
**Northwest Kansas Groundwater Management
District
No. 4**

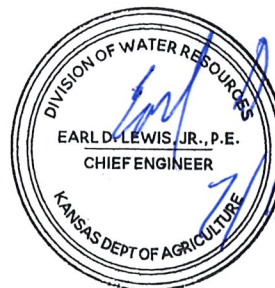
Revised Management Program

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I. INTRODUCTION

Northwest Kansas Groundwater Management District No. 4 has been organized to locally manage the groundwater resources within its specified boundaries. This management program is designed to establish the rights of local landowners and water users to determine their destiny regarding the use of groundwater within the district boundaries and within the basic laws and policies of the State of Kansas.

The initial spark which fostered Northwest Kansas Groundwater Management District No. 4 came from a group of concerned citizens in the area who recognized the imminent problems related to a dwindling groundwater supply and increasing rate of development. A series of informational meetings were held in the area to sense the will of the people relative to the formation of a groundwater management district and ultimately a steering committee was formed to execute the formal organization of a district. Under the authority of the Kansas Groundwater Management District Act, the following persons made up that steering committee:

Al Lowenthal, Chairman	Colby, Kansas
Marne Karlin, Secretary/Treasurer	Grinnell, Kansas
Garry Seymour	Bird City, Kansas
John Scott	Brewster, Kansas
Norman Mills	Studley, Kansas
Eugene Hall	Kanorado, Kansas
Willis Hockersmith	Oakley, Kansas

The steering committee filed the declaration of intent and a map of the proposed district boundaries with the Chief Engineer for the State of Kansas on December 19, 1974. After many deliberations between steering committee members, state representatives for the Division of Water Resources and area constituents, the final description of the district boundaries was certified by the Chief Engineer.

A petition outlining the purpose of the district and all other required information was circulated in a timely fashion by the steering committee and was submitted to the Secretary of State on November 13, 1975. Upon the petition approval, the steering committee called for and held an election to determine whether or not the district should be organized. Results of the election were 668 votes in favor and 372 votes against district formation, representing 64% in favor of formation.

A certificate of incorporation was issued by the Secretary of State on March 1, 1976 and was subsequently filed in the offices of the Register of Deeds in each of the ten counties which have land within the district boundaries. An official copy of that certificate may be viewed in the main office of the district.

An organizational meeting to set up and elect the initial board of directors for the district was conducted in Colby, Kansas on May 24, 1976. By resolution, 11 positions were opened for election, with the initial terms staggered as follows:

POSITION	COUNTY REPRESENTATION	INITIAL TERM*
1	Cheyenne	2 years-1978
2	Rawlins/Decatur	3 years-1979
3	Sherman/Wallace	3 years-1979
4	Sherman/Wallace	2 years-1978
5	Thomas	3 years-1979
6	Thomas	2 years-1978
7	Sheridan	3 years-1979
8	Sheridan	1 year -1977
9	Graham	1 year -1977
10	Logan	1 year -1977
11	Gove	1 year -1977

* After initial term is served all positions are then elected for 3 year terms.

On February 12, 2020 a motion passed among the voting members of the district to make Positon 10 representing Logan County to represent Logan and Gove counties and Positon 11 to represent At-Large.

POSITION	COUNTY REPRESENTATION
1	Cheyenne
2	Rawlins/Decatur
3	Sherman/Wallace
4	Sherman/Wallace
5	Thomas
6	Thomas
7	Sheridan
8	Sheridan
9	Graham
10	Logan/Gove
11	At-Large

Per K.S.A. 82a-1030, expiring directors' positions will be filled by an election to be held during the annual meeting of that year.

II. Mission Statement

The purpose of the district is the proper conservation and management of the groundwater resources. It is also to provide local land owners and water users with the ability to be directly involved in the process by establishing their own regulations regarding the resource. Moreover, all necessary research and education are to be conducted under local direction. Finally, the district is to cooperate with other local, state and federal agencies in their endeavors.

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III. DESCRIPTION OF THE DISTRICT

1. Location

Northwest Kansas Groundwater Management District No. 4 includes all of Sherman, Thomas and Sheridan Counties and portions of Cheyenne, Rawlins, Decatur, Graham, Gove, Logan and Wallace Counties in northwest Kansas. (see District Boundaries Map page III-2). The district, which covers approximately 3,100,000 acres is located in the High Plains section of the Great Plains Physiographic Province. Elevations range from approximately 3,900 feet above sea level at the western district boundary to approximately 2,200 feet above sea level at the eastern edge.

2. Climate

Average annual precipitation ranges from seventeen (17) inches in the western tier of counties (Cheyenne, Sherman and Wallace) to twenty-one (21) inches in Graham County on the eastern edge of the district. Rain showers account for the majority of the annual precipitation falling during the growing season from April to September.

Daily and annual temperatures vary significantly with summer days being warm and summer nights generally cool. This is true when the relative humidity is low, even during the hottest periods of the summer. Statistics show that a low relative humidity and frequent cloudless or near cloudless days are typical for the area, as are moderate to strong surface winds most of the year. All of the above typical conditions result in the need for special soil and water management practices.

Overall, the climate is well suited for grassland and certain agricultural crops. This is particularly true if irrigation is developed to supply needed moisture during dry periods. The major climatic drawback is the occasional devastating occurrences of hail and damaging winds associated with severe thunderstorms and/or tornadic activity. These events generally occur in the spring or summer months when the low-pressure storm centers tend to be most intense.

