

RESOLUTION 93-3

OF THE

SOUTHWEST KANSAS GROUNDWATER MANAGEMENT DISTRICT

WHEREAS, the August 2, 1991 Revised Management Program of the District provides, in part, that:

(5.C.1.) The approval of all applications for permit to appropriate water for beneficial use from the unconsolidated Ogallala aquifer, except those for domestic use and those requesting five (5), or less, acre feet per calendar year, and the approval of all applications for a change in the point of diversion if the diversion works have not been completed under the original approved application, shall be subject to the following criteria. The proposed appropriations, when added to the vested rights, prior appropriation rights and earlier priority applications, shall not exceed a calculated rate of depletion of more than forty (40) percent in twenty-five (25) years of the saturated thickness underlying the area included within a two (2) mile radius (approximately 8,042 acres) whose center is the location of the proposed well. For the purpose of analysis, all vested rights, certificates, permits and prior applications will be deemed fully exercised and all limitation clauses listed on permits for appropriation of water and certificates shall be in force. In the case of an application for change in point of diversion, referred to above, all applications with a priority earlier than the priority established by the filing of the application for change, shall be included in the analysis; and

WHEREAS, the September 30, 1991 adoption of K.A.R. 5-23-4 also provides, in part, that:

(a) The approval of all applications for a permit to appropriate water for beneficial use from the unconsolidated aquifer, commonly described as the Ogallala aquifer, except those for domestic use and those requesting less than five acre-feet per calendar year, and the approval of all applications for a change in the point of diversion if the diversion works have not been completed under the original approved application, shall be subject to the following criteria.

(1) The proposed appropriation, when added to the vested rights, prior appropriation rights and earlier priority applications shall not exceed a calculated rate of depletion of more than 40 percent in 25 years of the saturated thickness underlying the area included within a two mile radius (approximately 8,042 acres) of the proposed wells.

(2) For the purpose of analysis, all vested rights, certificates, permits, and prior unapproved applications shall be considered to be fully exercised and all limitation clauses listed on permits to appropriate water and certificates shall be considered to be in force.

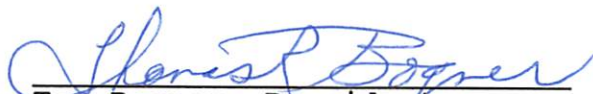
(3) In the case of an application for change in the point of diversion, referred to above, all applications with a priority earlier than the priority established by the filing of the application for change shall be included in the analysis, and non-consumptive uses, and additional rates; and

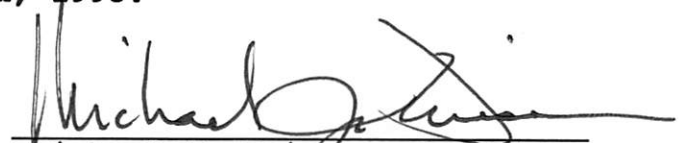
WHEREAS, it is not the intent of the Directors to subject the processing of applications to appropriate water for beneficial use for temporary permits, short-term permits, permits for non-consumptive uses, or permits for additional rates to the provisions of the aforementioned criteria, nor to include applications to appropriate water for beneficial use for temporary permits, short-term permits, permits for non-consumptive uses, or permits for additional rates in the calculation of allowable appropriations for other applications under review; and

WHEREAS, the Directors have found that the continued processing of these aforementioned applications in over-appropriated areas as defined by K.A.R. 5-23-4 is considered to be in the public interest; then

THEREFORE, be it resolved by the Board of Directors of the Southwest Kansas Groundwater Management District that these aforementioned applications be waived from the processing restrictions of K.A.R. 5-23-4 as they exist in their present form, and that a recommendation to provide said administrative allowances be forwarded to the Chief Engineer - Director as of this day.

Adopted this 10th day of March, 1993.


Tom Bogner, President


Michael J. Friesen, Secretary