

January 2016 – December 2037

# Franklin Family

Water Conservation Area Management Plan

## Amended Water Conservation Area Executive Summary

**WCA Acres:** 1,192

**Number of IRR Water Rights:** 6

**Number of IRR Wells:** 9

**Historical Period:** 2002-2018

**Prior Conservation:**

- Electing not to apply water to the ground when there is no crop
- Shortening their irrigation season
- Using moisture sensor probes to inform more precise irrigation applications
- Early adopters of no-till soil management and drought-tolerant crop varieties

**WCA Allocation:**

- Total WCA allocation of 4,800 AF 5-year period of WCA (Average 960 AF/Yr.)
- 10% reduction from the (2003-2012) average use of 972 AF

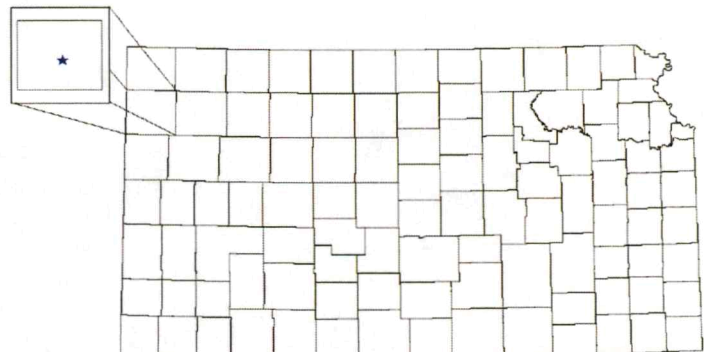
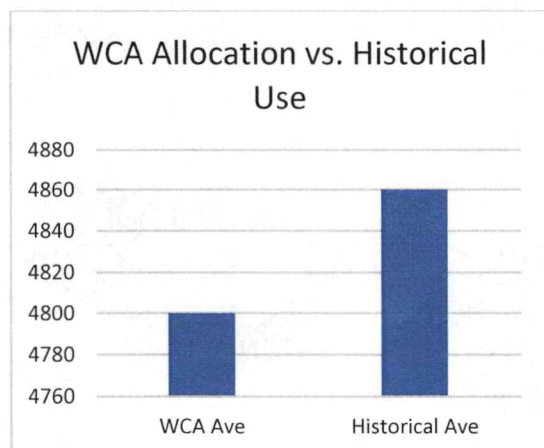
**Corrective Controls- Flexibilities requested exceeding base water right**

- Water use shall be limited to a total of 4,800 acre-feet for the first five years, and 960 acre-feet per year, multiplied by term length, plus any amount carried forward from the previous period, for the following terms
- No water right will use more than authorized in any year
- Each well shall have an approved water meter installed that is deemed in compliance with state laws
- Provisions of the WCA to conform to any rules, regulations or requirements that result in greater conservation of the water resource

**Total Water Conserved Over WCA Period (based on historical use):** 300 AF

WCA Allocation vs. Historical Use Graph

WCA County Map



# AMENDED MANAGEMENT PLAN

For the Designation of a Water Conservation Area (WCA)  
 Franklin Family WCA, Sherman County  
 January 2016 through December 2037

In order to reduce the rate of decline of water levels in our aquifer and extend the life of our water supply, we, the undersigned water right owners propose the following management plan, pursuant to K.S.A. 82a-745 (WCA Law), to form the basis of a Consent Agreement and Order Designating a Water Conservation Area (WCA).

## Goal Expression

The water right owners of the Franklin Family Sherman County WCA desire to conserve and extend the productive life of the aquifer in our region. We have concluded that conserving Ogallala aquifer water today will increase the value and viability of our water rights and water resources for future generations. The purpose of the Franklin Family Sherman County WCA is to maximize production while maintaining the conservation practices historically implemented by the participating water right owners.

Over the past five years, we have applied less irrigation water per acre, per year, than the average reported irrigation water use in Sherman County and in the designated High Priority Areas within Groundwater Management District No. 4 (GMD#4), and approximately two inches less than the Net Irrigation Requirement of 14.1 inches per acre for Sherman County. The Franklin Family is committed to continuing this level of conservation within the terms of this WCA by limiting use with the WCA to no more 4,800 acre-feet in three 5-year periods and 7,680 acre-feet (960 acre-feet X 7 years + 960 acre-feet carried over from previous term) in one 7-year allocation period, in order to coincide with the WCA periods within the GMD4 Greater Area LEMA terms, beginning January 1, 2016, and ending December 31, 2037.

## Water Rights Enrolled and Geographical Boundaries

The Franklin Family Sherman County WCA shall include the following water rights and all points of diversion associated with those water rights. The following legal descriptions of the place of use for each water right define the areas to be included in Franklin Family Sherman County WCA:

Water Right Number	Twp Range Sec Qual ID	Water Right Owner
9536	9S 39W 3 NESWSW 6	Linda J. Franklin Rev Trust; Gerald Scott Franklin Jr Rev Trust; Rebecca Gruskin; Johanna Gruskin
25542	8S 39W 34 NCNW 2	Linda J. Franklin Rev Trust; Gerald Scott Franklin Jr Rev Trust; Rebecca Gruskin; Johanna Gruskin
	9S 39W 3 NCNW 3	
	8S 39W 34 NCSW 3	
	9S 39W 3 NESWNE 7	
30947	9S 39W 11 NWNWNW 2	Linda J Franklin Rev Trust
31100	8S 39W 34 SWSESW 4	Linda J. Franklin Rev Trust; Gerald Scott Franklin Jr Rev Trust; Rebecca Gruskin; Johanna Gruskin
38553	9S 39W 2 NWNENW 1	Linda J. Franklin Rev Trust; Gerald Scott Franklin Jr Rev Trust
28785	9S 39W 2 NCNW 2	Linda J. Franklin Rev Trust; Gerald Scott Franklin Jr Rev Trust



All water diversions within the Franklin Family Sherman County WCA are to be collectively restricted to an allocation of 4,800 acre-feet for the first five-year period and 960 acre-feet per year plus any amount carried forward in the following terms from January 1, 2021 to December 31, 2027; January 1, 2028 to December 31, 2032; and January 1, 2033 to December 31, 2037.

### **Findings Regarding Groundwater Conditions**

The WCA Law requires a finding that one of the following conditions be present within the area proposed as a WCA.

- Groundwater levels in the area in question are declining or have declined excessively;
- The rate of withdrawal of groundwater in the area equals or exceeds the rate of recharge within such area;
- Preventable waste of water is occurring or may occur within the area in question; or
- Unreasonable deterioration of the quality of water is occurring or may occur within the area in question.