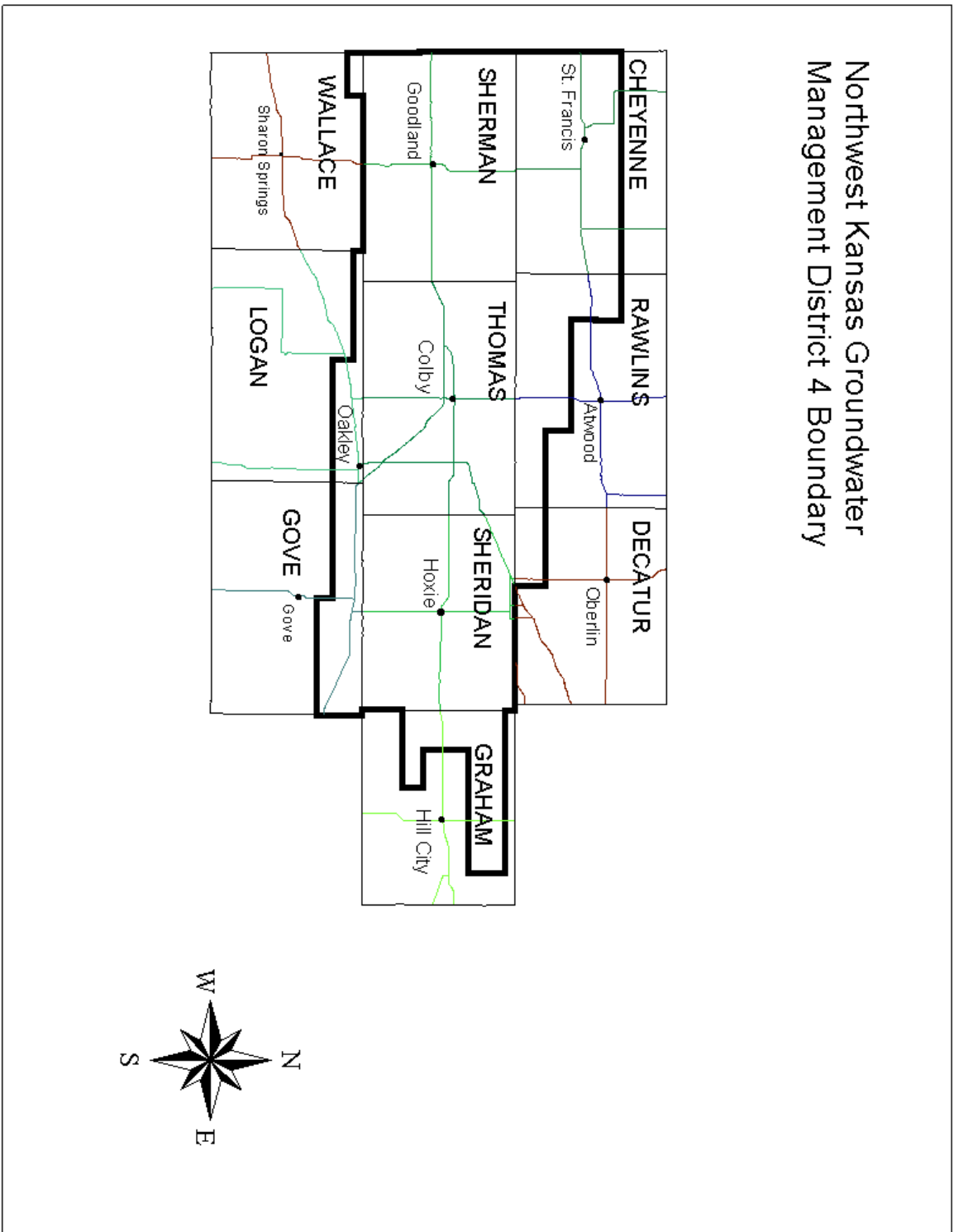
3. Soils

Soils in the district are primarily those resulting from windblown loess deposited during the Pleistocene Age. Most of the river valleys contain a more granular soil type resulting from stream-laid deposits. The primary soils are as follows:

- a. *Ulysses-Colby Association*. Deep, grayish-brown to dark grayish-brown silt loams, nearly level to slightly sloping. This soil type is found in the western three-fourths of the district.
- b. *Holdrege-Ulysses Association*. Consisting of deep to moderately deep, dark grayish-brown silt loams and moderately deep gray clays that are gently sloping. This type is typically found in the eastern one-fourth of the district.

With today's irrigation equipment and techniques most of the soils in the district are potentially irrigable. This is evidenced by the fact that most of the soils in the district are classified as Class I, II, III with respect to land use capability. It is generally recognized that in many cases these soils do require special management in order to be effectively irrigated.

MAP III-1: DISTRICT BOUNDARIES



4. Surface Drainage

In the geologic past, four drainage basins have established themselves within the present district boundaries. (see Drainage Pattern Map page III-4). These basins are:

- a. *The Upper Republican.* Consists of the South Fork Republican, Beaver Creek, Sappa Creek and Prairie Dog Creek. This basin's drainage trends northeastward across the district and ultimately meets the Republican River in southwestern and south central Nebraska.
- b. *The Solomon Basin.* Consists of Bow Creek and both the North and South Forks Solomon River which trend primarily eastward across the district.
- c. *The Saline Basin.* Consists of the Saline River and its less substantial South Fork. Like the Solomon Basin, it trends eastward and leaves the district essentially in the extreme northeast corner of Gove County.
- d. *The Smoky Hill Basin.* Consists of the North Fork Smoky Hill and Smoky Hill River, Hackberry Creek and Big Creek. This basin trends east-southeast and leaves the district along the eastern border of Gove County.

5. Water Resources

Surface water within the district is limited to surface runoff during and shortly after periods of moderate to heavy rainfall, and base flows in the South Fork Republican and South Fork Solomon Rivers. Throughout most of the district the surface runoff is rather low and difficult to economically capture due to the nature of the rainfall, the soil characteristics and general topography. Locations where suitable structures could be constructed to capture surface runoff in significant amounts are limited. The value of such large structures at this time is questionable from the standpoints of both groundwater recharge and irrigation use. Studies have shown that the high evaporation rate in the northwest area (as much as 72 inches of pan evaporation per year) would deplete much of the captured water before it could be recharged into the aquifer or used for irrigation purposes. However, future studies are expected to be more detailed in determining the amount of water that could be captured and used versus the cost of the structures.

Groundwater resources in the district supply a large percentage of municipal, industrial, domestic and agricultural needs. All of the district overlies at least the Ogallala aquifer which is a Tertiary aged, fluvially deposited silt, sand and gravel formation. It ranges in thickness from 300 feet in the west to 50 feet or less in the eastern portions of the district. The fact that the Ogallala was deposited on a pre-erosional surface means that the thickness of the deposit can vary significantly within relatively short distances. The January 2020 saturated thickness of the Ogallala Aquifer in the district ranges from 164 feet to 0 feet (Source: KGS section-level data base).

III-4



Using an average 2020 saturated thickness of 77 feet, district size of 3,100,000 acres and an average specific yield of 0.574, the district has an estimated 28,644,000 acre-feet of water in storage. District records as of September 2020 show 3,501 non-domestic wells registered with the Division of Water Resources with 847,875.6 acre-feet of water appropriated. This development has resulted in declining water table elevations over most areas of the district.

Alluvial deposits generally 30-80 feet thick along the major streams and creeks supply water of varying amounts to wells. These deposits do not generally exceed 50 feet in saturated thickness, but due to their medium to coarse texture often yield enough water for limited irrigation.

6. Economy

Northwest Kansas, for the present and future, is largely dependent on the availability of good quality groundwater because a large percentage of the local economy is based on agriculture and agri-related business, which in turn depend heavily on this resource.

Contributing to the economy of NW Kansas are cultivated cropland, both irrigated and dryland, the cattle feeding industry, dairy industry and associated agricultural businesses such as implement dealers, irrigation supply dealers, feed and seed dealers, well drillers and grain elevators and marketing personnel.

Major crops grown from cultivated land are corn, wheat, sorghum, sunflowers, alfalfa, dry beans and soybeans. All of these crops except wheat and sunflowers are predominantly irrigated. Current economic trends reviewed indicate that the marketing potential for these crops remains a stimulus for the higher production achieved by irrigation.

The livestock feeding industry, dairy industry, and a growing ethanol production capacity in the area depends on the production of feed grains and forage crops from irrigated land and are three areas of the present economy which have the best potential for expansion.

7. Table III-1: Assessed Land, Wells and Acre-feet Appropriated (September 2020 data)

County	Total Assessable Acres+	Assessed Acres	Excluded Acres and % of Total	Wells	Authorized Appropriation in Acre-feet
Cheyenne	444,042	416,815	27,227 (6)	466	102,903
Rawlins	252,990	224,354	28,636 (11)	154	31,101
Decatur	45,054	43,573	1,481 (3)	29	4,082
Sherman	657,668	627,141	30,527 (5)	896	263,239
Thomas	664,115	628,787	35,328 (5)	824	208,342
Sheridan	557,681	522,232	35,449 (6)	734	163,906
Graham	172,672	159,415	13,257 (8)	117	21,952
Wallace	12,603	12,603	0 (0)	8	2,779
Logan	88,909	85,323	3,586 (4)	92	17,152
Gove	160,697	150,773	9,924 (6)	179	30,784
TOTALS	3,048,315	2,833,748	214,567 (7)	3,504	850,872

