



Public Meeting

St. John, Kansas

October 21, 2019

Welcome

Jeff Lanterman

Water Commissioner

KDA-DWR Stafford Field Office



Welcome

Kelsey Olson

Assistant Secretary

Kansas Department of Agriculture



KDA Mission:

- **Serving** Kansas farmers, ranchers, agribusinesses
- **Providing** an environment that enhances and encourages growth of the industry and Kansas economy
- **Advocating** for and **promoting** the agriculture industry
- **Helping** to ensure a safe food supply, **protecting** natural resources, **promoting** public health and safety, **protecting** animal health and **providing** consumer protection

Kansas Agriculture

Agriculture is leading economic contributor in Kansas

- 64 agriculture, food and food processing sectors

This holds true here in your region

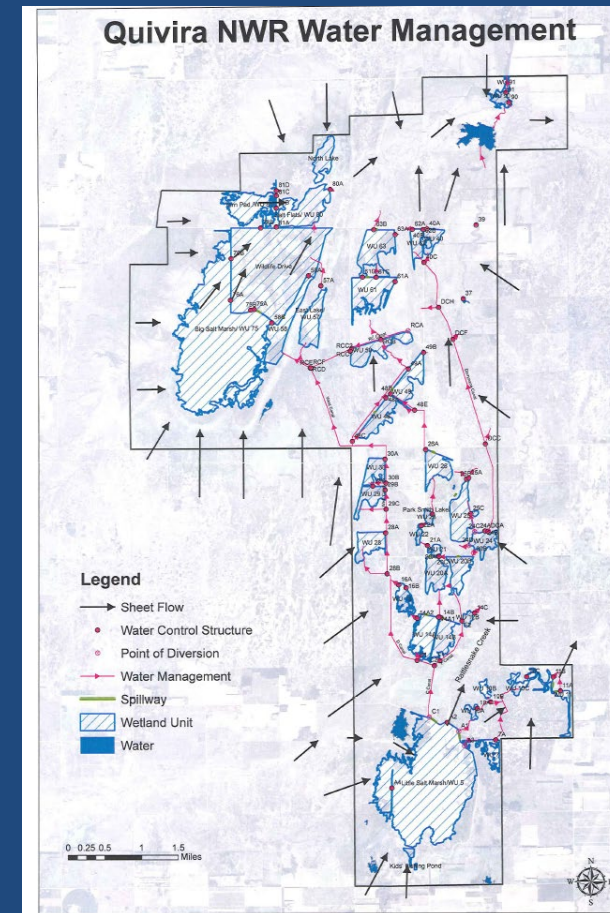
- #1 source of employment
- #1 for labor income
- Not just direct ag, but impact on whole community

Division of Water Resources

- Kansas Water Appropriation Act: 1945
 - First in time, first in right
 - Chief Engineer primary administrator
- Various amendments from 1945-1995
 - Water planning statutes
 - Groundwater Management Districts
 - Water transfer abilities
 - Temporary water flexibility (drought term permits)

Quivira National Wildlife Refuge

- Senior Water Right: held by the U.S. Fish and Wildlife Service
- Service has said for decades that their water right is being impaired
- Rattlesnake Partnership, 1993-2012:
 - Service, GMD 5, DWR, WaterPACK
 - Decades of voluntary efforts unsuccessful
- April 2013: Service filed an impairment complaint; impairment was confirmed in 2016



Today's meeting

- Original meeting intent:
explain anticipated actions
- BUT: Situation continues
to evolve
- What hasn't changed:
 - Impairment is taking place
 - A solution is needed
 - Local leadership is critical to finding a solution
 - KDA-DWR will be part of that solution when/if required

JERRY MORAN

FOR IMMEDIATE RELEASE – October 18, 2019
Contact: [Trenton Kennedy](#) | 202-228-6519

PHOTO

Sen. Moran Discusses Quivira National Wildlife Refuge Water Rights with FWS Nominee Aurelia Skipwith

"I am pleased that Ms. Skipwith committed to working with local stakeholders to find a voluntary solution to satisfy the Quivira water impairment. . ."