We have determined that the following conditions exist:

- Groundwater levels in the area in question are declining or have declined excessively; Water levels in proximity to the Franklin water rights declined 2 to 6 feet from 2009 to 2013, and 5 to 15 feet from 2003 to 2013.
- The rate of withdrawal of groundwater in the area equals or exceeds the rate of

recharge. See the attached maps and figures supporting these findings and observations:

- Water Use Density, 2003 to 2013 (Figure 5)
- Changes in Water Levels, 2003 to 2013 and 2009 to 2013 (Figures 6 and 7)
- KGS Annual Well Data in Proximity to Franklin Water Rights, Area #1 and Area #2 (Figures 8 and 9)
- Reported Water Use Compared to Recharge Values (Figure 10)
- Estimated Usable Life Remaining in High Plains Aquifer (Figure

11) These conditions indicate the area qualifies for the implementation of a WCA.

### **Due Consideration for Past Conservation**

As described in the law, a Water Conservation Area (WCA) management plan shall give due consideration to water users who have previously implemented reductions in water use resulting from voluntary conservation measures.

Average reported water use from 2003 to 2012 for the water rights enrolling in the Franklin WCA (12.06 average inches per acre) were lower than reported use for Sherman county (13.96 average inches per acre), and the High Priority Areas encompassing and near the WCA (HPA#1 (13.95 average inches per acre)) and HPA#2 (13.5 average inches per acre)).

The Franklin Family has achieved their historically low water use by electing not to apply water to the ground when there is no crop, shortening their irrigation season, and using moisture sensor probes to inform more precise irrigation applications. In addition, the family

was an early adopter of no-till soil management and drought-tolerant crop varieties.

### **Duration and Terms**

The Franklin Family Sherman County WCA shall be in effect upon issuance of a Consent Agreement and Order Designating a Water Conservation Area, approved by the undersigned and the Chief Engineer of the Division of Water Resources. The proposed term of the WCA is 22 years, with three 5-year and one 7-year evaluation periods.

- a) All allocation values shall be expressed in terms of total water volumes for each of the WCA evaluation periods.
- b) The combined amount for all irrigation water rights shall be limited to no more than 4,800 acre-feet over three 5-year periods and one 7-year period, beginning January 1, 2016, and ending December 31, 2037.
- c) Wells pumping to a common system 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) Water rights, at the discretion of the owners, may 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 and the annual authorized quantities of the constituent water rights are not exceeded.
- e) Temporary transfers of allocations between water rights may be made anywhere within the boundaries of Franklin Family Sherman County WCA. Said transfers shall be in effect for the balance of the current allocation time period. 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). A term permit shall be required on any well the owner wishes to exceed the authorized quantity of the base water right in any year.
- g) No base water right shall be allowed to pump more than its authorized annual quantity in any single year. A term permit shall be required on the well that exceeds the base water right authorized quantity. The term permit authorized quantity shall be included within the WCA's overall quantity.
- h) 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.
- i) None of the terms of the proposed WCA will result in any permanent change to the enrolled water rights.

For additional producer flexibility, the Franklin family requests that water rights enrolled in the WCA may be combined into a single allocation account with flexibility of pumping the multiple wells within the account, provided the total account allocation is not exceeded. Temporary transfers of allocations between water rights may be made anywhere within the WCA boundaries, except that no transfer shall result in an allocation that exceeds the authorized amount for the water right receiving the transfer.

In the final year of each of the three five-year periods, any unused water, up to a one-fifth of the 5-year amount may be rolled over and added to the allocation for the next 5-year period. The total quantity for any 5-year period is capped at six times the one-year calculation of the base WCA allocation. Any carry-over quantity accumulated during the 7-year period will be limited to one-fifth of a 5-year term and follow the same cap when rolling into the next 5-year period.



Additional land may be added to this Water Conservation Area in one of three ways:

- An additional water right with an additional associated place of use may be added to this WCA upon written notification to the Chief Engineer and modification of the consent agreement, or
- With a term permit, additional dry acres may be added to this WCA to be irrigated with water from any combination of the wells previously enrolled within the WCA so long as the defined WCA quantity is not exceeded and the terms are maintained. The addition of the acres is temporary and only effective during the duration of this WCA agreement, or
- To permanently expand the place of use associated with one or more of the water rights enrolled in this WCA, a permanent change in the place of use may be granted pursuant to K.S.A. 82a-708b.

Any of the above additional of acres will require written notification to the Chief Engineer to modify the geographical boundaries of the WCA. If any of the above requires modification to the water allocation quantities, geographical boundaries, places of use, terms, or conditions of the original Franklin Family Sherman County WCA, the management plan shall be revised to incorporate such changes and the associated consent agreement shall be reaffirmed by all parties.

### **Review of Effectiveness**

A review of the WCA shall be completed in December 2020, December 2027, December 2032, and December 2037, to ensure the above terms remain appropriate for the current hydrologic conditions and are achieving the stated goals of the Franklin Family Sherman County WCA. Upon the final review in 2037, and a finding by the Chief Engineer that the WCA has achieved the goals stated herein and that conditions allow it to continue under the same terms for additional periods, the terms of the WCA may be continued upon written request by the water right holders to the Chief Engineer and consent of the Chief Engineer.

### **Corrective Control Provisions and Plan for Conservation**

The following corrective controls will be in effect within the Franklin Family Sherman County WCA during the term of the WCA:

- Within the Franklin Family Sherman County WCA, the permissible withdrawal of groundwater shall be limited to no more a total of 4,800 acre-feet for the first five years, and 4,800 acre-feet during each 5-year period and 6,720 acre-feet during the 7-year period (an average of 960 acre-feet per year), plus any amount carried forward from the previous period. In order to coincide with the time periods, set forth by the GMD4 Greater Area LEMA, the Franklin Family WCA time periods have been amended as follows: beginning January 1, 2016 and ending December 31, 2020; January 1, 2021 and ending December 31, 2027; from January 1, 2028 to December 31, 2032; and January 1, 2033 through December 31, 2037. No water right will use more than authorized in any year.
- All water right owners within the Franklin Family Sherman County WCA shall be responsible for ensuring their meters are in compliance with state and local law(s). Any water right owner or authorized designee who finds a flow meter that is inoperable or inaccurate shall within 48 hours contact the KDA Stockton Field Office concerning the matter. Whenever an inoperable or inaccurate meter is repaired or replaced, the owner or authorized designee shall notify the KDA Stockton Field Office within seven days.