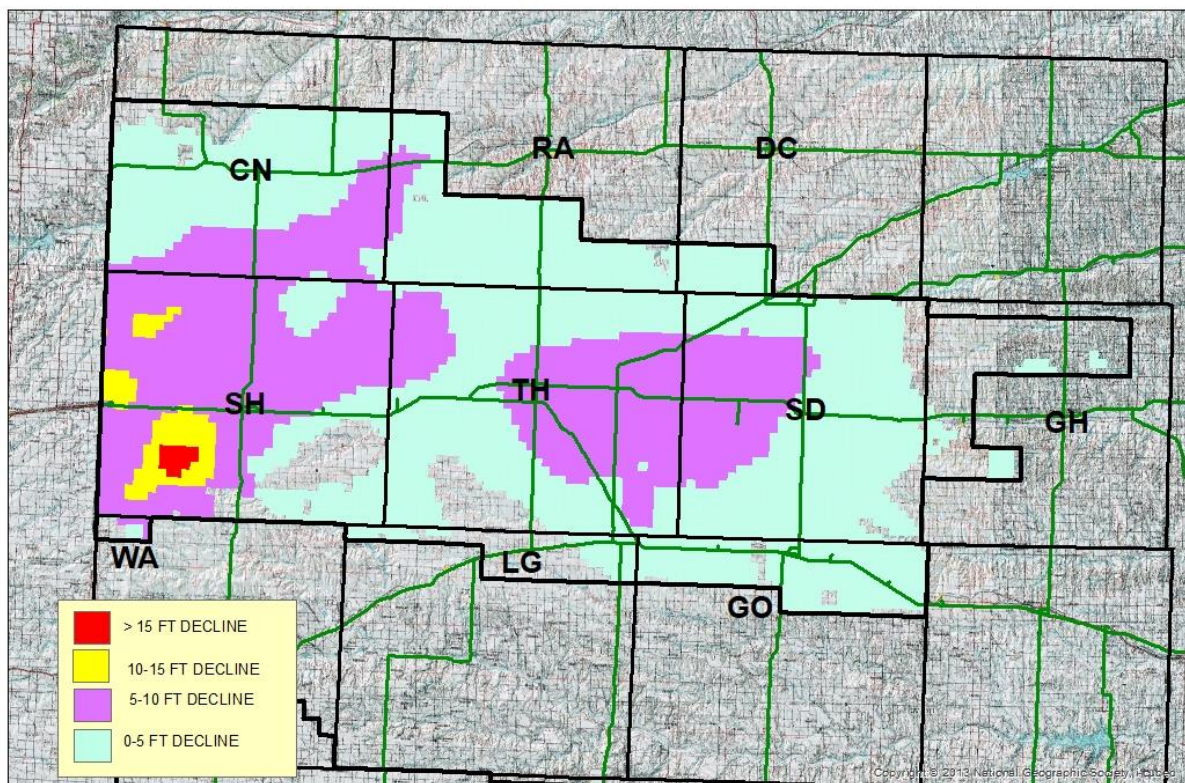
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IV. MANAGEMENT PROBLEMS

1. Depletion

Over-appropriation in many areas within the district continues to be a major management problem. Historically, groundwater development was very limited from its introduction into the area until approximately 1950. Since that time the rate of development had increased steadily until the early part of 1980 when the rate of development began to slow significantly mainly due to district policies. By this time however, most of the district had been developed in excess of the rate of recharge or any safe yield criteria. Consequently the groundwater table over most of the district is declining, but at differing rates as shown by figure IV-1. Equally, if not more, concerning is the rate at which the remaining resource is being depleted (see figure IV-2). At current annual depletion rates some areas are facing less than a 50 year supply of water if current pumping levels are maintained. Many other areas face major aquifer loss within 50 to 100 years.

Water Level Change in Feet: 2010-2019



Prepared by Shannon Kenyon, GMD 4

Figure IV-1: Decline areas from 2010-2019. Source: KGS section-level data base.

Average Annual Percent Change in Saturated Thickness 2010-2019

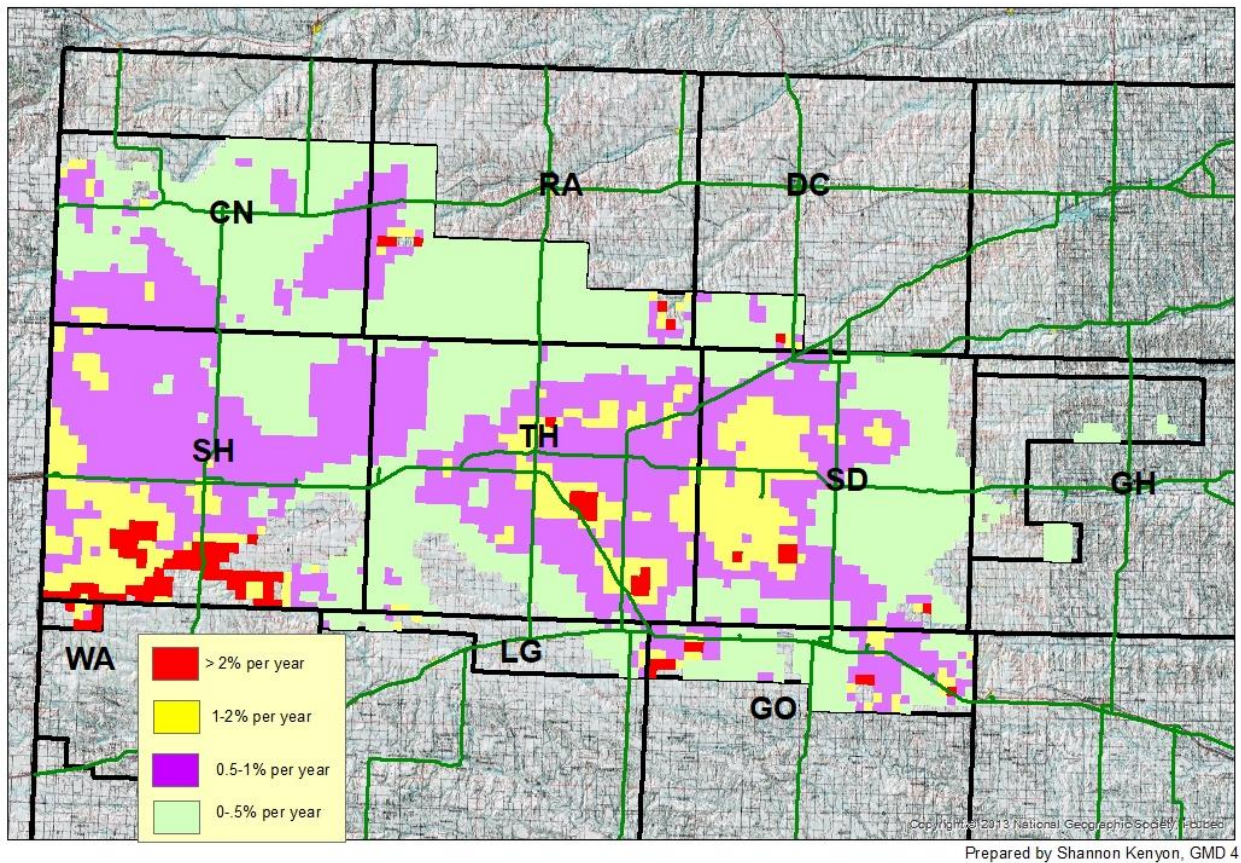


Figure IV-2: Annual % decline in saturated thickness from 2010 - 2019. Source: KGS section-level data base.

Because the decline rates are so variable over space and time, and due to the slow movement of water through the aquifer, the problems associated with declines are very localized. Therefore it is difficult, if not impossible, to make generalized statements on district-wide over-appropriation.