Sen. Moran with Aurelia Skipwith, nominee to be the Director of the U.S. Fish and Wildlife Service

Content of today's meeting

Review the Quivira impairment

Explain the planned administration, show the possible/likely elements of the solutions to the impairment

Answer your questions!

David Barfield

Chief Engineer

Kansas Department of Agriculture

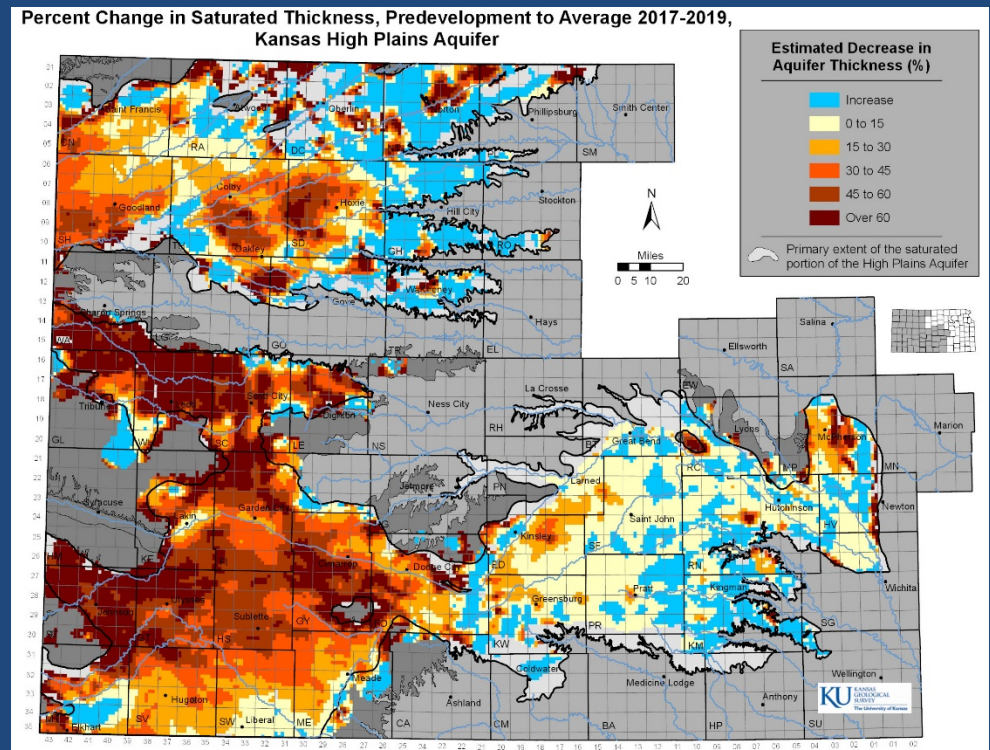


What's NOT the problem?

Groundwater level changes in GMD 5

Unlike much of western Kansas, groundwater levels within most of GMD 5 are relatively stable or showing modest declines.

This doesn't mean that groundwater pumping isn't having a significant effect.

