

Resolution 2011-2

OF THE

SOUTHWEST KANSAS GROUNDWATER MANAGEMENT DISTRICT No. 3

WHEREAS, the Board of Directors of the Southwest Kansas Groundwater Management District No. 3(GMD3) 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 GMD3 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 GMD3 and those fields are also supplied by groundwater wells; and

WHEREAS, improved surface water control and management will conserve groundwater supplies in the GMD3; and

WHEREAS, significant improvements in the efficiency of the Arkansas River water delivery system within the GMD3, including the proposed System Optimization Review of the Associated Ditch System in Kearny and Finney Counties project, is needed to better utilize the available flows and reservoir deliveries and manage groundwater use; and

WHEREAS, efficiency improvements to the Arkansas River water delivery system in the GMD3 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 GMD3 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 GMD3; and

WHEREAS, the administration of the Fund is subject to a grant to the GMD3 from the Kansas Water Office that transferred the Fund from the state budget to the local GMD3 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 GMD3, 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 Department of Agriculture’s Division of Water Resources; the Kansas Water Office; Kansas commissioners to the Kansas and Colorado Arkansas River Compact Administration; and the GMD3; 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 GMD3 have authorized project expenditures for Arkansas River system efficiency improvements on the South Side Ditch enhancements for an Alternate Delivery System to improve the distribution of smaller river flows, and also authorized two system improvements 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 river and canal system to better capture and utilize the variable river flows; and

WHEREAS, System Optimization Review of the Associated Ditch System in Kearny and Finney Counties project is an essential part of the water conservation and management improvements to promote the harmonious sharing of the available water supply in the GMD3 and to help reduce the need for senior surface water canal rights to place a priority call against hundreds of junior groundwater wells pumping groundwater in the Arkansas River basin in the GMD3, including municipal wells; and

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

WHEREAS, the GMD3 has requested and received project approval for the System Optimization Review of the Associated Ditches System in Kearny and Finney Counties project by the ARLFAC, and seeks approval by the Director of the Kansas Water Office of the proposed project as consistent with the purposes of the Fund; and


WHEREAS, the WaterSMART Grant project budget describes a project funding need of \$223,250, including in-kind work, to complete the review study.

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 to complete the proposed System Optimization Review of the Associated Ditch System in Kearny and Finney Counties project in an amount not to exceed \$100,000 in cash payment is hereby committed, subject to project approval by the Director, Kansas Water Office and a contract with the Bureau of Reclamation for funding assistance under the WaterSMART grant submittal.

Adopted this 11th day of May, 2011



Clay Scott, President

ATTEST:


Mike O'Brate, Treasurer