

GMD3 Management Program Purpose



**GROUNDWATER GOVERNANCE
REVIEW OF DRAFT
APRIL 12, 2017 BOARD MEETING**

Statutorily Prescribed GMD Management Program Revision Process.

New Laws

New Programs

1) Board determines from annual review or other that a management program revision is needed.

2) Board prepares a proposed revised management program document.

3) Board transmits copy to Chief Engineer for approval.

Chief Engineer examines and studies

4) Chief Engineer approves as compatible with Water Appropriation Act and any other state laws or policies.

5) Board announces public hearing upon the new management program.

6) Any person desiring to be heard must file a written statement at least five days before the hearing of intent to appear and substance of testimony.

7) Board sends copy of written statements to Chief Engineer, who attends hearing in person or by delegated representative.

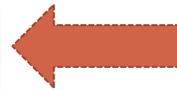
8) After hearing, board passes resolution to adopt, modify, or reject new management program and notifies Chief Engineer.

2017 (DRAFT REVISED) Management Program

Southwest Kansas Groundwater Management District Number 3 (GMD3)

2009 E. Spruce Street, Garden City, Kansas 67846 (620)275-7147

URL: [HTTP://www.gmd3.org](http://www.gmd3.org)

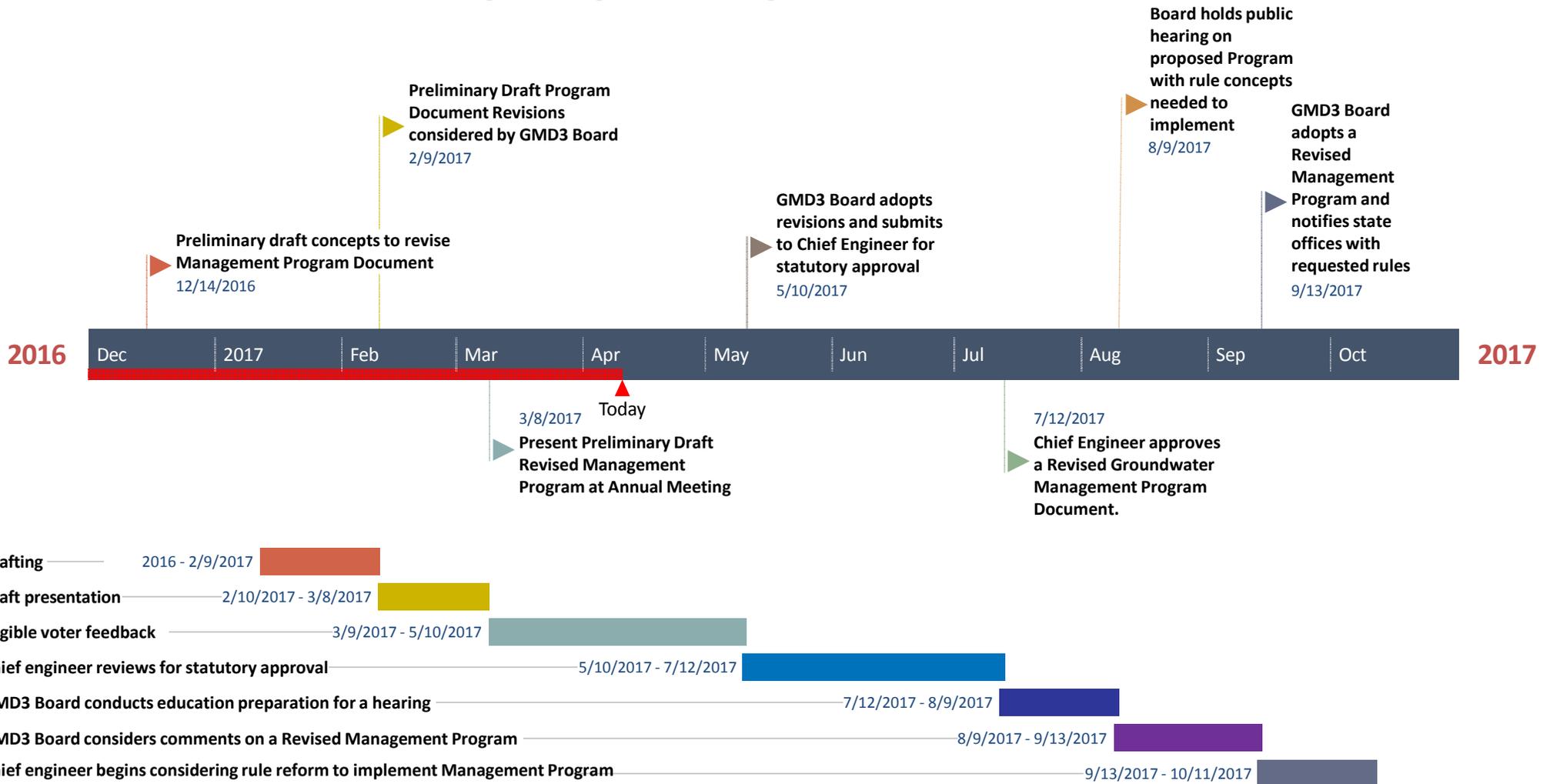


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Timeline: Revising Management Program Document