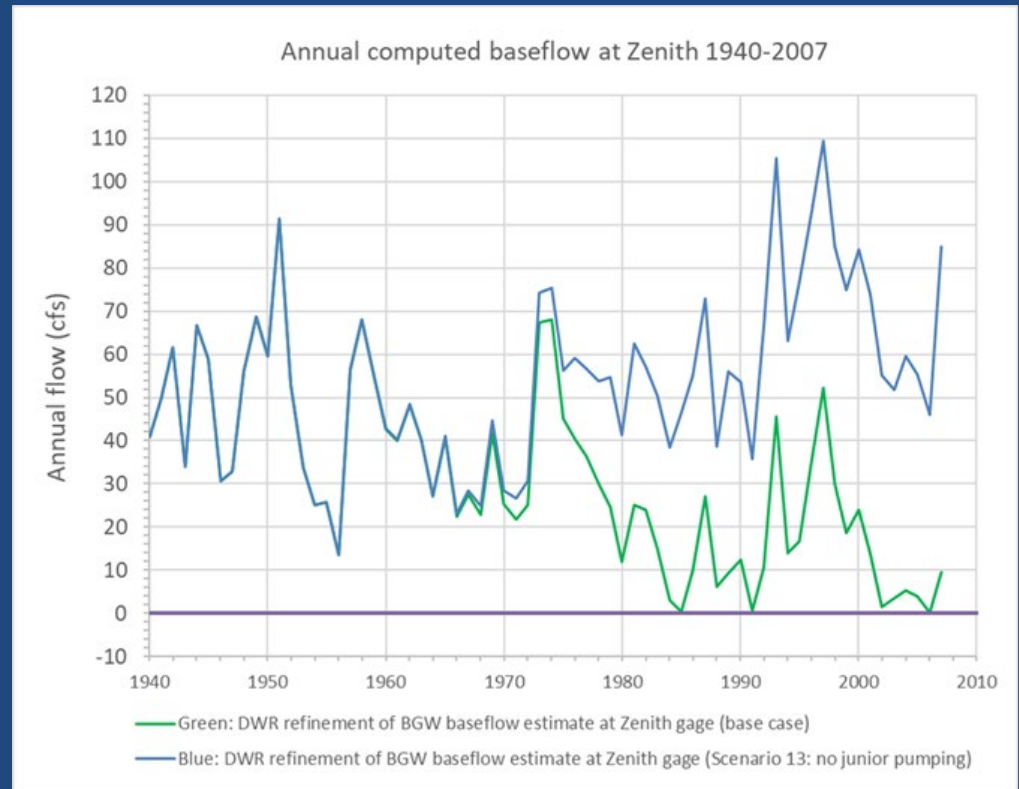


What IS the problem?

Junior groundwater pumping's impact on streamflow

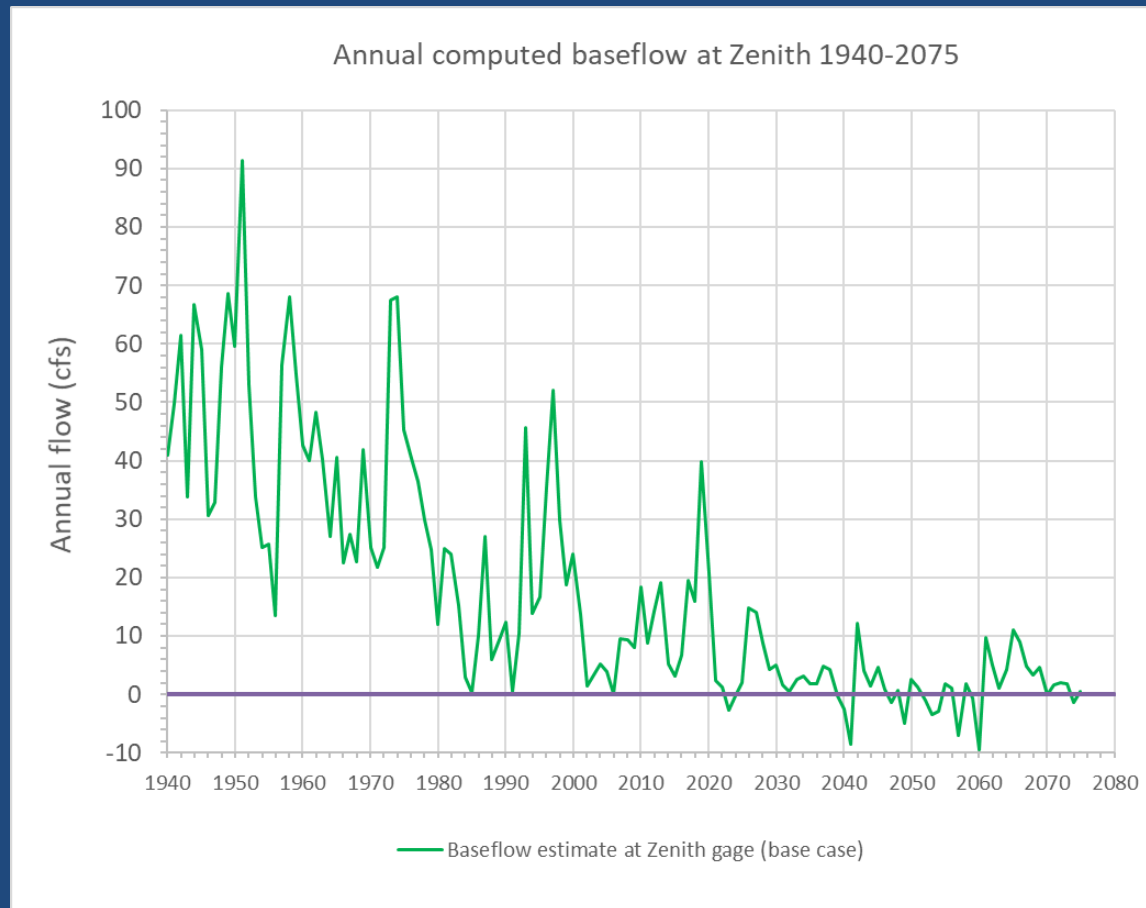
GMD 5's model shows the dramatic and growing reduction in streamflow started in the 1970s.