In the broadest of terms, GMD 4 is considered 5.7 times overappropriated, when based on district-wide, "*appropriated*" water quantities, and 3 times overappropriated when based on district-wide, "*pumped*" water quantities. However, there exist smaller areas within the district that are as much as 25 times overappropriated (based on appropriated amounts) and other areas that are underappropriated. (Source of appropriated water right information is DWR Water Rights Information System (WRIS) data base)

Depletion is also a problem that shares relationships with climate and other influences that are not yet fully understood. One of these better understood relationships is rainfall - particularly in-season rainfall. This climate factor affects both recharge and gross irrigation requirements for the crops grown. Data on water use and rainfall collected in GMD 4 over the past 20 years show a significant inverse relationship between in-season rainfall and groundwater reported pumped.

However, to fully understand the nature of pumpage and water level declines, all the other relationships need to be identified and further studied.

Stopping or controlling groundwater depletion is a complex problem. A pure resource approach toward a solution will necessitate focusing equally on the control of new development, the ability to direct or influence the use of existing development as necessary, and the design and implementation of programs for augmenting water supplies where possible. Other factors such as social, economic and legal impacts will also require attention, but are at this time actually non-resource components of the problem that will likely require State or Federal cooperation when resource solutions are being designed. The GMD 4 LEMA was contested but upheld in District Court in 2020.

- a. *The control of new development.* The district is now closed to all new development that requests a source of supply that wholly or partially includes the Ogallala aquifer.

Goal(s) for Management Problem 1. a. - The control of new development as it impacts depletion:

- 1) To prohibit new development from the Ogallala Aquifer within GMD 4.
- 2) To prohibit any new water right from directly impairing any existing water right to an unreasonable degree.
- 3) To provide limited access to new water rights for small, legitimate use requests in specified circumstances that does not increase consumptive water use.

Applicable Regulations: KAR 5-24-2; KAR 5-24-3; KAR 5-24-10
Applicable Programs: V-1-c

- b. *Direction/Influence of existing development.* This particular sub-problem of depletion may necessitate policies encouraging or mandating higher efficiencies of water usage along with efforts that reduce consumptive water use. It could also involve additional control measures designed to reduce annual withdrawals within over-appropriated areas to new acceptable limits - including compliance and enforcement, incentive programs or other efforts.

Examples of such efforts would be: multi-year allocations of existing water rights in specified, high priority areas; additional restrictions on adding acres to existing water rights; non-private ownership of existing water rights to explore other conservation/economic uses of the limited supply in specified, high priority areas; and/or incorporating an economic component in decisions regarding changes to existing water rights. Some of these approaches may require the establishment of an Intensive Groundwater Use Control Area (IGUCA) or a Local Enhanced Management Area (LEMA). State supported programs, such as Water Conservation Areas (WCAs) may also be considered.

Finally, it might also entail work on federal or state programs (Kansas Water Plan, federal Farm Program, etc.) as they impact the use and/or conservation of groundwater. This sub-problem potentially could prove to be the most effective way

to ease the declines. Its success, however, will hinge on quantifying existing groundwater rights and year-to-year pumpage.

Goal(s) for Management Problem 1. b - Direction/Influence of existing development as it impacts depletion:

- 1) Reduce diversions from the aquifer from existing water rights per the Enhanced Management Program process contained in section V-g of this management program. This may include any program mentioned within section 1. b. above or any regulation needed to implement a desired program;
- 2) Elimination of irrigation on unauthorized places of use;
- 3) Elimination of over-pumping authorized quantities of water through a State enforcement policy which emphasizes suspensions and, when necessary, revocations of offending water rights;
- 4.) Elimination and reducing the waste of water.
- 5) Promoting the enrollment of water rights into WRCP, MYFA, EQIP, WCA or any other such programs;
- 6) Supporting the creation and proper operation of water banks;
- 7) Helping to develop and supporting state and federal programs designed to reduce groundwater use, such as the EQIP program in the Farm bill, as long as these programs use financial or other incentives to reduce consumptive water use; and
- 8) Cooperating with other state and local entities in evaluating other ideas for the regulation or direction of existing development for the purpose of reducing overall diversions. This effort would include the local development and implementation of sub-aquifer management areas designed to identify and address the decline problems in the highest priority areas of the district.
- 9) Working cooperatively with DWR to ensure that water use is not increased as a result of changes made to existing water rights; and
- 10) Ensuring that all water use within the district is per the Kansas Water Appropriation Act.

Applicable Regulations: KAR 5-24-2; KAR 5-24-3; KAR 5-24-4; KAR 5-24-5; KAR 5-24-6; KAR 5-24-8; KAR 5-24-9; KAR 5-24-10; KAR 5-24-11
Applicable Programs: V-1-a; V-1-b; V-1-c; V-1-d; V-1-g

- c. *Design and implementation of programs augmenting water supplies* as a sub-problem of depletion could require policies regarding artificial recharge, water reuse, weather modification and/or water importation.

Goal(s) for Management Problem 1. c. - Design and implementation of programs augmenting water supplies:

- 1) Promote new water importation projects as practical;
- 2) Design and operate artificial recharge structures when non-district funding is available;
- 3) Promote current water use efficiency to the maximum extent practical.

Applicable Regulations: KAR 5-24-8; KAR 5-24-11

Applicable Programs: V-1-a; V-1-b; V-1-c; V-1-d; V-1-g

2. Public Education and Involvement

The entire concept of local control hinges on public awareness and involvement in the affairs of the district. This is particularly true in the formulation of management policy and in other planning activities. Encouraging public interest and involvement has remained a problem from the start of the district and will require continuing attention from the board. The importance of a well-informed and active membership cannot be over-emphasized.

Areas where a lack of public education has been identified include water rights administration; general water doctrine in Kansas; the role of local districts in managing water, the hydrologic characteristics of the aquifer and awareness of the different responsibilities of various water-related agencies and authorities in Kansas, including the Kansas Geological Survey, United States Geological Survey, Division of Water Resources, Kansas Water Office, Kansas Water Authority, Kansas Department of Health & Environment, Kansas Corporation Commission, Kansas Department of Wildlife and Parks and our own groundwater management district. Without an acceptable knowledge of the areas just mentioned, the effectiveness of public input into district planning and policies will be restricted.

Goal(s) for Management Problem 2. - Public education and Involvement:

1) To develop a public education program that supports all district activities through its ability to inform and educate people about district actions, important non-district activities, water rights and anything else that may affect or assist them. To this end the district shall strive to:

(a) support schools, service clubs, local groups, etc. with presentations or other public information whenever requested;

(b) periodically notify schools of GMD 4 presentation capabilities;

(c) periodically produce a newsletter of general circulation;

(d) use public service announcements or television interviews whenever possible;

(e) periodically conduct a district-wide listening tour for better information transfer between the board and the members;

(f) actively work with all applicable agencies, authorities and the Legislature on water-related issues - both ours and theirs;

(g) maintain a district website that can be used for information dissemination.

Applicable Regulations: None

Applicable Programs: V-1-c

3. Water Quality

The availability of suitable water quality for the needs of GMD members is recognized as a problem within the district. Moreover, human activities are considered to be the major threat to groundwater quality problems, as natural influences on water quality within the district have yet to be identified. Specifically included in the GMD's list of potential groundwater quality degradation problems are:

- a. *Unplugged, poorly constructed or improperly maintained wells.* This category would include water wells, oil and gas wells, all test holes, seismic holes, core holes, injection wells, disposal wells and all other drillings and borings having a potential to induce water unnaturally into the subsurface. Wells which do not meet or exceed state and local GMD standards are considered to be potential threats to groundwater contamination or leakage, because they can allow fluid migration either inside or outside the casing(s), either up or down the well or well bore.

Goal(s) for Management Problem 3. a. - Unplugged, poorly constructed or improperly maintained wells:

1) Within 6 months or less cause the plugging, capping or re-construction of every deficient well brought to the attention of the district or found by the district on its own.

