



**NORTHWEST KANSAS
GROUNDWATER MANAGEMENT
DISTRICT NO. 4**

1290 West 4th Street
P.O. Box 905
Colby, Kansas 67701-0905

February 2, 2017

David Barfield
Chief Engineer
Kansas Department of Agriculture
Division of Water Resources
1320 Research Park Drive
Manhattan KS 66502

Dear Mr. Barfield:

Please find enclosed a formal request for the re-formulation of the SD-6 LEMA for the period 2018 – 2022.

Please start the process as soon as possible. Please let us know if we can be of any assistance in this process.

Thank you.

Sincerely

Ray P. Luhman
Manager

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**GMD 4 Board Request Submitted To the Chief Engineer, Kansas Department of
Agriculture, Division of Water Resources as a LEMA Proposal**

Sheridan 6 LEMA 2018-2022 Administration

February 2, 2017

This request represents a re-constitution of the current SD-6 LEMA (2013 – 2017). Other than allowing a maximum of 5 acre-inches per acre carry-over it is essentially the same request as was previously filed. The change in the goal amount represents water rights that had reduced or no allocation during the 2013 – 2017 LEMA due to EQIP, AWEF, etc.

In order to reduce decline rates and extend the life of the aquifer SD 6 HPA proposes the following five year plan be submitted via the LEMA process contained in KSA 82a-1041. This proposal has been recommended by the SD-6 Advisory Committee. A public meeting on this proposal was held on December 12, 2016. A copy of the meeting notes are attached.

Goal Expression

All water diversions within the SD-6 area are to be collectively restricted per this proposal between the period January 1, 2018 through December 31, 2022 to no more than 117,600 AF total with the following exception. Those individual or combined IRR wells that have a balance remaining in their respective accounts on December 31, 2017 may carry-over an amount not to exceed 5 inches per program acre for IRR use into the new LEMA.

This LEMA shall exist only for the five year period beginning January 1, 2018 and ending December 31, 2022. The SD-6 HPA shall include all points of diversion that are located in the following sections:

- TWP 7S-28W: Sections 19-21 and 28-33
- TWP 7S-29W: Sections 4-9 and 16-36
- TWP 7S-30W: Sections 19-36
- TWP 8S-29W: Sections 1-18
- TWP 8S-30W: Sections 1-18
- TWP 8S-31W: Sections 22-27 and 34-36

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These sections represent a LEMA boundary that is both clearly identifiable and entirely within the boundaries of the Northwest Kansas Groundwater Management District No. 4.

The new total program diversion amount of 117,600 AF, plus carryover, shall represent five (5) times the sum of:

- a) Designated legally eligible acres (per section 1) x 11/12 for irrigation water rights plus carryover;
- b) Maximum permitted head of livestock on December 31, 2010 x 12 GPH/D for stockwater rights; and

- c) Ninety percent (90%) of the December 31, 2010 authorized recreational water quantity for recreation rights.

The Northwest Kansas Groundwater Management District No. 4 shall use the following procedures to determine the 5-year allocation for each water right, and specify said values in Section 3). All allocation values shall be expressed in terms of total AF for the 5-year LEMA period. Any notes or remarks necessary to explain the individual allocations shall also be included.

1) Allocations – Irrigation

a) All irrigation water rights shall be limited to no more than 55 acre inches per irrigated acre for the period of 2007 – 2010 or any acreage adjustments due to appeal, covered by the water right over the 5-year period beginning January 1, 2018 and ending December 31, 2022 except that a carry-over amount shall be added.

b) Carry-Over Amount. The carry-over amount will be determined as of December 31, 2017 for IRR use only. The carry-over amount cannot exceed 5 inches per program acre and is the lesser of: 1) 5 inches per program acre or; 2) a water users unused acre inches per program acre.

c) Wells pumping to a common system or systems shall be provided a single allocation for the total system acres. The total amount pumped by all of the wells involved must remain within the system allocation.

d) For additional producer flexibility, water rights may at the discretion of the owners be combined into a single allocation account with flexibility of pumping the multiple wells within the account as directed by the owner, provided the total account allocation is not exceeded.

