

METER PROGRAM UPDATE

The 4-year metering effort is almost complete and virtually every non-domestic well has a meter installed or is under order to not pump until a meter is installed. The challenge now is to implement an ongoing monitoring effort that sufficiently maintains the program without unduly interfering with everyone's activities. The original program agreement says we're to start with a random number of annual inspections, not to exceed 125, such that we're confident an adequate statistical compliance picture can be ascertained. The inspection list each year will be randomly selected from the total number of metered files. If there is a better way to approach this issue we'd like to hear from you, as it can be tweaked. What has not been decided yet will be the consequences of not being in compliance and which inspections will be handled by whom. Being a DWR order, it's likely a state order will be issued first, then fines, etc. With additional penalties possible in the same year, everyone is advised to keep their meters operational and operate within your rights.

GMD4 HOSTED DMS SESSION

GMD 4 hosted an eDrawer document management system (DMS) training session on October 21 for the other Kansas groundwater management districts. While GMD's 3 and 5 also have eDrawer, they are not as far along in setting up their systems as we are. It was a good session with each district learning something new about the world of electronic document management. The session was weighted toward organizing and system which is the most important aspect of making it useful once the documents are scanned. Electronic documents will ease paper files, provide easier access to the documents, allow better file sharing, and improve file protection. The session was so well received it had the GMD's thinking about another one next year.

GENERAL REMINDERS:

- ♦ Plan on operating within your water right(s) all the time
- ♦ GMD 4 Board Meetings are open meetings
- ♦ Control all irrigation tailwater from your metered wells

MANAGING COMMON POOL RESOURCES (CPR)

Lots of work has been done in regard to managing common pool resources. In fact, a recent Nobel Prize in Economics was awarded to Elinor Ostrom and Oliver Williamson who began their work in the early 1990's on groundwater management as a CPR. So what is a CPR? Simply put, it's a resource that is either too big, costly, harmful or difficult to manage by a single individual or firm. Examples include the atmosphere, oceans, the Internet, highways, police services, broadcast airwaves, irrigation systems, soils, fisheries, etc., etc. According to Ostrom, there are 8 conditions for maintaining a stable CPR: 1) Clearly defined boundaries; 2) Congruence between appropriation and provision rules and local conditions; 3) Collective-choice arrangements allowing for the participation of most of the appropriators in the decision making process; 4) Effective monitoring by monitors who are part of or accountable to the appropriators; 5) Graduated sanctions for appropriators who do not respect community rules; 6) Conflict-resolution mechanisms which are cheap and easy of access; 7) Minimal recognition of rights to organize (e.g., by the government); and 8) In case of larger CPRs: organization in the form of multiple layers of nested enterprises, with small, local CPRs at their bases. Normally CPR's are associated with "the tragedy of the commons" scenario, but there are successful examples that have lasted for centuries – all exhibiting most if not all the above conditions. The GMDs in Kansas have some of these conditions pegged, but not all of them. A careful perusal of these conditions finds TOTAL local control at the heart of the successful systems. Ostrom's work says all other systems are doomed to failure. Interesting.

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>
Abandoned Well Plugging: <http://www.oznet.ksu.edu/kelp/WhatsNew.htm>

WRCP PROGRAM SLATED TO END

As of this writing, the **Water Rights Conservation Program (WRCP)** is still slated to end on December 31, 2009 by amending the regulation that describes WRCP. The public hearing on this regulation amendment will still be held on November 30, 2009 at 1:30 P.M. in Topeka, KS – in the KS Department of Ag conference room, 109 SW 9th St., 4th floor. If you want to express your opinion, you may attend the hearing, or, offer your thoughts, pro or con, via the web from a KDA webpage:

<http://www.ksda.gov/appropriation/statutes/id/184>.

You can also write to the agency or call with your thoughts. The address is: KDA; 109 SW 9th, Topeka, KS, 66612; ph: 785-296-3556.

