

WATER AND THE FEDERAL GOVERNMENT

On July 28 a national water policy event was held on Capitol Hill unveiling a new proposal for a comprehensive integrated water policy (CIWP) for the U.S. The offered outline suggested that the Office of Science and Technology Policy (OSTP) develop a CIWP in coordination with 13 federal entities, each of which will: *"...perform a systems analysis study coordinated with OSTP and recommend ways to increase water supplies and improve the availability, reliability, and quality of freshwater resources to meet critical municipal, industrial, agricultural, Energy, Security and Environmental needs, in consultation with the States, Tribes, and local public and private entities responsible for water management."*

The idea has since morphed into a working bill draft (not yet numbered) called: "Sustainable Watershed Planning Act", which creates an Office of Sustainable Watershed Management (OSWM) whose director must pick 10 watersheds (from the 222 HUC-4 watersheds in the U.S.), form a watershed planning board in each, and then create a sustainable management plan for them. BTW, the director must also develop a national water policy in his or her spare time. This bill eliminates the advisory council made up of all the federal agencies which was part of the CIWP proposal.

This idea is developing quickly as the second version came out a mere 2 weeks after the first. It is slated to be introduced into the Transportation and Infrastructure Committee of the House and bears watching. The draft proposes \$30 million/yr to run the OSWM, and \$250 million/yr going to grants to the states that are participating – especially within the 10 designated pilot watersheds. This won't be political at all I suppose. A copy of the bill draft is in the GMD office if you're interested. There is much more in this 32-page bill draft.

GENERAL REMINDERS:

- ♦ Plan on operating within your water right(s) all the time
- ♦ GMD 4 Board Meetings are open meetings
- ♦ Control all Irrigation Tailwater
- ♦ GMD 4 is now on Twitter - posting updates more often

WATER AND THE FEDERAL GOVERNMENT – PART 2

And if the above article didn't register, there are two other bills introduced last year that are just as interesting. S. 2728 is to create the Twenty-first Century Water Commission (9 members appointed by President, Speaker of the House and Senate majority leader) which in three years is to study national water issues and submit a final report of findings and conclusions and recommendations for legislation and other policies needed to implement their findings. The study is to go to the President, 2 committees of the House and 2 committees of the Senate. \$9 million for this effort.

H.R. 135 also proposes to create the same Commission (in this case an 11 member group appointed by the President, Speaker of the House and majority and minority leaders of both the House and Senate) to produce the same study (in this bill it's a 5-year effort) and submit the final report to the same committees and the President. But the issues to be considered are far more specific and comprehensive.

These efforts have been tried before. A 1973 National Water Commission report concluded in part: **"Expectations for a commission to achieve change in a complex system resistant to transformation may be unreasonable;"**. And in 1997 very similar recommendations of the Western Water Policy Review Commission were also rejected. One thing is for certain, the federal water interests are patient and persistent. This is not the last time federal management of water will be attempted.

STATE AND LOCAL ONLINE RESOURCES OF INTEREST

- Water Rights information: <http://hercules.kgs.ku.edu/geohydro/wimas/index.cfm>
Well Completion Records: <http://magellan.kgs.ku.edu/WaterWell/index.html>
Water Level Data: <http://www.kgs.ku.edu/Magellan/WaterLevels/index.html>
GMD 4 Webpage: <http://www.gmd4.org>
Meter Calculator Site: <http://www.gmd4.org/MtrCalc/mtrcalc.htm>
Abandoned Well Plugging: <http://www.oznet.ksu.edu/kelp/WhatsNew.htm>

WRCP PROGRAM SLATED TO END

According to State Engineer David Barfield, the state's Water Rights Conservation Program (WRCP) is on the chopping block due to agency budget cuts. The dispersal date is sometime this Fall or early Winter – once the existing regulation on WRCP (KAR-5-7-4) can be amended to close the program. The regulation will be coming up for hearing probably in the next 45 days or so.

There are currently 977 WRCP contracts statewide which have 260,000 AF of appropriated water enrolled, with 39 of these in GMD 4 for just over 4,600 AF. According to DWR, if you have a current WRCP contract, the amended regulation being promulgated will honor that contract until its lapse date, but will then prohibit its renewal. GMD 4 has up to just recently been discussing options with a number of water right owners concerning non-use issues. The district is attempting to contact any water right owner whose right has come out of WRCP on or after 12/31/04. **If you have received advice from GMD 4, or any other entity, that you should wait to enroll your right in WRCP you need to be aware that this proposal changes everything – the next few weeks may be your last chance.** Contact the district for any updates and to discuss alternative options.

The public hearing process on amending KAR 5-7-4 to close this program would be a good time to offer any comments you have.

GMD 4 TO PRESENT IN SALT LAKE CITY

GMD 4 manager Wayne Bossert will be presenting a talk at the 2009 Ground Water Protection Council (GWPC) Annual Forum in Salt Lake City, UT on September 14. The presentation will be on the HPA enhanced management process being used within GMD 4, including the application of hydrologic and economic modeling. The GWPC brings together state and Federal agency representatives with the responsibility for ground water/drinking water protection with industry, researchers, and environmental groups in a congenial venue on the latest technology and policy developments.

Co-sponsoring the conference will be the Water/Energy Sustainability Symposium – a group exploring the relationships between water resources, with energy development and generation. These are important discussions as water and energy are ever so vitally linked. This event gets the proverbial "two birds with one stone".

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WATER CONSERVATION MAKING A COMEBACK

If you've been following water issues of late (in the past 2 years or so) you may have noticed the stepped-up emphasis being placed on water conservation – especially on the East and West coasts. The following mid-1940's era poster is proof that this is not a new idea.



