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

Revised Management Program

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

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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.

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. PURPOSES OF THE DISTRICT

1. To locally organize, develop and administer proper management and conservation practices of the groundwater resource for the benefit of the entire district.
2. To establish a framework by which local landowners and water users can help determine their own policies and programs with respect to the vital management and use of the groundwater resource within the district.
3. To support and participate in research and education relevant to the proper use and management of the limited groundwater resource.
4. To derive optimum social and economic benefits accruing from the wise development, use, and management of the groundwater reserves.
5. To cooperate with all levels of government and all district members in order to accomplish the objectives of the district and the Groundwater Management District Act and amendments thereto.

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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 3900 feet above sea level at the western district boundary to approximately 2200 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.

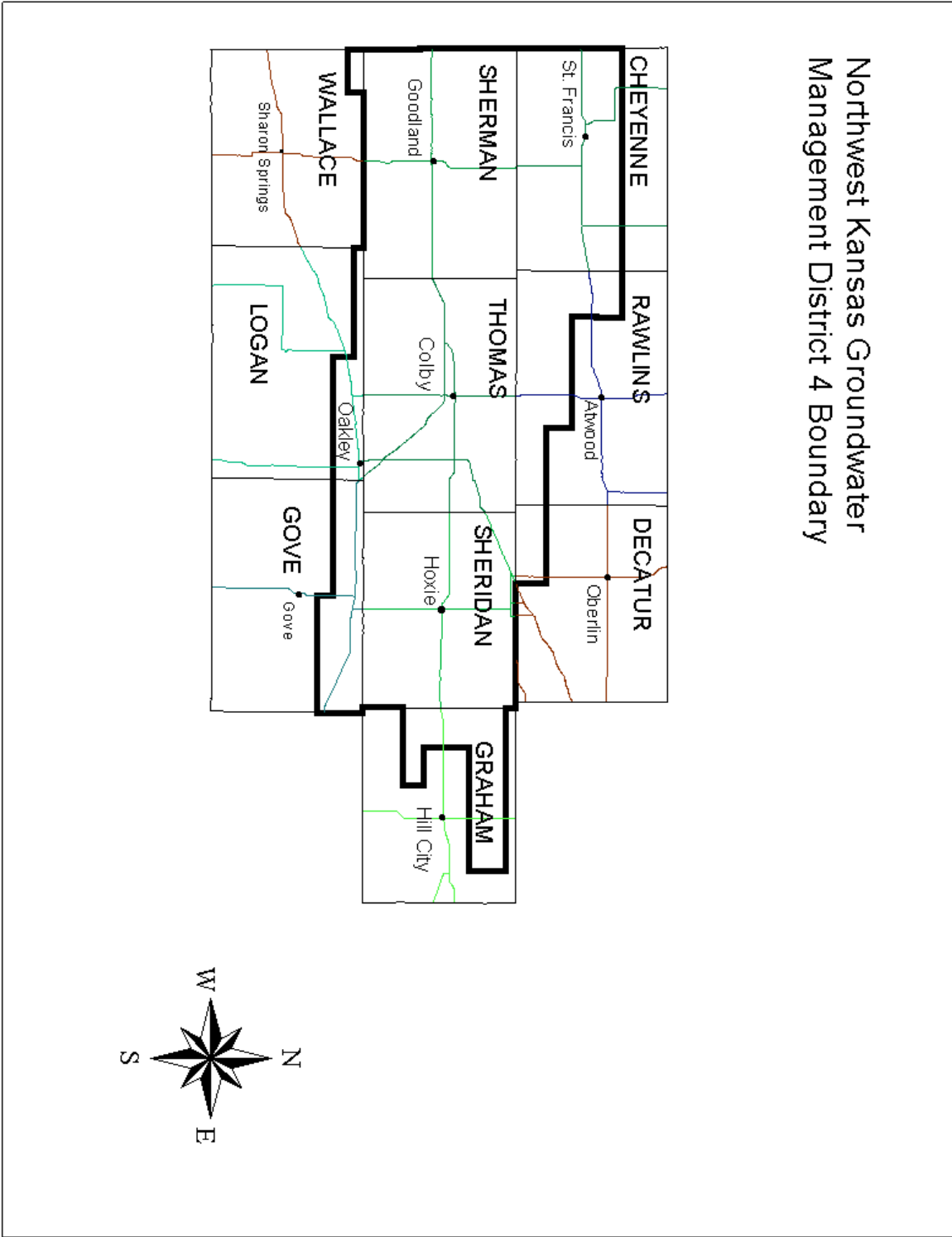
3. Soils

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:

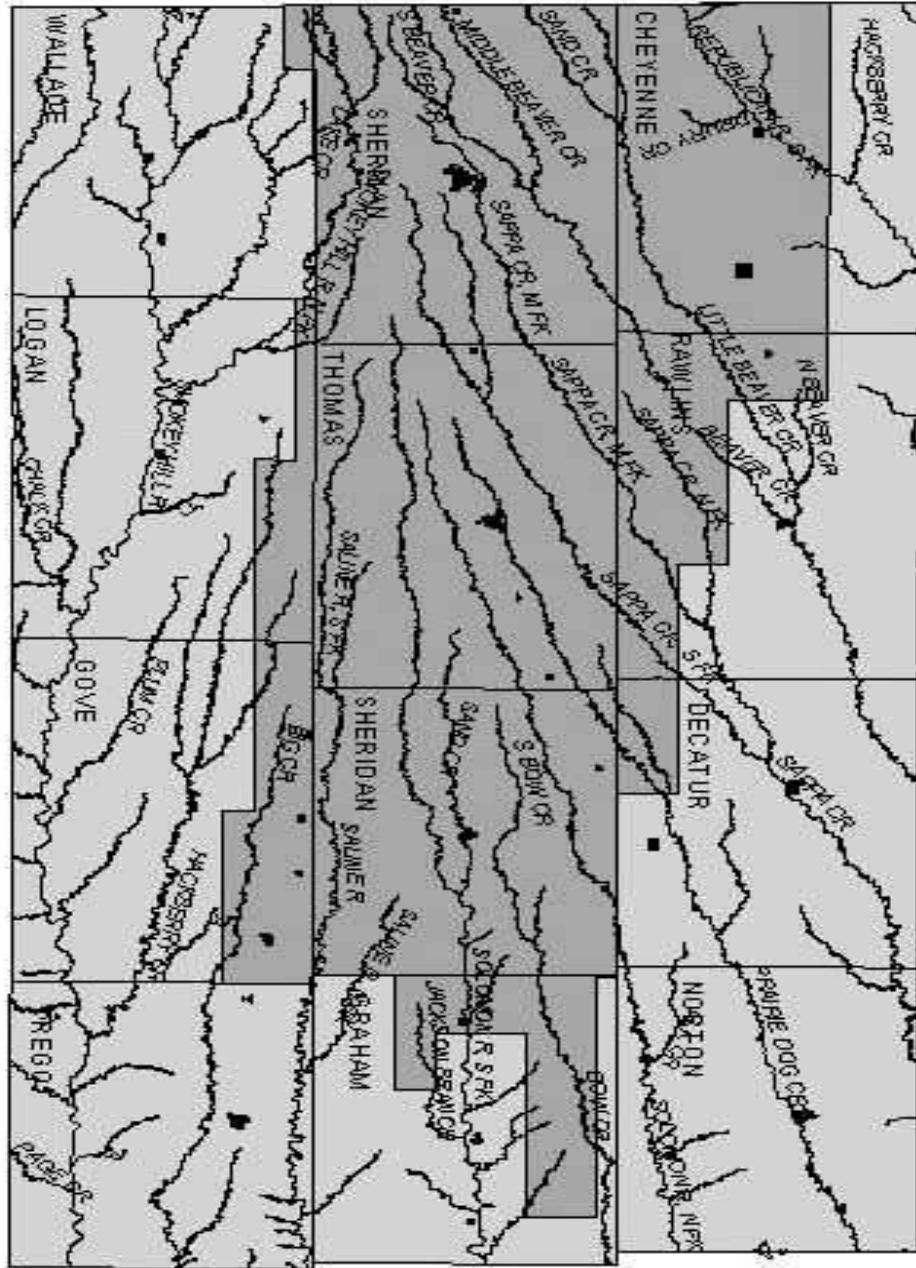
- a. *The Upper Republican.* Consists of the South Fork Republican, Beaver Creek, Sappa Creek and Prairie Dog Creek. This basin's drainage trends northeastward across the district and ultimately meets the Republican River in southwestern and south central Nebraska.
- b. *The Solomon Basin.* Consists 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, 2002 saturated thickness of the Ogallala Aquifer in the district ranges from 213 feet to 0 feet (Source: KGS WIZARD section-level data base).