The corrective control provisions of the Franklin Family Sherman County WCA cannot conflict with the rules and regulations of GMD#4. If a Local Enhanced Management Plan (LEMA) or Intensive Groundwater Use Control Area (IGUCA) is formed after the initiation of the Franklin Family WCA, and the WCA is partially or wholly within the LEMA or IGUCA, the corrective control provisions that result in the greater overall conservation of water resources based on inches per acre and not based on a percent reduction of average of current use, shall prevail. The Chief Engineer is authorized to amend the provisions of the WCA to conform to any rules, regulations or requirements that result in greater conservation of the water resource subject to the foregoing due consideration for past and current conservation.

### **Compliance Monitoring and Enforcement**

The following compliance monitoring and enforcement provisions are proposed. This section also includes any specific provisions regarding measuring or reporting water usage.

There are six recognized observation wells within the Franklin Family Sherman County WCA that have for many years been measured annually by the Kansas Geological Survey (KGS). See attached Water Right Area map (Figure 1). These wells will continue to be measured annually and the data collected will help in evaluating the effectiveness of the WCA.

The Franklin Family will submit an annual report no later than March 1 and maintain a spreadsheet detailing the following information for each well and all wells combined: beginning and ending meter readings, quantity of water diverted, acres irrigated, the inches per acre, and the quantity of water remaining for each 5-year period. The records should be maintained by the members of the WCA and available for KDA upon request.

The Franklin Family acknowledges that failure to abide by the terms and conditions of the consent agreement and order may result in the termination of the WCA. Failure to abide by the terms, conditions, and limitations of the individual water rights may result in civil penalties pursuant to DWR regulations.

### **State Law**

We acknowledge that the Franklin Family Sherman County WCA is subject to compliance with all other applicable state laws.

### **Member addition, withdrawal, and removal**

Water right owners and their associated water rights and geographic boundaries may be added to the Franklin Family Sherman County WCA upon written notification to the Chief Engineer by the owners of each participating water right. Such notice will include an amended management plan describing the water rights and legal descriptions of the areas to be added. A member may withdraw from the WCA through written notification to the Chief Engineer signed by the owners of the participating water right or rights to be withdrawn from the WCA.

If the addition or withdrawal of water rights requires modification to the water allocation quantities, geographical boundaries, places of use, terms, or conditions of the original Franklin Family Sherman County WCA, the management plan shall be revised to incorporate such changes and the associated consent agreement shall be reaffirmed by all parties.



**Termination**

The Franklin Family Sherman County WCA agreement may be terminated by written notification signed by the owners of each participating water right to the Chief Engineer of the intent to terminate. Upon receipt of such notification, the Chief Engineer will issue an order dissolving the WCA. The termination will be effective at the end of the calendar year that the request for termination was requested.

**Assurances**

This management plan and any related orders will not permanently alter the authorized quantity, rate, ownership, or places of use of any water right enrolled in the Franklin Family Sherman County WCA.

**Review of Other Applicable Requirements**

This management plan will effect equal or greater overall conservation of water than existing KDA-DWR and GMD regulations or requirements.

**For the participants:**

All participating water right owner(s) signing below, affirm their approval of this WCA management plan and if approved by the Chief Engineer allow consent to the Chief Engineer to formally approve the designation of this Water Conservation Area, described herein, by means of a Consent Agreement and Order.

Rebecca Gruskin Date: June 20, 2024

(Rebecca Gruskin)- Owner (Signature)

Water Right No(s). (9,536; 25,542; 31,100)

REBECCA GRUSKIN, 203 MORLEY PKWY, DULUTH, MN 55803-2127

Full Mailing Address

rebecca.gruskin@gmail.com 218-341-2411  
Email Address Phone Number

**ACKNOWLEDGMENT OF NOTARY**

State of ~~Kansas~~ New York )  
 ) SS

County of Oneida )

Acknowledged before me on June 20, 2024

by Rebecca Gruskin

Signature: Yvonne F. Schick

Notary Public:

**Yvonne F. Schick**  
**NOTARY PUBLIC, STATE OF NEW YORK**  
Registration No. 01SC4911369  
Qualified in Oneida County  
Commission Expires November 30, 2025

My commission expires: 11/30/2025  
(Notary Seal)



**For the participants:**

All participating water right owner(s) signing below, affirm their approval of this WCA management plan and if approved by the Chief Engineer allow consent to the Chief Engineer to formally approve the designation of this Water Conservation Area, described herein, by means of a Consent Agreement and Order.

Johanna Gruskin Date: 6/27/24

(Johanna Gruskin)- Owner (Signature)  
Water Right No(s). (9,536; 25,542; 31,100)

JOHANNA GRUSKIN, 203 MORLEY PKWY. DULUTH, MN 55803-2127

Full Mailing Address

johanna.gruskin@gmail.com 764 27 394 8248  
Email Address Phone Number

**ACKNOWLEDGMENT OF NOTARY**

*Justice of  
Peace*

State of ~~Kansas~~ )  
Wellington ) SS  
County of NZ )  
Acknowledged before me on 6/27/2024  
by Robin Boldarin  
Signature: [Signature]  
Notary Public J.P.



My commission expires: N/A  
(Notary Seal)

**For the participants:**

All participating water right owner(s) signing below, affirm their approval of this WCA management plan and if approved by the Chief Engineer allow consent to the Chief Engineer to formally approve the designation of this Water Conservation Area, described herein, by means of a Consent Agreement and Order.

*Gerald Scott Franklin* Date: 7/2/2024  
(Gerald Scott Franklin Trust Representative)- Owner (Signature)

Water Right No(s). (9,536; 25,542; 28,785; 31,100, & 38,553)

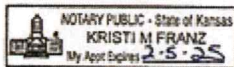
GERALD SCOTT FRANKLIN REV TRUST, 5940 RD 24, GOODLAND, KS 67735  
Full Mailing Address

gfrankln@st-tel.net 785-821-0086  
Email Address Phone Number

**ACKNOWLEDGMENT OF NOTARY**

State of Kansas )  
) SS  
County of Sherman )  
Acknowledged before me on 7/3/2024  
by Gerald Franklin  
Signature: Kristi M. Franz  
Notary Public

My commission expires: 2/5/2025  
(Notary Seal)





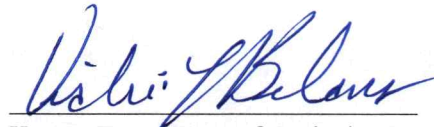


CERTIFICATE OF SERVICE

I hereby certify that on this 3 day of January 2025 copies of the foregoing were sent via first class, U.S. mail, to the following:

LINDA J & GERALD SCOTT FRANKLIN REV TRUST  
5940 RD 24  
GOODLAND, KS 67735

JOHANNA & REBECCA GRUSKIN  
203 MORLEY PARKWAY  
DULUTH, MN 55803



Kansas Department of Agriculture  
Staff Person



### Franklin/House Water Right Area Map

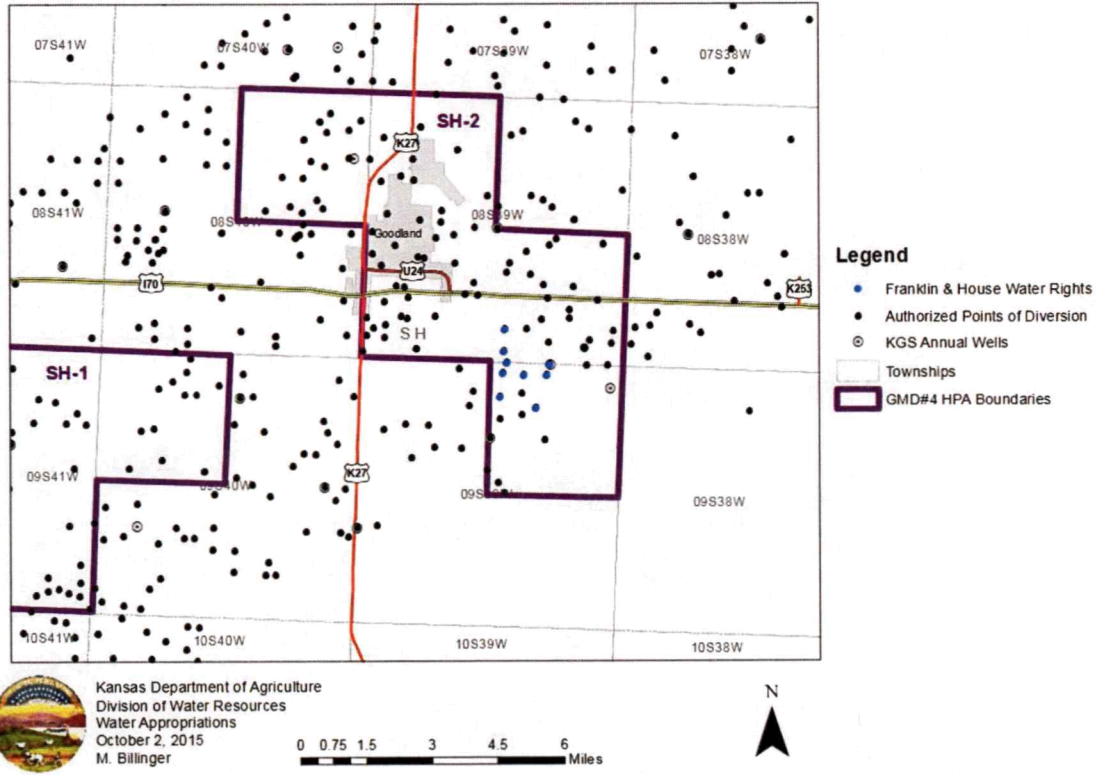


Figure 1





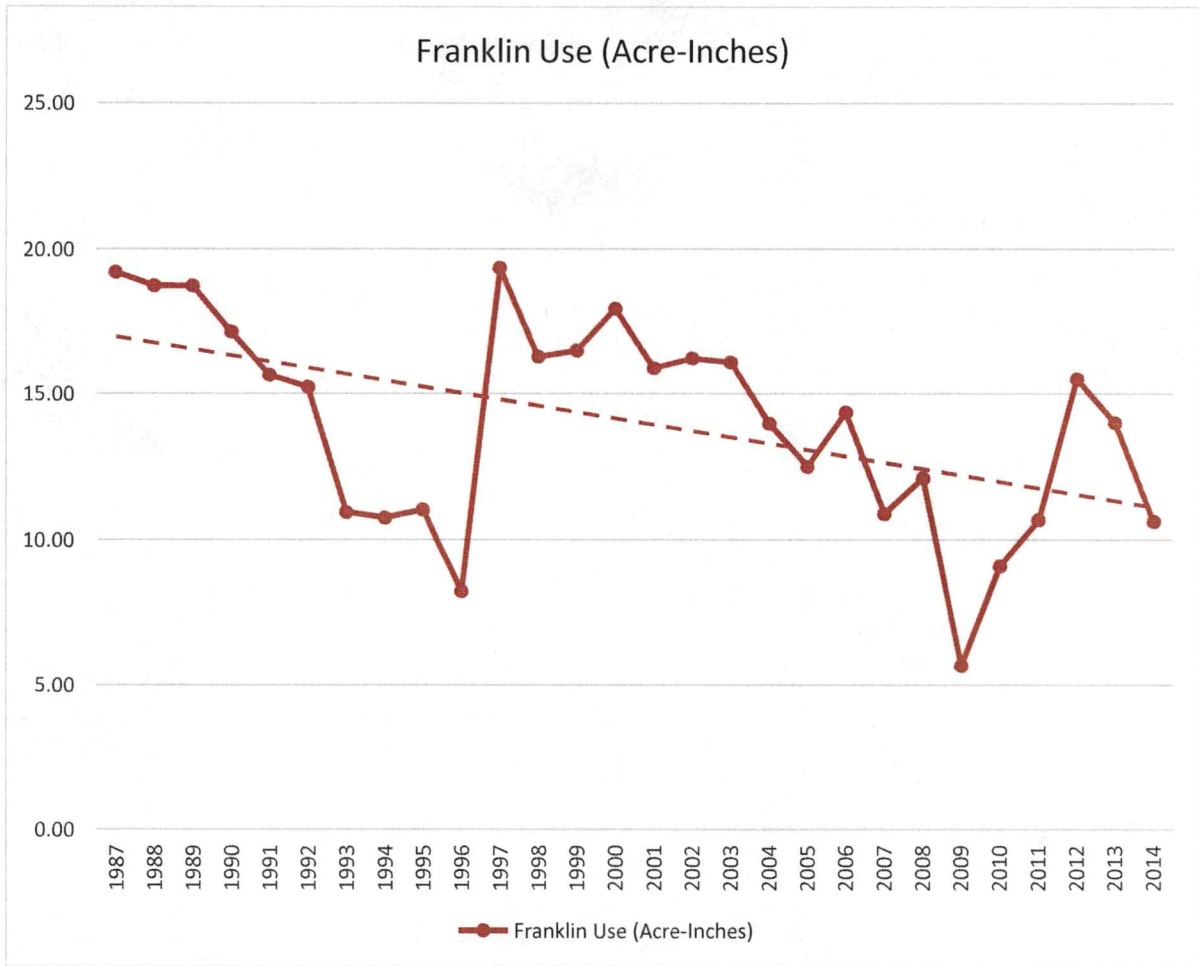


Figure 3

