

RESOLUTION 98-6

OF THE

SOUTHWEST KANSAS GROUNDWATER MANAGEMENT DISTRICT

WHEREAS, the Groundwater Management District Act provides (in part), as follows:

K.S.A. 82a-1029. Management program; board of directors' and chief engineer's functions and duties; hearings; approval and adoption; periodic review...

"The board shall periodically and at least once each year review the officially adopted management program. Following that review, they shall either reaffirm its adoption or propose that it be revised.", and

WHEREAS, the Board of Directors has completed a review of the District's current Management Program and the companion Rules and Regulations of the Division of Water Resources which have been adopted to implement and enforce the policies of the Board developed pursuant to the objectives of the Management Program; and

WHEREAS, the Board of Directors have found it desirable to modify the provisions of the present Management Program and to recommend revisions to the appurtenant Rules and Regulations of the Divisions of Water Resources effective within the area of the District; and

WHEREAS, the Board of Directors had previously proposed a schedule of recommended Rule and Regulation revisions to the Division of Water Resources on August 12, 1998 (Resolution 98-2), and after further consideration also recommend that the following articles of the current Rules and Regulations be retained as they exist (not deleted as previously recommended):

K.A.R. 5-23-1. Definitions.

- (f) Tailwater means that portion of applied irrigation water which becomes run-off from the authorized place of use.
- (g) Tailwater re-use system means a facility to collect, store and transport irrigation tailwater for reapplication to the authorized place of use.


- (i) Waste of water means: (1) Groundwater which has been diverted or withdrawn from a source of supply and which is not used, managed or reapplied to a beneficial use on or in conjunctions with land authorized as the place of use by a vested right, an appropriation right or an approved application for permit to appropriate water for beneficial use; (2) Any act or omission causing the unreasonable deterioration of the quality of water in any source of supply, thereby causing impairment of a person's right to the use of water; (3) Groundwater which an irrigator permits to escape and drain from the authorized place of use; or (4) Groundwater applied to an authorized beneficial use in excess of the needs for such use.

K.A.R. 5-23-2. Tailwater control and waste. No water user shall allow waste of water. If the water is re-used, the user shall apply the water consistent with the approved application to appropriate water for beneficial use, vested right or appropriation right. All water users shall construct and operate the water distribution systems in a manner as to prevent the waste of water, and shall do everything necessary and proper to preserve the quality of the groundwater resources within the district. (Authorized by K.S.A. 1980 Supp. 82a-1028(o); implementing K.S.A. 1980 Supp. 82a-1028(n); effective May 1, 1981.)


THEREFORE, be it resolved by the Board of Directors that the proposed Rules and Regulations revisions as referenced herein also be recommended for re-adoption by the Chief Engineer, Division of Water Resources, as of this day and

FURTHER, be it resolved by the Board of Directors that the District's 1991 Revised Management Program be subsequently revised to incorporate the aforementioned recommendations upon formal adoption by the Chief Engineer.

Adopted this 11th day of November, 1998.



President



Secretary