MAP III-2: DRAINAGE PATTERNS OF NORTHWEST KANSAS



North ↗

Using an average 2003 saturated thickness of 86 feet, district size of 3,100,000 acres and an average storage coefficient of .12, the district has an estimated 32,000,000 acre-feet of water in storage. District records as of January, 2004 show 3548 non-domestic wells registered with the Division of Water Resources with 863,268.2 acre-feet of water appropriated. This development has resulted in declining water table elevations over certain 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 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 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 two areas of the present economy which have the best potential for expansion.

7. Table III-1: Assessed Land, Wells and Acre-feet Appropriated (July, 2003)

| County | Total Assessable Acres+ | Assessed Acres | Excluded Acres and % of Total | Wells | Authorized Appropriation in Acre-feet |
|---------------|-------------------------|--------------------|-------------------------------|-------------|---------------------------------------|
| Cheyenne | 445,206.4 | 386,521.4 | 58,685.0 (13) | 471 | 106,040.1 |
| Rawlins | 252,007.0 | 202,767.0 | 49,240.0 (19) | 160 | 31,034.9 |
| Decatur | 44,616.6 | 40,811.6 | 3,805.0 (8) | 30 | 4,041.0 |
| Sherman | 653,369.2 | 603,689.2 | 49,680.0 (8) | 906 | 268,087.6 |
| Thomas | 664,272.6 | 586,074.7 | 78,197.9 (12) | 841 | 213,950.1 |
| Sheridan | 557,559.2 | 487,639.5 | 69,919.7 (13) | 729 | 166,150.9 |
| Graham | 171,209.1 | 147,758.5 | 23,450.6 (14) | 124 | 23,563.9 |
| Wallace | 12,467.1 | 12,236.1 | 231.0 (2) | 9 | 2,907.0 |
| Logan | 88,732.3 | 81,739.3 | 6,993.0 (8) | 91 | 17,335.8 |
| Gove | 159,673.2 | 137,211.1 | 22,462.1 (14) | 187 | 31,836.9 |
| TOTALS | 3,049,112.7 | 2,686,448.4 | 362,664.3 (12) | 3548 | 864,948.2 |

+ Land within the county, within the district which is subject to assessment.

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IV. MANAGEMENT PROBLEMS

1. Depletion

Increased development without regard to available reserves (overappropriation) in certain areas within the district has surfaced as a major management problem. Historically, groundwater development was very sluggish 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. 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 over different time periods as shown by figures IV-1 and IV-2 below.

