

# STATE OF KANSAS



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GOVERNOR JEFF COLYER, M.D.  
TRACY STREETER, DIRECTOR

December 12, 2018

Ms Becca Flowers, Superintendent  
Skyline Schools, USD 438  
20269 W US Highway 54  
Pratt, KS 67124-8204

Dear Ms Flowers,

Thank you for sending your November 8, 2018 letter expressing concerns relative to the Quivira National Wildlife Refuge's impairment claim. I know this issue is creating significant unrest among affected water users and those relying upon a vibrant agricultural economy in the region.

The Kansas Water Appropriations Act is the foundation for water management and water rights conflict resolution in our state. It does not place a priority upon type of use but rather the date in which a water right was issued. As such, the value of the water right, which is considered a property right, is determined, in part, on its' seniority.

The Chief Engineer of the Division of Water Resources within the Kansas Department of Agriculture has determined the US Fish and Wildlife Service's senior water rights have been impaired and has quantified the extent of the impairment. The next step is to determine the corrective controls that must be instituted to remedy the impairment. The open questions are: What are the remedies? Who determines the remedies?

It is my belief that the Chief Engineer has acted in a most reasonable fashion in determining the extent of the impairment and has required that the historical streamflow declines in Rattlesnake Creek be reduced and not eliminated. He has also given Big Bend Groundwater Management District (GMD) #5 ample time to develop a Local Enhanced Management Area (LEMA) to establish the remedies which include such options as removal of end guns and augmentation. However, discussions on the LEMA plan have digressed, placing the state in an inevitable position of determining the remedies through the establishment of an Intensive Groundwater Use Control Area (IGUCA). In my opinion, it is a matter of time before legal action is taken to force the Chief Engineer to initiate an IGUCA. A LEMA, developed from local leaders comprising the GMD #5 board of directors, is a much better option for the local community. However, local inaction will place the issue in the hands of the Chief Engineer and interests outside the local community.

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Big Bend GMD #5

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I appreciate your concern regarding the water use reductions and the perceived impact to the local economy. Intuitively, we've all believed that curtailing irrigation water use will result in reduced yields and a corresponding reduction in farm income. However in recent years, in areas of central and western Kansas, we've experienced water use reductions on the order of what is needed to remedy the Quivira impairment without compromising economic return. Bill Golden, KSU Agricultural Economist, has collected data in the Sheridan County LEMA and the Walnut Creek IGUCA, and has found little evidence of economic downturn resulting from similar water use reductions in those areas. In addition, the Water Technology Farms developed throughout central and western Kansas over the past three years, have provided solid indication that water use reductions do not significantly impact yield and in some cases, actually increase net farm income through reduction in pumping and nutrient costs. If you would like to see the data supporting the examples I have cited, please let my office know and they can provide you with the information.

I encourage you and others in the community to urge GMD #5 to swiftly develop a LEMA plan which will remedy the impairment and avert any action from outside interests.

Sincerely,



Tracy Streeter

cc: Orrin Feril, Big Bend Groundwater Management District #5  
Jackie McClaskey, Secretary, Kansas Department of Agriculture  
David Barfield, Chief Engineer, Division of Water Resources  
Lane Letourneau, Water Appropriations Manager, Division of Water Resources  
Senator Mary Jo Taylor  
Representative Greg Lewis  
Pat Janssen, Water Protection Association of Central Kansas  
Great Bend Prairie Regional Advisory Committee  
Kansas Water Authority  
Earl Lewis, Assistant Director, Kansas Water Office