

RESOLUTION 2016 - 3
of the
SOUTHWEST KANSAS GROUNDWATER MANAGEMENT DISTRICT NO. 3
for the
T & O LLC PROPOSED WATER CONSERVATION AREA and
MANAGEMENT PLAN

Whereas, the Southwest Kansas Groundwater Management District No. 3 (GMD3) strongly supports and encourages voluntary water conservation measures by any water right owner or a group of water right owners to conserve and extend the usable groundwater supply within the District; and

Whereas, the proposed T & O LLC Water Conservation Area (WCA) is in a rapidly declining aquifer area in the highest groundwater use county in Kansas where water conservation and supply augmentation must be encouraged; and

Whereas, the GMD3 is participating on a collaborative team to develop this proposed WCA as a Water Technology Farm that will demonstrate irrigation water use efficiency and beneficial groundwater management activities; and

Whereas, the GMD3 recognizes the water rights flexibility proposed as a temporary transfer by the two Term Permit applications is only a portion of the WCA Management Plan pumping flexibilities considered a request to waive the half mile move limit under existing GMD3 program rules; and

Whereas, the requested term permit flexibility involves a small portion of the total water rights of the proposed WCA where all WCA wells meet spacing rules and no other new water right liberties are proposed by application under the Water Appropriation Act.

Now therefore, it is the recommendation of the GMD3 Board of Directors to waive the half mile moved distance limit under the management program rules for the proposed Term Permits to provide temporary water right transfer flexibility between the two wells about 4,400 feet apart for the three year term of the WCA to facilitate the demonstration purposes of the water technology farm project; and

Further, be it resolved that other unimplemented water right changes or temporary transfers written in the "Management Plan" have the potential to be adverse to GMD3 management program rules, state law and the public interest and should not be generally pre-approved through an order of the Chief Engineer; and

Further, be it resolved that any future applications to implement new groundwater pumping flexibility in this area will require a revision of the T & O LLC WCA Management Plan with additional notice given to the GMD3 for review and written recommendation. This is particularly important in the absence of any official rules required to implement the WCA law.

Adopted this 8th day of June, 2016

ATTEST:



Mike McNiece, Secretary



Kirk Heger, President