e) Temporary transfers of allocations between water rights may be made anywhere within the boundaries of SD-6. Said transfers shall be in effect for the balance of the current allocation time period. An Application for Transfer form shall be developed and must be signed by all owners involved in the transfer. No transfer shall result in an allocation that exceeds the authorized amount for the water right receiving the transfer.

f) No water right shall receive more than the currently authorized quantity for that right, times five (5).

g) No water right within a K.A.R. 5-5-11, 5-year allocation status shall receive an allocation that exceeds its current 5-year allocation limit.

h) No water right shall be allowed to pump more than its authorized annual quantity in any single year.

i) In all cases the allocation shall be assigned to the point of diversion and shall apply to all water rights and acres involving that point of diversion. Moreover, in all cases the original water right shall be retained.

j) On or before October 1, 2018 any irrigation water right owner will have the option of converting a 5-year allocation amount to a Multi-year Flex Account (MYFA) provided the MYFA quantity does not exceed the established 5-year allocation quantity. No other conversions to MYFAs will be authorized.

k) For water rights enrolled in EQIP and/or AWEP that will be coming out of either program on or before September 30, 2022, the allocation quantity shall be set at 11 acre-inches per acre for only the remaining years of the 2018-2022 LEMA period.

l) Any water right enrolling into, contracting with, or officially participating in a reduced water use program (AWEP, EQIP, Northwest Kansas Groundwater Conservation Foundation, WCA, etc.) during the period January 1, 2018 through December 31, 2022 shall not be allowed to trade or market any allocation balance.

2) Allocations – Non-irrigation

a) Livestock uses will be limited to 12 gallons per head per day based on the maximum head supportable by the feedlot permit in effect on December 31, 2010. Each water right shall have the option of having this limited quantity as an annual limit or converted to a 5-year water right at 5 times the assigned allocation. The original water right will be retained.

b) Recreation water rights will be limited to 90% of the December 31, 2010 annual authorized water right quantity. Each water right shall have the option of having this limited quantity as an annual limit or converted to a 5-year water right at 5 times the assigned allocation. The original water right will be retained.

3) Individual Allocation Amounts

The 5-year allocations for every water right per Sections 1) a) and 2) above shall be converted to a 5-year acrefeet total, with Attachment 2 containing the assigned eligible allocations for each water right within the SD-6 HPA. Each water right is to be restricted to its total acrefeet allocation within any LEMA order issued through this process.

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4) Violations

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The LEMA order shall serve as initial notice to all water right owners within the SD-6 HPA on its effective date. Violations of the authorized quantities shall be addressed as follows:

- (1) Exceeding any total allocation quantity (which shall include any transferred quantities) of less than 4 AF within any allocation period shall result in a \$1,000.00 fine for every day

the allocation was exceeded. This penalty shall apply to all rights in combined allocation accounts described in sections 1) b) (1) and 1) b) (2).

(2) Exceeding any total allocation quantity (which shall include any transferred quantities) of 4 AF or more within any allocation period shall result in an automatic two year suspension of the water right. This penalty shall apply to all rights in combined allocation accounts described in sections 1) b) (1) and 1) b) (2).

(3) Exceeding the annual authorized quantity of the water right (not to include any transferred quantities) shall result in a \$1,000.00 fine.

5) Metering

a) All water right owners shall be responsible for ensuring their meters are in compliance with state and local law(s). In addition to being in compliance and reporting annually the quantity of water diverted from each point of diversion, all water right owners shall implement at least one of the following additional well/meter monitoring procedures:

(1) Inspect, read and record the flow meter at least every two weeks the well is operating. The records of this inspection procedure shall be maintained by the well owner and provided to the district upon request. Should the flow meter reported readings be in question and the bi-weekly records not be available and provided upon request of the district, the well shall be assumed to have pumped its full annual authorized quantity for the year in question. Following each year's irrigation season, the person or persons responsible for this data may at their discretion transfer the recorded data to the district for inclusion in the appropriate water right file for future maintenance.