Local Groundwater Governance, page 3



- Promotes the individual and the public interest in the development and management of affordable water services and the will to pay for them.
- The GMD Board and Program provides a governance framework for the groundwater sources and services to District eligible voters from the critical and declining natural resource.
- Gives structure to consider and set needed planning, regulations and practices that are in the public interest.

Mission Statement, Page 4



- Act on a shared commitment to conserve and develop water supply to grow the social, economic and natural resources well-being for current and future generations in the public interest.

Guiding Principles of the District, page 5



- 1. Represent all District eligible voters for groundwater management purposes.
- 2. Promote a culture of conservation.
- 3. Protect and enhance access to safe and usable water.
- 4. Pursue the highest value for the groundwater consumed.
- 5. Develop data and information needed to support prudent water management decisions.
- 6. Target management programs to meet local water needs for today and in the future.
- 7. All water rights in the District are real property owned by eligible voters and are to be justly represented and administered.

Management program policy statements, page 5 &6



- 1. Water Supply - Conserve present ... and grow the future ... for the health, safety and welfare of all citizens.
- 2. Aquifer supply dedication to existing real property rights - Aquifers closed... are considered fully and completely dedicated to existing real property rights ...except for domestic use.
- 3. Drinking water - Safe drinking water is a fundamental necessity of every person.
- 4. Donations to Future Supply - An acre foot of groundwater ...that is physically and lawfully divertible ...may be donated by an eligible voter.
- 5. Communications - Good communications ... necessary for good groundwater management partnerships.
- 6. Mutual Benefits and Good Will - Encourage all ...to ...promote mutual benefits and goodwill ...for a reasonable future period of time.
- 7. State Administrative Reviews - Any state administrative review ...should identify and disclose to the owner the considerations of K.S.A. 82a-711 and ... to satisfy prior rights to that supply over a given future period of time.
- 8. Board Intervention - The Board may seek to intervene ...in the public interest.
- 9. Groundwater management information - ...best data, models, and information available.



- The Board of GMD3 may include the following considerations ... concerning governance of groundwater, supply augmentation and aquifer pore space infrastructure ...
- 2. Maximum allowable rate of depletion: “40/25 Rule”



- **4. Groundwater conservation includes** any action or activity that materially improves the future usable supply from a declining local aquifer source that is presently physically and lawfully available from an existing operable well.
- **6.** Changing terms, limitations or conditions of historically authorized use carries both statutorily prescribed considerations and management program considerations. Water right owners seeking modified terms of use should review the considerations required of Chief Engineer in K.S.A. 82a-711, what is needed to satisfy prior rights for the following 25 years, and any corrective controls needed to meet management program goals in the public interest.



- **8. Supply Development**

- Proposals to conserve High Plains Aquifer water by seeking an economically and technologically feasible lesser quality source or by importing an alternative source, should be recognized as contributing to the GMD3 management program in the public interest.

Water Supply Problems, Problem 1, page 17



- The Chief Engineer has not assessed long-term water availability or the economics of accessing future groundwater supply when evaluating new use or change applications in deference to real time supply availability analysis. GMD3 initiated management activity in 1976 and adopted a revised management program on July 12, 1978 implementing an allowable appropriation limit on potential depletion rates District wide of 40% in 25 years.

Water Supply Problems, Problem 1, page 17



- The GMD3 Board of Directors is adopting in this management program a minimum conservation goal of reducing local rate of aquifer decline by one percent per year. Achieving this goal could result in an overall reduction in annual decline by 22% in 25 years. This would achieve a 63% reduction in the current rate of decline in 100 years.

Water Supply Problems, Problem 1 Goals, page 19



- 10. Reduce the rate of water level decline a minimum of 1% per year.
- 11. Encourage economical alternatives to irrigation water use for farm level profitability and sustainable funding of government services.