The significant reductions in streamflows from junior groundwater pumping has led to the **regular and significant impairment** of Quivira's water right.

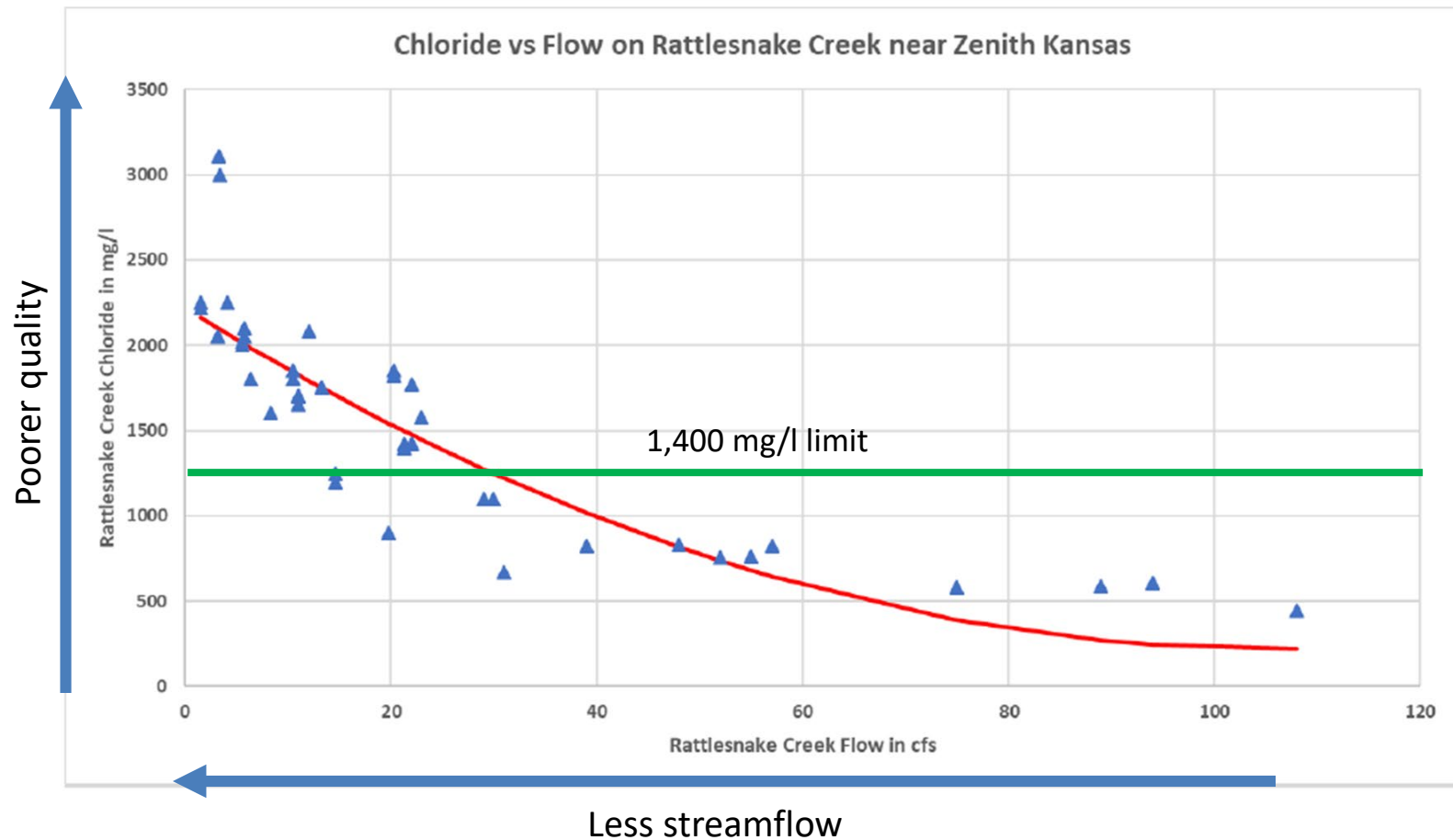


Projection: baseflows will continue to decline

GMD 5 Model: at the current level of pumping, baseflows will continue to decline, until future years have little to no baseflow.



As streamflows decline, the stream water quality degrades



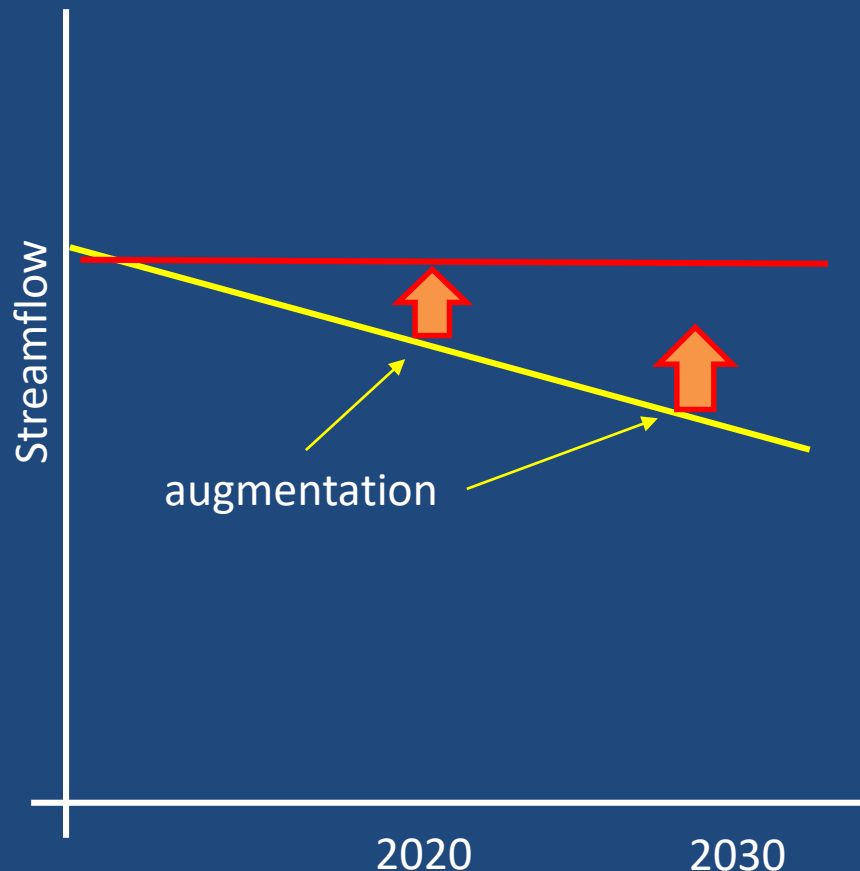
Initial efforts to develop a remedy to the impairment

- KDA has been working with GMD 5 since 2016.
- GMD 5 proposed an augmentation project as the cornerstone of the impairment remedy.
- GMD 5 provided two offers to the U.S. Fish and Wildlife Service but were unable to reach agreement.
- GMD asked DWR what would be required to resolve the impairment.
- DWR completed additional technical work to provide a preliminary answer in July 2017.