Applicable Regulations: KAR 5-24-11
Applicable Programs: V-1-c

- b. *Surface activities which require the collection or use of any substance which can possibly influence the quality of the groundwater resource.* This category would include feedlots, landfills and other waste dumps, underground fuel storage facilities, oilfield tank batteries and distribution systems, and all the agricultural-related storage, handling and usage of chemicals including elevators, chemical plants, and chemigation systems. By the very collection of materials, substances or animals, there exists the potential for infiltration and percolation of leachates, chemicals, water soluble by-products, and other organic and inorganic substances into the subsurface and to the water table.

Goal(s) for Management Problem 3. b. - Surface activities which require the collection or use of any substance which can possibly influence the quality of the groundwater resource:

1) Monitor federal and state policy and regulation of all listed surface activities and consider the development of local regulation if any of these are believed to be inadequate to protect district water quality.

Applicable Regulations: None
Applicable Programs: V-1-e; V-1-f

Specifically identified as surface activities which need additional emphasis are the agricultural practices of chemigation and general nitrate/nitrogen usage, and the salt water handling and disposal practices of the oil and gas industry.

4. Availability of Energy

The availability of economical energy is critical to the availability and use of groundwater within the district. Should energy become too costly, the resulting immediate decline in the area-wide economy would be undesirable at best. It is in the best interest of the district to support and/or assist private efforts aimed at assuring an adequate supply of energy at a reasonable cost for the pumping and diversion of valid water rights within the district.

Goal(s) for Management Problem 4 - Availability of energy:

- 1) To support and/or assist private efforts aimed at assuring an adequate supply of energy at a reasonable cost for the pumping and diversion of valid water rights within the district.
- 2) To work on behalf of the energy users of the district in maintaining a cost-effective and reliable source of energy for the production of crops and all other water uses within the district.

Applicable Regulations: None

Applicable Programs: None

5. Enforcement

Enforcement of locally developed policies could pose problems in the effective management of remaining groundwater reserves. Usually, local enforcement is more effective, more efficient and less expensive than state enforcement. However, anticipating a certain percentage of cases whereby local enforcement is not going to be effective, the district has identified this as a potential problem. Moreover, the district recognizes potential problems concerning the consistency of enforcement when there is not proper coordination between federal, state and local concerns.

It will remain the desire of this district to work at local enforcement as a primary endeavor, yet also be able to quickly coordinate and implement a cooperative enforcement program with the appropriate state agency(s) in those cases where this type of approach is warranted.

Goal(s) for Management Problem 5 - Enforcement:

- 1) To work on local enforcement as a primary endeavor yet be able to quickly coordinate and implement a cooperative enforcement program with the appropriate state agency(s) when the board deems it necessary.
- 2) To monitor federal and state enforcement activities and develop our own enforcement capability whenever these efforts are deemed inadequate.
- 3) To promote responsive state enforcement of local policies and regulations when requested.

Applicable Regulations: All Regulations

Applicable Programs: None

6. Public Interest

"Public interest" is a fundamental term used throughout the Kansas Water Appropriation Act and the Groundwater Management District Act, and within regulations developed under both statutes. Yet the term is only narrowly defined within state statute and regulation. It has been generally accepted that the complete definition of this term is actually embodied in the full suite of statutes and associated regulations, and therefore must be considered in this total, overarching context. This full context also includes the administrative, executive and judicial systems whose policies and actions also become part of the complete definition. In contrast, it has also been generally accepted that a specific statutory definition of "public interest" would be restrictive and confining, thus having more disadvantages than advantages.

The groundwater management district act made it state policy that the local land owners and water users were to determine their own destiny in regard to groundwater management issues - so long as local decisions were consistent with state law. Since a groundwater management district cannot determine its own destiny without also expressing its own public interest, it seems logical that such authority is inherent in the groundwater management district act. Yet, any local expression of public interest must also be consistent with the overarching state expression of public interest, which is subject to eventual change through any administrative, legislative or judicial actions taken.

This issue is identified as a problem because it is not currently known if the existing state expression of "public interest" can be interpreted to accommodate the regional exclusivity being proposed herein. If so, there is little problem. If not, the state's inability to accommodate local programs and regulations defining a more local expression of public interest, will be considered a local management problem.

In this spirit, this management program is being written to embody a more local definition (expression) of public interest which the board believes is best for the landowners and water users of this GMD and hence best for the state of Kansas. The board also believes it is more clearly within the spirit of the groundwater management district act. If in fact the entire suite of statutes and regulations define public interest in concert with the administrative, executive and judicial systems, then the groundwater management districts are clearly part of these systems and they deserve sufficient consideration. A single expression of public interest exclusively from the state perspective may not serve Kansas as well as a more flexible definition recognizing regional diversity.

Goal(s) for Management Problem 6 - Public interest:

- 1) To convey through this management program a clear expression of what the local "public interest" is within this GMD relative to groundwater management issues.
- 2) To insure the district's ability to continue determining the local public interest within the authorities expressed in the groundwater management district act. In order to insure the ability to continue determining the local public interest, the district shall work with the Legislature and all appropriate state agencies insuring that they recognize, support and promote the local public interest expressed herein.

Applicable Regulations: All Regulations
Applicable Programs: All Programs

7. Funding Issues

Funding issues have been discussed often within the district in two contexts. First, the fairness of the existing assessment system, and secondly, does the existing system provide all the conservation support that it might? The Northwest Kansas Groundwater Management District board generally agrees that the current assessment system could be made more fair if variable assessment rates were possible for both the land assessment and/or the water user charge – allowing for differing rates by area; by water use type; or by land use. The new, flexible assessment system should also allow for the rate structure itself to be used as a conservation incentive if necessary in special management areas.

Goal(s) for Management Problem 7 – Funding Issues:

1) Work with Kansas groundwater management districts and the Legislature to consider amendments to the Groundwater Management District Act to accomplish variable assessments. This could be done for all GMD's or only those interested in the amended assessment system.

Applicable Regulations: None

Applicable Programs: None

V. PROGRAMS and RESOLUTIONS

To solve, control or prevent the six management problem areas described in chapter IV, and to address all other aspects of the district's operation, the following programs and resolutions are considered important.

1. Programs

a. Water Use Efficiency Improvement Program: The district shall initially establish a program designed to achieve a district-wide, minimum water application efficiency for irrigation use that places appropriate emphasis on both system design and operator management. Irrigation water use efficiency is considered the percentage of pumped groundwater that enters and remains available for crop production in the effective root zone of the crop being grown. Increased water use efficiency efforts for the other use types will also be undertaken. Increased water use efficiency is deemed important in that it will reduce the demand on the groundwater resource and will also allow the district to more effectively undertake, if necessary, future management alternatives.

The district will also if necessary: 1) require enhanced water use reports from all water users from which reasonable efficiency levels can be determined; 2) develop a method to assess the water application efficiency of all existing irrigation systems; 3) require improved water use measurement for all appropriate water users; and 4) encourage all non-irrigation water users to utilize water as efficiently as possible until similar efficiency improvement programs are specifically established by the district.

b. Water Rights Administration Program: The district shall review all groundwater rights applications filed from within its boundaries to insure compliance with district policies, and shall recommend to the Chief Engineer, Division of Water Resources, any actions or additional requirements deemed necessary.

When consulted, the district will assist in the preparation of applications for a permit to appropriate water for beneficial use and other such water-rights related paperwork, but it shall be the responsibility of the applicant to review all such information and to submit same to the Chief Engineer.

