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EQUUS BEDS GROUNDWATER MANAGEMENT DISTRICT NO. 2

GROUNDWATER NEWS

PUBLIC HEARING REGARDING THE CITY OF WICHITA AQUIFER STORAGE AND RECOVERY (ASR) PERMIT MODIFICATION PROPOSAL

The Public Hearing before the Hearing Officer (Chief Engineer, Division of Water Resources), regarding the City of Wichita's Aquifer Storage and Recovery (ASR) Permit Modification Proposal will be held on December 11, 2018, at 9:00 a.m., at American Ag Credit, 4105 N. Ridge Rd., Wichita, Kansas. The purpose of the hearing is to receive oral comments from the public and all interested parties. The formal phase of the Hearing is tentatively scheduled for February 13 and 14 (if needed), 2019, at the same location, where the formal parties will provide comments and testimony to the Chief Engineer. Formal parties include the City of Wichita, Division of Water Resources, a group of local water right owners, and the Equus Beds Groundwater Management District. Immediately following the formal hearing, a limited amount of time will be allowed for additional public comments.

The City of Wichita is requesting two fundamental changes to the ASR Phase II project and water permit approvals:

Lowering of the minimum index levels that are used to determine when the City can withdraw its recharge credits. The Basing Storage Area (BSA) where the City can inject treated source water from the Little Arkansas River into the aquifer to develop recharge credits and later withdraw the recharge credits is divided into 38 Index Cells and is defined by horizontal and vertical boundaries. Currently, the City is not allowed to withdraw recharge credits when the water-level is below the defined bottom of the BSA, which is based on the January 1993 water-levels when the aquifer was at its historically lowest water levels in the BSA. The City is requesting that the bottom of the BSA be lowered between approximately 9 to 23 feet depending on Index Cell, thereby allowing the City to withdraw recharge credits at lower groundwater levels.

Authorization for a new type of recharge credit: Aquifer Maintenance Credits (AMCs). The City is requesting that under certain conditions they be allowed to accumulate recharge credits without physically injecting source water from the Little Arkansas River into the aquifer. AMCs would be allowed to be accumulated during times of limited aquifer recharge capacity, whereas the City would receive recharge credits for treating surface water diverted from the Little Arkansas River and sent directly to the City for municipal use.

The public and all interested parties are encouraged to submit oral comments at the hearing or submit written comments prior to 5:00 p.m. on March 15, 2019. Written testimony may be submitted by mailing a copy to Ronda Hutton, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas, 66502, Attn: Wichita ASR Project Testimony, or an electronic copy may be submitted via email to ronda.hutton@ks.gov. More information on the proposed changes is available online at DWR's ASR webpage: <http://www.agriculture.ks.gov/WichitaASR>, or by contacting the Equus Beds Groundwater Management District. Please check DWR ASR website or the District's website: www.gmd2.org for any updates to the hearing schedule.

2018 VERIFIED CLAIM FORMS - AVAILABLE JAN. 2, 2019

A water user pumping less water in 2018 than the permitted amount may file a verified claim with the District to limit their annual groundwater assessment to the actual amount used instead of the full permitted amount. Filing the claim is voluntary. The deadline for filing the verified claims forms is April 1, 2019. No late forms will be accepted.

By law, the District determines the water assessment charge by the amount of water authorized by the water permit unless a verified claim is filed demonstrating actual usage.

Verified claims may be filed if the water well is equipped with a water meter for all of 2018; the metered amount is in units of either gallons, acre-feet, acre-inches, or barrels; the water meter installed on the well is registered with the District; and the water meter is in compliance with State regulations. Verified claims may also be submitted for:

- Wells which were not drilled and completed under the original water permit approval;
- Water permits whose place of use is enrolled in the USDA Conservation Reserve Program;
- Water permits enrolled in the DWR Water Right Conservation Program.

The color-coded forms are available at the District office; at the offices of the county clerks and of the treasurer of Harvey, McPherson, Reno and Sedgwick counties; and at the county conservation district offices.

