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**Testimony on SB 227**  
**The Senate Natural Resources Committee**  
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Good morning Chairman Powell and members of the committee. Thank you for allowing me this opportunity to present testimony in favor of SB 227. The bill: 1) adds a new section to the Kansas Water Appropriation Act to require the consideration of prior water conservation actions in implementing new management areas or programs, and 2) seeks to improve provisions of the Groundwater Management District Act related to Local Enhanced Management Areas (LEMAs).

As the 50 Year Water Vision team talked with 13,000 Kansans, we heard many times that no one should be penalized for implementing conservation measures prior to establishing a LEMA or other management programs. In addition, we heard concerns that some are pumping more to increase water use averages for fear that reductions in the future will be based on average water use. The amendments before you are a result of the dialog across Kansas.

**Kansas Water Appropriation Act**

Section 1 of the bill addresses the first concern. It insures Kansans that due consideration will be given to water users who voluntarily implement conservation practices that resulted in reductions in water use, prior to the establishment of a LEMA, an intensive groundwater user control area, or other new programs. These practices could include an installation of a more efficient irrigation system, treating and reusing water at a feedlot or dairy, changing cropping patterns by growing a less water intense crop, and any other actions the water user implemented that saves wet water for the future.

**Improving Local Enhanced Management Areas**

In 2012, legislation was passed providing a process to establish Local Enhanced Management Areas (LEMAs). Today, LEMAs are available within the boundaries of a Groundwater Management District (GMD). There are five GMDs in Kansas. GMDs No.1, 3 and 4 are located over the western portion of the Ogallala aquifer. GMD No. 2 is located over the Equus Beds aquifer in central Kansas. GMD No. 5 is found over the Big Bend area in south central Kansas.

The LEMA is a tool where the local GMD can propose a plan that establishes corrective control measures which can reduce water use in a specific area, and in turn, create conservation goals to protect groundwater resources. When combined with the addition flexibility provided in these areas, this measure can create a soft landing in water use reductions when compared to strict water right administration while preserving economic vitality. There is one established LEMA located in Sheridan County. It covers about 100 square miles. GMD No. 4 plan provides each irrigated acre with an allocation of 55 acre-inches over a 5-year period and provide

significant flexibility to move allocations between farm units. This calculates to a 20% reduction in recent water use.

Another LEMA was proposed in GMD No. 1 and it failed. This GMD covers the area of the Ogallala in the middle third of the aquifer in Kansas. The district office is located in Scott City. There was a significant amount of work and discussion that resulted in that proposal. One corrective control of the proposal was to administer water rights by reducing pumping by 20% off the current average use of the GMD. This factor is relevant to the rest of this testimony.

The first amendment to LEMA provisions mirrors those discussed above. It again insures that due consideration will be given to water users who voluntarily implement conservation practices that resulted in reductions in water use, prior to the establishment of a LEMA.

The second amendment is being proposed is to remove another use it or lose it factor. Sincere water users talked with the Vision Team our field office staff, and when filing annual water use reports, water users are pump more water now than ever due to any future cut that is coming. The amendment adds that any corrective control that is based on water use will use the water use data from the 10-year period from 2003-2012, which includes several years. This removes 2013 and 2014 pumping years where the water use could have been artificially driven up, due the fear of administration being made based upon from average water use. It does include 2008, 2010, 2011 and 2012, which were very dry and represent water needed for a crop during drought. If an irrigator did not divert in these years they either had a dry well or no surface water was available. Categorically, water users pumped anything that was available.

Please consider these changes to our Kansas Water Appropriation Act and LEMA provisions. These changes should help our water users understand that we do not want to punish good stewardship of our water resource and that it is not necessary to artificially drive up their water use numbers to establish a better LEMA quantity.

The department is committed to provide tools to assist our water users with water conservation.

Thank you for your time today, I will stand for questions at the appropriate time.