

Resolution 2010-3

OF THE

SOUTHWEST KANSAS GROUNDWATER MANAGEMENT DISTRICT No. 3

WHEREAS, the Board of Directors of the Southwest Kansas Groundwater Management District No. 3(District) is locally responsible under K.S.A. 82a-1020 et. seq. for the proper management and conservation of the groundwater resources of the District, which includes in K.S.A. 82a-1028(m): “provide advice and assistance in the management of drainage problems, storage, groundwater recharge, surface water management, and all other matters of concern to the district;” and

WHEREAS, a significant renewable water supply into Kansas and the District is the flow of the Arkansas River, which is extensively utilized under senior water rights for beneficial purposes; and

WHEREAS, surface water diversions are a low energy consuming and sustainable water supply to the fields in the ditch service areas in the District and those fields are also supplied by groundwater wells; and

WHEREAS, improved surface water control and management will conserve groundwater supplies in the District; and

WHEREAS, significant improvements in the efficiency of the Arkansas River water delivery system within the District, including the proposed Amazon Canal head gate replacement project, is needed to better utilize the available small flows and reservoir deliveries; and

WHEREAS, efficiency improvements to the Arkansas River water delivery system in the District is a preferred water management alternative to the regulation and restriction of hundreds of groundwater wells operated under the authority of junior water rights in the area, including municipal wells, where high surface water transit losses may result from extensive groundwater pumping; and

WHEREAS, the Western Water Conservation Projects Fund (Fund) is comprised of a portion of the \$34,000,000.00 in damages awarded to the state of Kansas in the recently concluded Ks vs. Co Supreme Court original action no. 105, and those damages were quantified from actual losses that occurred in the District as a result of violations of the Kansas and Colorado Arkansas River Compact by Colorado; and

WHEREAS, the adverse affect of those violations were quantified over an aquifer area underlying approximately 715,000 acres in the District; and

WHEREAS, the administration of the Fund is subject to a grant to the District from the Kansas Water Office that transferred the Fund from the state budget to the local District budget an amount in excess of \$9,000,000.00 in August 2008, and requiring that Fund administration occur in a manner consistent with the purposes of Kansas Statute Annotated 82a-1803, including in pertinent parts section (c) and (c)(1) as follows:

“(c) Moneys credited to the ... [Fund] may be expended only for the purpose of paying all or a portion of the costs of the following water management, conservation, administration and delivery projects, and similar types of projects, in those areas of the state lying in the upper Arkansas river basin and directly impacted by the provisions of the Arkansas river compact between this state and the state of Colorado:

(1) Efficiency improvements to canals or laterals owned by a ditch company or projects to improve the operational efficiency or management of such canals or laterals;” and

WHEREAS, the Fund is administered by the District, who is advised on Fund administration by the Arkansas River Litigation Fund Advisory Committee (ARLFAC) comprised of representatives from: the Arkansas river ditch companies above Garden City; the Kansas Water Office; the Kansas Department of Agriculture’s Division of Water Resources; Kansas commissioners to the Kansas and Colorado Arkansas River Compact Administration; and the District; and

WHEREAS, the Fund is a potential source of funding for the needed Amazon Canal head gate efficiency improvements; and

WHEREAS, the ARLFAC and the District have authorized project expenditures for Arkansas River system efficiency improvements on the South Side Ditch enhancements for an Alternate Delivery System below the Amazon Canal head gate to improve the distribution of smaller river flows, and also authorized two system improvements directly supplied by the Amazon Canal head gate, known as the Great Eastern Ditch Lake McKinney bypass and the restoration of Lake McKinney storage capacity and control; and

WHEREAS, the efficient regulation and diversion of available off season storable flows, reservoir deliveries to Kansas ditches from Colorado, and available runoff water that temporally may become available from the Arkansas River for direct delivery to Lake McKinney and to irrigated fields, requires an efficiently managed and operated Amazon Canal head gate control structure to better capture and utilize the variable river flows; and

WHEREAS, the Amazon Canal head gate improvement project is an essential part of the water conservation and management improvements already under way to promote the harmonious sharing of the available water supply in the District and to help reduce the need for the senior ditch rights to place a priority call against hundreds of junior groundwater wells along the Arkansas River in the District, including municipal wells; and


WHEREAS, the Bureau of Reclamation, through the WaterSMART Grant funding opportunity, is recognized as a potential partner to provide assistance in carrying out the purposes of the Fund; and

WHEREAS, the Kearny County Farmers Irrigation Association (Amazon Canal Board) has requested and received preliminary project approval for the Amazon Canal head gate improvements by the ARLFAC, the District, and conditional approval by the Director of the Kansas Water Office for the purpose of developing an application by the Amazon Canal Board for submittal to the Bureau of Reclamation WaterSMART Grant program; and

WHEREAS, the WaterSMART Grant application proposed budget describes a project funding need of \$650,000 for the Kearny County Farmers Irrigation Association to complete the needed improvements.


NOW THEREFORE, be it resolved by the Board of Directors of the Southwest Kansas Groundwater Management District No. 3 that approval of the needed local funding match of cash and in kind resources to complete the proposed Amazon Canal head gate improvements by the Kearny County Farmers Irrigation Association in the amount of \$351,000 in cash and in-kind local payment is hereby committed, subject to final project approval by the Director, Kansas Water Office, for consistency with the purposes of the Fund and a contract with the Bureau of Reclamation for funding assistance under the WaterSMART grant program.

Adopted this 12th day of May, 2010



Clay Scott, President

ATTEST:



Mike O'Brate, Treasurer