What level of reductions are needed?

- A 30% reduction in pumping is required to stabilize streamflows.
- A minimum reduction of 15% in pumping is required to support the augmentation project and protect water quality.

Pumping reductions are necessary to start to stabilize streamflow.



As streamflow continues to go away, then augmentation that was enough based on our impairment analyses (through 2007) won't be enough in later years.

Pumping more augmentation water may not be possible because:

- The water may not be available
- The water quality may be too poor
- Or both

Proposed Augmentation Project

- GMD 5 developed a conceptual proposal for an augmentation project.
- KDA strongly supports augmentation as a crucial part of the remedy and continues to urge its development.
 - Developed an MOU with GMD5
 - Developed regulations to allow the project's development
- Concerns:
 - long-term yield is unclear
 - will need to be carefully monitored to ensure it will not create a water quality problem

GMD 5 LEMA Proposal

- In August 2017, GMD 5 told DWR it wished to use a Local Enhanced Management Area (LEMA) to remedy the impairment.
- GMD 5's LEMA proposal included:
 - Augmentation project
 - Removal of end guns, other voluntary actions to reduce pumping
 - 4400 acre-feet of focused reductions

Why was GMD 5 LEMA proposal rejected?

Did not meet statutory requirement for a LEMA. Did not meet the basic threshold for consideration.

- No specific schedule to complete the actions
- No required reductions in water use
- No enforceable commitment to reduce water use

Rejection of the proposal is currently under review by the Secretary of Agriculture.

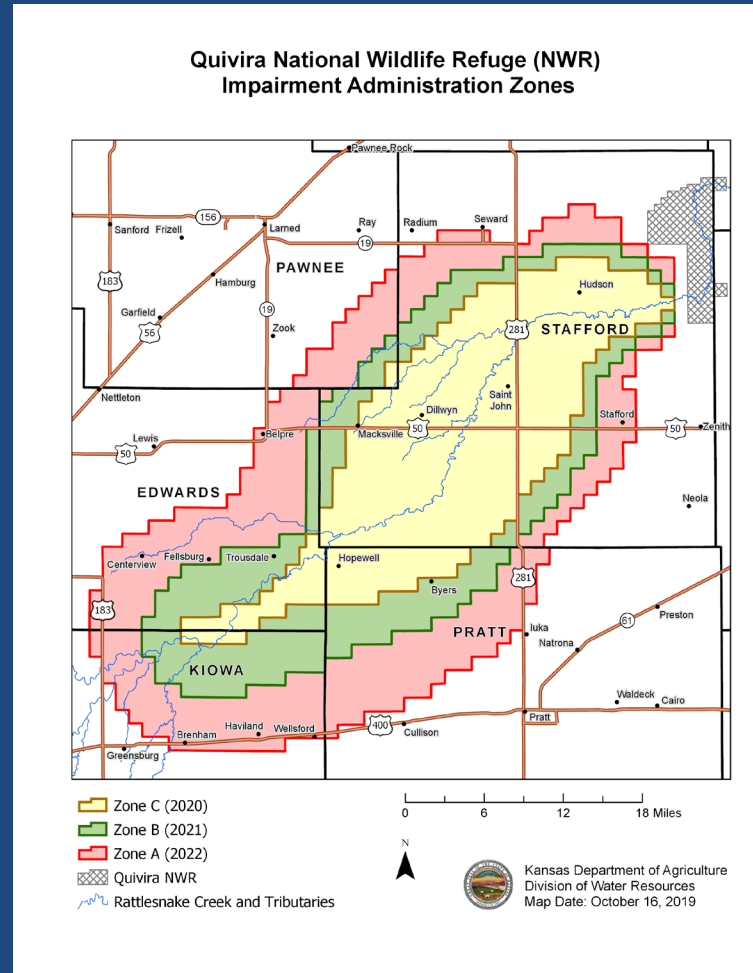
Why was KDA-DWR planning to take action?

