

RESOLUTION 93-5

OF THE

SOUTHWEST KANSAS GROUNDWATER MANAGEMENT DISTRICT

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

(IV. 3.) Conservation Planning.

"K.S.A. 82-711 allows the Chief Engineer, Division of Water Resources, to require water conservation plans to be developed and implemented when an applicant applies for a permit to appropriate water. Water conservation plans could also be required when applications are made to change the place of use, or the use made of water. These water conservation plans are based upon guidelines developed and maintained by the Kansas Water Office, as per K.S.A. 74-2608, which also requires the Kansas Water Office, when developing such guidelines, to consider existing guidelines of groundwater management districts and the cost to benefit ratio of any plan.

The Chief Engineer has determined that as of January 1, 1989, an applicant for a permit to appropriate water will be required to adopt and implement water conservation plans and practices. The Chief Engineer has enlisted administrative support from the Districts within its boundaries. Therefore, in cooperation with the Division of Water Resources, the District shall require conservation plans to be developed and implemented as described in the Act. Water conservation plans are required under the following conditions:

- A. All new applications to appropriate water; and
- B. Applications that propose a change in place of use when the change increases the place of use by more than 25%; and
- C. Applications that propose a change in the use made of water."; and

WHEREAS, the Directors have found that a categorical requirement for conservation plans may not be appropriate and cost-effective in all cases, especially as regards new applications to appropriate groundwater for irrigation purposes, and

WHEREAS, the Directors desire to provide appropriate and cost-effective recommendations to the Chief Engineer regarding conservation plan requirements, and to compliment the administration and enforcement efforts of the Chief Engineer with monitoring, evaluation, and documentation of plan requirements within the District, then

THEREFORE, be it resolved by the Board of Directors of the Southwest Kansas Groundwater Management District that the following revised procedures be incorporated into the District's Conservation Planning program:

Until such time as a revised management program is approved by the Chief Engineer, and until such time as the Chief Engineer adopts revised rules and regulations for this area, the District staff will review applications for conservation plan requirements by the Division of Water Resources as follows:

All new applications for irrigation purposes filed on or after this date and submitted to the District for recommendations will minimally be accompanied by the two page "EZ" form. These new applications will be screened for feasibility based on the two page "EZ" form with one of three ultimate dispositions (assuming other criteria satisfied):

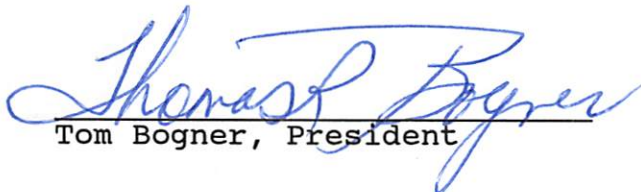
1. The application will be recommended for approval with no conservation plan requirement.
2. The application will be recommended for approval with the stipulation that an acceptable conservation plan be developed prior to acceptance of Notice and Proof by the Division.
3. The application will be recommended for denial.

No conservation plan requirements will be recommended for waiver on new applications of municipal or industrial purposes, changes in place of use (25% rule), or changes in use made of water without a review by the Board of Directors.

Regarding applications which precede this date, the District will continue to expedite the backlog of applications submitted by the Division of Water Resources for recommendations on a case-by-case basis. The District will de-emphasize (in as much as possible) the need to revise existing plans on applications in deference for plans to be required at the time of Notice of Proof; and

THEREFORE, that a recommendation to provide said administrative allowances be forwarded to the Chief Engineer as of this day.

Adopted this 9th day of June, 1993.


Tom Bogner, President


Michael J. Friesen, Secretary