groups, has formed a conservation projects alliance to consider coordinated conservation projects and make application for these funds if they ever materialize. These efforts should lessen economic impacts even further.

The IGUCA issue is also intertwined in that some of the possible management scenarios that may be discussed and considered in the protocol process will likely require the formation of an intensive groundwater use control (IGUCA) area to implement. Currently the chief engineer is promulgating 3 regulations – two that address issues debated last legislative session and we think improve the process (independent hearing process and a periodic IGUCA review process) – and one that allows the chief engineer to initiate an IGUCA inside a GMD on his or her own initiative if the local board and local membership won't do so. This regulation is based on a 2002 attorney general's opinion that remains contested after the 2008 Legislature failed to clarify the IGUCA triggering issues in statute.

As you can see, there is a lot of work that has been done and remains to be done in implementing the 2001 MAC Report. Where it'll all end up remains to be seen, but more of us will be talking about the issues this Fall for sure. Watch for the HPA public meetings this Fall. We thank Kansas Farm Bureau for assisting with notifications and meeting support. More later.