

RESOLUTION NO. 95-3

OF THE

SOUTHWEST KANSAS GROUNDWATER MANAGEMENT DISTRICT

WHEREAS, the Arkansas River Valley has historically provided the people of Southwest Kansas with the requirements for prosperous settlement: clean air, abundant sunshine, fertile soils - and good, plentiful water; and

WHEREAS, the surface waters and groundwaters of the Arkansas River Valley have historically been instrumental in establishing a vital, healthy agricultural economy in Southwest Kansas; and

WHEREAS, the flows of the Arkansas River in Southwest Kansas have been severely depleted by water development in the upstream State of Colorado, much to the detriment of the water users and citizens of Southwest Kansas; and

WHEREAS, the water users and citizens of Southwest Kansas have fought long and hard to preserve their rights to settlement and a viable economy based on a sustainable source of good water; and

WHEREAS, the State of Kansas has successfully established the right of local water users to continue their use of water, and has recently upheld the provisions of the Arkansas River Compact before the United States Supreme Court; and

WHEREAS, to the extent that undeniable injury and damages have been incurred by the water users and citizens of Southwest Kansas which are liable to the State of Kansas may be paid in monetary compensation by the State of Colorado; and

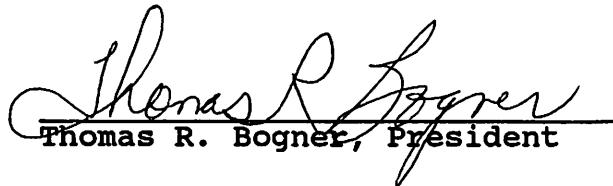
WHEREAS, it has further been demonstrated beyond any reasonable, scientific doubt that the surface waters of the Arkansas River and the groundwater of the Arkansas River Valley in Southwest Kansas are hydrologically connected and inextricably linked; and

WHEREAS, it is the policy of K.S.A. 82a-1020 (the Groundwater Management District Act) "to preserve basic water use doctrine and to establish the right of local water users to determine their destiny with respect to the use of the groundwater insofar as it does not conflict with the basic laws and policies of the State of Kansas"; and

WHEREAS, K.S.A. 82a-1028 provides that "Every groundwater management district organized under this act shall be a body politic and corporate and shall have the power to provide advice and assistance in the management of drainage problems, storage, groundwater recharge, surface water management, and all other appropriate matters of concern to the District; then

THEREFORE, be it resolved by the Board of Directors of the Southwest Kansas Groundwater Management District that the District advocates the re-investment of all damage payments resulting from Ks v. Co No. 105 to the water users and citizens of Southwest Kansas, and further supports the management of any damage proceeds so as to provide for the greatest economic benefit and longevity of the people and resources of its Arkansas River Valley.

Adopted this 8th day of November, 1995


Thomas R. Bogner, President


Michael J. McNiece, Secretary