(2) Install and maintain an alternative method of determining the time that the well is operating. This information must be sufficient to be used to determine operating time in the event of a meter failure. Should the alternative method fail or be determined inaccurate the well shall be assumed to have pumped its full annual authorized quantity for the year in question. Well owners/operators are encouraged to give the details of the alternative method in advance to GMD 4 in order to insure that the data is sufficient.

b) Any water right owner or authorized designee who finds a flow meter that is inoperable or inaccurate shall within 48 hours contact the district office concerning the matter and provide the following information:

- (1) water right file number;
- (2) legal description of the well;
- (3) date the problem was discovered;
- (4) flow meter model, make, registering units and serial number;
- (5) the meter reading on the date discovered;

- (6) description of the problem;
- (7) what alternative method is going to be used to track the quantity of water diverted while the inoperable or inaccurate meter is being repaired/replaced; and
- (8) the projected date that the meter will be repaired or replaced.

c) Whenever an inoperable or inaccurate meter is repaired or replaced, the owner or authorized designee shall submit form DWR 1-560 Water Flowmeter Repair/Replacement Report to the district within seven days.

d) This metering protocol shall be a specific annual review issue and if discovered to be ineffective, specific adjustments shall be recommended to the chief engineer by the advisory committee.

6) Accounting

a) GMD 4 shall keep records of the annual diversion amounts for each Water Right within the LEMA area, and the total 5 year quantity balances. Annual status reports shall be mailed to each water right owner and provided to DWR.

b) DWR shall provide GMD 4 with as timely as possible copies of annual water use reports received in the office of the chief engineer. GMD 4 and DWR shall cooperate on reconciliation and correction of any WUR found to be in error.

c) A form similar to the Wet Walnut IGUCA temporary transfer of allocations shall be developed by the chief engineer with input from GMD 4 for the SD-6 LEMA and shall be used to approve and track transfers of water within the SD-6 HPA per Section 1) d) above.

7) Advisory Committee

a) A SD-6 LEMA Advisory Committee shall be appointed and maintained by the GMD 4 Board consisting of an odd number of members between five (5) and nine (9) members as follows: one (1) GMD 4 representative; one (1) representative of the Division of Water Resources, Kansas Department of Agriculture as designated by the chief engineer; and the balance being SD-6 HPA residents/owners/operators – one (1) of which must represent non-irrigation users. One of the SD-6 HPA members shall chair the committee whose direction shall be set to further organize and meet annually to consider:

- (1) water use data;
- (2) water table information;
- (3) economic data as is available;
- (4) violations issues – specifically metered data;
- (5) any new and preferable enhanced management authorities become available;
- (6) other items deemed pertinent to the advisory committee.

b) The advisory committee shall produce a report after every meeting which shall provide a status for considerations (1) through (6) and any recommended modifications to the current LEMA Order relative to these six items. Said report shall be forwarded to the GMD 4 board and the chief engineer.

8) LEMA Order Reviews

a) In addition to the annual LEMA Order reviews per section 7), the SD-6 LEMA Advisory Committee shall also conduct a more formal LEMA Order review 1.5 years before the ending date of the LEMA Order. Review items will focus on economic impacts to the LEMA area and the local public interest. Water level data may be reviewed.

b) The committee shall also produce a report following this review to the chief engineer and the GMD 4 board which contains specific recommendations regarding future LEMA actions. All recommendations shall be supported by reports, data, testimonials, affidavits or other information of record.

9) Impairment Complaints

While this program is being undertaken it is the desire of the SD-6 stakeholders that any impairment complaint filed in the HPA while this management plan is in effect, which is based upon either water supply issues or a regional decline impairment cause, be received by the chief engineer and either: deferred for investigation until the management program is no longer valid; or, be investigated by the chief engineer in consideration to the on-going management activities.