Forms are required to have both front and back printed. Photocopies will not be accepted.

IMPORTANT DATES TO REMEMBER

WATER USE REPORTS

Due to DWR by March 1, 2019

These reports are required by the Division of Water

GMD2 ANNUAL MEETING

To Be Announced

VERIFIED CLAIMS

Due to GMD2 by April 1, 2019

These forms are voluntary by GMD2 and are not required

**EQUUS BEDS GROUNDWATER
MANAGEMENT DISTRICT NO. 2**

313 Spruce Street
Halstead, KS 67056-1925

Phone: 316-835-2224
Fax: 316-835-2225
Email: equusbeds@gmd2.org
Website: www.gmd2.org

**Please contact us with
any address changes!**

**NEW DWR REGULATION K.A.R. 5-14-12 OVER PUMPING
VIOLATION PENALTIES EFFECTIVE JULY 14, 2017**

Penalty Category	Severity Level A <24 hours	Severity Level B 24-72 hours over	Severity Level C >72 hours
1 (no prior offense within 5 previous years)	Written notice of non-compliance	\$1,000 per day and a one-year reduction in quantity equal to twice the quantity over pumped	\$1,000 per day and a one-year reduction in quantity equal to three times the quantity over pumped
2 (1 prior offense)	\$1,000 per day and a one-year reduction in quantity equal to twice the quantity over pumped	\$1,000 per day and a one-year suspension	\$1,000 per day and a three-year suspension
3 (2 prior offenses)	\$1,000 per day and a one-year suspension	\$1,000 per day and a three-year suspension	\$1,000 per day and a four-year suspension
4 (>3 prior offenses)	\$1,000 per day and a three-year suspension	\$1,000 per day and a four-year suspension	\$1,000 per day and a five-year suspension

If DWR issues a penalty order for over pumping, the water right owner can request an evidentiary hearing before the Chief Engineer within 15 days or request an administrative review by the Secretary of Agriculture within 30 days. The owner can also request an informal settlement conference with DWR within 15 days to discuss the over pumping violation and possibly have the penalty reduced depending on the over pumping circumstances.

MULTI-YEAR FLEX ACCOUNT

Most water right holders can apply for a multi-year flex account (MYFA) and obtain a 5 year term permit that temporarily replaces an existing (or base) water right. This term permit allows the water right's annual authorized quantity to be exceeded in any year, but restricts total pumping to a 5 year total allocation. Generally, the total amount of the 5 year flex account allocation will 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 maximum acres irrigated from 2000-2009 times 110 percent

The 5 year allocation cannot exceed the base water right's authorized quantity times 5.

An application for a MYFA must be filed with DWR on or before December 31 of the first year of the MYFA term for which the application is being made. In order for 2018 to be the first year of the MYFA 5 year period, the application must be filed by December 31, 2018. This program is voluntary and does not change the underlying base water right. At the end of the 5-year period, if not extended by a new MYFA application, the operation of the water right returns back to the original water right conditions. Please contact the Equus Beds or the local DWR Field Office for more information or if you need assistance completing the MYFA application form. The District encourages water right holders and operators to check their water use and file a MYFA application by December 31, 2018, if the base water right's authorized annual quantity has been exceeded.

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David Randolph Technician

Office hours are 8:00 am - 5:00 pm, Monday through Friday, except for holidays.

The Board of Directors meets the second Wednesday of each month. All meetings are open to the public. The public is welcome and encouraged to attend the meetings.

CORRECTIONS

Mail, fax or e-mail corrections to the District office at: 313 Spruce Street, Halstead, KS 67056 • Phone: 316-835-2224 • Fax: 316-835-2225 • E-mail: equusbeds@gmd2.org
• Website: www.gmd2.org

The Equus Beds Groundwater Management District No. 2 publishes the *Equus Beds Groundwater News* bi-annually. Subscriptions are free of charge.