Water Level Change in Feet: 1978-1988

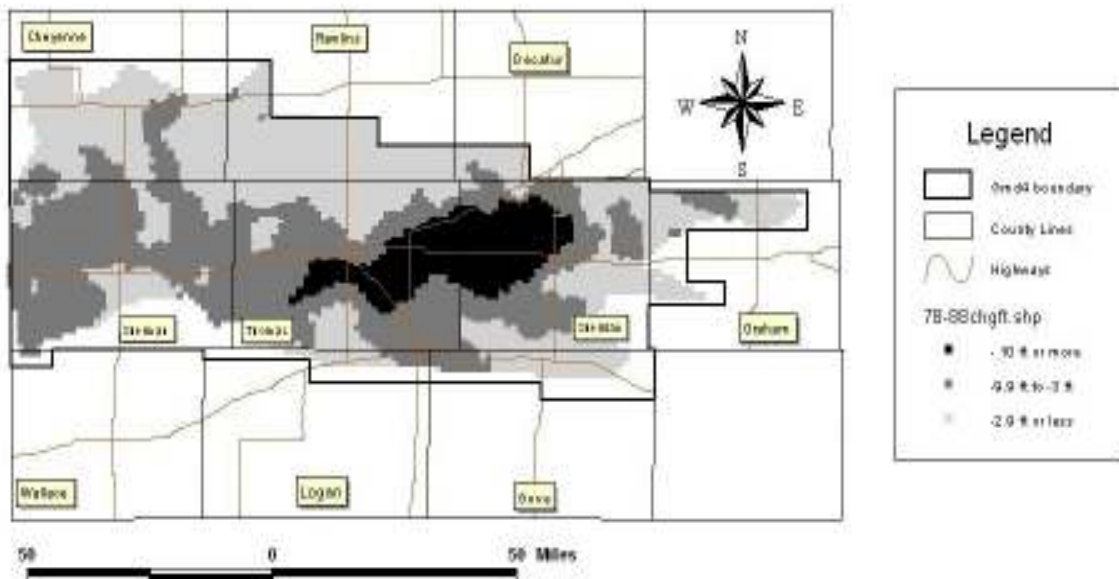


Figure IV-1: Decline areas from 1978 to 1988. Source: KGS WIZARD section-level data base.

Water Level Change in Feet: 1991-2001

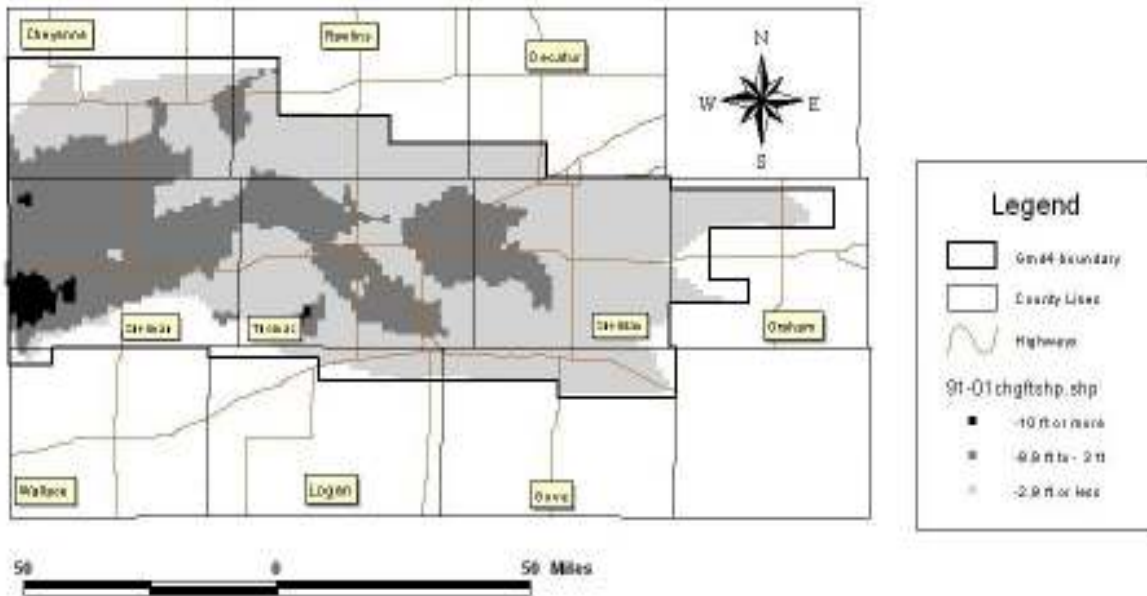


Figure IV-2: Decline areas from 1991 to 2001. Source: KGS WIZARD section-level data base.

