

Draft 3 – Adopted, January 19, 2011 at Hoxie Elks Lodge, Hoxie, KS, for submission to Northwest Kansas Groundwater Management District Board.

Overall Goal Expression

The interim goal for the SD-6 HPA was the reduction of 12,000 AF of annual water use. This goal was set as an interim goal by GMD 4 only until the SD-6 HPA process concluded and SD-6 established their own, final goal. The process starts with the goal, then crafts approaches (water right reallocation, AWEP, regulation, IGUCA, etc.) to reach it.

The SD-6 goal statement is to permanently reduce the recent historical pumpage by 7,500 AF per year in such ways that the least negative economic impact is experienced by the stakeholders therein. For purposes of this goal statement, the recent historical pumpage is considered to be the average annual pumpage from within the SD-6 HPA by all water rights between the years 1996 and 2009 (inclusive) which is 28,800 AF. In order to reduce actual pumpage to this degree, the following should be undertaken:

1) Allocations – Irrigation

All irrigation water rights shall be limited to no more than 55 acre inches per recently irrigated acre over the 5-year period beginning January 1, 2012 and ending December 31, 2016 via a process that:

(a) is applied to the legally eligible acres determined for every water right by the Northwest Kansas Groundwater Management District No. 4, and provided to the chief engineer. Eligible acres as used herein shall be determined as follows:

If 2009 reported acres equal 2007, 2008 and 2009 average acres irrigated – use 2009 reported;

Otherwise used highest reported acres between 2007 – 2009;

Finally, if the acres reported irrigated between 2007 and 2009 appear questionable or unreasonable, the water right will be individually evaluated and assigned a number of eligible acres based on: a) reported history; b) aerial photos compared to reported use by year; and c) anything else that could be used to determine the most reasonable assigned acres.

There must be an appeal/reconciliation process before the GMD 4 board before any eligible acres are provided to the chief engineer for the application of the allocation proposed under this process.

Wells pumping to a common system will be provided an allocation for each well which shall be limited to the total allocated acre inches.

For additional producer flexibility, water rights under the same ownership may at the discretion of the owner 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.

(b) Does not result in any water right receiving more than the currently authorized quantity for that right times 5;

(c) Does not exceed any current 5-year allocation limit of any water right within a KAR 5-5-11 status; and

(d) Does not allow any water right to pump more than the authorized annual quantity in any single year.

In all cases the allocation shall be assigned to the point of diversion and shall apply to all water rights involving that point of diversion.

Moreover, in all cases the original water right shall be retained.

2) Allocations – Non-irrigation

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. The original water right will be retained.

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. The original water right will be retained.

Expected Water Use Reductions: 5,700 AF per year averaged over the first 5-year allocation period.

3) Set-Aside / Retirement Programs

Water right owners will be informed of, and encouraged to participate in any voluntary local, state and federal programs offered to reduce water use or convert irrigated acres to lesser water-intensive purposes.

Expected Water Use Reductions: Average of 1,850 AF per year (2012 – 2016) itemized by program, by year, as follows:

	2012	2013	2014	2015	2016
AWEP – FY10	700	700	700	700	700

AWEP – FY11		700	700	700	700
AWEP – FY12			500	500	500
WTAP	300	300	300	300	300
Other					
TOTAL	1,000	1,700	2,200	2,200	2,200

These numbers are forward looking and are entirely contingent on the funding levels of each program. A NRCS AWEP program was approved for available funding over years 2011, 2012 and 2013 to set aside irrigated acres for 6 years. 2011 funding of \$2.42 million was used to set aside the irrigated acres on which 697 AF of average historical use had been applied for the years 2011-2016. The above schedule of numbers assumes a similar AWEP funding level for years 2012 and 2013. In 2012 an additional 700 AF would be saved from being used on SD-6 irrigated acres for the years 2012 – 2017. Finally, 2013 funding would set aside an additional 500 AF for the years 2013 – 2018.