The district shall continue working with the Chief Engineer to establish and maintain reasonable limitations on rates of diversion and total annual quantities for proposed beneficial uses of water within the district for those use types deemed applicable.

The district may also monitor annual water use reports from within the district and work with or assist the Chief Engineer in improving the reporting process and/or correcting any deficiencies found.

Finally, the district shall endeavor to work with the Chief Engineer on any water rights issue which might affect its operation, whether initiated at the federal, state or local level.

c. Public Education Program: This program encompasses all programs to the extent that the district shall provide information concerning all phases of its operation to the members through the use of written publications, news releases, newsletters, public meetings, radio and television announcements, district webpage and other media available. Of particular interest shall be the wide dissemination of information concerning water rights, regulatory policies and specific projects affecting water resources, legislation affecting district operations, and water-related public meetings, hearings, workshops and other gatherings.

Public involvement shall be encouraged at every opportunity, and should be enhanced by an effective public information program. The key to increasing public involvement is to generate interest, provide practical and credible public information, and to instill and reinforce public belief in the merits of decision-making at the local level.

d. Investigations and Research Program: The district shall maintain an active interest in the following topics:

1) *Artificial Recharge.* The concept of artificial recharge shall be considered in a broadened sense within the district. The board of directors recognize that certain land treatment practices designed to decrease precipitation runoff and soil erosion can increase recharge as well as replenish soil moisture levels. Both these situations can increase water use efficiency and result in the reduction of groundwater pumpage. The district shall continue to study and evaluate more conventional methods of recharge such as injection wells, retention structures and playa lake management. Other such schemes which may be considered include low-head dams, stream channel flow control (gabions) and certain cultivation practices, both irrigated and dryland. Benefits to be expected from any recharge projects undertaken by the district shall relate to soil moisture management or the direct recharge of additional water.

2) *Evapotranspiration Research.* The district shall cooperate with and encourage research dealing with the impact evapotranspiration has on water management and use. Areas of promise could be: increased use of irrigation scheduling; genetic reduction of crop water requirements; and selection of new hybrids possessing lower water requirements. With increased surface runoff retention and 15% less water required by irrigated crops due to genetic improvements, a reduced number of fully irrigated acres could remain in production for a longer period of time. This combination of conditions might also support the supplemental irrigation of all currently irrigated acres so long as dryland production goals are uniformly established and adhered to.

3) *Water Transfers - Importation.* Western Kansas and the Great Plains region offers the nation a large food production area which has not yet reached its production potential. The major limiting factor in developing this potential is water. Since presently available water supplies are inadequate to fully develop and maintain the area to its production potential (or even to maintain current development), water from other areas will need to be made available if existing or increased development is desired, or if full production potential is to be realized.

Importation of water from areas of surplus supply seems to be technically feasible if the economic and political aspects of such ventures can be resolved. Some of the problems appear to be legal in nature and deal with inter/intra basin transfers. Any significant importation of water for irrigation use will by necessity be a large scale project and will require the coordination of many water-related entities including local, state, federal and possibly foreign nations. Other smaller-scale transfers will also take considerable coordination and planning.

The district shall encourage the long-range planning and study of projects which are economically feasible or may become economically feasible and which offer potential for the importation of water into northwest Kansas for whatever purposes may be deemed reasonable.

4) *Water Transfers - Exportation.* The board shall endeavor to involve itself with any exportation of groundwater from within the district boundary to any area or location outside the boundary. Such involvement should be relative to the Water Transfer Act, and all amendments thereto, and should insure that all district policies are met, including those policies which may apply to the receiving entity, such as waste of water and resource development plan policies.

5) *Federal Farm Program Refinements.* Whenever the federal farm program makes it financially attractive to grow high water-use crops because of the subsidy levels attached to those crops; or provides any other incentives to grow specific, high-water use crops; or provides disincentives to grow low-water use crops; the board should explore ways to alter the farm program so that an equal level of economic incentive can be provided to NW Kansas GMD producers such that they may choose lower water-use crop alternatives without economic or financial penalty or disincentive. All other programs relating to water use or water conservation contained in the farm program (such as EQIP) should also be evaluated and appropriately supported by the district if such programs encourage decreased consumptive water use and achieve district goals.

e. Data Collection Program: The data collection needs of the district are expected to be very broad as its programs are developed and implemented. They will necessarily range from water quantity and water quality issues, to research and investigation needs, to land ownership records, to whatever other data needs may become necessary and important to the board. This could include at any time additional water use, cropping, soils or climate data that would be necessary to support improved water use efficiency efforts.

At very least, the district shall maintain a water well inventory designed to show the location and status of each non-domestic well; mapping and data concerning area groundwater reserves; water quality information that is available or can be collected; a land ownership and mailing list data base for education and enforcement purposes; a water rights data base including authorized points of diversion, places of use and rates and quantities of water; and climate data for the region that is necessary for any irrigation scheduling programs or research.

The district shall also encourage the improvement of the state-wide, water-related data base covering water levels and water level changes in northwest Kansas, and promote the adoption of a state-wide, integrated water data base or geographic information system provided it will have access to such a system.

Finally, coordination and cooperation between the district and any state, federal, or other private or governmental agency shall be a high priority for the board at all times. Such cooperative efforts shall be encouraged whenever district manpower, technical or financial capabilities are not adequate to initiate or complete a study program or other effort approved by the board.

f. Water Quality Protection Program: In reference to the problem stated in Chapter IV-3, the district shall implement and maintain the following water quality protection program(s):

1) *Existing Pollution Problems.* Any known pollution problems within the district, or outside of district boundaries that pose a direct threat to groundwater within the district, may be researched and evaluated or re-evaluated by staff to determine if present or past clean-up and/or monitoring is sufficient. If staff deems it necessary to take further control measures, whether it be in conjunction with other federal, state or local water-related agencies, or as its sole responsibility, staff will then present its recommendations to the board for consideration of pertinent action.

2) *Potential Pollution Problems.* The water quality program goal will be to prevent any future degradation of groundwater quality by attempting to identify all potential sources of pollution, and addressing these before they become major problems. Possible programs which satisfy this mission could include, among others:

a) *Oil and gas industry monitoring.* The district should consider building and maintaining a file on all oil and gas activity in the district. Staff could then review this information to screen for improperly constructed or plugged oil and gas wells. Also to be included under this section could be the implementation of a simple map system for updating well status and/or

density within a specific target area, and a computer link with other data bases to obtain information currently not on file.

b) General monitoring. The district could also conduct random visual inspections of oil and gas leases, drilling, completion and plugging operations, feedlots, landfills and other waste dumps, storage facilities for fuels and chemicals, chemigation systems, abandoned or improperly maintained wells and any other agricultural or industrial site that staff considers to have the potential to degrade or contaminate groundwater.

3) Observation well network. The district may set up a network of observation wells in any area that it feels may be threatened by a potential source. This network may contain the following: present irrigation; domestic; stock; or rotary rig supply wells; observation wells drilled either solely by the district or by the district in conjunction with other federal, state or local agency(s); or any combination of these.

4) Water quality testing. The district may establish its own water quality testing unit or coordinate with state, federal or private water quality testing facilities as it deems necessary. All water quality data generated locally shall be made available to cooperating agencies upon their request unless special confidentiality arrangements were made prior to the data collection. All applicable state and federal agencies shall be notified if any district water quality test indicates the existence of a water quality problem.

5) Others. Any other program or effort which the board determines necessary or desirable to prevent groundwater contamination may also fall under this general water quality protection statement.

g. Enhanced Management Program

1) Overview: In accordance with K.S.A. 82a-1041 the district adopted the first Local Enhanced Management Area (LEMA) for the High Priority Area SD-6. Details of the LEMA order are in Attachment A. The SD-6 LEMA period operated from 2013-2017 and was renewed for another five years beginning in 2018. In 2018 the district put into place a GMD 4 LEMA that addressed water table decline, average annual precipitation, and net irrigation requirements for corn across the district to determine a five-year quantity per township.