Problem 3: Water Right Impairment, page 20



- The rule also allows producers to move their well to areas that do not meet spacing as long as they are improving spacing or are within 300 ft of present location. In order to limit well-to-well interaction and direct impairment, the exemption allowing for moves less than 300 ft should occur only if spacing is met or improved under the rules.
- Rules in a declining aquifer should not trump reality of legislative policy purpose and agreeable operating relationships to satisfy neighboring owners of prior wells and rights. Mandated considerations in K.S.A. 82a-711 should not be waived for short moves unless provided by law. Private property agreements with prior rights should be pursued to provide needed protection of supply against impairment complaints.

Problem 3: Water Right Impairment, page 21



- In a declining aquifer, this amounts to a determination that the eventual complete loss of the supply is accepted and approved subject to prior rights remaining satisfied and/or corrective controls are imposed.
- Any administrative review of a request for an order that may adversely affect the status quo groundwater supply to a well owned by any District eligible voter should consider and disclose to the owner the following information: the area water supply; safe yield and recharge rate; the priority of existing rights to the supply; and what may be needed to satisfy prior rights to that supply over a given future period of time.

Problem 3 Goals: Impairment, page 21



1. Establish criteria to ensure that water right changes or new liberties to divert water will result in satisfied owners of prior water rights now and for a reasonable future time. For example, a 25 year planning time.
2. Limit water use rule waivers for new changes to areas that meet the 40% in 25 years (40/25 rule) without prior right stipulated agreements.
3. Ensure that all neighboring water right holders are notified of each proposed change to local water use liberties and promote opportunity for members to express concerns or provide any needed stipulations that assure satisfied prior rights and consistency with the management program.

Water Quality in the Arkansas River Basin, page 23



Year	Annual uranium load, metric ton/yr	Annual uranium load, ton/yr	Annual uranium load, lbs/yr
2012	1.80	1.98	3,960
2013	1.61	1.78	3,560
2014	3.77	4.15	8,300
2015	6.01	6.63	13,260
2016	7.26	8.01	16,020

- Goal 4. Explore the merits of adding the Hamilton County portion of the river basin into the GMD3 management area to provide representation and governance services.

Goals for Problem 7: Exploration of Deep Permian Aquifer Use, page 25



Goals for Problem 7: Exploration of Deep Permian Aquifer Use

1. Work with water users to identify water quality concerns in Permian wells.
2. Review spacing and well construction requirements in Permian aquifers.
3. Identify and promote technologies that make poor quality water more usable.
4. Investigate concerns of old oil and gas well construction potential for uncontrolled exchange between aquifers of differing water quality that may cause water usability depletion of the High Plains Aquifer.

Availability of Energy



- Any regulatory scheme that may adversely affect access to available affordable energy for use in the District, including WOTUS, Endangered Species Act, FERC, Kansas Corporation Commission, SW Power Pool operations, etc., will be reviewed under the GMD3 groundwater management program for appropriate resource and market planning in the public interest.

Problem 9: Promoting a culture of water conservation, page 26



- Given the prevalence of the prior appropriation doctrine governing groundwater rights, it is not advisable in a declining aquifer supply to allow a great deal of new well use flexibility on a long-term project in the absence agreements or stipulations from neighboring prior water right owners that can avoid future impairment administration.
- Inefficient or wasteful past water use should not be rewarded or create future use advantages over past voluntary water conservation actions.
- Programs that float allowable quantities per well for maximum utilization flexibility in exchange for water conservation should give due consideration to past voluntary conservation measures, but also assure that sufficient new corrective controls are applied that slow the supply decline rates and adequately consider prior water rights for a sustainable program.

Goals for Problem 9: Promoting a culture of water conservation, page 27



- 2. Discourage use of term permits or temporary permits considered a temporary or limited water right transfer in excess of base rights, unless conditions would allow a permanent change or unless local water right owners in the receiving transfer area agree or stipulate to it to avoid water right impairment or corrective control complaints.
- 3. Work to define “local source of supply” less restrictively than practiced, but with process for other property rights to provide a “no call” stipulation. If necessary, support legislation to clarify legislative policy.

Goals for problem 4: Arkansas River IGUCA, page 29



- 1. Review and evaluate Arkansas River IGUCA provisions for revision or elimination.

Document conclusion



- A number of items of explanation and example have been appended to this document for reference.
- All activities of GMD3 are made with due consideration and appreciation for the diversity of local, state and federal interests, institutions and authority partners.
- The governance of groundwater supply by the GMD3 for the District is implemented under the Board approved Management Program, Board by-laws, Board policy resolutions, state administrative rules adopted for the District and the actions of the Board to provide activities as authorized by state and federal laws, partner contracts and agreements.
- A complete understanding of the groundwater governance of the District should include a review of these and other pertinent documents.
- Questions should be directed to the Board and staff, an appropriate state official and/or an appropriate legal counsel.