

RESOLUTION 94-4

OF THE

SOUTHWEST KANSAS GROUNDWATER MANAGEMENT DISTRICT

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

Reference VI.5. Water Appropriation Rights. The District Board feels the matter of additional large capacity wells and their location within the District requires special attention to insure the proper management of the available groundwater resource. The planning of this process is essential to protect the public interest and rights of present and future water users within the District. The following policies have been adopted to help accomplish this objective:

A. Application Review

Through an agreement with the Chief Engineer, Division of Water Resources, copies of new applications filed for a permit to appropriate water for beneficial use and applications for changes in point of diversion, place of use, and use made of water, within the District will be submitted for recommendation; and

WHEREAS, the Chief Engineer has presently adopted Rules and Regulations regarding the administration of groundwater appropriations within the area of the Southwest Kansas Groundwater Management District pursuant to the recommendations of the Board of Directors (and in conformity with the requirements of K.S.A. 77-415 through 77-437, inclusive), as follows:

- K.A.R. 5-23-1. Definitions.
- K.A.R. 5-23-2. Tailwater Control and Waste.
- K.A.R. 5-23-3. Well Spacing Requirements.
- K.A.R. 5-23-4. Aquifer Depletion.
- K.A.R. 5-23-4a. Criteria for Closing Townships to New Appropriations.
- K.A.R. 5-23-5. Applications and Water Use Limitations.
- K.A.R. 5-23-6. Measuring Devices.
- K.A.R. 5-23-10. Check Valves. (Reserved).
- K.A.R. 5-23-11. Procedures for Non-Compliance with Rules and Regulations; and

WHEREAS, the Water Appropriation Act requires the Chief Engineer to accordingly administer and enforce said rules and regulations, as follows:

K.S.A. 82a-706. Duties of Chief Engineer as to beneficial use and rights of priority of appropriation. The Chief Engineer shall enforce and administer the laws of this state pertaining to the beneficial use of water and shall control, conserve, regulate, allot and aid in the distribution of the water resources of the state for the benefits and beneficial uses of all of its inhabitants in accordance with the rights of priority of appropriation.

K.S.A. 82a-706a. Rules, regulations and standards. The Chief Engineer shall adopt, amend, promulgate, and enforce such reasonable rules, regulations, and standards necessary for the discharge of his or her duties and for the achievement of the purposes of this act pertaining to the control, conservation, regulation, allotment and distribution of the water resources of the state.

K.S.A. 82a-706d. Duties of Attorney General. Upon request of the Chief Engineer the Attorney General shall bring suit in the name of the state of Kansas, in courts of competent jurisdiction to enjoin the unlawful appropriation, diversion, use of the waters of the state, and waste or loss thereof; and

WHEREAS, the Board of Directors desire that all applications regarding groundwater appropriations within the District be processed in the most orderly, effective, and efficient manner possible for the benefit of its constituents; and

WHEREAS, the Board of Directors has provided for the proper review of applications pertaining to groundwater appropriations within the District through its recommendations for adoption of appropriate Rules and Regulations by the Chief Engineer; then

THEREFORE, be it resolved by the Board of Directors of the Southwest Kansas Groundwater Management District that its 1991 Revised Management Program be accordingly revised to reflect the following amended procedure regarding the administration of groundwater appropriations within its boundaries:

Reference VI.5. Administration of Groundwater Appropriations. The District recognizes the extremely important, significant and fundamental relationship between the management of groundwater resources and the administration of water appropriations. The District also recognizes the statutory provisions for the proper development and maintenance of this relationship.

The Chief Engineer will process all applications regarding groundwater appropriations within the District in accordance with all Rules and Regulations adopted specifically for the area of the District and other appurtenant Statewide Rules and Regulations.

The District will provide a review or recommendation of said application when:

1. it is requested under the express written consent of the Chief Engineer/Director, authorized under his personal signature;
2. the Board of Directors has undertaken the appeal of an application proposed to be denied by the Division of Water Resources (Board Review);
3. the Board of Directors otherwise deems it advisable.

Within Standards and Guidelines established by the Directors, any appellant may request and receive a review of appropriation applications by the Board. Any Findings and Conclusions or similar determinations so accordingly rendered by the Board will be provided directly to the Chief Engineer, and the appellant for use as an attachment to their pertinent application(s). The Chief Engineer may consider these remarks as well as any other supporting and/or substantiating information in the normal or extraordinary decision making process.

Reference VI.7. Education and Assistance to appropriators of Water. The District desires to provide for the understanding and education of its constituents regarding the implementation of its management programs, especially as it regards the Kansas Water Appropriation Act and the Rules and Regulations of the Chief Engineer. The District will perform such advisory assistance to interested persons as may be appropriate to properly fulfill this objective;

Reference VI.6. Research, Monitoring and Evaluation and Inspection of Water Appropriations. The comprehensive management of the groundwater resources of the District requires real-time involvement in the research, monitoring, evaluation, and inspection of water appropriations, especially as they regard an orderly and appropriate administration of the Rules and Regulations of the Chief Engineer within the area of the District. Therefore, the District has established the necessity for implementation of a comprehensive program in this regard; and then

THEREFORE, be it resolved by the Board of Directors of the Southwest Kansas Groundwater Management District that its 1991 Revised Management Program be revised to incorporate the aforementioned amendments, and that said revisions be forwarded to the Chief Engineer Director for immediate approval and implementation as of this day.

Adopted this 13th day of July, 1994.


Thomas R. Bogner, President


Michael J. McNiece, Secretary