- It has been **3 years** since the final impairment report.
- Service filed Request to Secure Water for 2018 and 2019, but DWR did not yet act due to negotiations toward a solution.
- Progress toward a locally developed solution has halted.
- Augmentation is not available and not in sight.
- Further delay in action to address the impairment is **inconsistent with state law**.
- Further delay exposes the basin to much more significant and inflexible reductions being ordered by a Court.

Proposed administrative orders

- Orders were developed in preparation for the U.S. Fish and Wildlife Service “Request to Secure Water” for 2020.
- We sent notice letter to give water users time to prepare.
- The overall reduction needed to be approx. 14%.
- Plan included phasing in based on a Zone map.
- Impact to individuals would vary significantly by the priority of water rights and historic use pattern.

Impairment administration zones



How the allocations were determined

- KDA-DWR developed a plan to base allocations on a **percentage of authorized quantity** and **priority of the water right**.
- NOT based on historic, reported groundwater pumping.
- Higher percentage of authorized quantity to senior water rights, lower percentage to junior water rights.
- Proximity was also NOT considered in developing allocations.
 - Proximity IS part of the broader phase-in plan.
 - Focused reductions targeted to high impact area.

Chris Beightel

Program Manager, Water Management Services

Kansas Department of Agriculture



Planned WCA to provide flexibilities

- Water Conservation Area (WCA) option was created in 2015.
 - Consent agreement between a water user(s) and the Chief Engineer to facilitate water conservation.
- A WCA is an option to allow for flexibility in use of water allocations.
- Enrollment in WCA is purely voluntary.
- No fee to enroll in WCA.

What flexibilities can WCA offer?

- Multi-year flexibility
- Movement of allocations between water rights

Movement of allocations

- WCA can allow for allocations to be moved from one enrolled water right to another.
 - Among your own water rights or the ones you control
 - Between water right owners
- How is movement of allocations calculated?
 - Based on stream response % numbers of the water rights
 - Partial moves allowed
 - Use of allocation limited to authorized quantity

What happens next?

- U.S. Fish and Wildlife Service plans to work with the Basin to find a solution.
- If a solution isn't found and Service files Request to Secure Water, KDA-DWR will again respond with appropriate action.
- We encourage all water users to be actively involved moving forward.
- Augmentation needs to be developed aggressively regardless of the path forward.

For more information:

- KDA-DWR Stafford Field Office
- All information about Quivira Impairment at:
www.agriculture.ks.gov/Quivira

The screenshot shows the Kansas Department of Agriculture website. The header includes the Kansas Department of Agriculture logo and the tagline "Serving the State's Largest Industry". A search bar and text size options are also present. The navigation menu includes Home, About Us, News & Events, Divisions & Programs, Services, Public Information, FAQs, and Contact Us. The left sidebar lists various links such as New Applications and Permits, Multi-Year Flex Accounts, Temporary and Term Permits, Change Applications, Water Use Reporting, Certificates of Appropriation, Water Law Basics, Minimum Desirable Streamflow, Water Right Search Tool (WIMAS), DWR Field Offices, Impairment Complaints, Water Appropriation Forms, Water Flowmeters, Contacts, and Notices. The main content area shows the breadcrumb trail: Home > Divisions & Programs > Division of Water Resources > Water Appropriation > Impairment Complaints > Quivira National Wildlife Refuge. The title is "Quivira National Wildlife Refuge Impairment Complaint". Below the title, there is a "News" section with links to public meetings, sample letters, and videos. A "List of Tables" section provides links to various administrative and investigation reports. At the bottom, there is a table titled "Planned Administration, 2020-22" with columns for Description, Document File, File Size, Date Posted, and Provided by.

Description	Document File	File Size	Date Posted	Provided by
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Questions?

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