

# WATER DISTRICT NEWSLETTER

FORMERLY KNOWN AS  
"the Pipeline"

**SOUTHWEST KANSAS GROUNDWATER MANAGEMENT DISTRICT (GMD3)**  
A GOVERNING BODY CONTROLLED BY LOCAL PEOPLE

Volume 2, Issue 6

December, 2002

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## MEETINGS:

2ND WED. EACH MONTH

9:00 A.M. - DISTRICT OFFICE

409 CAMPUS DR., SUITE 106

GARDEN CITY, KS 67846

<http://www.gmd3.org>

## REGULATION HEARING IS DECEMBER 11, 2002

During their August 14, 2002 meeting the GMD3 Board voted 8 to 5 to recommend to the Chief Engineer of the Division of Water Resources (DWR) to discontinue further appropriations of water for non-temporary and non-domestic use that request to divert more than 15 acre-feet of water per calendar year within the boundaries of the District. A hearing will be held to consider this issue as well as consider the adoption of other regulations recommended by GMD3 to the Chief Engineer at 1:00 p.m. on December 11, at the Wheat Lands Convention Center, 1311 E. Fulton, Garden City, Kansas. The hearing will follow the GMD3 Board meeting that begins at 9:00 a.m. at the same location. The proposed regulation to be reviewed during this hearing concerning this issue is **K.A.R. 5-23-17. Water appropriation limits. All areas are closed to further appropriations except for domestic, temporary and term permits. An exemption is allowed for quantities up to 15 acre feet provided the combined quantity of exemptions within a radius of ½ mile surrounding the proposed diversion does not exceed 15 acre feet.** The Executive Director, Hank Hansen, considers the following points to be relative to this issue. **(1)** Fewer wells will reduce the demand on a depleting aquifer. **(2)** Reduction in demand for water will avoid further negative impact to existing water rights, creeks, streams and rivers. **(3)** An unprecedented decline of 15 to 24 feet in the water table that occurred from 1999 through 2001 in at least 7 different regions of SW Kansas is a good reason to stop installing new large capacity wells. **(4)** It's unwise to install more wells during a prolonged severe drought that's already causing a severe decline in the water table. **(5)** Prior Appropriation Doctrine, or "first in time, first in right" may be applied in times of water shortages. Junior water rights are at risk of being terminated in lieu of senior water rights. At least 2 significant regional impairment claims have been under investigation for the last couple of years. Another third claim has recently been submitted. In addition to that, two other impairment claims have been promised if pending water right applications are approved that are in relative proximity to their existing water rights. **(6)** Unknown implications of the impact of the March 2001 order issued by the Fish and Wildlife Service, US Dept of the Interior, in which both the Cimarron and Arkansas Rivers located in SW KS have been declared as critical habitat for the "Threatened" Arkansas River Shiner. It has been suggested by the FWS that human activity, such as groundwater pumping, may have to be curtailed in lieu of maintaining stream flow necessary to restore this critical habitat.

## **OVER-PUMPING RESOLUTION 2002-8 WAS ADOPTED BY THE GMD3 BOARD OF DIRECTORS ON NOVEMBER 13, 2002:**

**WHEREAS**, the Board of Directors of the Southwest Kansas Groundwater Management District agree with the following verbiage taken in part from K.S.A. 82a-728: it shall be unlawful for any person to appropriate or threaten to appropriate water from any source without first applying for and obtaining a permit to appropriate water in accordance with the provisions of chapter 7 of article 82a of the Kansas Statutes Annotated and acts amendatory thereof or supplemental thereto or, for any person to violate any condition of a vested right, appropriation right or an approved application for a permit to appropriate water for beneficial use. The board of directors further agree that diverting water for non-domestic purposes in excess of the maximum annual quantity authorized as a condition of a vested right, appropriation right or an approved application for a permit to appropriate water for beneficial use is an unlawful act and should not be allowed; and

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**SOUTHWEST KANSAS GROUNDWATER MANAGEMENT DISTRICT NO. 3**

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Garden City KS 67846

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**OVER-PUMPING Continued from Page 1**

**WHEREAS**, it is an objective of the Southwest Kansas Groundwater Management District's water management program to promote water conservation and compliance with current statutes and regulations; then

**THEREFORE**, be it resolved by this Board of Directors of the Southwest Kansas Groundwater Management District that District Staff are instructed to seek means currently available to curtail such over-pumping in the District.

**Legislative Change to GMD Act Proposed on October 9, 2002**

**Legislative Tea:** The District has tentative plans to host a Legislative Tea near the Capitol at Topeka on January 20, 2003. The Board of Directors and KS Legislators will meet to discuss the following legislation proposed by GMD3:

**Proposed Change:**

Under K.S.A. 82a-1028 of the Groundwater Management District Act, regarding district powers, add another section following the section on rules and regulations:

( ) grant an exception to the rules and regulations of the district, if the applicant shows that the exception will neither impair a use under an existing right nor prejudicially affect the public interest.

**Problem:** GMD's have no ability to provide exceptions to the rules they must enforce under current provisions of the State law.

**Solution:** Enable GMD's to grant exceptions to state regulations effective within their district.

**Advantages:**

1. GMD's are locally funded and managed.
2. GMD's will have the same restrictions on decision making that the State has now, but will cut-down decision making time by reducing the Topeka "bottle-neck" that can slow down application processing.
3. GMD's are directly accountable to their constituency and are elected to make decisions that protect existing water rights, the economy, and the wellbeing of the District's water supply.
4. Enable faster conversion from irrigation to municipal, industrial and livestock sectors of Kansas. This type of conversion only affects about 3 percent of all water use in SW Kansas. That 3 percent generates substantial economic growth.
5. KSA 82a-1020, in part, states: It is the policy of this (GMD) act to preserve basic water use doctrine and to establish the right of local water users to determine their destiny with respect to the use of the groundwater insofar as it does not conflict with the basic laws and policies of the state of Kansas.

**IMPORTANT DATES & INFO:**

- The Contract Meter Inspection Program, which began on June 15<sup>th</sup> and ended on September 30<sup>th</sup>, was very successful. During that time, 2102 meters were inspected and 110 of those were found non-compliant. Corrective action has been taken or is pending.
- Sharon Schifflbein has been hired as Clerk. Sharon comes to us from the KSU SW Area Extension Office where she worked for 11 years. Some of her duties will include payroll, database maintenance, web site revisions/maintenance, and other clerical support for office staff. Be sure to visit our new web site at [www.gmd3.org](http://www.gmd3.org).
- Plans are underway for the upcoming GMD3 Annual Meeting. It will be held on Wednesday February 26, 2003 in Liberal, Kansas.