

35th Annual Meeting Agenda

Open Meeting _____ Scott Maurath, President

- Welcome
- Introductions
- Announcements

34th Annual Meeting Minutes (Page 3) _____ Brent Rogers
(Motion required to adopt or amend)

2011 Operating Budget - Proposed (Page 5) _____ Jeff Deeds
(Motion required to adopt for public hearing)

2009 Calendar Year Audit (Page 7) _____ Monty Biggs
(Motion required to adopt or amend)

Election of Board Positions (Ballots) _____ Lon Frahm

- Position 8: Sheridan County
- Position 9: Graham County
- Position 10: Logan County
- Position 11: Gove County

Unfinished / New Business / Open Session (Page 14) _____ Scott Maurath

Announcement of Board Election Results (if necessary) _____ Scott Maurath

Adjournment _____ Scott Maurath
(Motion required)



District Personnel

February, 2009 - February, 2010 Board:

POSITION	MEMBER	DUTY	FIRST ARRIVED:	SERVES TO:
Cheyenne #1	Roger Zwegardt	Member	2/05	2/11
Rawlins/Decatur #2	Monty Biggs	Member	2/97	2/12
Sherman/Wallace #3	Jeff Deeds	Treasurer	2/06	2/12
Sherman/Wallace #4	David Rietcheck	Member	2/02	2/11
Thomas # 5	Lon Frahm	Member	2/94	2/12
Thomas # 6	Jon Friesen	Member	6/99	2/11
Sheridan # 7	Brent Rogers	Member	2/09	2/12
Sheridan # 8	Mitch Baalman	Vice President	2/98	2/10
Graham # 9	Doug David	Member	2/98	2/10
Logan # 10	Scott Maurath	President	2/01	2/10
Gove # 11	Shane Mann	Member	2/07	2/10

STAFF:

Wayne Bossert, Manager
 Ray Luhman, Asst Manager
 Dan Simmering, Field Technician
 Rita Wade, Secretary/Receptionist

OTHERS:

Vignery & Mason, Attorney
 Brian Staats, Certified Public Accountant



The district's website is always available - for more information go to:

[HTTP://www.gmd4.org](http://www.gmd4.org)

Information at this site includes: general district overview, personnel listing, annual meeting info, water law summary, public records policy, newsletter articles, water quotes, water formulas, metering info and a flow meter calculator, water level data, water-related links, the groundwater management district act and more.

34th Annual Meeting Minutes – Colby, KS – February 18, 2009

The 34th annual meeting was opened at 1:30 P.M. CST, February 18, 2009 in the Student Union Activity Room, Colby Community College, Colby, Kansas. Board members present were: Scott Maurath, Dave Rietcheck, Lon Frahm, Jeff Deeds, Roger Zwegardt, Monty Biggs, Doug David, Mitch Baalman, Bill Nondorf, Shane Mann and Jon Friesen. No board members were absent. There were 24 persons in attendance. The attendance roster is available from the district office.

President Scott Maurath opened the meeting with a welcome and introductions of the board, staff and state agency staff present. Due to the light turnout, the entire assembly conducted self introductions.

Scott then turned over the meeting to Bill Nondorf for presentation of the 33rd annual meeting minutes, Goodland, KS, February 20, 2008. Bill directed attention to the annual meeting minutes printed in the annual meeting packet and gave everyone a chance to review them. There being no questions, it was moved by Joe McIlroy and seconded by Dan Stephens that the 33rd annual meeting minutes be approved as presented. The motion passed unanimously by voice vote.

Jeff Deeds next presented the 2010 proposed operating budget. Jeff reported that the 2010 budget was a blend of the 2008 expended budget and the 2009 revised budget. With no questions or comments, the proposed 2010 budget of \$449,450.00 was approved on a motion by Steve Friesen and a second from Mitch Baalman for public hearing later in the year.

Monty Biggs next presented the 2008 calendar year audit. Monty directed attention to the audit report contained in the annual meeting packet and reported that: \$399,625.83 was carried forward from 2007 (mostly Foundation funds which are being accrued); \$437,406.48 was brought in by county assessments; and \$12,610.09 was interest income; - totaling \$849,642.40 for calendar year 2008. 2008 expenditures were \$359,629.06, leaving a bank account balance on December 31, 2008 of \$490,013.34. Monty reported that carryover funds plus \$64.59 in the post office return postage account and \$318.08 remaining on the district's postage meter gave the district a total cash worth on December 31, 2008 of \$490,396.01. With no questions or comments, Brent Rogers moved that the 2008 audit report be approved as presented. The motion was seconded by Roger Zwegardt and passed unanimously by voice vote.

Jon Friesen next conducted the board elections for Position 2 (Rawlins/Decatur County); position 3 (Sherman/Wallace County); position 5 (Thomas County); and position 7 (Sheridan County). Jon covered the ground rules first and then opened the floor for nominations for position 2, announcing that Monty Biggs was the only pre-filed candidate. With no additional nominations offered, Shane Mann moved that nominations cease and a unanimous ballot be cast for Monty Biggs. Bill Nondorf seconded the motion which passed unanimously by voice vote.