There are 39 water rights from GMD 4 in the program that have just over 4,600 acre feet of water authorized. Our best estimate is that about 1,100 of these authorized acre feet had been being pumped by these rights before entering WRCP. For the 18 years WRCP has been operating it has cost the state a total of about \$5,200.00 to handle these 39 contracts (Average of \$133.00 per contract (based on DWR generated costs per contract) X 39 contracts). The total GMD 4 water savings of 14,700 AF over this same time period computes to a state cost of about 35 cents per AF conserved. This seems to be incredibly inexpensive conservation – albeit for 1,100 AF. At issue seems to be how much of this water (either the 4,600 AF authorized or the 1,100 reported pumped annually or none at all) will be pumped again when WRCP terminates? Impossible to know, but with WRCP gone, those now in the program will have decisions to make upon contract's end - Start using it again keeping it active? Abandon the water right? Sell it?

The agency has been hit hard by budget cuts and personnel reductions and says this decision is solely a fiscal issue. The 5 Kansas GMD's have been working with the state engineer to find solutions to the program's elimination. Thus far we've discussed the GMD's paying for the program (a reported \$23,000/yr), the GMD's taking over the program via local regulations, supporting an application fee sufficient to fee-fund WRCP, seeking Legislative budgetary support for DWR and WRCP suspension (rather than elimination) until better times.

Again, if you have comments on the elimination of WRCP you need to consider writing or calling either the division of water resources or the Kansas Department of Agriculture and expressing them – before the November 30 public hearing would be preferable.

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AWEP PROGRAM UPDATE

It is anticipated that a suitable local partnership will put together and submit another Agricultural Water Enhancement Program (AWEP) application for 2010. Our last effort was not one of the 63 proposals approved even though it met all of the priority conditions specified – located in the Ogallala; proposing to convert irrigated acres to dry land production (a water quantity state resource concern); and helping producers meet a state regulatory or management goal. It asked for \$3.9 million to incent the retirement of water rights and the subsequent conversion of irrigated acres to dryland production in the Sherman County high priority area 1 – thus conserving 2,000 acre feet of historically used groundwater. For our next proposal, the conversion of irrigated acres will again be proposed, as this is the best water conservation that can be achieved, but likely from more than one high priority area. We'll also be looking to expand the partnership list accordingly – depending on which high priority areas express an interest in being included.

KWO CLIMATE & WATER FORUM

December 10 in Hays, KS the KWO and others will present a 1-day forum on Climate and Water at the Ag Research Center, 1232 240th Ave. The session begins at 8:30 A.M. and concludes at 3:30 P.M. and will focus on ag water issues. More info: www.kwo.org. Registration is \$10 (covering lunch). A like forum will be held in Wichita on December 9, but will focus more on municipal water. This is the 3rd forum hosted by the KWO.

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.

DIRECTORS: Roger Zwegardt - St Francis, CN Cty; Monty Biggs - Atwood, RA/DC Cty; Jeff Deeds - Secretary, 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; Brent Rogers - 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

A few selected quotes from the Kansas Water Appropriation Act:

KSA 82a-705: “No person shall have the power or authority to acquire a new appropriation right to the use of water for other than domestic use without first obtaining approval of the chief engineer..”

KSA 82a-706: “The chief engineer shall enforce and administer the laws of this state pertaining to the beneficial use of water and shall control, conserve, regulate, allot and aid in the distribution of the water resources of the state for the benefits and beneficial uses of all of its inhabitants in accordance with the rights of priority of appropriation.”

KSA 82a-706c.: “The chief engineer shall have full authority to require any water user to install meters, gages, or other measuring devices, which devices he or she or his or her agents may read at any time, and to require any water user to report the reading of such meters, gages, or other measuring devices at reasonable intervals.”

K.S.A. 82a-707: (a) Surface or ground waters of the state may be appropriated as herein provided. Such appropriation shall not constitute ownership of such water, and appropriation rights shall remain subject to the principle of beneficial use.

