



THE WATERLINE

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OGALLALA STAKEHOLDER MEETING WITH GOVERNOR BROWNBACK

Please join Western KS Groundwater Management District No. 1 and Kansas Governor Sam Brownback in a meeting to continue the important work on managing the Ogallala Aquifer on August 22, 2012. The Scott City Stakeholder Meeting will take place at the William Carpenter 4-H Bldg. located at 608 N. Fairground Road from 9 a.m. (CDST) to noon.

Topics will include:

Updates from the Kansas Water Office and Kansas Department of Agriculture; Implementation on the Governor's 2012 Water Policy Legislation; New information on Groundwater Levels; Future Projections of Water Levels & Saturated Thickness; Economic Studies and Technical Assistance, and a review of GMD management strategies. This is a great opportunity to share your ideas and comments with other Kansas water users and managers. The Governor will then proceed to Garden City to hold the Ogallala Stakeholder Meeting with the Southwest Kansas Groundwater Management District No. 3.

IMPORTANT DATES

- August 16, 2012 GMD #1 Board Meeting 9:00 a.m. CDST
- August 22, 2012 Ogallala Stakeholder Meeting with Governor Brownback, Scott City at 9:00 a.m. CDST & at 2:00 p.m. CDST in Garden City, KS
- October 30 & 31, 2012 Governor's Water Conference, Manhattan, KS

Have You Checked Your Meters Lately?

A properly working meter is key to accurate water use reports. Please **check your meters** during the pumping season! **Remember** to fill out a meter repair/replacement form within 30 days after the date of the repair or replacement.

ARE MULTI-YEAR FLEX ACCOUNTS FOR YOU?

One of the changes made to Kansas Water Law during the 2012 Legislative Session was the modification of the state's Multi-Year Flex Account (MYFA) program. Senate Bill 272 removed some of the restrictions from the previous Flex Account law and added greater flexibility to manage water use. MYFAs allow water right holders to receive a term permit that replaces their water right for 5 years. This term permit allows the water right holder to exceed their annual authorized quantity but restricts the total amount that can be pumped over the 5-year period. **The program is voluntary and does not permanently change the water right.** At the end of the 5-year period, if the water right is not enrolled in a new MYFA, the original water right conditions are restored. The total water use authorized by the MYFA will generally be the larger of: 5 times the average use of the water right from 2000-2009, or 5 times the county's net irrigation requirement for corn times the acres irrigated times 110%. Applications for MYFAs must be received by the chief engineer on or before October 1 of the first year of the MYFA term for which the application is being made. If you are interested in knowing your "MYFA amount" give us a call.



LET'S TALK LEMAS

What is a LEMA?

A LEMA is a “Local Enhanced Management Area” that allows Groundwater Management Districts to propose locally designed water management strategies which are considered for implementation by the Kansas Chief Engineer of the Division of Water Resources. They also provide additional **local input and control** over the management of groundwater resources.

What prompted LEMAs?

For the last several years, the GMD office personnel located in Colby, KS (Northwest Kansas Groundwater Management District #4) has been working with a community of water right holders in Sheridan County who have been concerned about their declining groundwater levels. They decided that a reduction in annual pumping of about 20% would help them balance between viable farming today and water for future generations. Not counting voluntary action, there was only one way in Kansas law to apply such restrictions through the Intensive Groundwater use Control Area (IGUCA) provisions of the 1978 Groundwater Management District Act. However, there were local concerns that the IGUCA public hearing process might create unwanted or unanticipated regulatory solutions. In the early summer of 2011 discussions were held proposing new legislation to give Groundwater Management Districts more procedural control over water management actions. The LEMA concept was ushered through the legislative process with significant support from GMDs, Division of Water Resources, agricultural stakeholder groups and water right holders.

What is the process for establishing a LEMA?

The LEMA is a great tool that allows local communities of producers to decide their future by initiating water conservation plans to meet their local goals. The GMD will help facilitate area meetings to discuss ideas for LEMAs. Once a LEMA proposal is decided upon, it will be reviewed by the Chief Engineer and such review will be limited to whether the plan: (1) Proposes clear geographic boundaries (2) Pertains to an area wholly within the groundwater management district; (3) Proposes goals and corrective control provisions as provided in the law to meet the stated goals; (4) Includes a compliance monitoring & enforcement element; and (5) Is consistent with state law. If the Chief Engineer finds the LEMA proposal acceptable for consideration, an initial public hearing will be held. The Chief Engineer will conduct a subsequent hearing only if the initial public hearing is favorable on all 3 issues of fact including (1) One or more of these circumstances exist: Groundwater levels are declining, Rate of withdrawal of groundwater within the proposed LEMA area equals or exceeds rate of recharge, or Preventable waste of water is occurring or may occur and Unreasonable deterioration of the quality of water is occurring or may occur within the area; (2) Whether the public interest of K.S.A. 82a-1020 requires one or more corrective control provisions be adopted; and (3) whether the geographic boundaries are reasonable. Within 120 days of the hearing, the Chief Engineer shall issue an order of decision of (1) Accepting the LEMA; (2) Rejecting the LEMA as insufficient to address the conditions previously mentioned; (3) Returning LEMA to GMD giving reasons for the return and providing GMD with the opportunity to resubmit a revised plan for public hearing within 90 days of the return of the deficient plan; or (4) Returning LEMA and proposing modifications to the plan based on testimony from hearings that would improve the administration of the plan. If the GMD approves the modifications, the Chief Engineer shall accept the LEMA. If the GMD does not accept the modifications, the LEMA will not be accepted. At this point, decisions to start the process over again could be considered.

MANAGER'S MESSAGE:

We hope that you will make the extra effort to attend the Ogallala Stakeholder Meeting with Governor Brownback on Wednesday, August 22nd, 2012 at 9:00 a.m. (CDST) in Scott City. This meeting will be of the utmost importance, since we will be discussing the future of water for our area. Your input as producers, community leaders, and water users will be extremely valuable as the GMD #1 Board considers future management of the Ogallala Aquifer. If you are unable to attend, please call us or send in your ideas & comments. We need to work together to continue the important work on managing the Ogallala Aquifer.