The floor was opened for nominations for position 3 following the announcement that Jeff Deeds was the only pre-filed candidate. With no additional nominations offered, Roger Zweygardt moved that nominations cease and a unanimous ballot be cast for Jeff Deeds. The motion was seconded by Brent Rogers and passed unanimously by voice vote.

The floor was opened for nominations for position 5 following the announcement that Lon Frahm was the only pre-filed candidate. With no additional nominations offered, Joe McIllyay moved that nominations cease and a unanimous ballot be cast for Lon Frahm. The motion was seconded by Doug David and passed unanimously by voice vote.

The floor was opened for nominations for position 7 following the announcement that Brent Rogers was the only pre-filed candidate. With no additional nominations offered, Steve Friesen moved that nominations cease and a unanimous ballot be cast for Brent Rogers. The motion was seconded by Bill Nondorf and passed unanimously by voice vote.

Scott Maurath opened the floor for any “open session” comments, questions or statements. Joe McIllyay thanked each board member for the time and service they gave to the district.

Jeff Mason next presented outgoing board member Bill Nondorf with a GMD 4 jacket and thanked him for his 15 years of service. There was a warm round of applause.

President Maurath, with no objections, adjourned the 34th annual meeting of the Northwest Kansas Groundwater Management District 4 at 2:10 P.M. MST, February 18, 2009.

Respectfully submitted

Jeff Deeds, Secretary

2011 Proposed Operating Budget

The 2011 Proposed operating budget (highlighted values) is a blend of the 2009 Expended and the 2010 Revised budgets. It is the board's best guess at what the district's operational costs are likely to be in 2011. The GMD membership is obligated to consider this budget at the annual meeting and make any recommendations to the board. The GMD 4 board will consider all comments and will schedule this final budget for public hearing later in the year.

	2009 - Expended	2010 Revised	2011 Proposed
110 POSTAGE	\$5,485.52	\$5,600.00	\$5,600.00
111 Newsletter	\$4,507.52	\$4,500.00	\$4,500.00
112 General	\$978.00	\$1,100.00	\$1,100.00
120 PRINTING	\$7,877.60	\$8,000.00	\$8,000.00
121 Newsletter	\$7,877.60	\$7,500.00	\$7,500.00
122 Administrative	\$0.00	\$500.00	\$500.00
130 DUES	\$1,530.00	\$1,500.00	\$1,500.00
140 SUBSCRIPTIONS	\$1,228.79	\$1,500.00	\$1,500.00
150 INSURANCE	\$9,062.69	\$11,400.00	\$11,400.00
151 Office/Equip/Data	\$916.00	\$1,400.00	\$1,400.00
152 Public Officials' Liability	\$467.00	\$3,000.00	\$3,000.00
153 Auto	\$2,261.00	\$2,000.00	\$2,000.00
154 Workmans' Comp.	\$4,999.00	\$4,500.00	\$4,500.00
155 Computer	\$196.00	\$250.00	\$250.00
156 Unemployment	\$223.69	\$250.00	\$250.00
160 TELEPHONE	\$6,255.09	\$6,700.00	\$6,700.00
170 SALARIES AND BENEFITS	\$266,058.80	\$279,550.00	\$287,400.00
171 Gross Sal, Kpers, SS, Etc.	\$248,028.72	\$260,250.00	\$268,100.00
172 Health Insurance	\$18,030.08	\$19,300.00	\$19,300.00
180 TRAVEL	\$9,444.15	\$10,500.00	\$10,500.00
181 Board	\$5,582.34	\$6,500.00	\$6,500.00
182 Staff	\$3,861.81	\$4,000.00	\$4,000.00
190 VEHICLES	\$5,640.54	\$6,325.00	\$6,325.00
191 Repairs/Maintenance	\$2,177.31	\$1,000.00	\$1,000.00
192 Operation	\$3,326.23	\$5,200.00	\$5,200.00
193 Tags	\$137.00	\$125.00	\$125.00
194 Purchase/Lease	\$0.00	\$0.00	\$0.00
200 CONTRACTED SERVICES	\$26,282.65	\$26,000.00	\$26,000.00
201 Accounting	\$2,888.00	\$2,800.00	\$2,800.00
202 Legal	\$1,172.17	\$1,200.00	\$1,200.00
203 Misc. Support	\$22,222.48	\$22,000.00	\$22,000.00
204 Water Sampling	\$0.00	\$0.00	\$0.00
205 Drilling	\$0.00	\$0.00	\$0.00
206 Weather Modification	\$0.00	\$0.00	\$0.00
210 PUBLICATIONS	\$350.59	\$400.00	\$400.00
211 Legal Notices	\$350.59	\$400.00	\$400.00
220 COOP PROGRAMS	\$0.00	\$77,000.00	\$77,000.00
221 Administrative	\$0.00	\$75,000.00	\$75,000.00
222 Equipment	\$0.00	\$0.00	\$0.00
223 Contracted Studies	\$0.00	\$2,000.00	\$2,000.00
224 Education Program	\$0.00	\$0.00	\$0.00
230 ADMINISTRATIVE	\$5,457.58	\$6,100.00	\$6,100.00
231 Office Supplies	\$3,037.39	\$2,500.00	\$2,500.00
232 Copy Machine	\$544.93	\$900.00	\$900.00
233 Computer Maint	\$729.96	\$900.00	\$900.00
234 Postage Meter Lease	\$607.92	\$750.00	\$750.00
235 Bank Charges	(\$0.02)	\$50.00	\$50.00
236 Field Supplies	\$537.40	\$1,000.00	\$1,000.00

