

35th ANNUAL MEETING SUMMARY

The 35th annual meeting of the Northwest Kansas Groundwater Management District was held February 17, 2010 in Hoxie, KS. There were 55 persons in attendance.

The 34th annual meeting minutes were considered and approved along with the 2009 Audit and a proposed 2011 operating budget. The four incumbent board members from Sheridan (Mitch Baalman), Graham (Doug David), Logan (Scott Maurath), and Gove (Shane Mann) Counties were re-elected to their respective positions in an election that had no contested positions.

In 2009 GMD 4 had available cash of \$500,343.00 from 2008 carryover, 2009 assessments and interest income. The district spent \$433,538.00 leaving \$66,805.00 available on December 31 to be carried over into 2010. A 2011 operating budget of \$469,125.00 was approved by the membership.

In the open session there was one question regarding the management program language contained in the annual meeting packet, and no other comments or discussion. The meeting was adjourned.

GMD 4 WEB PAGE UPDATED

We try hard to keep the web page up to date so everything you need to know about the district and what is going on is instantly at your fingertips. The Annual Meeting page has been updated as well as several other pages. If there is anything you need that you can't find on the web site, or, if you'd simply rather not use the web, give us a call or drop a postcard.

GENERAL REMINDERS:

- ♦ Plan on operating within your water right(s) all the time
- ♦ GMD 4 Board Meetings are open meetings
- ♦ Control all irrigation tail water on your authorized acres
- ♦ Metered water use must be reported annually
- ♦ Report beginning AND ending meter readings
- ♦ Water Anagram: "Ogallala Aquifer" = "legal lair of agua"

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>

DWR is working toward the most efficient assistance it can provide to the public. They have posted a lot of material on their web page to help answer questions. Use of this material has the added benefit of producing more focused questions if it does not answer the public's queries in the first place - all resulting in better service with less time and manpower. Information online includes:

- Instructions for the Notice of Completion and Meter Installation Form
- Kansas Water Flowmeter Regulations (excerpted)
- Specifications for Water Level Measurement Tubes
- Check Valve Specifications
- Partial Listings of Approved Check Valves
- Information about Division of Water Resources Hearings
- Water Protection Fee Requirements
- Minimum Desirable Streamflow Regulations
- List of Certified Water Flowmeters

The web site is: <http://www.ksda.gov/dwr> (Type **approval pack** in the search box at top of page to get directly to this new info package.) Ken Kopp is the manager of this new effort and can be reached by E-mail at: Kenneth.Kopp@kda.ks.gov. DWR's phone number is: (785) 296-3717. They know everyone doesn't have the web or use it religiously, but to the extent that the public can use these info sources, it'll help streamline the system for everyone.

METER GOES DOWN MID-SEASON?

K.A.R. 5-1-10 covers what you should do if your meter quits in mid season. You or your authorized designee need to take the following actions within a few days:

1. Notify the Division of Water Resources (DWR) as soon as the meter malfunction is discovered;
2. Give the division the last meter reading, units and serial number;
3. The division will also need a meter reading after it is placed back in service, as well as the date it was placed back in service;
4. Indicate where the meter is taken for repair;
5. If possible, give the length of time you expect the meter to be out of service;
6. Indicate how you will record the amount pumped during the time the meter is out of service.

Within 30 days after the date on which the meter has been repaired or replaced, notify the chief engineer in writing with: 1) the date the meter quit; 2) if the meter was replaced the brand, model, size, serial number, units in which the new meter reads, the reading of the new meter upon installation and its location on the well or distribution system; 3) If the meter was repaired the meter readings immediately before the repair and at the time it was reinstalled or the repair was done on site; 4) the date the repair or replacement was completed; and 5) the amount of water diverted while the meter was out of compliance.

SPECIAL NOTES: If you do NOT contact DWR quickly and maintain a record of what was pumped during the time the meter was inoperable, it will be assumed that the well was in operation at the tested rate of diversion for the entire period the meter was out of compliance. This could mean the entire growing season. This finding could result in legal action such as fines and water right suspension. Further, water diversion may be suspended until the meter is in compliance.

This entire process places a premium on knowing what your meter is doing. Those checking their meters weekly or more often will fare much better when a problem occurs.

While I'm on the annual water use report, remember to report both your beginning and ending meter readings - even if you did not pump the well at all. As always, contact DWR or this office if you have problems or questions. DWR: 785-296-3717; GMD 4: 785-462-3915.

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Management District No. 4
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INFORMAL INSTRUCTION SESSIONS - FREE

We often get calls from folks asking about web data and/or information on water, water rights, water levels, etc. We thought perhaps a series of group sessions might be helpful. Our first session will be:

**March 31, 2010; 1:00 PM; in the district offices, 1175 S. Range, Colby
Navigation and Use of WIMAS**

WIMAS is the Water Information Management and Analysis System maintained by DWR but housed on the Kansas Geological Survey computers. It contains all the public information relative to all Kansas water rights. In this session you'll learn how to find it and use the site.