Because the decline rates are so variable over space and time, it makes the question: *How overappropriated is the district?* difficult to answer. It literally depends on where you are and what timeframe you want the answer to represent.

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 completely underappropriated - that is, not yet developed at all. (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. (See Figure IV-3)

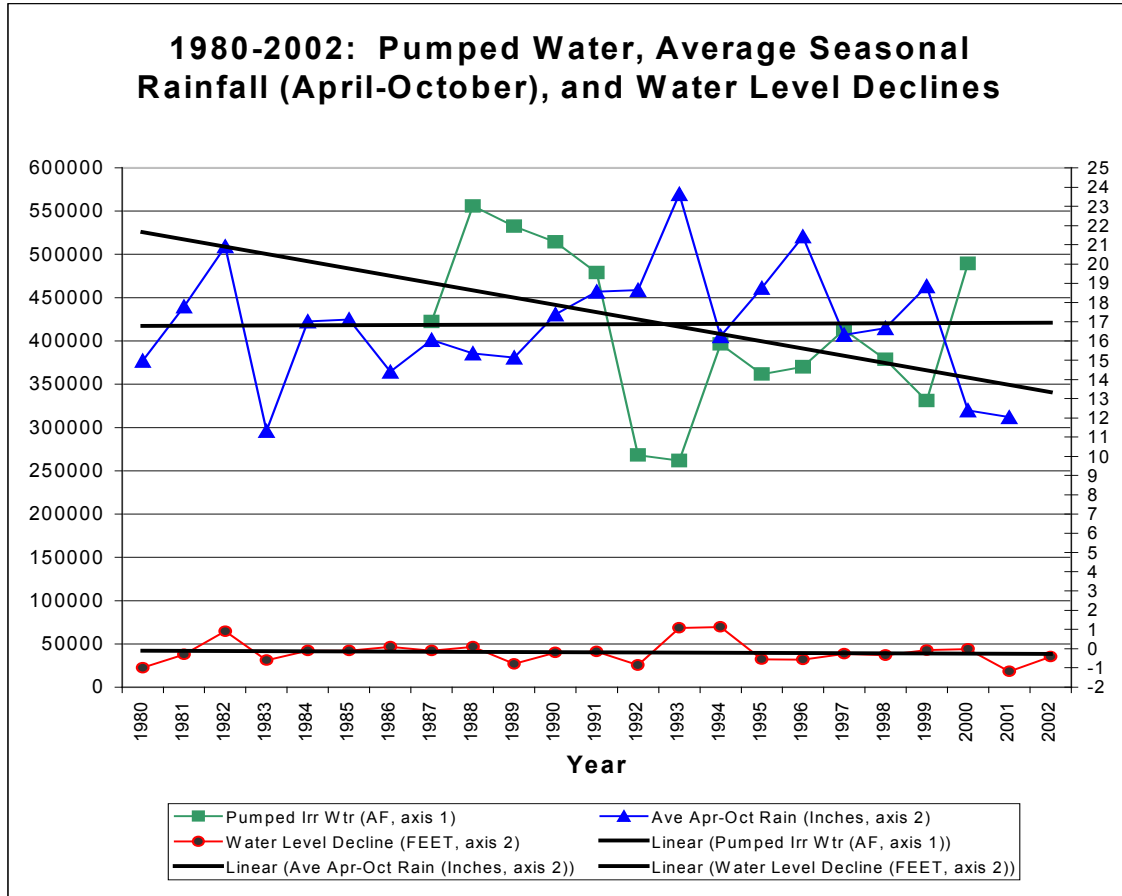


Figure IV-3: Relationships between in-season rainfall, groundwater pumping and water table changes. (Source: GMD 4 rainfall data; DWR water use reporting data; and Kansas Observation well network data.)

