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## UPCOMING DATES

District Office Closed  
December 25 - January 1

Regulatory Hearing  
January 11, 2016

District Annual Meeting  
February 18, 2016

## GMD # 5 WEATHER STATIONS

1 GREENSBURG	(620) 723-2193
2 LEWIS	(620) 324-5866
3 ROZEL	(620) 527-4531
4 CULLISON	(620) 895-6505
5 MACKSVILLE	(620) 348-2238
6 RADIUM	(620) 285-2796
7 GREAT BEND	(620) 793-5798
8 STERLING	(620) 278-2632
9 CAIRO	(620) 672-3359
10 STAFFORD	(620) 234-5667

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December 2015

*Big Bend Groundwater Management District No. 5*

## Rattlesnake Creek Subbasin

On April 8, 2013, the United States Fish & Wildlife Service (Service) filed an impairment complaint with the Chief Engineer of the Kansas Department of Agriculture—Division of Water Resources (KDA–DWR). In that letter, the Service stated that Water Right File No. 7571 was being impaired by “junior well use” within the Rattlesnake Creek subbasin. Water Right File No. 7571, priority date August 15, 1957, is certified to divert up to 14,632 Acre-Feet (AF) for recreation use at Quivira National Wildlife Refuge (Refuge).

In the time since receiving the impairment complaint, the Chief Engineer and staff have been conducting their investigation into the hydrologic conditions surrounding the operations at the Refuge. The Chief Engineer has filed the initial report on this investigation and started a ninety (90) day public comment period. This report and several supporting technical documents can be found at <http://dwr.kda.ks.gov/impairment/RSC.Quivira/>. The District is reviewing the report to ensure the information is accurate and the analysis is reasonable. Every water user in the District is encouraged to read this report in order to provide feedback to both the District and KDA–DWR on this issue. The deadline for submitting comments on this initial report to KDA–DWR is March 11, 2016.

## Regulatory Hearing

Kansas Statute 82a-736 provides water users with a flexibility tool called the Multi-Year Flex Account. Included in this statute is an option for the local Groundwater Management District to promote their own calculation method for the allocation within these accounts. The District has proposed regulations to allow the allocation for the 5-year account to be 450% of the water user’s certified appropriation. This regulation has been reviewed by the Chief Engineer of KDA–DWR. A regulatory hearing will be held on January 11, 2016 at 10:00 a.m. The Stafford field office for KDA–DWR will be a remote location for this hearing to allow further input and participation from the public. Contact the District office for a copy of this proposed regulation.

## Kansas Department of Agriculture Regulatory Proposals

The Kansas Department of Agriculture has proposed changes to the Rules and Regulations related to the Water Appropriation Act. Currently there are four topics being addressed. 1) Limiting the movement of a point of diversion (well) to 300 feet in areas of significant decline. KDA has stated that this will apply to areas where the aquifer has declined by 20% or more since 1950 and/or where the saturated thickness is less than 40 feet. Additionally, the Pawnee and Walnut Creek IGUCA’s would be affected at the discretion of the Chief Engineer. As currently presented, this proposal is in conflict with the District’s management program and regulations. 2) Civil penalties for exceeding the authorized quantity of water (overpumping). KDA has presented a more thorough and arguably

**Big Bend Groundwater  
Management District No. 5**  
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more complex matrix scheme for assessing penalties for exceeding the annual appropriation of water. This new matrix takes into account both the severity of the infraction and the frequency throughout recent history. Since the new matrix will take into account previous infractions, there will be a time frame in which previous violations will be cleared from the record. 3) Civil and other penalties for non-overpumping violations. This class includes such violations as failure to file a water use report, unauthorized diversion or threat to divert, failure to install a water flowmeter, water flowmeter manipulation, and others. These penalties are getting strengthened to include not just a financial penalty but possible suspension of water use up to five years. 4) Authority to seal water flowmeters. This regulation would specifically provide the Chief Engineer and his/her agents the authority to seal water flowmeters and provide additional confidence in an accurate water use record. The District has not yet seen any proposed language for these regulations. KDA–DWR is interested in any comments on these proposals.

**Central Kansas Water Bank Association**

The deadline to open a new savings account for 2015 was at the beginning of this month. This year we had over 200 new accounts opened to add to the existing 700 accounts. The savings account program allows for the carryover of up to 25% of unused water for use in the future from the same diversion works. This water cannot be transferred to another location.

The CKWBA is working hard to keep interested parties informed of it’s activities. The CKWBA now has a dedicated webpage (www.ckwba.org) and is on Twitter (@ckwba). Additionally, the CKWBA has a real-time notification system that can notify you immediately should water become available for lease or changes occur to the CKWBA programs. To receive messages via text, text the appropriate @code to 81010. You can opt out of messages at anytime. To receive messages via email, send an email to the appropriate code@mail.remind.com. To unsubscribe, reply with 'unsubscribe' in the subject line. The codes needed are as follows:

Notification List	Code	Notification List	Code
Central Kansas Water Bank	@ckwba	North Fork Ninnescah River Subbasin	@nfninn
Arkansas River Subbasin	@arknssrvr	Pawnee River Subbasin	@pawneervr
Chikaskia River Subbasin	@chikaskia	Rattlesnake Creek Subbasin	@rttlsnkerk
Cow Creek Subbasin	@cowcreek	South Fork Ninnescah River Subbasin	@sfnninn
Medicine Lodge River Subbasin	@medlodgerv	Walnut Creek Subbasin	@wlntcrk

**Do we have your correct mailing address?  
Let us know at 125 S. Main St., Stafford, Kansas 67578 or call 620-234-5352.**