



Southwest Water

SOUTHWEST KANSAS GROUNDWATER MANAGEMENT DISTRICT NO. 3
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Board President

Mike McNiece Industrial

Vice President

Kent Dunn Seward

Secretary

Clay Scott Grant

Treasurer

Mike O'Brate Gray

Board Members:

Steve Stone Finney

Tom Bogner Ford

Jay Houtsma Hamilton

Pete York Haskell

Kirk A. Maddux Kearny

Warren Fox Meade

Wayne Breeding Morton

Brant Peterson Stanton

Shannon Crawford Stevens

Alan Schweitzer Municipal

David Brenn Surfacewater

PHONE (620) 275-7147

FAX (620) 275-1431

meetings:

2nd Wed. each month

9:00 a.m. - District office

Radio Spot:

"SW WATER"

KBUF—1030 AM

Each Friday - 8:10 am—8:20 am

<http://www.gmd3.org>

GMD3 ANNUAL MEETING PREPERATION UNDERWAY

The 32ND Annual Meeting will be held on March 14, 2007 at the Gray County 4-H Building, 17002 W. Highway 50, Cimarron, Kansas. The meeting will begin at 10:00 a.m. CST. Key speakers include Mark Rude, GMD3 Executive Director, and Adrian Polansky, Kansas Secretary of Agriculture. Items on the Agenda will include the 2006 Audit Report, the Proposed 2008 Budget and the election of 5 members to the Board of Directors. The positions are:

- Finney County (Steve Stone - Incumbent)
- Ford County (Tom Bogner - Incumbent)
- Gray County (Mike O'Brate - Incumbent)
- Kearny County (Kirk Maddux - Incumbent)
- Surfacewater at large (Dave Brenn - Incumbent)

Eligible voters who have not registered to vote in a previous District election must submit a completed registration form to the GMD3 office by 5:00 p.m. March 9, 2007. Voter Registration forms can be found on the District's web-site: <http://www.gmd3.org> . or requested by phone: (620) 275-7147. Sample forms are on page 3 of the Newsletter. Proxy voting is not allowed.

ANNUAL TOPEKA LEGISLATIVE RETREAT TO BE HELD

The Annual Topeka Legislative Retreat will be held on February 8, 2007 at the Capitol Plaza Hotel in Topeka. The regular monthly business meeting will be at 1:30 pm and adjourned at approximately 4:30 pm, followed by a legislative reception in the Shawnee Room at 5:00 pm. Invited guests include members of State Legislative and Executive Leadership. Topics include HB2070 which could put time limits on IGUCA's established by the Chief Engineer under the GMD Act and the proposed CREP water right retirement program under HB2184 and SB123. Other water topics regarding economic development and water management may be discussed as well.

Values to Model

For many years, people in the 12 County area of the Southwest Kansas Groundwater Management District No. 3(GMD3) have enjoyed the abundance of groundwater pumped from the nearly 10,700 non-domestic wells tapping the groundwater aquifers. Those wells watered up strong and healthy communities from this precious resource. As Kansas Secretary of Agriculture, Adrian Polansky described to the Kansas Water Authority recently, "Water is required for nearly every human venture, whether it's raising kids, crops or livestock, or producing food, fuel and fiber. We make choices about where to allocate these resources." The water allocations developed over the last 50 years have brought great prosperity to the state and the region. Our communities prospered under the economic model to put value to the groundwater by its immediate beneficial use. Those ventures developed allocations that draw far more water from the Ogallala Aquifer than can be sustain long term. But, our water consumption rate governed by economics alone may be a legacy considered by some to be inconsistent with good stewardship of the resource and not necessarily the best plan for managing the Ogallala Aquifer for the future.

The GMD3 area has many millions of acre feet of groundwater still in storage. The supply is projected to be good in many areas for years to come. Of course, half of the 3 million acres irrigated each year in Kansas are located in GMD3 and less than one inch of average recharge gets back to the aquifer. We pump about 2 Million acre feet each year from about 7800 active wells in GMD3, and it is no secret that significant Groundwater level declines have occurred in many areas. Water right impairment complaints filed with the state are increasing in number and are being investigated by the state for both local and regional affect on senior water rights. Under the Kansas legal model, a water right is a property right that is subject to the Prior Appropriation Doctrine, which means that "the first in time is the first in right." Junior water rights can not have an unreasonable effect on senior water rights. This legal model serves the people of the state very well in actively administered areas outside of GMD3 where water availability fluctuates significantly on an annual, monthly or daily basis. But Southwest Kansas has a different hydrologic setup. All areas in GMD3 are effectively closed to new allocations and a strict application of Prior Appropriation to the mostly fossil waters of the Ogallala Aquifer by the State or the Courts could shut down the mining and prohibit any water level declines. Such an act would mean an abrupt end to most ventures in our part of the state. The effects would be felt state-wide and beyond. It is possible that even a retired Kansas librarian would not be spared the ill effects of a strict application of this model in the Ogallala Aquifer. A strict adherence to the legal model of Prior Appropriation for the Ogallala in GMD3 may not be in anyone's best interest and may not reflect good stewardship of the resource and the Kansas dependency on the Ogallala allocations. So, how can we as a groundwater management district, work with these two strong economic and legal model influences and avoid any future train wreck between them.

