

RESOLUTION 2013 – 2

To consider policy to close all open townships, High Plains Aquifer,

OF THE

SOUTHWEST KANSAS GROUNDWATER MANAGEMENT DISTRICT

*other aquifers  
remain open*

**WHEREAS**, the Southwest Kansas Groundwater Management District Number 3 (GMD3) board of directors is locally elected and empowered by the Kansas legislature to represent the local groundwater interests of the GMD3 area of Kansas; and,

**WHEREAS**, K.S.A. 82a-718(e) provides:

...(e) Notwithstanding the provisions of subsection (a), a groundwater right, which has as its local supply an aquifer area that has been closed to new appropriations by rule, regulation or order of the chief engineer shall be deemed to have due and sufficient cause for nonuse and shall not be deemed abandoned; and,

**WHEREAS**, the GMD3 board of directors has determined that 20 townships within the boundaries of the GMD3 have not been closed by Kansas Administrative Regulation (K.A.R.) 5-23-4b, Township closures, or by order of the chief engineer, Division of water Resources, Kansas Department of Agriculture; and,

**WHEREAS**, the 20 High Plains Aquifer open townships within the boundaries of GMD3 are governed by safe yield allowable appropriation standards under K.A.R. 5-23-4 that effectively close most of the area to new appropriations with minor exceptions; and,

**WHEREAS**, Safe Yield allowable appropriation standards may not qualify under K.S.A. 82a-718(e) as assurance that non-use water conservation will not jeopardize a water right; and,

**WHEREAS** K.A.R. 5-23-4a provides criteria for closing townships to new appropriations in GMD3 that have not been used to evaluate and update K.A.R. 5-23-4b in more than 10 years; and,

**WHEREAS**, significant groundwater declines in the High Plains Aquifer have been observed in most areas of GMD3; and,

**WHEREAS**, The GMD3 board of directors desires to promote a culture of conservation within GMD3 and encourage water policy that is consistent with active water conservation; and,

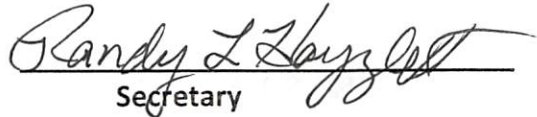
**WHEREAS**, The GMD3 board of directors desires to provide an opportunity for GMD3 membership to consider at the March 2014 annual meeting in Ulysses, Kansas a process to close the remaining 20 High Plains Aquifer open townships to become effective January 1, 2015;

**NOW THEREFORE, BE IT RESOLVED** by the GMD3 board of directors of Southwest Kansas Groundwater Management District No. 3 of the State of Kansas, in regular meeting duly assembled this 17<sup>h</sup> day of December, 2013, that the GMD3 Board of Directors will submit to the GMD3 membership at the 2014 Annual Meeting of GMD3 the question of closing the remaining 20 open townships to new appropriations of water from the High Plains Aquifer, with such official closure to occur January 1, 2015.

**Adopted this 17th day of December, 2013**



President



Secretary