240	NEW EQUIPMENT	\$1,549.86	\$6,500.00	\$5,500.00	
241	Field	\$0.00	\$2,000.00		\$1,000.00
242	Office	\$1,549.86	\$4,500.00		\$4,500.00
250	CONTINGENCY RESERVE	\$144.00	\$56,322.09		
260	FACILITY	\$11,900.00	\$13,275.00	\$14,500.00	
261	Rent	\$11,095.00	\$12,300.00		\$13,500.00
262	Upkeep	\$805.00	\$975.00		\$1,000.00
263	Remodel	\$0.00	\$0.00		\$0.00
270	REIMBURSED EXPENSES				
300	FOUNDATION	\$267.50	\$700.00	\$700.00	
305	Foundation Subscriptions	\$210.00	\$150.00		\$150.00
325	Foundation Telephone	\$17.50			
345	Foundation Accounting	\$40.00			
350	Foundation Legal		\$300.00		\$300.00
370	Foundation Tech Support		\$250.00		\$250.00
		\$358,535.36	\$517,372.09	\$469,125.00	

The 2011 Proposed budget includes \$75,000.00 for the Foundation – the same amount that has been dedicated each year to the Foundation for the past 5 years.

The 2011 Proposed budget does not include any budgeted amount for Reserve for Contingency.

2009 Calendar Year Audit Report

STATEMENT OF CASH RECEIPTS AND DISBURSEMENTS

All Accounts – For the period January 1 - December 31, 2009

2009 INCOME (Rounded to nearest dollar):

Cash forward from 2008 (Cash and Foundation CD)-----	\$64,900.00
County Assessments -----	\$435,168.00
Interest Earned (GMD4 and Foundation Accounts) -----	\$275.00
State Grant Income -----	\$0.00
Miscellaneous Income -----	\$0.00

2009 TOTAL INCOME: \$500,343.00

2009 EXPENDITURES (Rounded to nearest dollar):

Postage -----	\$5,486.00
Printing -----	\$7,878.00
Dues -----	\$1,530.00
Subscriptions -----	\$1,229.00
Insurance -----	\$9,063.00
Telephone -----	\$6,255.00
Salaries & Benefits -----	\$266,059.00
Travel -----	\$9,444.00
Vehicles -----	\$5,641.00
Contracted Services -----	\$26,282.00
Publications -----	\$351.00
Coop Programs -----	\$0.00
Administrative -----	\$5,458.00
Equipment -----	\$1,550.00
Facility -----	\$11,900.00
Reserve for contingency -----	\$144.00
Foundation -----	\$268.00
Foundation Contribution -----	\$75,000.00

TOTAL 2009 EXPENDITURES ----- \$433,538.00

Cash on hand – 12/31/09 (All Accounts) ----- \$66,805.00

Post Office Return Postage Account - 12/31/09 ----- \$53.00

Postage remaining on Postal Meter - 12/31/09 ----- \$318.00

TOTAL CASH WORTH – 12/31/09 ----- \$67,176.00

2009 – Year in Review by Month

JANUARY

- ◆ Board reviewed all the public comments from the HPA meetings held. These comments are posted on the GMD 4 web page.
- ◆ Joined the Kansas Water Congress for another year.
- ◆ Board directed staff to develop a 2009 Agricultural Water Enhancement Program (AWEP) application based on Kansas WTAP, for HPA SH-1, for review in February.

FEBRUARY

- ◆ Approved the 2008 audit report.
- ◆ Adopted a proposed 2010 operating budget for consideration by district members.
- ◆ Elected 2009 Officers as follows: President - Scott Maurath; Vice President - Mitch Baalman; Secretary – Jeff Deeds; Treasurer - Dave Rietcheck
- ◆ Entered into a 4-year rent contract with Colby Bowl.

MARCH

- ◆ AWEP proposal was completed and submitted. It proposed to retire 2,000 AF of historic consumptive water use from within HPA SH-1.
- ◆ Upper Republican River Conservation Projects Alliance met and continued discussions on possible water conservation projects under SB 87.