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.

- a. *The control of new development.* This is a sub-problem of depletion because it creates its own problems of devising a fair and equitable method of processing new requests for groundwater appropriations. The first phase of this sub-problem is to define locally acceptable limits of development, by specific area, and a policy which will not allow new appropriations to exceed those limits. Direct impairment of existing rights must also be a concern in controlling new development. Additionally, a method of determining where unappropriated groundwater supplies exist, and the best way to manage these supplies could be considered.

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

1) To prohibit new development that exceeds the long-term annual recharge in the local area of a proposed new water right.

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.

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 existing appropriations within over-appropriated areas to new acceptable limits - including compliance and enforcement, incentive programs or other efforts. 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. The possibility of extensive programs such as metering or resource development planning (irrigation development plans) appears probable. Another possibility might be a policy to insure that as changes are made to existing water rights there are no actions taken which would in effect increase impacts on the local aquifer system.

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;
- 2) Elimination of irrigation on unauthorized places of use;
- 3) Elimination of overpumping authorized quantities of water;
- 4) Promoting the enrollment of water rights into WRCP, MFA, EQIP or any other such programs;
- 5) Supporting the creation and proper operation of water banks;
- 6) 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
- 7) 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.
- 8) Working cooperatively with DWR to ensure that water use is not increased as a result of changes made to existing water rights; and
- 9) 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 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) produce a newsletter of general circulation at least quarterly;
- (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.

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.

Applicable Regulations: All Regulations

Applicable Programs: All Programs

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.

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- 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.

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- 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

In general accordance with the Kansas State Water Plan, the district will identify aquifer sub-units of similar hydrology, prioritize these sub-units, and develop an enhanced management program for the high-priority sub-units identified. The goal will be to slow the groundwater table decline rate in all high-priority aquifer sub-units identified.

More specifically, the program is outlined as follows:

Task 1) - Cluster aquifer sub-units

Use existing KGS section-level data sets and other data available to cluster or otherwise be used in the determination of aquifer sub-units. This data will be clustered or otherwise considered based upon appropriate hydrologic parameter(s) in order to show reasonable regions of groundwater management need. This task will generate aquifer sub-units of similar groundwater dynamics within the district which can be prioritized for subsequent enhanced management efforts. The entire data set for NW Kansas will be used so as to minimize the boundary effects as much as possible.

The parameter primarily to be used for the designation of aquifer sub-units shall be percent decline of 1996 aquifer saturated thickness between 1996 and 2002 using 3-year averaged values for all data sets. Other hydrologic parameters may also be considered.

Task 2) - Prioritize aquifer sub-units:

The board will set appropriate high, medium, and low threshold triggers based on the Task 1 parameter(s) chosen. The sub-units exceeding the top trigger will be designated as high priority aquifer sub-units for subsequent enhanced management efforts. Additionally, upon request of landowners and/or water users, any high priority area may be expanded to adjacent areas and considered a high priority area provided: the entire area is sufficiently sized to justify the expansion; the landowners and water users within have systematically met and prepared a specific enhanced management plan that meets or exceeds the basic goals and criteria of this protocol; and the board feels it is in the public interest to build upon the local momentum generated by the expansion group.

Task 3) – Verify data for each high priority aquifer sub-unit:

The board will consider KGS/GMD special study findings and other reports and information to more clearly assess if the existing data adequately supports any or all of the high and medium priority aquifer sub-units rendered by task 1. If the data is considered sufficient, the board will continue to task 4. If not, before task 4 is started the board will work with KGS, DWR, KWO, USGS and others who are knowledgeable in data reliability and application to enhance, re-design, find funding for, or whatever else is necessary to obtain or enhance the data considered necessary to scientifically support not only the identification of the sub-units, but also any likely management options for the immediate future.