It'll be interesting also to follow Atlanta, Georgia, who just got word from a federal court ruling that its use of water from Lake Lanier - approximately 70% of their total water demand – must stop in 3 years so this water can move on downstream to the states of Alabama and Florida. Talk about a wake-up call. Alabama and Florida are feeling no sympathy for the Georgians – suggesting a strong conservation program as Georgia's best solution. Yep, that'll do it. This dispute isn't over yet, but the more time Georgia uses fighting it means the less time they will have to secure alternative water supplies.

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 for State holidays.

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ADDRESS CORRECTIONS ARE APPRECIATED

THE NATURE OF A KANSAS WATER RIGHT

Kansas Water Right Fees (K.S.A. 82a-708a, 708b and 708c) –

A new appropriation water right application, or a term permit application will cost the applicant a minimum of \$200.00 to file. If the water right request is for 101 to 320 acrefeet of water, the fee is \$300.00. For applications in excess of 320 acrefeet you'll pay \$300.00 plus \$20 for each additional full (or partial) increment of 100 acrefeet.

Change application fees are: \$100 for a point of diversion change less than 300'; \$200 for a point of diversion change greater than 300'; \$200 for a place of use change; and \$300 for a change of use made of water application. These amounts are additive, so it'll cost you \$400 to change the point of diversion more than 300' and the place of use.

Term permit filing fees are: \$200 for less than 100 acrefeet; \$300 for 101-320 acrefeet; and \$300 plus \$20 for each additional full (or partial) increment of 100 acrefeet.

It is interesting to note that the current fees given above were sunsetted when approved (increased) last year - so after July 1, 2015, they will all be returned to their previous levels - halved. That is, unless the 2015 Legislature decides to leave them at their current levels, or, raise them again. While they doubled last year, there was not a significant public outcry, so most likely considered them reasonable.

All of the fees listed above go directly to a special "water appropriation certification fund" established within the state treasury. According to KSA 82a-731, all expenditures from this special fund are made upon warrants of the director of accounts and reports issued to vouchers approved by the secretary of agriculture. The fund income from water right application fees is annually variable (depending on how much water rights work is applied for) but typically is about \$70,000/yr. These moneys do find their way back to the DWR however and are used for various purposes depending on where the agency need is. More water rights information coming next edition.

CLEAN WATER RESTORATION ACT - S. 787

Another federal bill being worked is S. 787, the Clean Water Restoration Act of 2009. The most significant part of S. 787 is the removal of the word "navigable" from the 1972 Clean Water Act which currently applies only to "navigable waters of the U.S. (thanks to two court decisions decided after passage). S. 787 is proposing to make the 1972 Clean Water Act apply to "all interstate and intrastate waters and their tributaries, including lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, natural ponds, and all impoundments of the foregoing...". Supporters say this bill simply restores federal jurisdiction under the CWA that was wrongfully eliminated as a result of the two court decisions. Opponents say it dramatically expands federal jurisdiction. Since the courts restricted the applicability of the CWA to navigable waters, it appears that S. 787 is more likely a significant expansion of federal jurisdiction – in fact to every prairie pothole in the country.

IDAHO ORDERS GROUNDWATER CURTAILMENT

Junior groundwater users (about 150 wells irrigating 4,150 acres) in southern Idaho around the Snake River Canyon (Thousand Springs area) have been ordered to curtail their water uses so that more senior surface water rights can continue to use their water. In essence, the junior groundwater right holders are pumping groundwater that would otherwise exit the aquifer as spring flow into the Snake River where senior right holders largely grow trout. The affected water right holders have asked the courts to temporarily stay the state (IDWR) order but have been denied. All the parties are working hard on a conjunctive water plan but the issues are tough. Not only are the groundwater users junior, but their use of water is largely of lower economic value than the trout growers, and it's consumptive.

Pumping the Tailwater

By Wayne Bossert, GMD 4 Manager

Social Media, Blogs and Information

For anyone interested in information, of any kind, the world wide web has been a remarkable achievement. How many times a week do you say: "I found it on the web"?

But there's a lot more to the web than initially meets the eye. While Google, Yahoo, Bing, Ask Jeeves, Alta Vista and the myriad other search engines help you find information, there are other ways to find information as well – these being social media, blogs, podcasts, blogspheres and other such networks.

Social media would include Twitter, Facebook, LinkedIn, MySpace, Bebo, Flickr, YouTube, Friendster (and the list goes on). These areas allow all to share content and media – pictures, video, data and text. Each has certain strengths and weaknesses, but all have utility. GMD 4 uses Twitter to not only post our information that we want out, but to receive specific, water-related posts from as many other people as we want. The water-related information floating around in Twitter alone is astounding. We are selective in who we follow (only 56 entities today) but these folks are well tuned in.

The Blogshere does much the same thing, but has different strengths. The blog format allows for more detailed presentation, is longer lived, and can be organized far better. The downside is that it must be developed over time and tends to reach only those serious about the topic(s) you are writing on. GMD 4's blog is all about groundwater and we don't have a large following yet – only one groundwater guy from Arizona. I know others have been reading it, but have yet to sign up and follow it. I am following about a dozen water-related blogs and again, the water information that comes to me daily – and automatically - is incredible.

Of course the trick in all this is to "choose wisely" who you follow, and understanding that much of it is opinion – albeit respected opinion if you wisely pick who you follow. The ability to respond to any of this information, actually dialog with the author if need be, create contacts with these folks and monitor what's being written about you, is priceless – and it's all free once you have your computer and an internet connection.