APRIL

- ◆ SCC approves 11 Water Transition Assistance Program (WTAP) applications from within the six HPA areas of GMD4.
- ◆ Board continued discussions on the seven Management Program changes of interest (as follows):

1: Definition of GMD 4 “public interest”: While the management program indicates that the entire program is to be considered the regions “public interest”, should a more specific definition be crafted? (Approach: GMD 4 Regulation; GMD 4 Management Program)

2: Variable assessment rates: Allow the GMDs to assess use types different rates; or, dryland acres a different land assessment rate. For example: Land assessment for Rangeland capped at 3 cents/Ac; dryland at 5 cents/Ac and irrigated capped at 7 cents/Ac. Or, Municipal water use capped at \$2/AF; irrigation capped at

\$1.5/AF; stock use capped at \$1.75/AF; etc. Or, High Priority Areas capped at a higher rate than other areas. (Approach: Statute)

3: Economic development component: Provide for an economic development review in the approval or denial of new or changed water rights. The goal would be to approve water applications with the potential for higher economic returns and deny those with the expectation of lower economic returns. This element would be in addition to, or just one more consideration, in the current review process. (Approach: DWR Regulation; Statute)

4: GMD ownership of water rights – discounted and protected: Being able to buy existing water rights and place them in the custodial care of the district for reasonable periods of time. Such protection would allow us to control the consumptive water use under these rights while deciding what to do with them permanently. (Approach: GMD 4 Regulation; DWR Regulation)

5: Multi-year allocation for irrigation – mandated: Setting a district-wide, or targeted area, 3 or 5 year allocation expressed in “inches per acre per year per water right” – then leaving annual use and irrigated acres flexible. (Approach: GMD 4 Regulation)

6: Limiting impairment complaints: While any area is undergoing special management, prohibit impairment complaints until the special management programs work, or fail to work and are removed. (Approach: DWR Regulation; GMD 4 Regulation; Statute)

7: More restrictions on adding acres: The issue is historical base acres vs. recent historical irrigation use. Should someone who has perfected 320 base acres many years ago but has more recently been irrigating only 160 acres be allowed to expand irrigated acres? (Approach: DWR Regulation; GMD 4 Regulation)

Also discussed was the idea of initially using all additional water coming to Kansas from Colorado on the S. Fork of the Republican River under the compact for irrigation with the intent of eventually converting this water to higher economic uses when and if they present themselves.

- ◆ Board approved the equipment and accounts necessary for remote board meetings provided the legal issues RE open meetings can be satisfied. Staff developed a web-based LeaderPhone account which uses the existing phone system and only costs for the minutes used.

MAY

- ◆ Staff spent significant time during the Legislative session developing material to support our positions on the IGUCA legislation being considered.

JUNE

- ◆ Board began working on a process to electronically transfer KAR 5-5-11 correspondence between GMD4 and DWR. The MOU had to be amended first to allow for e-transfers.

- ◆ Board discussed the potential updates for the Management Program – at least the four that have had some work done on them – 1) Public interest definition; 2) variable assessment rates; 3) mandated multi-year allocations for irrigation; and 4) more restrictions for adding acres to existing water rights. The decision was to continue working on these for final board review before implementing any of them.

JULY

- ◆ Board decided to support the KGS Index well study – phase 2. This will involve logging about 6 additional wells in and around the existing Friesen Index well.
- ◆ The existing contract between the Bureau of Reclamation and the Kansas Water Office was considered for amendment that included an engineering reconnaissance study for the Alliance
- ◆ The 2009 assessments were set by the board at \$.05 per acre for the land assessment and \$.3457 per acrefoot for the water assessment.

AUGUST

- ◆ DWR's Andy Lyon spent two days with staff on the hydrologic model – installing it and instructing us on its use.

SEPTEMBER

- ◆ Board directed staff to oppose the elimination of the Water Rights Conservation Program (WRCP) which was slated for elimination on December 31, 2009.
- ◆ Staff submitted first drafts of two proposed regulations - More restrictions on adding acres, and Multi-year allocation for irrigation – mandated.
- ◆ Approved contract amendment language with Kansas Water Office RE: reconnaissance engineering study for the Alliance efforts.

OCTOBER

- ◆ Staff spent significant time developing data and arguments to support our opposition to the elimination of the WRCP program.

NOVEMBER

- ◆ Board was given an update on the Risk Management Agency's (RMA) plan for a limited irrigation crop insurance program. If RMA gets approval, 3 Counties in Nebraska will be the first pilot area in 2011, with 3 Kansas Counties being added in 2012 – Thomas, Sheridan and Clay. Much can change between now and then.
- ◆ Board approved the testimony to be given at public hearing on WRCP.

DECEMBER

- ◆ Board decided its approach for the upcoming 2010 AWEF application – hinging on individual HPA recommendations yet to be solicited. The Board wants to be as accommodating as possible in supporting the HPA dialog regarding future goals, and feels the AWEF program is a significant part of any possible HPA success.
- ◆ The current Revised Management Program for the district was re-adopted for another year as several possible amendments continue to be worked on.
- ◆ The board signed an amendment to an existing MOU with DWR that will facilitate electronic transfers of KAR 5-5-11 field verification documents – improving the work and filing efficiencies of both offices.
- ◆ There was support provided to a Nebraska NRD in their suit against Farm Service Agency (FSA) over the non-release of certain ag records that are critical to the mission of the NRD. The support did not obligate GMD 4 to any monetary contribution and was only provided IF GMD 4 was not made a formal party to the suit.