(b) The date of priority of every water right of every kind, and not the purpose of use, determines the right to divert and use water at any time when the supply is not sufficient to satisfy all water rights. Where lawful uses of water have the same date of priority, such uses shall have priority in the following order of preference: Domestic, municipal, irrigation, industrial, recreational and water power uses...”

K.S.A. 82a-708a. (a) Any person may apply for a permit to appropriate water to a beneficial use, notwithstanding that the application pertains to the use of water by another, or upon or in connection with the lands of another.

INDEX WELL PROGRAM UPDATE

Kansas geological survey (KGS), division of water resources (DWR), our GMD and several landowner cooperators have been working on the second phase of an index well program inside the TH-5 HPA area. The index well is located on Steve Friesen's section 33-9-33. It is a dedicated monitoring well instrumented with a pressure transducer (capturing hourly water level measurements) and a barometric pressure device. The intent is to determine how large of a geographic area such a dedicated monitoring well can represent, and at what statistical accuracy.

The second phase of this work involves placing pressure transducers in nearby wells to record the aquifer recovery process following the close of active irrigation. Cooperators in this phase are: Ron Stramel, Harold Herbel, Wayne Wilson and Mark Meyer. In all, six additional monitoring wells have been or soon will be outfitted to record this year's aquifer recovery. Next Spring, the data will be available for evaluation.

NRCS STILL OFFERING EQIP PROGRAM

Funding incentives for the Quick Response Areas (QRAs) for water quantity concerns still exist within EQIP. In FY 09 \$1.689 million was allocated to the various QRAs within the GMDs and DWR. Our GMD 4 had 11 contracts submitted, but only 1 was successful for \$22,185.00. Eight were ineligible and 2 were cancelled. The rest of the \$1.689 million went to the other QRAs in the state.

The 6 designated High Priority Areas (HPAs) within GMD 4 are the designated QRAs for EQIP for these funds. This program is a continuous signup, but the 2010 sign-up cutoff date is January 15, 2010. Remember, this program pays water right owners \$150.00 per year per eligible acre for 3 years to stop irrigating for 4 years. There are other water use criteria that also must be met. If interested, contact NRCS soon.

Pumping the Tailwater

By Wayne Bossert, GMD 4 Manager

Other Interstate Water Squabbles

Nevada/Utah: Las Vegas, NV needs more water as they continue to grow in population and future visions. They set their sights on a series of valleys in the Great Basin area of east central NV and west central Utah – more particularly the Snake Valley east of Ely, NV. The 300 mile distance between this Valley and Las Vegas is of little consequence compared to settling on how much water they can take each year – for about 2/3 of the valley (and water?) lies in Utah. For almost 5 years the states negotiated on a fair split of the available water between the states – only after Las Vegas filed water rights on all the Nevada water they thought was on the Nevada side of the valley. The USGS preliminarily reported 132,000 AF of annually available water, but this figure has been lowered to about 110,000 AF. An agreement was announced just recently – providing each state 50% of the available water – with this number yet to be determined. There are plenty of folks in both states unhappy about the deal. This one is far from over.

Georgia/Florida/Alabama: Over the years Atlanta has been growing rapidly, and they have been taking more and more water from Lake Lanier to quench their thirst. The downstream states of Florida and Alabama for just as many years have been questioning the impacts of these additional withdrawals on the river system they depend on too. The issue could not be solved so went to court. In a surprising decision, the court said that Atlanta has 3 years to find new water supplies or settle the disagreement with Florida and Alabama or their withdrawals from Lake Lanier would be reduced to 1975 levels – an approximate reduction of 70% of their current use. Now motivated sufficiently, Georgia's Governor has created an 80-member water team to explore options. Of course there is no shortage of ideas from the people now that they're fully engaged. It's starting with: criticism over the choice of the 80-member team (mostly business and legal types – not near enough environmentalists); finger-pointing as to who was asleep at the switch all this time; where do we get water data.; and a host of other issues. It seems everyone has water issues these days.