

WATER DISTRICT NEWSLETTER

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

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www.gmd3.org

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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>

CHIEF ENGINEER ADOPTS SAFE YIELD CRITERIA

On November 6, 2003 the Kansas Register Magazine published the newly amended "safe yield" criteria for GMD3. The full text of the regulations may be found listed under the State of Kansas, Department of Agriculture, Division of Water Resources, Permanent Administrative Regulations, Article 23, Southwest Kansas Groundwater Management District No. 3 and are listed numerically as Kansas Administrative Regulations 5-23-4, 5-23-4a, 5-23-4b, and 5-23-5. These regulations dramatically reduce the opportunity to develop a new water right in this District. However, it's not as restrictive as completely closing the district to new appropriations, which was proposed by the Board of Directors on August 14, 2002. These amendments allow 17 townships to remain open to further appropriation until the present rule, commonly expressed as "40 percent depletion in 25 years" is reached for one of these open townships in which a new appropriation is proposed. The difference is that a similar version of the "safe yield" criteria existing in today's statewide regulations will now apply to newly proposed appropriations that are filed after November 21, 2003. The new safe yield criteria is stipulated to be reduced to 75 percent of the percent of calculated recharge available for appropriation, as noted in the newly amended K.A.R. 5-23-4. Safe yield is based upon the amount of water assumed to recharge the aquifer on an annual basis. What precipitated this change? These regulations were changed according to the request made on December 11, 2002 by the Board of Directors of this District. Initially, the Board of Directors requested on August 14, 2002 that the Chief Engineer close the District to new appropriations of water. They modified their request after considering verbal testimony received during a public hearing held on December 11, 2002 at Garden City. The board convened after the public hearing and moved to withdraw their previous request to close the District to new appropriations. Immediately following that motion, the board recommended the Chief Engineer delay a blanket closure of the District to new appropriations until further analyses, studies and potential economic impacts are considered for the affected areas. A review of these recent amendments indicates that the Chief Engineer has followed the Board's recommendation. Aside from that, it's been over 15 months since the August 14, 2002 decision made by the Board to close the District, which has been a very substantial length of time for stakeholders to consider whether to apply for a new water right. Even after this current amendment becomes effective on November 21, 2003, at least 17 of the District's 250 townships will remain open to new appropriations of water that exceed 15 acre feet of water per calendar year. A copy of the newly amended regulations can be viewed at the following Internet address: www.gmd3.org/rules_laws. The previous version of these regulations can be also viewed at the same Internet address, but go to the sixth item listed on the web page.

FIRST ANNUAL FALL WATER SUMMIT

The First Annual Fall Water Summit with Chief Engineer of the Division of Water Resources, David Pope, will be held at the Finnup Center for Conservation Education, 312 E. Finnup Drive Garden City, KS, on November 19, 2003 starting at 9:00 a.m. CST.

SOUTHWEST KANSAS GROUNDWATER MANAGEMENT DISTRICT NO. 3

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Garden City KS 67846

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RETURN SERVICES REQUESTED**ECONOMIC WATER CONFERENCE HELD ON 10/24/03**

The Kansas University Department of Continuing Education sponsored an Economic Water Conference at Lawrence, Kansas on Friday October 25, 2003. The Grant County Chamber of Commerce in cooperation with Pioneer Communications of Ulysses, Kansas provided a video satellite link that allowed about 20 local citizens to participate in the conference without traveling to Lawrence. Scott Nichols, Ulysses, was instrumental in making this conference available locally, as well as advertising it in an extremely short amount of time. The list of speakers was very impressive. US Senator Sam Brownback provided brief comments about two US Legislative initiatives focusing on water. Senator Brownback mentioned the High Plains Aquifer Hydrogeologic Characterization, Mapping, Modeling and Monitoring Act (S. 212) that passed the Senate, but is still waiting approval in the US House of Representatives. The Senator also mentioned that he continues to work with a group of Kansans to develop federal legislation aimed at retiring irrigation through a targeted farm program incentive. Joe Harkins, Interim Director of the KS Water Office began the conference by dispelling the notion that Kansas is in a water crisis. He said that Kansas has plenty of water, but that it isn't always located just where we want it to be. Professors from both KU and KSU seemed to suggest that the State should avoid dramatic policy changes as well as explore opportunities to invest in the long-term viability of Western Kansas Communities. David Traster, a Wichita attorney with family roots in Ulysses, implied that Southwest Kansas developed the aquifer according to the state's wishes and that it wouldn't be prudent for the state to act hastily to the reduce water rights. Earl Lewis, Manager of the Hydrology and Evaluation Unit of the KS Water Office, provided a historical overview of water right development in Kansas and also suggested the state shouldn't and couldn't simply take away water rights in Western Kansas, but that a long-term solution is needed to address the aquifer's rate of decline.

PUBLIC HEARING

A public hearing will be held on Wednesday, January 14, 2004 at 10:00 A.M. CST, at the offices of the SW Kansas Groundwater Management District No. 3, (GMD3) 409 Campus Drive, Suite 106, Garden City, KS, 67846, to consider the adoption of amended regulations recommended by GMD3's Board of Directors to the Chief Engineer, Division of Water Resources, KS Dept. of Agriculture. The proposals are summarized as follows: K.A.R. 5-23-1 defers to statewide definitions found in K.A.R. 5-1-1 in order to avoid duplication in standards and omits duplicated or obsolete definitions from K.A.R. 5-23-1. K.A.R. 5-23-3 for the High Plains Aquifer clarifies that if a well is being replaced, it is exempt from spacing requirements if it continues to meet spacing to all wells which it met spacing prior to the change and improved the spacing to all wells to which it did not meet spacing prior to the change. It also sets criteria for exempting non-domestic wells from the spacing requirement to domestic wells. K.A.R. 5-23-3a makes the same types of changes for spacing requirements for wells in a confined aquifer. It also requires a well in the confined aquifer for 15 acre-feet or less to be 2,640 feet from the nearest point of hydraulic contact, and a well from 16 to 25 acre-feet to be one mile from the nearest point of hydraulic contact. The State will provide a 60-day notice of the public hearing in the Kansas Register Magazine and that shall constitute a public comment period for the purpose of receiving written public comments on the proposed rules and regulations. Any interested parties may submit written comments or requests for accommodation to participate in the hearing at least 5 working days in advance to the Chief Engineer, Division of Water Resources, Kansas Dept. of Agriculture, Attn: Leslie Garner, 109 SW 9th Street, Fourth Floor, Topeka, Kansas 66612 or call (785) 296-4623. Copies of the regulations and the economic impact statement may be obtained by contacting the Dept. of Agriculture directly or by accessing its web site at accesskansas.org/kda and clicking on "Proposed Regulations."