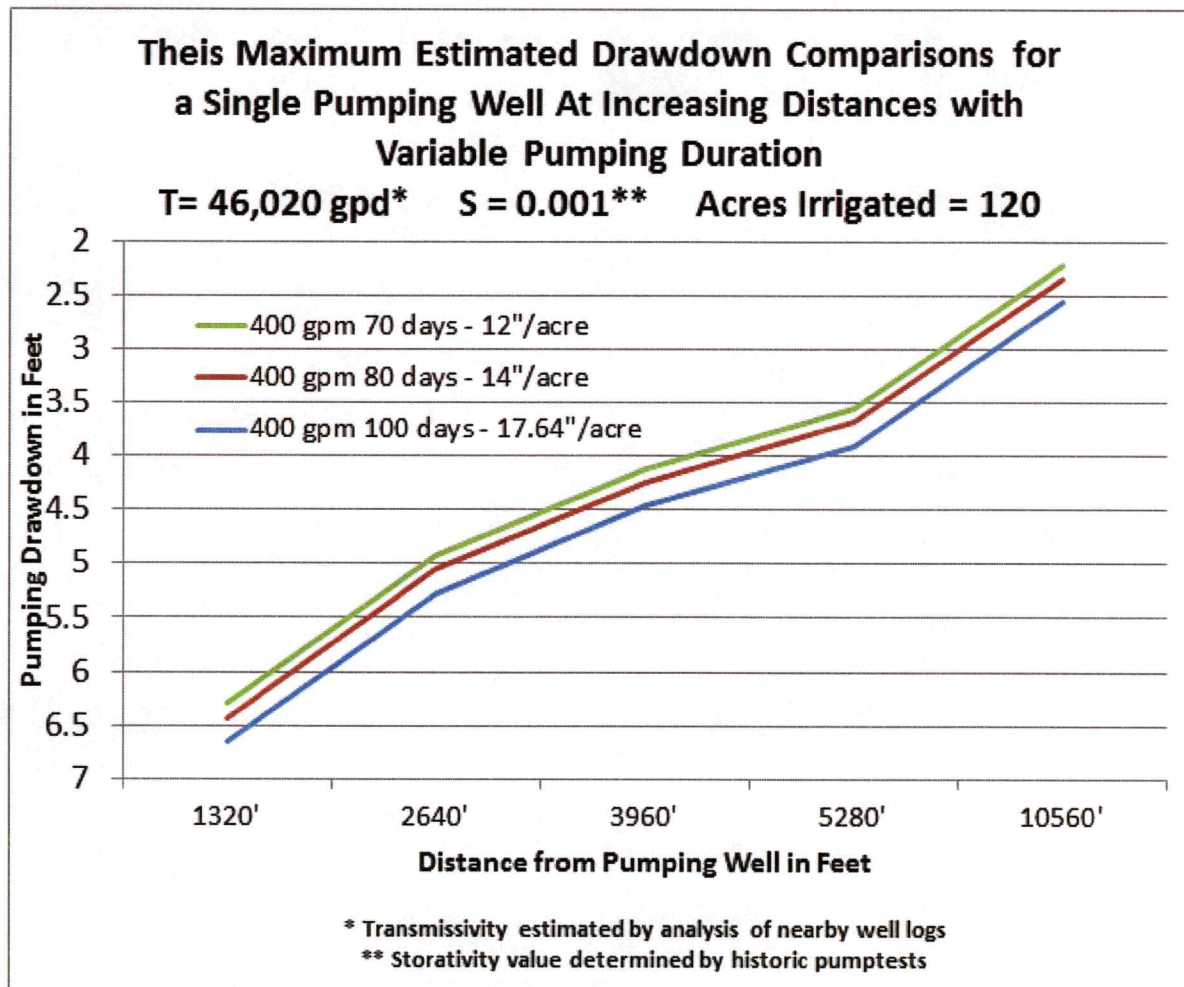


Figure 4

Franklin/House Water Right Area Map - 2003 to 2013 Water Use Density

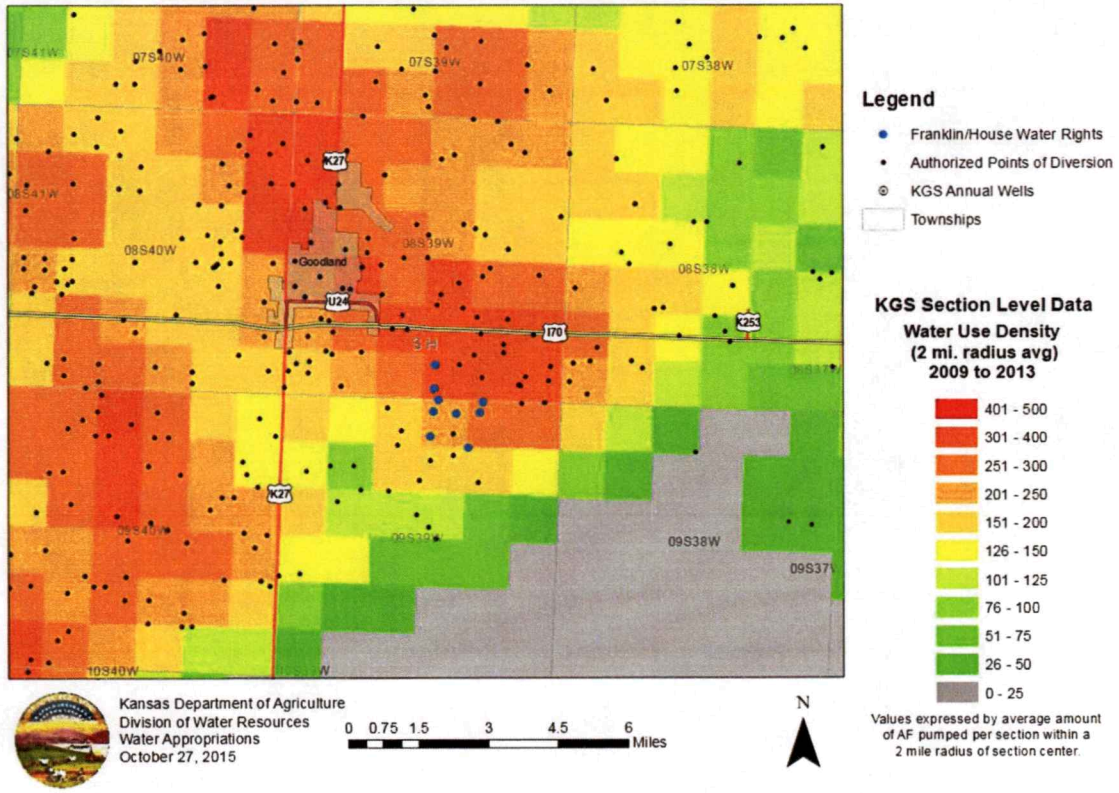


Figure 5



Franklin/House Water Right Area Map - 2009 to 2013 Change in Water Levels

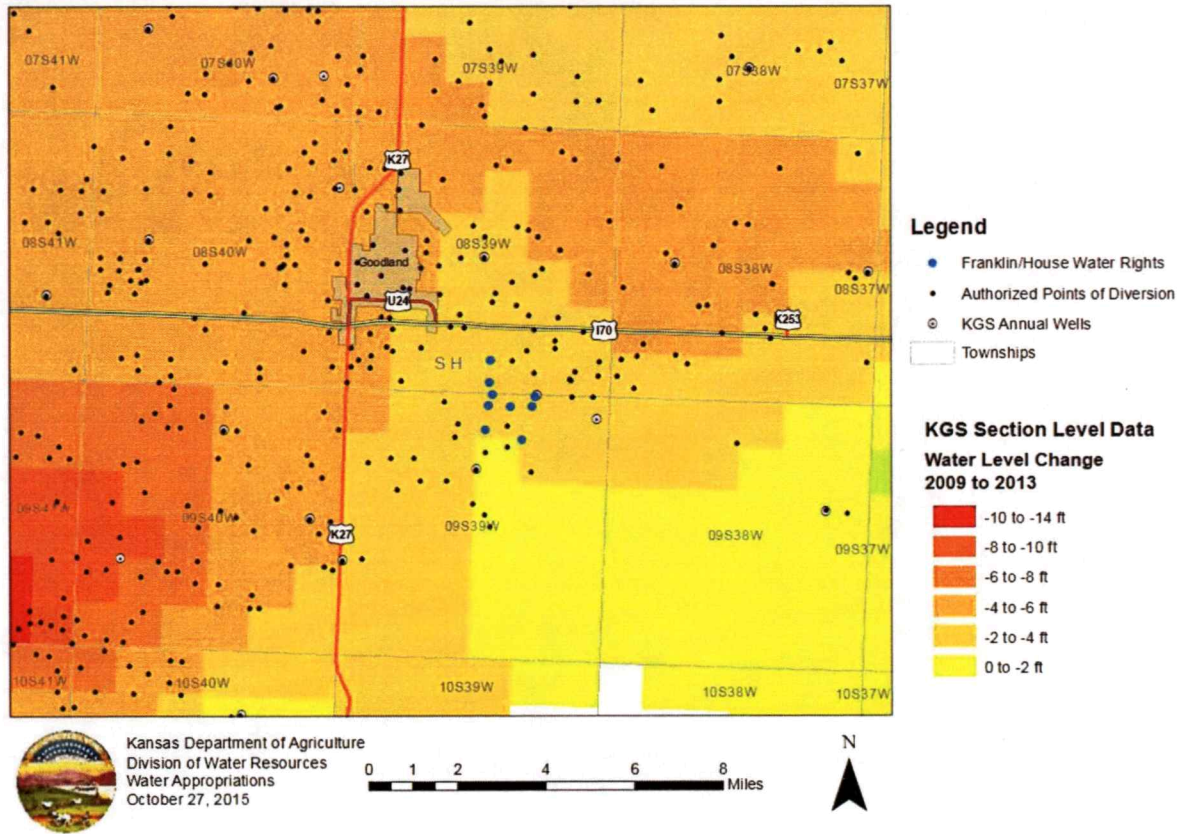


Figure 6

Franklin/House Water Right Area Map - 2003 to 2013 Change in Water Levels