MISCELLANEOUS

- 1) Staff regularly participates in special conferences and meetings throughout the year. During 2009, the following conferences/meetings were attended (GMD4 sponsored meetings are bold):

Regular GMD4 Board meetings and Annual meeting

Groundwater Management Districts Association (GMDA) conferences

NRCS Kansas Technical Committee meetings

Legislative Committee Meetings

Kansas Water Congress meetings

KSU Research Field Days - Colby Experiment Station

Kansas Water Authority meetings

Basin Advisory Committee meetings under KWO

Kansas Groundwater Management Districts Association (KGMDA) meetings

KSU Water and the Future of Kansas Conference

Republican River Basin Conservation Projects Alliance meetings

Meetings with DWR/KDA

Ogallala Aquifer Project meetings

High Priority Area (HPA) Meetings

Hydrologic Information System (HIS) meeting

Representative Jerry Moran's Conservation Tour

Colby Wellhead Protection Plan meeting

KPERS Informational meeting

AWEF meetings w/ NRCS and Representative Moran's office

League of Municipalities meeting - common groundwater issues – WRCP, IGUCAs

Subcommittee on Groundwater (SOGW-WICP) phone conference calls

- 2) A number of data bases are maintained throughout the year for various uses. For assessment applications, a landowner data base which includes water rights information is annually updated. For GIS applications, well locations; contamination

sites; capped wells; NPDES permit locations; metered wells; county lines; district lines; roads; state lines; drainage; rain gauge locations; and tailwater complaint data bases are maintained. For the newsletter, a mailing list is kept current. For all other applications, various data bases are maintained including: abandoned well locations, water quality sampling results, water level data, rainfall data; and water use report data.

- 3) Field work is conducted all year so is not broken out by month. During 2009 the following types of field work/inspections were conducted:

Metered wells; Capped wells; Acre certifications; Tailwater Inspections; Well Rate Checks; 5-year Allocations; Index Well Data Logger Installations and Irrigation Plan inspections.

- 4) Six editions of the "Water Table" were written, printed and mailed to the district membership and others. The newsletters go out in early January, March, May, July, September and November. If you are not on the mailing list and would like to be, contact the office or visit the webpage to subscribe. The current mailing list is just under 4,300 recipients.

- 5) 2009 District presentations:

- 1) GMDA, San Diego, CA – January 8
- 2) Kansas Water Congress, Topeka, KS – January 13
- 3) Central Plains Irrigation Association, Colby, KS – February 24
- 4) Oberlin City Council, Oberlin, KS – March 5
- 5) KSU Water & Future of Kansas Conference, Topeka, KS – March 26
- 6) 3-I Show, Garden City, KS – May 7-8
- 7) GMDA, Estes Park, CO – June 8
- 8) Leadership Kansas, Colby, KS – July 30
- 9) Kansas Water Congress, Manhattan, KS – August 6
- 10) GWPC Conference, Salt Lake City, UT – September 16
- 11) Document Management System Implementation, Colby, KS – October 21
- 12) Kansas Water Authority, Liberal, KS – November 18

- 6) Continued to process and work on all phases of water rights within the district in support of the water right owners' desires. In 2009 the general level of activity in water rights work – new applications and changes – has decreased. These efforts are not tracked, so firm numbers do not exist. As in years past, continued emphasis will be placed on acres irrigated and authorized acres allowed to be irrigated. This focus will likely fuel a fairly constant stream of change applications for several years.

- 7) The district also maintains a web page on the world wide web which contains the most information about the district that can be found in one location other than in the office. It is generally updated weekly and is available 24 hours a day. The newest addition in 2009 was a new page posting our District Testimony on important issues.

[HTTP://www.gmd4.org](http://www.gmd4.org)

- 8) As is always the case staff time was spent attending to basic administrative duties which include: Records maintenance (financial, vacation, travel, minutes, personnel

(including annual personnel evaluations) etc.); scheduling and preparation for board meetings and the annual meeting; serving the public with groundwater information and water rights application support; filing; and software development - all these functions supporting the overall district mission.

- 9) Staff continues to electronically scan district records and files. To date staff has added just over 10,000 files to the database. Scanning records and documents provides an electronic copy that is easily backed up and accessible in case of major loss or disaster. This process is also reducing record storage space, allowing easier location of records and easier sharing/transmittal of files/records/documents.
- 10) In 2009 a considerable amount of time was dedicated to the unsuccessful AWEPP application process. About equal amounts of time were dedicated to the development and filing of the application, and to the follow-up work questioning and evaluating why the application was not successful. The post application work culminated in a meeting between NRCS chief White and staff and Congressmen Jerry Moran and Pat Roberts to identify the Kansas application problems and insure a better approach next year. This meeting precipitated a conference call between Mark Parson (EQIP director, NRCS headquarters) and GMD 4 manager Wayne Bossert.
- 11) Staff also spent many hours late in the year working against the elimination of the Water Rights Conservation Program (WRCP) on December 31, 2009. While WRCP was eliminated by DWR despite all the opposition expressed by GMD 4 and others, DWR has agreed to discuss a possible replacement program if funding can be approved.