The 2013 – 2017 SD 6 LEMA was created beginning with identification of six High Priority Areas (HPA) within the district. HPA's are areas with significant decline in the water table. The sixth HPA was in Sheridan County and referred to as "SD 6". Numerous public meetings were held to determine how to address the decline area. K.S.A. 82a-1041 within the Groundwater Management District Act allowing for Local Enhanced Management Areas with a GMD.

After K.S.A. 82a-1041 was enacted, a SD-6 HPA Request was submitted to the Division of Water Resources (DWR). According to K.S.A. 82a-1041 two public hearings were held and an Order of Decision was issued by the Chief Engineer on December 31st, 2012.

Review of the SD-6 LEMA was held by the annual meeting of the SD-6 Advisory Committee with a recommendation to the GMD 4 Board of Directors to renew the SD-6 LEMA with a carry-over quantity.

LEMA Development:

Task 1). Data Review: The board will consider KGS/GMD special study findings and other reports and information to more clearly assess the conditions of the aquifer. The board will work with KGS, DWR, KWO, USGS, and others who are knowledgeable in data reliability and application to enhance, redesign or whatever else is necessary to obtain or enhance the data considered necessary to scientifically support the need for management options.

Task 2): Goal Expression: Once Task 1 is completed, a goal is set to reflect the need for management options. See Attachments A, B, and C for each established LEMA goals.

Task 3). Development of LEMA Plan: Using data from Task 1 and the goal from Task 2, multiple scenarios for a variety of LEMA plans are presented to the board of directors for discussion. As each scenario and component of a potential LEMA plan is discussed, the board members decide what to include and exclude from the LEMA plan. A complete plan is then created and/or revised for approval by the board.

Task 4): Public Input: After a LEMA plan is developed by the board of directors in Task 3, public meetings are held for comments from the public. Questions and comments from those meetings are then brought back to the board for reconsideration into the LEMA plan. If modifications need to be made then a revised LEMA plan is taken back for more public input.

Task 5): Submit LEMA Request to DWR: Upon completion of Task 4 and a motion from the Board of Directors to submit the LEMA plan to DWR, an official LEMA plan is sent to the Chief Engineer for review. If modifications are requested by the Chief Engineer then the document is amended and returned to the Chief Engineer until the LEMA plan is either accepted or denied.

Task 6): Public Hearings: Once Task 5 is completed the Chief Engineer will set the first public hearing date to determine whether the LEMA plan satisfies the initial requirements for approval. If it does then an Order is issued for a second public hearing to be conducted. The second public hearing considers whether the proposed corrective control provisions are sufficient, and whether the plan should be accepted, rejected, or if modifications should be proposed.

Task 7). Order of Designation: If both hearings satisfy all requirements then the Chief Engineer issues an Order of Designation and the LEMA plan is set into motion.

Task 8): Monitoring: GMD 4 will keep track of monitoring the SD-6 LEMA quantities, amount remaining, umbrella accounts, and transfers. Any violations will be reported to DWR. For the GMD 4 LEMA, monitoring of quantities is conducted by DWR with input from GMD 4.

Task 9): Review and Evaluation: For both the SD-6 and GMD 4 LEMAs, advisory committees for both meet annually to review recent water table elevations, quantities pumped, any violations, and provide recommendations to the GMD 4 Board of Directors. Recommendation for renewal is made through the advisory committees to the board. This recommendation initiates Task 1 of LEMA development.

2) Timeframes:

Task 1). Data Review: Data review for renewal of the LEMA's begins in the fourth year of the current LEMA plan. Once water table elevations from KGS and water use report data from

DWR is confirmed and sent to GMD 4, analysis begins and is presented to the advisory committees and board of directors.

Task 2). Development of Goal Expression: After review of the data, if a renewal for the LEMA plan exists then either a new goal is created or the existing goal expression is modified. This should occur before the end of year four of the current LEMA plan.

Task 3). Development of LEMA Plan: By the end of year four of the current LEMA plan, development of either a new LEMA plan or modification to the existing LEMA plan should be developed.

Task 4). Public Input: During the end of year four and the beginning of year five of the current LEMA plan public meetings will be conducted for feedback about the new developed plan or renewal of current plan. Data from those meetings to be taken back to the board of directors for modifications if needed. If significant changes are made to the LEMA plan based on public input, additional public meetings will be held for input.

Task 5). Submit LEMA Request to DWR: In year five of the current LEMA plan, if needed, a new LEMA request is sent to DWR.

Task 6). Public Hearings: To be conducted prior to the end of year five of the current LEMA plan.

Task 7). Order of Designation: To be issued by the Chief Engineer of DWR no later than the end of year 5 of the current LEMA plan.

Task 8).Monitoring: This task is on-going through the LEMA plan but will be started upon completion of Task 7.

Task 9). Review and Evaluation: Annually in April, during a LEMA, the advisory committee will be to review data and send any messages or concerns to the GMD 4 Board of Directors.

a) High Priority Area (HPA) SD-6:

2013-2017 SD-6 LEMA: Attachment A

2018-2022 SD-6 LEMA: Attachment B

b) GMD 4 LEMA

2018-2022 GMD 4 LEMA: Attachment C

h. Metering:

As of 2009, all non-domestic water rights within GMD 4 are required to be properly metered.

i. Enhanced Allocation of Water:

In concert with the Northwest Kansas Groundwater Conservation Foundation, and within the established high priority areas determined through the enhanced management program expressed in section V. g, above, it shall be the intent of GMD 4 to obtain water rights in order to immediately reduce consumptive water use while working to lease or re-sell portions of the purchased water rights to maintain or enhance economic returns. The district should work closely with the division of water resources, Kansas department of agriculture and the

Kansas department of commerce to respectively facilitate water right transfers and then prepare to market the water rights. It will be the goal of this program to both reduce consumptive water use and to increase economic returns made from the reduced water use.

2. Resolutions:

a. Geographic Distribution of the Board of Directors

WHEREAS the Northwest Kansas Groundwater Management District No. 4 was formed for the management and conservation of groundwater resources; for the prevention of economic deterioration; and to secure for Kansas the benefit of its fertile soils and favorable location with respect to national and world markets; and

WHEREAS the Board of Directors of Northwest Kansas Groundwater Management District No. 4 are elected to represent the wishes of the eligible voters of the district; and

WHEREAS the boundaries of the district include all or portions of ten counties;

THEREFORE, BE IT RESOLVED by the eligible voters of the Northwest Kansas Groundwater Management District No. 4 that the board of directors be elected such that all geographic locations within the district will be represented, that one board member be elected from Cheyenne County, hereafter to be considered position No. 1, that one board member be elected from the Rawlins-Decatur County area, hereafter to be considered position No. 2, that two board members be elected from the Sherman-Wallace County area, hereafter to be considered position numbers 3 and 4, and two board members be elected from Thomas County, hereafter to be considered position numbers 5 and 6, that two board members be elected from Sheridan County, hereafter to be considered position numbers 7 and 8, that one board member be elected from Graham County, hereafter to be considered position No. 9, that one board member be elected from Logan-Gove County area, hereafter to be considered position number 10, and that one board member be elected At-Large, hereafter to be considered position number 11.

