

Senate Natural Resources Committee

January 29, 2015

Re: SENATE BILL No. 52

Chairman Powell and members of the Committee: thank you for the opportunity to appear before you this morning to provide testimony in support of Senate Bill No. 52.

My name is Richard Wenstrom, and I am farmer and irrigator from southern Edwards County. I am speaking today, however, as President, Board of Directors, Water Protection Association of Central Kansas (Water PACK). Water PACK is a private non-profit association of about 500 agricultural irrigated producers and related agribusinesses organized to be a proactive voice for irrigated agriculture. The area of the state that we are active in is an 8 county area bounded by Great Bend, Larned, Kinsley, Greensburg, Pratt, and Sterling. (See colored map # 1) This area contains over 500,000 irrigated acres of ag production amounting to \$ 400 million in revenue each year and \$ 265 million in purchased inputs. There is additionally a \$ 790 million market value of livestock in this small area. Our irrigated production is important to our local communities and to the state of Kansas.

Water PACK is a proponent of SB 52. We see a vital need for this bill and I will give an example of how this bill could be used to help us solve a water supply conflict in our area. Map # 2 shows a view of the Rattlesnake Creek Sub-Basin; the historically intermittent stream named Rattlesnake Creek winds through the Sub-Basin, ultimately going into and then out of the Quivira National Wildlife Refuge (QNWR). QNWR holds a very senior surface water right (7571) to obtain water from the Rattlesnake Creek to supply the refuge. There is groundwater in the area, from the Great Bend Prairie Aquifer, maximum depth 200 feet, from which agricultural producers, cities, and towns in the area pump water from wells for beneficial use (see Map # 3). The water supply conflict (QNWR has filed an impairment) occurs when irrigators, primarily holding junior rights compared to QNWR, pump during the summer, and the QNWR wants water to be available in August and September. In years of sub-normal precipitation, the base flow is



depleted just enough to lower such that it no longer intersects the stream, and the Rattlesnake Creek runs dry (see Schematic Drawing # 4).

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The Chief Engineer, in an informal meeting with local irrigators in November of 2014, has suggested that one possible solution would be to curtail pumping during the irrigation season for producers holding junior water rights along the Rattlesnake Creek. This would cause extreme economic hardship with no guarantee that the Rattlesnake would begin to flow. Augmentation as authorized in SB 52 could be used to pump water from new or existing wells, in the vicinity of the QNWR, directly into the Rattlesnake Creek in August and September (in years where normal precipitation does not occur). This would solve the water supply problem, while averting the economic disaster in the local area.

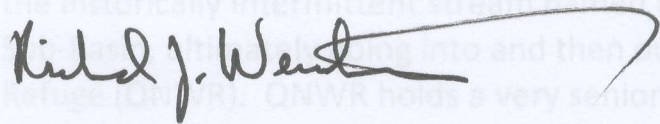
Details such as cost and design for this Augmentation of water into Rattlesnake Creek have yet to be worked out. The first step, to allow the use of this valuable tool, is to pass Senate Bill 52.

Senate Bill 52 as written is applied to the entire state of Kansas. If amendments are made to restrict the use of this bill to the GMD # 5 area, or even the Rattlesnake Creek Sub-Basin, Water PACK would support either of those amendments as well.

I will stand for questions as needed.

Thank you.

Respectfully submitted,



Richard J. Wenstrom, President  
Board of Directors