Program Updates

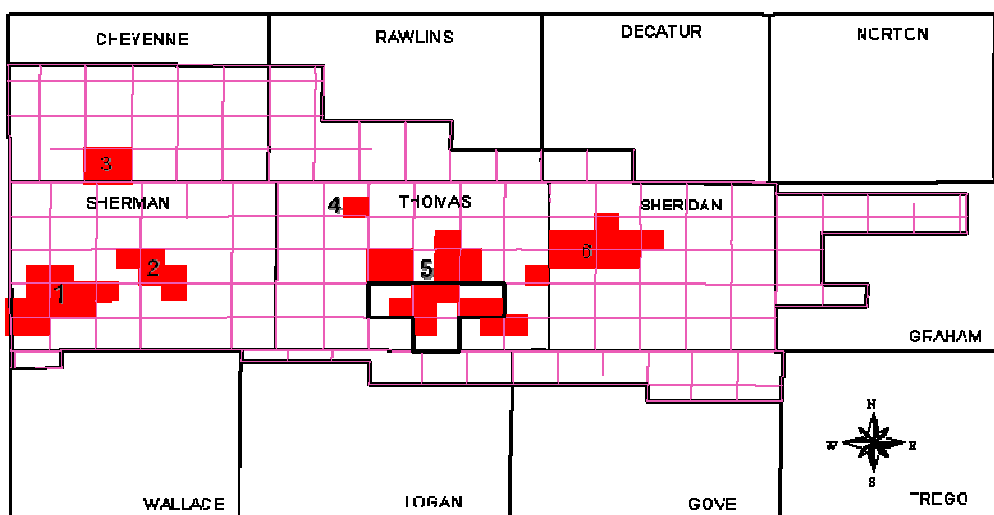
1) Enhanced Management & High Priority Area

Because the state water plan contains a guideline for the High Plains Aquifer – that of slowing the annual water level decline rate and extending the economic life of the aquifer – a broad stakeholder committee was formed to craft a management approach. This group recommended that aquifer sub-units (areas of similar hydrology) be designated by the appropriate local entity and that these entities develop an enhanced management process to meet the water plan guideline. The process requires coordination and cooperation between the GMDs and the state and federal players in groundwater, but places the local GMDs (and the division of water resources in areas where no GMD exists) in the lead role.

In essence, the process is to identify high, medium and low priority areas and then address the declines appropriately. Starting with the high priority areas, an enhanced management plan is to be developed to slow the groundwater declines. The process allows non-regulatory approaches (education, voluntary incentive efforts, etc.) initially, but also calls for regulatory approaches if these don't work.

The GMD 4 board has opted to implement this effort through a series of *Tasks*. Tasks 1 and 2 were to characterize the aquifer and set the high priority areas. The high priority areas within GMD 4 are those ¼-Township areas that have 2 or more sections which have either declined more than 9% between 1996 and 2002, or, have a 2-mile reported water use density of 275 acre feet or more – with sections having less than 15 feet of saturated thickness or 25 acre feet of reported water use density eliminated. These are the red areas on the map below. The board also can designate an area if locals request one. The black, 4-Township area in Thomas County represents such an area.

GMD4 High Priority Areas Adopted March 8, 2007



Task 4 is being undertaken at this time. This task calls for public meetings in each HPA to discuss the groundwater conditions and receive recommendations from the land and water right owners as to possible goals and approaches to the goals. It is anticipated that a series of public meetings will be necessary for most HPAs as the issues, goals and approaches are many and can be complex. Meetings held thus far have been: SH-1: three meetings with a forth scheduled for Feb 22, 2010; SH-2: two meetings held with none

scheduled; CN-3: three meetings with GMD4 staff (last one held January 26, 2010) and two without GMD4 staff; TH-4: two meetings held with none scheduled; TH-5: three meetings held; SD-6: four meetings held with next meeting scheduled for February 17, 2010. Discussions continue toward considering future goals and ways to achieve those goals in all HPAs except SH-2 and TH-4.

Task 5 involves incorporating the local HPA decisions into the management program for implementation.

For more information, contact the district or visit the web page at: www.gmd4.org/EnhancedMgt/protocol.htm.

2) Republican River Basin Conservation Alliance

The GMD 4 board approved an effort to coordinate a conservation projects alliance to seek funds from the Kansas Water Office (KWO) that are designated for conservation in the Republican River Basin. State legislation directs how award funds coming from Colorado or Nebraska (as a result of the Compact Settlement Agreement) will be used within Kansas. The legislation, after replenishing the state's water compact litigation fund, directs 2/3 of all Colorado award dollars to the Upper Republican Basin for conservation projects. It also earmarks 1/3 of all remaining Nebraska award funds for conservation projects that will keep Kansas in compliance with the compact in the future. The alliance has been formed to make a comprehensive application to the KWO consisting of a coordinated suite of conservation projects that make the best use of the dollars and/or water that will accrue to Kansas from any settlement awards. The Alliance includes 12 members representing: County commissioners; Cities; Irrigation Districts; GMDs; Production Ag; Economic development; RC&Ds; Financial institutions; area Industry; Animal feeding; the Upper Republican Basin Advisory Committee; Farm Bureau's; and the Environment.