WTAP (Water Transition Assistance Program) is a pilot Kansas water rights retirement program operating behind AWEP to permanently retire as many of the water rights as possible associated with the AWEP set-aside acres. In 2011, 90 AF of historically used water in SD-6 HPA had been permanently retired via the AWEP/WTAP collaboration. The goal is to add 300 AF each year. These schedule numbers assume that the pilot WTAP will be authorized as a permanent state program by the 2011 or 2012 Legislature, and that it will be funded at the current legislatively authorized level - \$1.5 million per year.

The voluntary incentive programs to set-aside and or retire irrigated acres and/or water rights will average 1,800 AF per year from 2012 through 2016.

The regulatory allocation plus the voluntary incentive programs are expected to achieve the stated goal of 7,500 AF per year of water use reduction for each year of the initial 5-year period.

4) Violations

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

- (1) Violations of any total allocation quantity 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 combined allocation accounts, limited allocation accounts or any other connected accounts.
- (2) Violations of any total allocation quantity 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 combined allocation accounts, limited allocation accounts or any other connected accounts.

(3) Violations of the annual authorized quantity of the water right shall result in a \$1,000.00 fine.

5) Metering

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 at their discretion do one of the following well/meter monitoring procedures:

(a) Inspect, read and record the flowmeter 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 flowmeter reported readings be in question and the bi-weekly records not be available and provided upon request of the district, the well will be assumed to have pumped its full annual authorized quantity. 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 include in the water right file and maintain henceforth.

(b) Install a temperature logging device on the discharge pipe and set the logging frequency one reading every 24 hours or less. This complete pumping season log shall be maintained by the well owner and shall be made available to the district upon request. Should the flowmeter reported readings be in question and the pipe temperature log data not be available and provided upon request of the district, the well will be assumed to have pumped its full annual authorized quantity. 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 to include in the water right file and maintain henceforth.

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

- (a) water right file number;
- (b) legal description of the well;
- (c) date the problem was discovered;
- (d) flowmeter model, make, registering units and serial number;
- (e) the meter reading on the date discovered;
- (f) description of the problem;
- (g) 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
- (h) the projected date that the meter will be repaired or replaced.

Whenever an inoperable or inaccurate meter is repaired or replaced, the owner or authorized designee shall notify the district within seven days and provide the following information:

- (a) water right file number;
- (b) date the meter was replaced or repaired;
- (c) if the meter was replaced, the make, model, registering units, serial number and meter reading of the new meter before it records any water use;
- (d) if the meter was repaired, the date of repair and confirmation of the meter reading before it records any water use;

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.

6) Water Table Monitoring

Increase the observation well monitoring network sufficiently to better scientifically describe the water table elevation change from year to year. Realizing that outside technical assistance will be needed, the specifics of how many wells to add will be developed as soon as practical. To the extent possible within budgets, as many of the observation wells shall be outfitted with electronic water level data recorders.

7) Advisory Committee

IGUCA Advisory Committee appointed by the CE consisting of no fewer than 5 HPA residents / operators – one of which shall represent non-irrigation water uses; a GMD 4 representative; and a representative of the CE. The CE representative shall serve as secretary of the committee. The Committee direction should be set to meet annually to consider at least:

- (a) water use data;
- (b) water table information;
- (c) economic data as is available;
- (d) violations issues – specifically metered data;
- (e) other items deemed pertinent to the advisory committee.

The Advisory committee shall produce a report to the chief engineer after every meeting which shall provide a status for considerations (a) through (e).

In the 4th year the advisory committee shall in addition to their annual update, conduct a more comprehensive IGUCA Order Review.

8) IGUCA Order Reviews

First IGUCA Order review to commence 1 year before the initial 5-year allocation period ends. Review items will focus on economic impacts to the IGUCA area and the local public interest. Water level data will be reviewed, but may not be significant results due to the relatively short period of data available.

The report to the chief engineer shall also contain any recommendations the committee has regarding the current IGUCA Order concerning its continuation unchanged, relaxation, enhancement or elimination. All recommendations shall be supported by reports, data, testimonials, affidavits or other information of record.

Subsequent IGUCA Order Reviews should each commence 1 year before the end of any subsequent IGUCA or allocation period.

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 complete deference to the on-going management activities.