10) Water Level Monitoring

Prior to the 2013 SD-6 LEMA proposal there were seven recognized observation wells within the SD-6 HPA that have been measured annually by either Division of Water Resources (DWR) or Kansas Geological Survey (KGS) personnel. These wells are located:

SD	7	29W	5	07S29W05
SD	7	29W	27	07S29W27
SD	7	29W	30	07S29W30
SD	8	29W	1	08S29W01
SD	8	30W	5	08S30W05
SD	8	30W	11	08S30W11
SD	8	30W	13	08S30W13

For each of these wells there is a long history of annual water level measurements. The stakeholders of HPA SD-6 expressed a desire to increase the number of monitoring wells in support of this proposal.

From January 1, 2013 – December 31, 2017 Northwest Kansas Groundwater Management District No. 4 has converted one of these wells (08S30W13) to an hourly water level measurement schedule by the installation of a continuous pressure transducer, and has drilled three new observation wells and equipped them with pressure transducers also recording water levels hourly. These new locations are: 07S29W25; 07S30W27; and 08S31W26. Additionally, Northwest Kansas Groundwater Management No. 4 has equipped another well located in 07S29W16.

Subsequently, the Kansas Geological Survey has taken over the data collection and analysis of these wells, and have installed their own equipment.

11) Coordination

The SD-6 stakeholders and the GMD 4 board expect reasonable coordination between the chief engineer's office and the GMD 4 board on at least the following four efforts:

- a) Development of the LEMA Order resulting from the LEMA process;
- b) Setting and accounting for the umbrella accounts authorized by Section 1) c);
- c) Authorizing and accounting of water right transfers and bookkeeping authorized by Section 1) d); and
- d) Accounting for annual pumpage amounts by LEMA water right owners/operators.

12) General

The core concern of this LEMA is to remain within the allocation quantity after five years of pumping. Any future decisions within this LEMA period which intend to incorporate new or overlooked issues shall be made in deference to this total allocation limit.

In the case of multiple allocation programs (WCAs, KAR 5-5-11 changes, other LEMAs, MYFAs, etc) the requirements of the most restrictive program will apply.

All combination applications or temporary transfers must be re-done for the LEMA period 2018 – 2022.

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Attachment 1

SD 6 Advisory Public Meeting Notes **December 12, 2016 1:30 pm, Hoxie Elks Lodge**

Questions

What kind of time schedule?

What about going to 12” instead of 11”?

If there is a severe drought would the state allow an extra inch?

Can we borrow from a future LEMA?

Would wells outside of SD 6 be in the district wide LEMA?

Do you think the District-Wide LEMA would add more teeth in five years?

How much carry-over are we talking?

Can you do umbrellas when you want it or preseason only?

What is the penalty for going over?

Can I have the ability to develop more acres?

Comments

We should go on with what we are doing.

I think we should go with the District-Wide LEMA instead.

We’ve got the worst problem and need to do more.

We’re barely doing enough.

Concern for alluvial wells irrigating pasture.

Advisory committee should be elected, not appointed.

Most of the people that don’t like it aren’t here.

We need to plan if there is going to be a carry-over.

Make a list of water that is for sale.

Limited irrigation insurance concern

Needs to incorporate a drought contingency clause

The place of use is stuck when the LEMA was formed.

Phone Call Comments from Absent Advisory Committee Members

We should continue with a carryover and possibly go to 12”.

We should continue with a carryover.

We should continue.

We should continue with a carryover.