BE IT FURTHER RESOLVED that in order to be eligible as a candidate for a board of directors position, the eligible voter must reside within the boundaries of that respective position as previously described.

a. Schedule of Annual Meeting Rotation

WHEREAS the Northwest Kansas Groundwater Management District No. 4 was formed for the management and conservation of groundwater resources; for the prevention of economic deterioration; and to secure for Kansas the benefit of its fertile soils and favorable location with respect to national and world markets; and

WHEREAS the board of directors of the Northwest Kansas Groundwater Management District No. 4 are elected to represent the wishes of the eligible voters of the district; and

WHEREAS the boundaries of the district include all or portions of ten counties which constitute a considerable traveling distance for many voters;

THEREFORE, BE IT RESOLVED by the eligible voters of the Northwest Kansas Groundwater Management District No. 4 that after the initial annual meeting, the annual meeting location be in a rotation of Hoxie, Goodland and Colby, respectively, in order to coincide with the geographic election of the board of directors as follows:

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1. Hoxie, 1977, Positions 8, 9, 10 and 11
 2. Goodland, 1978, Positions 1, 4 and 6
 3. Colby, 1979, Positions 2, 3, 5 and 7

b. Exclusions and Inclusions

WHEREAS the Groundwater Management District Act specifically outlines parameters within which land may be excluded from district assessment, but does not adequately address the assessment status of land transfers; and

WHEREAS Northwest Kansas Groundwater Management District No. 4 now has a landowner data base through which exclusions can more readily be monitored; and

WHEREAS numerous discrepancies in the status of excluded land now exist because of the inability of this district to require landowner updates due to the vagueness of the statutory language regarding same;

BE IT THEREFORE RESOLVED that the Northwest Kansas Groundwater Management District No. 4 shall adopt the following policy with regard to reasonable and equitable administrative actions to prevent persons from unknowingly conflicting with existing statutes concerning land exclusions, or refusing to come into compliance.

- 1) The term "tract" shall be considered as a portion of land as it is legally described by the county records of the local county clerks office.
- 2) Any excluded tract of land involved in a change in ownership by any means shall revert to its original included status, as no exclusion form with the current landowner will be on file with the district office.
- 3) Ownership or acquisition of a water right shall be presumed as intent to use water on or withdraw water from beneath said tract(s) and shall void or prevent the exclusion status of said tract(s).
- 4) If the assessment status of either the previous owner or the new owner of any transferred tract(s) changes, the district will on its own initiative, administratively correct the situation(s) provided its action is the only legal alternative of that party.
- 5) When multiple alternatives exist for the seller or buyer because of any transaction involving land resulting in a mixed assessment status which is inconsistent with the Groundwater Management District Act, the owner will be notified and given 45 days from the district's notification date to correct the discrepancy. If no such response and direction is received within that time, the board shall direct staff to implement the district's only option of including all previously excluded land as a result of a voided (outdated) exclusion form on the part of that owner.
- 6) Sections 1-5 of this policy shall be applied to all land within the district retroactive to March 1, 1976, provided no assessments shall be levied pursuant to this policy prior to January 1, 1985.

d. District Election Procedure

Whereas K.S.A. 82a-1021 defines an "Eligible Voter" as any person whom is 18 years old and older, or a public or private corporation, municipality or any other legal

or commercial entity that 1) owns 40 or more contiguous acres within the boundaries of the Northwest Kansas Groundwater Management District No. 4 (GMD 4) and outside the corporate limits of a municipality, provided the land has not been voluntarily excluded from GMD 4 assessments, or 2) withdraws or uses at least one acre-foot (325,851 gallons) of groundwater per year from within the GMD 4.

Whereas K.S.A. 82a-1021 continues to say that each tract of land and each quantity of water use can only be represented by one eligible voter, and if the land is held by lease, an estate for years, under a contract, or otherwise, the deed holder is the person or corporation who is presumed to be the eligible voter unless an agreement to the contrary has been reached by the parties involved. Furthermore, if the land is held jointly or in common, the majority of interest determines which person or corporation can vote. If equal interests exist, only one voter can be selected; and

Whereas K.S.A. 82a-1021 continues to state each eligible voter may cast only one vote except that person who is the duly authorized representative for an estate, a trust, a municipality, or a corporation who may cast an additional vote for each one of these entities that he or she represents; and

Whereas K.S.A. 82a-1021(b) does not authorize proxy voting; and

Whereas it is in the best interest of GMD 4 to provide a procedure by which to identify Eligible Voters to ensure legal voting during any GMD 4 voting.

Be it resolved that the Northwest Kansas Groundwater Management District No. 4 (GMD 4) Board adopts the following as GMD 4 election policy:

1. District Eligible Voter List. Annually from its records, the GMD 4 will prepare an Eligible Voter List for use during all voting events of all known eligible voters based on land ownership and permitted water use.

2. Special Circumstances. Annually by 5:00pm central time at least seven (7) days before a voting event, any person requesting a ballot under the following special circumstances must provide the following additional written evidence of eligibility to vote:

2.1 Estate. A person requesting a ballot on behalf of an estate must furnish written evidence that he or she is an executor of the estate.

2.2 Trust. A person requesting a ballot on behalf of a Trust must furnish a signed and notarized Certificate of Trust declaring that person as a Trustee of the Trust.

2.3 Business. A person requesting a ballot on behalf of a joint venture, partnership, limited partnership, corporation, limited liability company, or other private

or public entity must provide written evidence that the person is an officer of that entity.

2.4 Municipality, Governmental, or other Public Entities. A person requesting a ballot on behalf of a municipality, governmental, or other public entity must be an Elected Official of that entity. Only one Elected Official may vote on behalf of the municipality, governmental, or other public entity.

2.5 Tenant. A tenant requesting a ballot on behalf of a landlord, or multiple landlords, must provide a written lease that includes a legal description of the real estate being leased and written authorization from the landlord to vote on the landlord's behalf. A tenant may only cast one ballot on behalf of one landlord even if the tenant is leasing multiple acres from multiple landlords.

2.6 Annual Water use in Excess of One (1) Acre Foot per year. A person requesting a ballot based on water use in excess of 325,851 gallons of non-permitted water use will furnish written confirmation of such use consisting of:

2.6.1 Water utility receipt(s) showing total annual use from the previous calendar year;

2.6.2 Energy and pumping records from the previous calendar year; or

2.6.3 Other documentation sufficient to support such use within the previous calendar year.

3. No proxy voting. Nothing in this Resolution will be interpreted to allow proxy voting and proxy voting is disallowed.

4. Elections Officer. Annually, the GMD 4 Board will appoint an Elections Officer to oversee the process of voting at the Annual Meeting. The Elections Officer will use the Eligible Voter List, supplemented by the additional evidence of eligibility to vote, to distribute ballots to those Eligible Voters at the Annual Meeting.

5. Severability. If any part of this Resolution is for any reason held to be unenforceable, the rest of it remains fully enforceable.

VI. District Operation

The district shall operate from a centrally located office established within its boundaries. Staff who are employed with the approval of the board of directors shall run the day-to-day operation and direct the programs heretofore listed. The district shall be run by eleven elected board of director members who shall each represent a certain constituency as has been set out in this program. They shall be responsible for setting policy and insuring the district is working toward the established goals and objectives at all times. They shall meet periodically to review district activities and formulate planning concepts. An annual meeting shall be held each year to allow input and information to flow freely between the district and its members. This is not to say that the district is closed on a day-to-day basis for any individual comments, criticisms or ideas.

The district shall operate on funds resulting from the assessment authority given in K.S.A. 82a-1030. Each year the district's tax rolls shall be re-validated to the appropriate county clerks' and new assessment charges levied. Moreover, the district shall adhere to all laws, regulations and policy statements issued which pertain to the formation and operation of the state's groundwater management districts.

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