A list of 9 potential water conservation projects has been developed by the Alliance. A March 3, 2010 meeting with an engineering firm and the Kansas Water Office has been scheduled to finalize a reconnaissance engineering study on three of the proposals that involve expected increases of surface water from Colorado on the South Fork of the Republican River. The remainder of the proposals are still under consideration as well.

At the time of this writing, it was reported that the entire Interstate Water Litigation Fund (\$16.7 million) in 2007 was transferred to the general fund and has been spent on state government administration. Unless this money is restored it is questionable that the Alliance can or should be held together.

For more information, contact the district or visit: www.gmd4.org/Alliance/alliance.htm.

3) Agricultural Water Enhancement Program (AWEP)

A new section of EQIP under the 2008 Farm Bill provides funds for water management – specifically including “...*the conversion of Agricultural land from irrigated farming to dryland farming*”. The GMD 4 board prepared an application to the Chief, Natural Resources Conservation Service requesting fiscal support to reduce historic consumptive water use in Sherman County HPA SH-2 by using a “WTAP-like” program to retire water rights. The process is heavy on “partnerships” and local support, so a competitive application was submitted which included not only the Sherman County Conservation District and the Sherman County Farm Bureau and the NW Kansas Groundwater Conservation Foundation,

but also the support of the HPA participants as a result of their Task 4 process described in the Enhanced Management & High Priority Area process above. The application was not accepted based on the fact that we were requesting a payment (under NRCS Practice Code 328) to retire water rights when NRCS practice code 328 actually pertains to reducing water use on irrigated acres.

A 2010 AWEP application is being worked on at this time, but only after the HPA process decides which HPAs desire to be included. At the time of this writing, HPAs CN-3, TH-5 and SD-6 have asked to be included in the 2010 application. SH-1 is expected to decide during their upcoming February 22, 2010 meeting. The new application will correct the technical flaw of the 2009 application.

For more information on AWEP contact your county conservation district, NRCS, or the GMD 4 office.

4) WRCP Replacement Program – Developing

In a discussion held November 30, 2009 with DWR, KDA and the five GMDs, all agreed to work on a WRCP-like replacement program that would: 1) be reasonably fee funded; 2) address the issue of limiting years of enrollment; and 3) address the issue of permanent conservation. GMD 4 proposed a program that met all these criteria to open the discussions. The most important part of our proposal is that the water right owner was entering into a contract with the state which guaranteed the status and extent of the water right when exiting the program.

On January 26, 2010 DWR proposed a completely different approach as follows:

- a. When a right (such as an irrigation right) is changed to a conservation use right, diversion will be prohibited, but the water right, properly maintained, will be protected from abandonment.
- b. Under rules yet to be developed, it is expected that:
 - i. Annual water use reports will be required;
 - ii. Diversion works such as the pump, gear head, and power source will not have to be maintained, but water level measuring devices will be required; and
 - iii. The change to conservation use will not be subject to consumptive use rules.
- c. When a conservation use right is changed to a different right:
 - i. Per existing law, changes cannot impair existing rights.
 - ii. It is expected that the consumptive use rules regarding change in use made of water will be applied to the former, diverting use, and as otherwise appropriate under law.
- d. How will a conservation use water right affect other rights?
 - i. It may benefit them, by reducing groundwater drawdown and improving stream flows.
 - ii. Owners of rights have the same protections under the common law as before.
- f. Further details will be worked out in rules and regulations, in cooperation with stakeholders:

This approach, now **SB 510**, relies on whatever state regulations (and interpretations) that will be in effect when the water right's use type is changed again in the future – possibly an unknown status and quantity. At the time of this writing, this basic approach is being fast tracked, and may actually be law by the time of the annual meeting.

5) State Regulations and Such in the Works

On April 7, 2010 DWR will be holding a public hearing regarding a suite of new and amended regulations as follows:

K.A.R. 5-4-1. Distribution of water between users when a prior right is being impaired. The proposed regulations specify procedures for filing, investigating, and resolving impairment complaints. "Impairment" refers to a condition caused when the diversion of water under a junior (newer) water right/permit reduces the quantity or quality of water available to a senior (older) water right/permit to an extent that the senior water right/permit cannot be satisfied.

K.A.R. 5-4-1a. (New) Distribution of water between users when a prior right is being impaired due to a regional lowering of the water table. Specify procedures for filing, investigating, and resolving water right impairment complaints.

K.A.R. 5-7-1. Due and sufficient cause for nonuse. Changes the conditions where due and sufficient cause for non-use exist under a water right.

K.A.R. 5-1-4. Water flowmeter specifications. Changes the conditions under which meter seals will be required to be installed. Meter seals that make it impossible to alter the totalizer reading will continue to be required unless parallel water records are kept.

