

A SUMMARY OF THE INTENSIVE GROUNDWATER CONTROL AREA CONCEPT IN KANSAS

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Kansas law provides an administrative process and legal authority to establish intensive groundwater use control areas under specific circumstances. Statutes authorizing the formation of Intensive Groundwater Use Control Areas (IGUCA's) are found as part of the Groundwater Management District Act (K.S.A. 82a-1036 through 1038). However it also authorizes the formation of IGUCA's outside Groundwater Management District (GMD) boundaries. IGUCA's may be established in order to provide for the adoption of controls to address problems in a specific area in need of special management.

Inside GMD boundaries designation of an IGUCA proceeds at the recommendation of a GMD or whenever petitioned by not less than 300 persons or 5% of the voters in a GMD. Plans for the IGUCA must be approved by the Chief Engineer.

Outside the boundaries of a GMD the Chief Engineer may initiate proceedings for designating an IGUCA. Criteria for establishing an IGUCA are:

- excessive decline in groundwater levels
- withdrawal rates exceed rate of recharge
- preventable waste is occurring
- unreasonable deterioration of the water quality (for which the appropriation of water is the cause or a solution)
- special regulation is required to meet the public interest

A notice and public hearing are provided to present the evidence and plan. The IGUCA would be established by an order of the Chief Engineer and may include one or more of the following provisions:

- closing the area to further appropriation
- determining the permissible total withdrawal of groundwater in the area each day, month, or year as deemed reasonable and apportioned according to priority dates of water rights in the area
- reducing the permissible withdrawal of groundwater by any one or more appropriators or by wells in the intensive groundwater use control area
- requiring and specifying a system of rotation of groundwater use in the intensive groundwater use control area
- any additional requirements as necessary to protect the public interest

The IGUCA authority has been used in Kansas several times. A summary of their locations, characteristics, and circumstances are included in the table.

Intensive Groundwater Use Control Areas (IGUCA's) in Kansas

Location	Date	Characteristics and Circumstances
1. McPherson County	3/28/80	Recommended by GMD 2 Excessive groundwater level declines Rate of withdrawal exceeded recharge rate Closed to further appropriation Flow meters required
2. Trego, Ellis, Rush, Gove, and Russell Counties Smokey Hill valley alluvium below Cedar Bluff Reservoir	5/31/84	Initiated by Chief Engineer Water level declines in Hays and Russell well fields Water supplies not adequate to meet present needs Groundwater level declines affecting stream flows Closed to further appropriation
3. Burton, Kansas	6/1/84	Recommended by GMD 2 Deteriorating water quality from oil field brines Flow meters required All applications reviewed for water quality problems
4. Hamilton, Stanton, Kearny, Finney, Grant, Haskell and Gray Counties	2/14/85	Recommended by GMD 3 Rescinded at recommendation of GMD 3, May 1985
5. Hays, Kansas and surrounding area	7/3/85	Initiated by Chief Engineer at request of City of Hays Preventable waste of water was occurring-- watering lawns, gardens, outdoor landscape during times of high evaporation Chief Engineer reserves right to ban use of domestic wells for outdoor watering during June-Sept.
6. Pawnee River Valley	9/13/85	Recommended by GMD 5 Excessive groundwater level declines Rate of withdrawal exceeded recharge rate Reduced safe yield from 1,500 ac-ft in mile radius to 750 ac-ft in mile radius
7. Hamilton, Kearny, Finney, Gray, and Ford Counties Ark. River Valley near Colo. state line	9/29/86	Recommended by GMD 3 Chief Engineer designated outside GMD boundary Excessive groundwater level declines Rate of withdrawal exceeded recharge rate New appropriations greater than 50 gpm combined with 25 ac-ft/yr are not allowed No change in water right resulting in wells located closer to the river Flow meters required, overlaps general meter required
8. Wallace, Logan, Gove, and Trego Counties Smokey Hill valley alluvium above Cedar Bluff Reservoir		Groundwater level declines affecting stream flows Decreased streamflows reduced inflow to Cedar Bluff Reservoir Closed to further appropriation greater than 50 gpm and 25 ac-ft/yr

IGUCA's in Kansas *Continued from previous page*

Location	Date	Characteristics and Circumstances
9. Barton, Rush, and Ness counties Walnut Creek Basin		Excessive groundwater level declines Withdrawals exceed recharge rates Declining water levels are depleting flows in Walnut Creek which are appropriated to Cheyenne Bottoms Closed to further appropriation 5-year allocations not to exceed certified or permitted quantities a) vested rights allotted full authorized quantity b) appropriated rights on or prior to Oct. 1, 1965 allotted 12 in./yr.(Barton Co.), 13 in/yr (Rush Co.) and 14 in/yr (Ness Co.) c) appropriated rights later than Oct. 1, 1965 allotted 44% of those in b above