Task 4) - Establish preliminary water use goals and enhanced management actions for the high priority aquifer sub-units:

The board will conduct at least one public meeting within each high priority aquifer sub-unit in order to: a) inform the land owners and water users of the district's process and findings; b) to discuss the area's future outlook based on the district findings; c) to request input from the attendees about preferred future actions - specifically including preferences for a groundwater budget for the next 20 years; and d) what management policies/actions/strategies should be considered by the board to achieve the preferred groundwater budget.

Following the public meetings, the board will decide what groundwater use goals (groundwater budgets) are appropriate for each high priority aquifer sub-unit and what management approaches should be implemented. These decisions will be incorporated into the management program before being undertaken. If new regulatory authorities are considered necessary or prudent, either by the public or the board, they will be further explored at this step in the process.

(NOTE: In both the public meeting venue and the final board decision process, the following methods for reducing water use will be discussed: 1) targeting funding for water use efficiency improvements, water right set asides, or water right buyouts; 2) mandatory metering; 3) stricter regulation of water rights to include both negative and positive incentives concerning: a) overpumpage; b) tailwater control and reuse; and c) unreasonable pumpage; and 4) IGUCAs or other special management areas. Any other ideas brought up by the district members within either venue will also be considered.)

Task 5) – Assess the management program per board decisions resulting from task 4.

At this point, there may or may not be additional changes required in the management program to implement the enhanced management decisions of task 4. If management program changes are required, there will be no further implementation until the management program is appropriately revised through the prescribed process.

Task 6) - Develop assistance plans to transition to dryland farming.

This issue may or may not be addressed within tasks 4 and 5. If it is, no further specifics need to be included here. If not addressed in tasks 4 and 5, the board will work with the district members and others (state agencies and private groups) to develop a list of economically acceptable transition plans/ideas. All plans/ideas identified through this effort will next be presented to the district members at a public meeting or public meetings if the board decides to pursue such plan(s).

Task 7) - Review, evaluate and reiterate.

On a regular, identified schedule the board will again cluster or otherwise consider each medium and low priority aquifer sub-unit and using the same threshold parameters as originally used and will re-prioritize each. The high priority aquifer sub-units identified through this task will start the process at that time at task 3.

TIMEFRAMES:

The first timeframe will be to appropriately include the approved protocol into the next management program revision process. The board expects to begin this process in May, 2003, and have the new revised management program approved by the chief engineer by May, 2005. There are, of course, no guarantees to this timeframe. The board would also expect to hold a public hearing on the revised management program shortly after the effective date of the revised program. If approved by the district members, this revised management program, including this protocol, would likely become effective by August, 2005.

Once a protocol is included into the management program and that management program is adopted, the timeframes for the individual tasks are expected to be:

Task 1: Cluster aquifer sub-units: This task should be completed within 3 months of approval of the management program.

Task 2: Prioritize aquifer sub-units: Within 3 months of completion of task 1.

Task 3: Verify data for each high priority aquifer sub-unit: This task will begin by January, 2006, but a completion date is impossible to predict. It should take about 6 months to assess the data originally used in identifying the high priority aquifer sub-units. If the data adequately supports the sub-unit identification, this task would be expected to be completed by July, 2006. However, if the data cannot adequately support the sub-unit identifications, the board believes it could take an additional 4-5 years to design what data sets will be needed, to obtain that data and to re-apply it to tasks 1 and 2.

Task 4: Establish preliminary water use goals and enhanced management actions for the high priority aquifer sub-units: This task should take 6-8 months of time following the completion of task 3. This could be as early as February, 2007 and as late as February, 2012.

Task 5: Assess the management program per board decisions resulting from task 4: Assessment of the management program should take 4 months of time following the completion of task 4. If no revisions are necessary (that is to say that all programs and regulations needed to implement the decisions made in task 4 already exist in the revised management program) the board will be able to begin implementation immediately. Should there be required management program revisions, the implementation process could take up to 2 years while the revised management program process takes place.