Somewhere in the middle of the Economic and Legal models for management of our groundwater may be a set of middle values. A set of values that come up again and again in the public notions and discussions about the future of our Ogallala supply. Concepts such as: extend the supply; all water right owners sharing in allocation reductions over enough time to keep the incremental cuts small and allow transition to high value uses; provide some consideration for senior water rights; allow private marketing of consumption credits; and encourage voluntary incentive based programs to reduce consumption rates. These are not new concepts. But they have been reiterated in community meetings and candid conversations over renewed concern for the depleting water supply in some local areas. Can we develop a middle ground "stewardship model" for the Ogallala, given the force and effect of the other two models of Economics and Prior Appropriation? There may be a real opportunity for the 2007 Kansas Legislature to demonstrate a willingness to authorize a good water stewardship program for Kansas this year.

(continued on page 4)

Form 1

SOUTHWEST KANSAS GMD #3 2007 ANNUAL MEETING DIRECTOR NOMINATION FORM

Pursuant to K.S.A. 82a-1027, _____, is a qualified voter of the District, and is hereby nominated as an eligible candidate for election to the Board of Directors for the position of:

- Finney County Director
- Ford County Director
- Gray County Director
- Kearny County Director
- Surface Water (At-large)

MUST BE RETURNED TO DISTRICT OFFICE BY 5 P.M., FEBRUARY 7, 2007

Signature _____

Form 2

SW KS GMD #3 — VOTER ELIGIBILITY APPLICATION

DIRECTIONS: Complete one (1) form for each vote represented

MUST BE RETURNED TO DISTRICT OFFICE BY 5 P.M. MARCH 9, 2007

Name _____

(Please Print)

Address _____

City _____ State _____ Zip _____

Pursuant to K.S.A. 82a-1021 (e), I certify that I am an eligible vote for the annual meeting of the District on March 14, 2007 by being the age of Eighteen (18) or upward and qualify by means of one of the following criterion:

I am a natural person who is a landowner who owns, of record, any land, or any interest in land, comprising forty (40) or more contiguous acres (not excluded from assessment) located within the boundaries of the district and not within the corporate limits of any municipality.

I am a natural person who withdraws or uses groundwater (not excluded from assessment) from within the boundaries of the district in an amount of one acre-foot or more per year.

Signature _____ Date _____

Form 3

SW KS GMD #3—CORPORATE DELEGATE APPLICATION

Pursuant to K.S.A. 82a-1021 (e), the following person:

MUST BE RETURNED TO DISTRICT OFFICE BY 5 P.M. MARCH 9, 2007

(Print Name)

is authorized to represent an estate, trust, municipality, public or private corporation which is a landowner who owns of record any land, or any interest in land, comprised of forty (40) or more contiguous acres (not excluded from assessment) located within the boundaries of the district and not within the corporation limits of any municipality. **(Nothing herein shall be construed to authorize proxy voting.)**

is authorized to represent an estate, trust, municipality, public or private corporation that withdraws or uses groundwater (not excluded from assessment) from within the boundaries of the district in an amount of one acre-foot or more per year. **(Nothing herein shall be construed to authorize proxy voting.)**

The estate, trust, municipality, public or private corporation being represented at the Annual Meeting of the District on March 14, 2007 is:

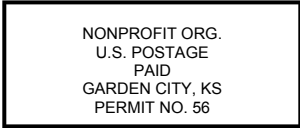
(Print name of estate, trust, municipality, public or private corporation)

Signature & title of **EACH** person duly authorized to act in a representative capacity (officer, partner, trustee, etc.) for the estate, trust municipality, or public or private corporation being represented: **(attach additional signature sheets, if needed)**

Signature

Title

Date



RETURN SERVICES REQUESTED

DATES TO REMEMBER

February 8	GMD3 Legislative Retreat & Board meeting, Topeka
March 1	Annual Water Use Reports are Due to DWR
March 7	Voter Registration Due In GMD3 Office
March 14	Annual Meeting - 4-H Building, Cimarron, KS, 10:00 am.-12:00 pm / Regular Board Meets At 1 pm.
March 16	23rd Annual Water & Future of Kansas Conference Topeka, Ks

CREP

The first Conservation Reserve Enhancement Program, or CREP, for Kansas is now proposed to USDA. This proposal seeks to use the Federal funds allocated to FSA's CRP program and enhance them with \$5 million of the \$34 Million in water related damages by Colorado determined to have occurred along the Arkansas River in GMD3. The proposed CREP provides voluntary cash incentives to owners of active irrigation projects to retire water rights and water consumption from up to 100,000 irrigated acres along the Upper Arkansas River in parts of GMD3, and on downstream into GMD5 to the confluence of Rattlesnake Creek near Great Bend. Under the CREP proposal, an example payment to a producer for a Finney County center pivot quarter section could be \$265,058 over the 15 years. This program is an opportunity to mitigate the mandatory consumption under the economic model and the potentially devastating effects of a strict application of the Prior Appropriation legal model in the proposed CREP area. We look to the Kansas legislature, who must authorize the \$5 million cash contribution for this water conservation program, for leadership in this historic opportunity as stewards of water and the future of Kansas. The implementation of the proposed Kansas CREP represents an important part of the values to model for our continued management and stewardship of water.

GMD3 on the Radio

You can get the latest information on groundwater issues every Friday morning. A representative of GMD3 can be heard at **8:00 am on KBUF 1030**, during the morning farm reports. We cover a wide array of topics, ranging from the latest legislature dealing with water issues to tips on using your water meters as best as you can and reminders of all the services and assistance programs that GMD3 has to offer. Since the program is every Friday, we try to discuss the current topics as they are happening and allow you to be up to date in the continually active arena of groundwater management. So plan to start your Friday mornings with an update from GMD3.