Advisory Committee Post Meeting

11” carry-over may be too much

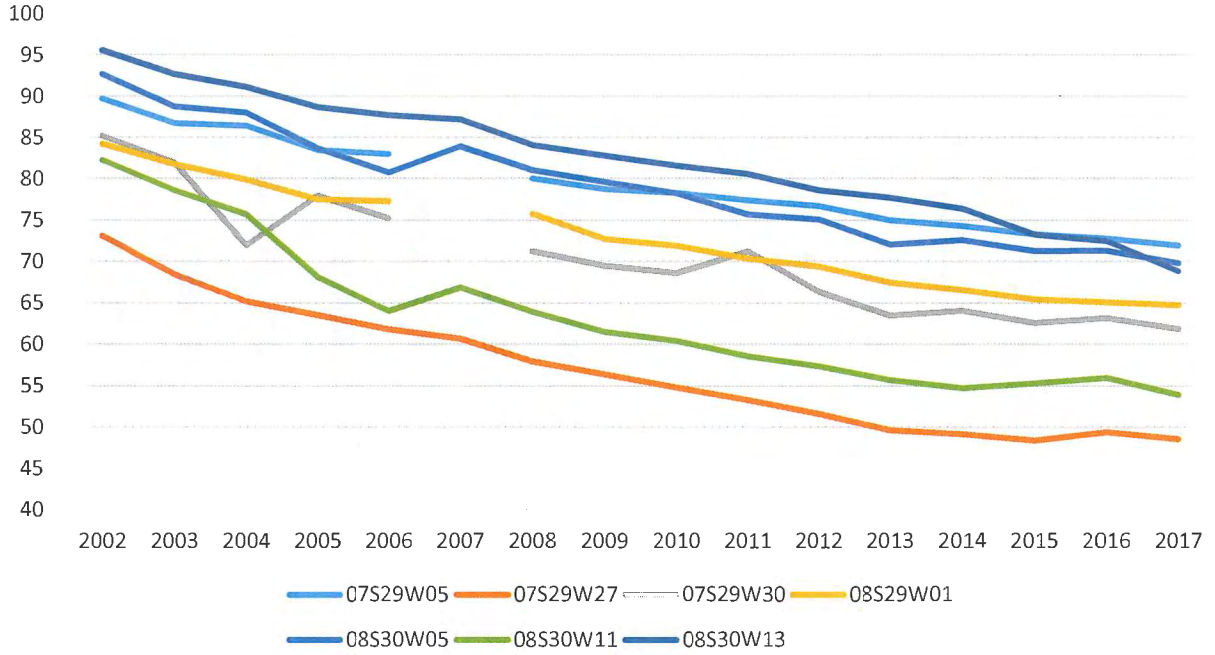
Should have a 5” carry-over so 12” could be applied if needed.

With a 5” carry-over, 60” would be the maximum you could ever begin a LEMA with.

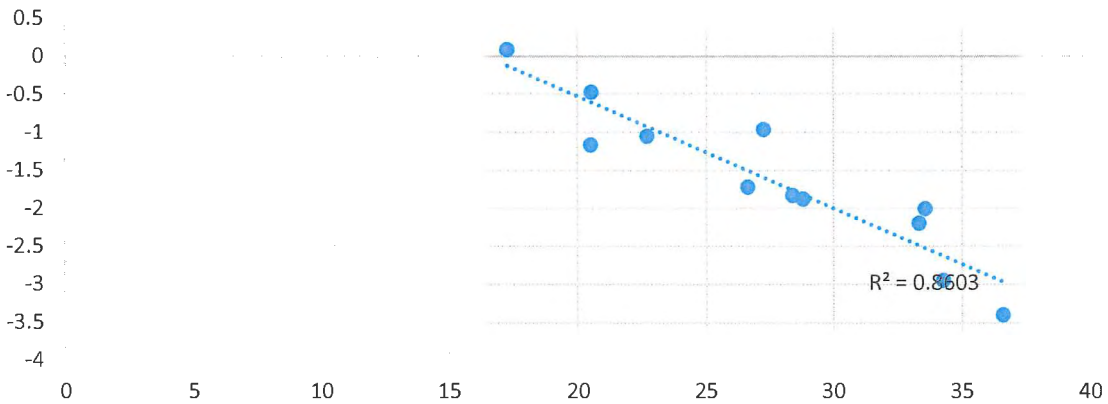
The final report should be completed with a recommendation to the GMD 4 board that they take action to re-form the SD-6 LEMA for 5 years (2018-2022). A maximum of a 5 inch carry-over from the current LEMA into the new one should be worked into the new LEMA request.

Attachment 2

**SD-6 OBS WELLS SAT THICK
2002 - 2017**



**Scatter Plot
Use & Decline
SD-6**



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Water Use X 1000 AF
v
Average Water Table Change (ft)
By Water Use Year
SD-6