Task 6: Develop assistance plans to transition to dryland farming: It is possible that district transition plans can be incorporated in tasks 4 and 5 and that no special plans need to be developed. If so, no timeframe needs to be identified. If district transition plans are not incorporated in tasks 4 and 5, this task would be begun immediately upon the conclusion of task 4. It would be expected to take 2-3 years to develop unique dryland transition plans as proposed.

Task 7: Review, evaluate and reiterate: This task will begin 5 years after the completion of task 2.

h. Metering:

In response to the division of water resource's announcement that all wells in NW Kansas will be metered, the district will work with the division in developing a mutually acceptable metering program. This effort will be pursued via the adoption of a Memorandum of Understanding with the division of water resources that specifies the obligations and responsibilities of each entity in implementing the MOU.

2. Resolutions:

a. Geographic Distribution of the Board of Directors (PR-76-1)

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 County, hereafter to be considered position number 10, and that one board member be elected from Gove County, 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.

b. Schedule of Annual Meeting Rotation (PR-76-2)

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:

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

c. Exclusions and Inclusions (PR-84-1)

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 (PR-91-2)

WHEREAS KSA 82a-1021 in essence defines an "Eligible voter" as any person who is 18 years old and older if that person either 1) owns 40 or more contiguous acres within the boundaries of the district and outside the corporate limits of a municipality, provided the land has not been voluntarily excluded from district assessments, or 2) withdraws or uses at least 1 acre-foot (325,851 gallons) of groundwater per year from within the district; and

WHEREAS KSA 82a-1021 continues to say that each tract of land and each quantity of water use can only be represented by 1 eligible voter, and if the land is held by lease, contract, or estate, 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 1 voter can be selected; and

WHEREAS KSA 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 KSA 82a-1021(e) strictly prohibits proxy voting; and

WHEREAS some convention or policy is necessary to positively identify the authorized voters so as to insure legal voting during any district event;

BE IT THEREFORE RESOLVED THAT the Northwest Kansas Groundwater Management District No. 4 Board should adopt the following as GMD 4 election policy:

- 1) The District shall prepare from its records annually an eligible voter list, for use during all voting events, of all known eligible voters based on land ownership and permitted water use.
- 2) Unless known to or approved by the election officer, any person requesting a ballot(s) on behalf of any estate, trust, municipality, or public or private corporation will be required to furnish written proof of voter status as follows: a) for an estate, the person must be an Executor or Administrator; b) for a trust, the person must be a Trustee; c) for a Municipality, the person must be an Elected Official, or d) for a Public or private corporation, the person must be a Corporate Officer. In each case such approved voter authority shall be construed to be effective for that election only, and pre-arranging such voting status in advance of the voting event is highly recommended.
- 3) Unless known to or approved by the election officer, any person requesting a ballot for land which is leased, held under and estate for years or held under contract shall furnish written confirmation from the deed holder that a voting agreement has been reached which authorizes the tenant or contract holder to vote, specifying at least one tract of land on which the agreement has been reached. A tenant or contract holder cannot collect more than one such agreement. In each case such written authority shall be construed to be effective for that election only. Pre-arranging such voting status in advance of the voting event is highly recommended.
- 4) Any person requesting a ballot based on water use in excess of 325,851 gallons of non-permitted water use, shall furnish written confirmation of such use consisting of either: a) water utility receipt(s) showing total calendar year annual use from the previous year; b) energy and pumping records from the previous calendar year substantiating such use; or c) other documentation sufficient to support such use within the previous calendar year. In each case such written authority shall be construed to be effective for that election only. Pre-arranging such voting status in advance of the voting event is highly recommended.

BE IT FINALLY RESOLVED THAT this resolution shall become effective December 12, 1991, and remain in effect until duly amended or rescinded.

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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