

RESOLUTION 2017-2
OF THE
SOUTHWEST KANSAS GROUNDWATER MANAGEMENT DISTRICT NUMBER 3 (GMD3)
FOR
RULES NEEDED TO IMPLEMENT WATER CONSERVATION AREAS &
PROVISIONS IN SB 46

WHEREAS, the Groundwater Management District Act in K.S.A. 82a-1028 provides in part, that every groundwater management district (District) organized under this act shall be a body politic and corporate and shall have the power to adopt standards and policies relating to the conservation of groundwater within the district, but it has no authority to adopt rules and regulations to implement and enforce those standards and policies except to recommend such rules and regulations as it deems necessary to the chief engineer of the Division of Water Resources, who may then adopt such of the recommended rules and regulations as he deems appropriate; and,

WHEREAS, the Water Appropriation Act in K.S.A. 82a-745 is law that creates water conservation areas (WCAs) and provides in part, that any water right owner or a group of water right owners in a designated area may enter into a consent agreement and order with the chief engineer to establish a water conservation area, and requires that the chief engineer shall adopt rules and regulations to effectuate and administer the provisions of WCA's; and,

WHEREAS, all owners of water rights who use an acre foot or more of groundwater in the District are by definition members of GMD3 and subject to the management program, including adopted rules and regulations to implement the management program, and can enter into a consent agreement and order with the chief engineer to establish a water conservation area; and,

WHEREAS, Senate Bill 46 was enacted by the legislature of the state of Kansas this session and will become effective July 1, 2017 to, among other things, revise the WCA law (K.S.A.82a-745) to allow the Chief Engineer to authorize a management plan, which forms the basis of a consent agreement and order, that may allot groundwater authorized by existing water rights by means of a management plan in order to provide flexibility in the management of water resources with certain limitations, including that:

The management plan allow, in any given calendar year, the water use of an individual water right or rights to exceed the annual authorized quantity of the individual water right or rights participating in the management plan, provided the water use would not exceed the total annual authorized aggregate quantity and rate of all the water rights participating in the management plan in any given year; and,

WHEREAS, groundwater supplies in GMD3 are declining significantly in most areas, and management plans that provide new use flexibilities can have an adverse effect on the supply of other prior water rights in GMD3 if not implemented carefully; and,

WHEREAS, no management plan or multi-year flex account authorized under a water conservation area shall be allowed to impair any water right; and,

WHEREAS, According to K.S.A.82a-706b, the chief engineer cannot authorize a WCA plan or multi-year flex account that prevents groundwater from moving to a member of GMD3 having a prior right to use the same groundwater.


NOW THEREFORE, be it resolved by the Board of Directors of the District that for the real property water rights owned by eligible voters of the district to be justly represented and fairly administered, the governing board of GMD3 respectfully request that the required rules and regulations from the chief engineer necessary to administer the newly revised WCA law be promulgated as soon as possible to protect GMD3 members and the public interest.

Adopted this 14th day of June, 2017



Kirk Heger, President

ATTEST:



Mike McNiece, Secretary