All we ask is that you register so we can get a bigger room if necessary. Call 785-462-3915 or email rwade@gmd4.org if you plan to attend. Later sessions (if the response supports them) will be on water level data; well completion records; and the High Plains Atlas; and perhaps other water-related sites if suggestions are offered from the participants. If there is no interest in WIMAS the later sessions will be cancelled.

ALLIANCE UPDATE

The Upper Republican River Conservation Projects Alliance met with the Kansas Water Office and a representative of Spronk Water Engineers to frame up the impending reconnaissance engineering study of potential conservation projects to be undertaken. The process identified 4 conservation ideas to study: 1) a Municipal pipeline with excess to Keith Sebelius; 2) a centralized, 4-county, multi-purpose water storage facility; 3) a groundwater recharge facility supporting one or more HPA's; and 4) Alluvial recharge IF the surface diversions are significant.

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

Abandonment

KSA 82a-718 is Kansas' abandonment statute. It says that all water rights must be for some beneficial use and that every water right shall be abandoned when no lawful water use is made of the water for 5 successive years. The basis of this section was to make unused water available for legal appropriation and use by others - to continue the economic benefits of the water use.

The problems have always been: 1) defining precisely when a water right has been abandoned and should be made available again to others; and 2) does this process cause water use that would otherwise not be used? The due and sufficient causes for nonuse lay out various reasons for nonuse, but are all conditioned on the notion that the reason must have prevented, or made unnecessary, an expected use of water. A water right was not envisioned as something one could set aside and save for the future, or otherwise speculate on.

It's not unreasonable to think the framers of this language intended that as soon as a person was finished using a right, they'd have a decision to make before the 5-year nonuse period arrived: either transfer it to someone else for their use, or let it go so that: either someone could get a new water right (if water was available for appropriation); or the local water system could move that much closer to sustainability if the area was closed to new appropriations.

Regardless of the intentions, these are significant issues as Kansas discusses how any new "conservation use" statute should and will work. What we're seeing are the concepts of "conservation" and "maximum economic returns" colliding head-on with "abandonment" being the concept that has to absorb virtually all the impact.

DWR TO HEAR REGULATIONS SOON

Several new regulations are being developed by the chief engineer, and have now been scheduled for public hearing on April 7, 2010. They are briefly:

KAR 5-7-1 Due and sufficient cause for nonuse. Adds 1 additional cause for nonuse: the well is in a formally closed area. It also requires that the well be kept in a functional condition - applying to all 11 due and sufficient causes for nonuse.

KAR 5-4-1 Distribution of water when impairment occurs. This reg adds a lot of procedure to an impairment complaint. It focuses on: well-to-well impairments only; impairments inside and outside a GMD (allowing GMD involvement if inside); and groundwater vs surface water situations. In all groundwater cases it requires the complainant to have a technical well inspection done before the process continues - with concessions possible for domestic well owners. It also provides the chief engineer increased latitude in considering solutions.

KAR 5-4-1a Distribution of water when impairment occurs due to regional declines. This new regulation deals with impairments resulting from the more broad aquifer decline conditions, and specifies the procedures for filing, investigating and resolving such complaints.

KARs 5-1-4 and 5-1-9 Water Flowmeter Specifications. Both these regs deal with meter seal issues and recognize situations where parallel water records are being kept.

If you have comments or questions about any of these proposed regulations, give us a call. GMD 4 will be providing testimony on all of these regs on April 7. BTW, the Legislature is considering law changes that could affect several of these regs, so stand by...

Pumping the Tailwater

By Wayne Bossert, GMD 4 Manager

NEW FEDERAL WaterSMART INITIATIVE

Secretary of the Interior Ken Salazar just signed a Secretarial order establishing a new water sustainability strategy for the United States. The "SMART" in WaterSMART stands for "Sustain and Manage America's Resources for Tomorrow."

Salazar says the federal government's existing water policies and programs aren't built for 21st century water pressures - population growth, climate change, rising energy demands, environmental needs and risks to drinking water supplies to name a few.

President Obama has doubled DOI's 2011 water program budget to support this initiative - up to \$72.9 million from last year's budget of \$36.5 million.

Salazar says local water districts, water users, and local governments have shown the most water leadership in recent years, and that it's time the federal government join these efforts. Oddly enough, his next statement directs DOI to increase available water supply for agricultural, municipal, industrial and environmental uses in the western United States by 350,000 acre-feet by 2012 - even as they meet to discuss how to adjust to a 20% reduction in Colorado River supply expected from climate changes to come. Go figure.

The Order has several parts which are focused on improving water conservation and helping make wiser water use decisions including:

- A national framework for water sustainability efforts of DOI and its federal, state and private partners.
- A public clearinghouse providing leadership and assistance to state and local governments, and others in water conservation and sustainable water strategies.
- A water footprint reduction program to achieve President Obama's goal to reduce consumption of water by 26 percent by 2020 and industrial, landscaping, and agricultural water by 20 percent by 2020.

Are we all warm and fuzzy over the federal government deciding we need to sustainably use our water? And the fact that they have \$36 million more to implement it? I hope they assist rather than direct.