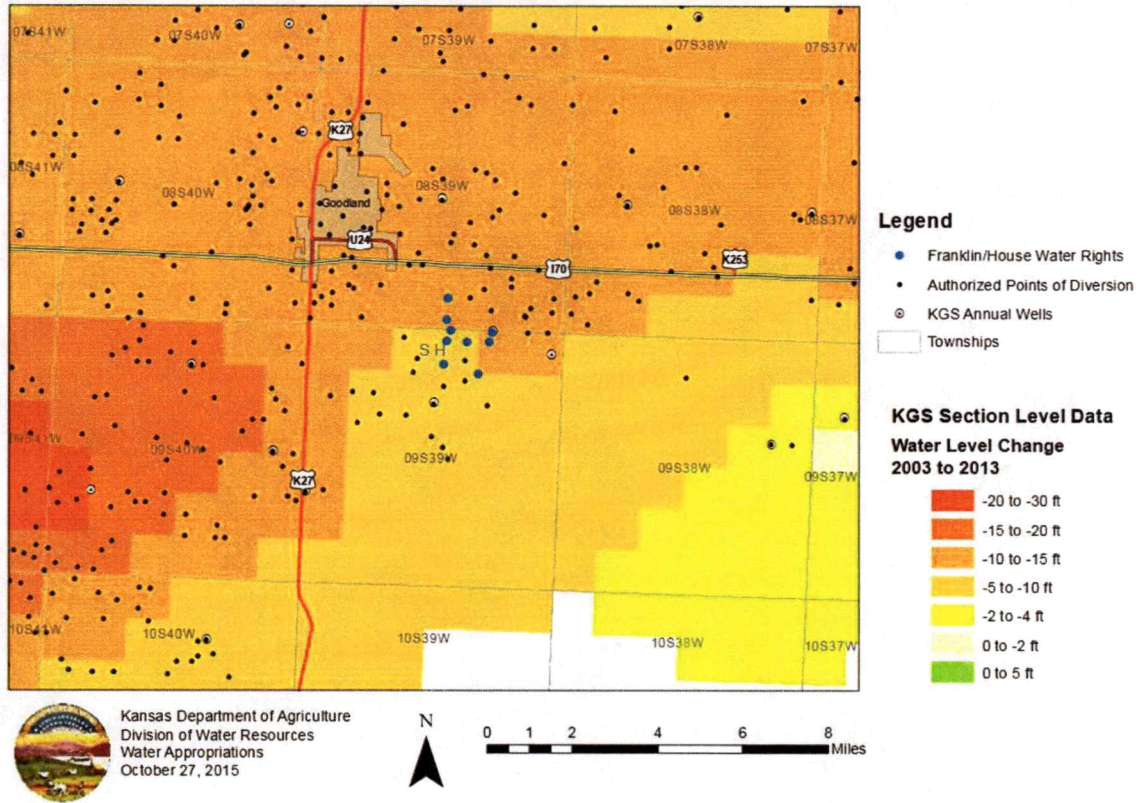


Figure 7

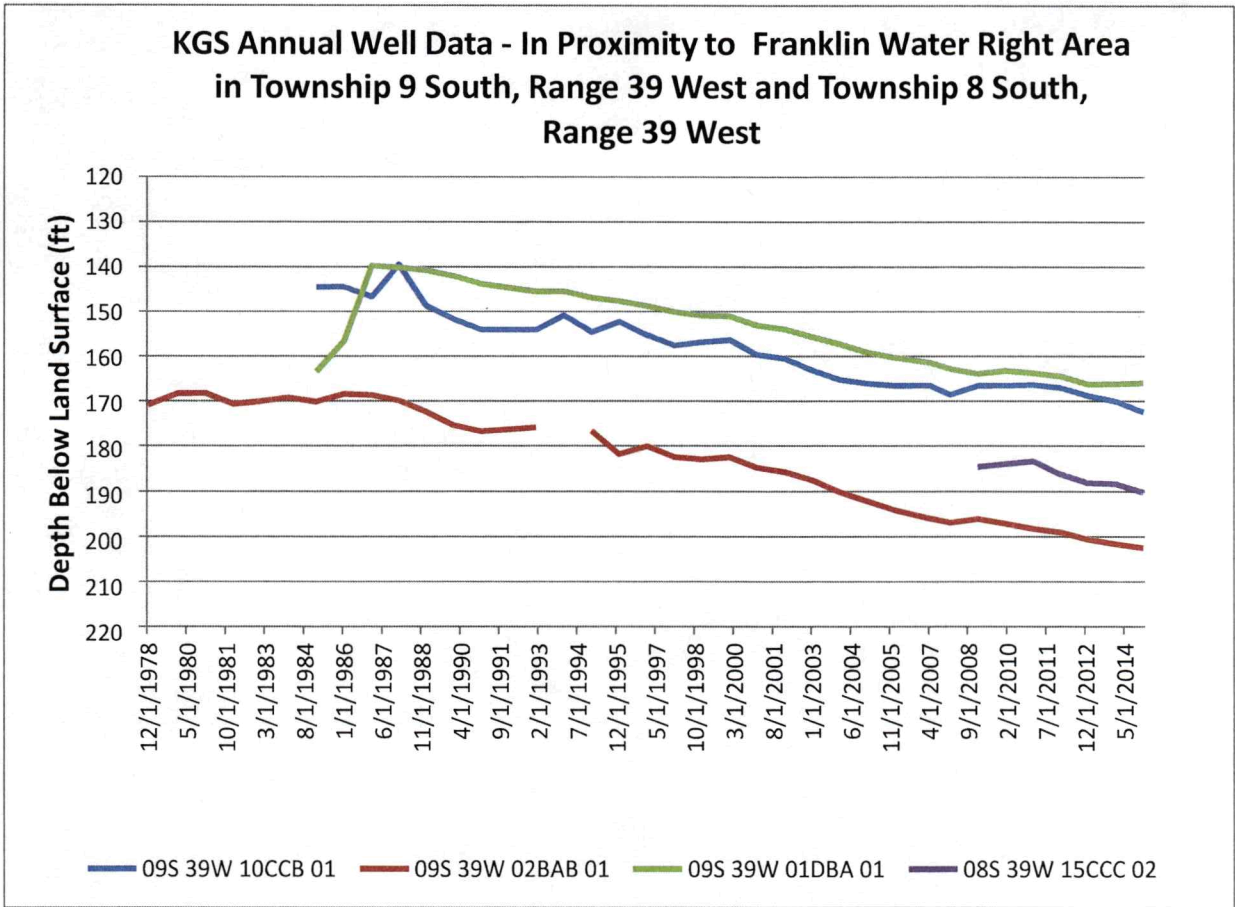


Figure 8



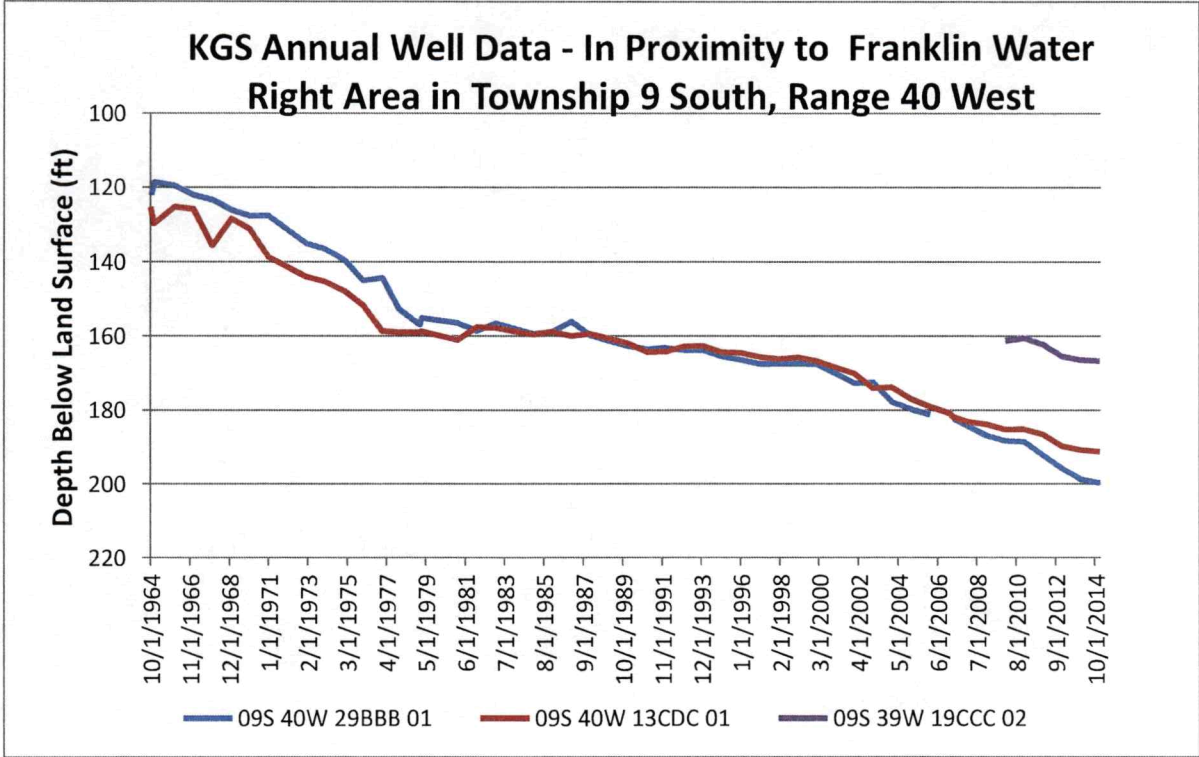


Figure 9

**Franklin Proposed Water Conservation Area  
Reported Water Use Compared to DWR Recharge Values**

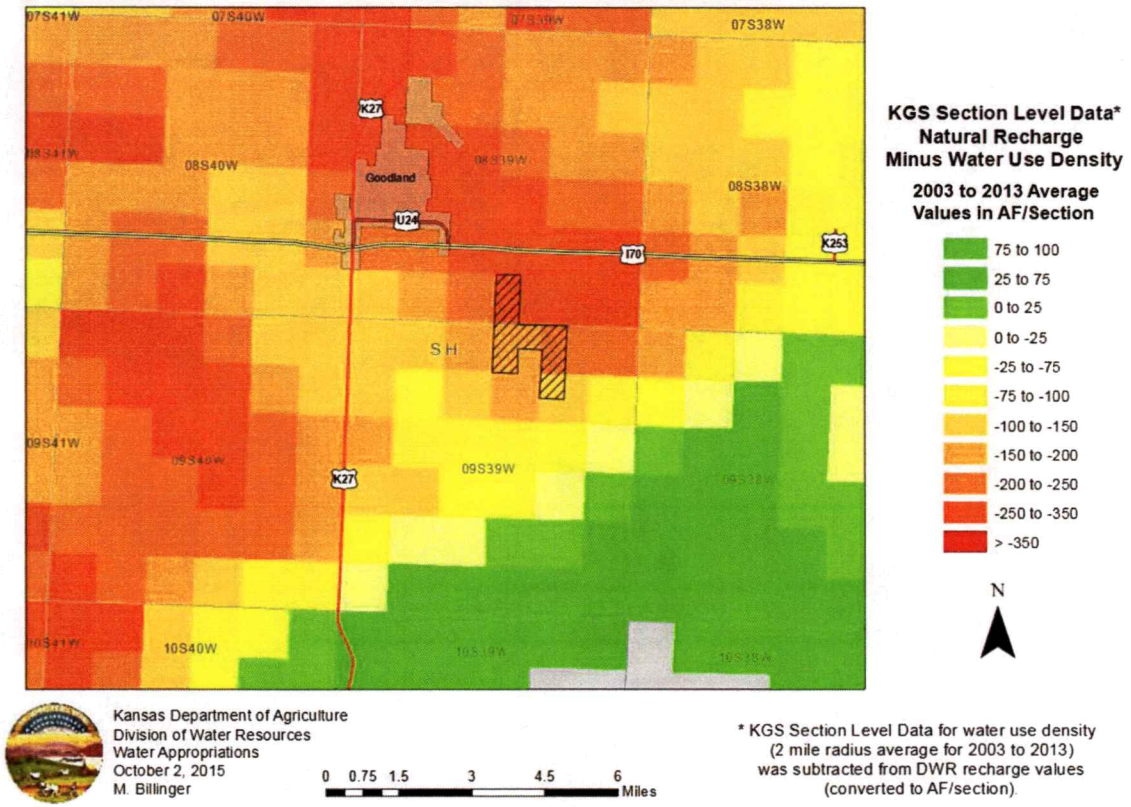


Figure 10

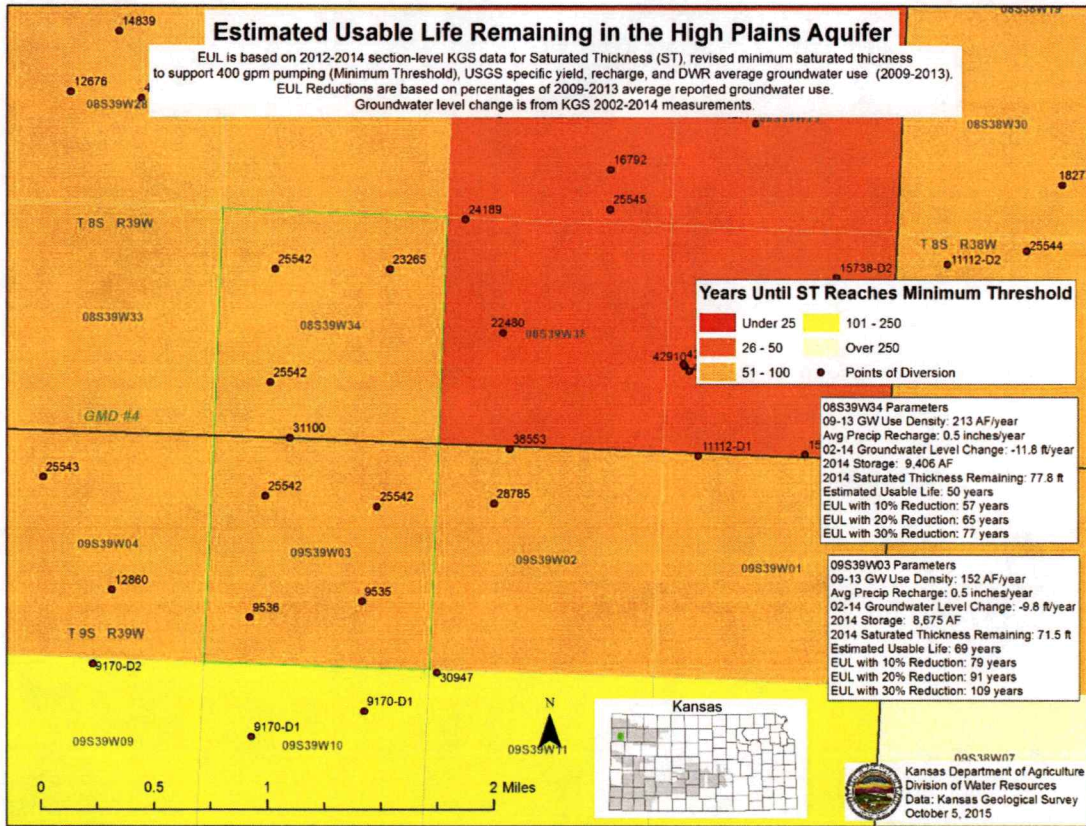


Figure 11





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

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

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July 18, 2024

Rebecca Hageman  
Stockton Field Office  
820 South Walnut  
Stockton, KS 67669

RE: Franklin Family WCA

Dear Rebecca,

The Northwest Kansas Groundwater Management District has reviewed the above referenced water conservation area management plan and based on our records and the information supplied by the applicant; we have determined that the following recommendation be made to the Chief Engineer:

Approve the water conservation area management plan.

If you have any questions, please contact this office.

Sincerely,

Shannon Kenyon  
Manager

SK: jem