K.A.R. 5-1-9. Criteria to determine when a water flowmeter is out of compliance.
Same

Senate Bill ?? : Senator Morris has introduced a bill in the Senate Ag Committee that gives authority to the Kansas Department of Ag to recover costs incurred when investigating any impairment complaint – engineering, legal and other. The bill goes on to prescribe a specific process in non-domestic, groundwater, impairment complaints. No hearing set as of this writing.

HB 2565: Representative Powell has introduced a bill that would provide every water right in an over appropriated area "due and sufficient cause for nonuse" as long as the well is maintained in status consistent with the groundwater exploration and protection act. It appears that this bill and SB 510 may be combined to address the settle on a new conservation program for Kansas.

GMD 4 Permitted Well and Water Rights Data by County by Well Type

(Figures include wells and water rights within the county within the district)

As of January 12, 2010

	CN	DC	GH	GO	LG	RA	SD	SH	TH	WA
Domestic Wells							3	1	3	
AF							25	8	6	
Hyd Dredge Wells							1			
AF							7			
Industrial Wells		2		4			3	10	10	
AF		225		483			29	1663	990	
Irrigation Wells	450	28	114	160	81	150	694	874	782	8
AF	103949	3816	21650	29219	16241	30507	162228	262300	205494	2797
Municipal Wells	10		4	7	7	3	9	15	14	
AF	1074		263	698	960	107	738	2286	2592	
Recreation Wells	1		1		1		3		2	
AF	15		9		15		405		16	
Stockwater Wells	5		3	10	2	3	17	7	17	
AF	664		96	777	50	111	990	270	887	
Evap Wells	1									
AF	13									
County-Tot-Wells	467	30	122	181	91	156	730	907	828	8
County-Tot-AF	105714.6	4041.0	22018.4	31176.7	17265.8	30725.5	164421.1	266526.6	209985.8	2797.0
GMD-Tot-Wells	3520									
GMD-Tot-AF	854672.5									

January 12, 2010 totals = decrease of 6 wells and a decrease of 2,228.3 Appropriated AF over the January 11, 2009 totals

GMD 4 Comparison of Pumped Water To Appropriated Water

2008 Data

Area	Appropriated Water	Pumped Water	Percent
Sherman County	264,910	132,109	49.9%
Thomas County	209,330	102,096	48.8%
Sheridan County	163,224	77,159	47.3%

The above Data is from the WIMAS data set. WIMAS does not filter by GMD, so only full county data is available. 2009 data is not yet available for this packet.

GMD 4 Selected Trends

This is a new feature in the annual meeting packet for 2010. If there are other annual trends you like to see tracked, let us know.

YEAR	Budget ¹	Water Level Change ²	Total Wells	Total AcreFeet ³
2005	\$419,365	-.36	3,546	860,387
2006	\$434,250	-5.22	3,540	859,582
2007	\$411,952	3.44	3,530	857,253
2008	\$438,965	.14	3,526	856,900
2009	\$433,455		3,520	854,673
2010	\$454,450			

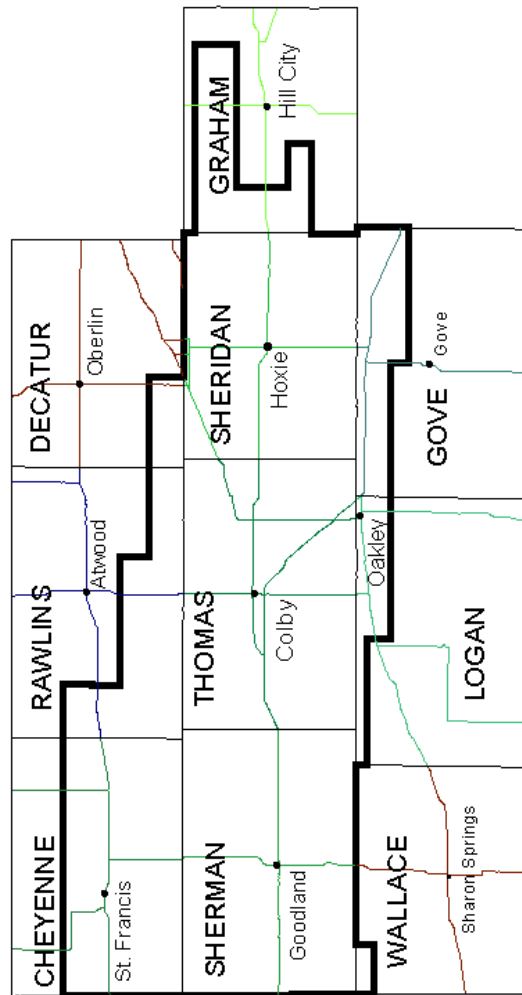
¹ Assessed for operating budget for the calendar year

² Average change of entire GMD 4 observation well network (January current year to January following year)

³ Authorized appropriation quantities – all rights – GMD4 – January of following year – rounded to nearest AF

District Map

Northwest Kansas Groundwater Management District 4 Boundary



NOTES PAGE