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POSITION OF
THE KANSAS DEPARTMENT OF AGRICULTURE – DIVISION OF WATER RESOURCES
ON THE IMPLEMENTATION OF THE 2000 RATTLESNAKE CREEK PARTNERSHIP MANAGEMENT PROGRAM

APRIL 24, 2012

The Rattlesnake Creek Partnership (Partnership) management program (Program) has been successful in part and unsuccessful in part when considered against the Program's originally stated purpose, goals, and objectives to address streamflow depletions and declines in groundwater levels.

The Partnership was formed over 18 years ago to cooperatively develop and implement solutions to water resource problems within the subbasin. Six years of negotiations resulted in the Partnership's adoption of the jointly developed Program. Considerable time and resources have been expended on data gathering, monitoring, and hydrologic modeling. The subbasin's variable hydrology, characterized by sequences of dry years with low streamflow and drafting on groundwater storage, and then wet periods with high streamflow and recharge, provides both challenges and opportunities in defining problems and addressing them. Through their participation in the work of the Partnership, each of the partners has increased their understanding of the area's water resource issues.

The record shows declines in groundwater levels in the western portion of the subbasin and continues to show declines in streamflow—especially baseflow which is critical during dry periods—in the eastern portion of the subbasin.

Over the course of the Program some reduction in water use has been realized through participation in incentive-based programs and enhanced compliance and enforcement, but the annual water savings claimed thus far is less than half of the goal of 27,346 acre-feet of savings laid out by the Partnership in the Program. There has been no significant reduction in irrigated acres and the amount of irrigation water applied per acre has remained generally constant when factoring in the effects of precipitation.

2012 marks the end of the Program's 12-year implementation period and, based on the record, we conclude that the goals and objectives of the Program have not been met.

The partners should now commit to crafting an enduring solution to the water resource challenges of the area. Negotiated solutions hold the promise of greater flexibility for all partners and may be much more satisfactory to the community as a whole than solutions determined through strict water right administration, state-imposed controls, or other legal processes.

Reductions in water use will be necessary to the long-term solution, but such reductions can and should be implemented in a way that minimizes the impact on the local economy while optimizing the beneficial use of water. There are economic studies and authorities that can help guide these decisions and they should be utilized.

DWR and the other partners need to gain a clearer understanding of the specific needs of Quivira National Wildlife Refuge (QNWR). In order to develop a solution that optimizes the beneficial use of water, U.S. Fish & Wildlife Service representatives need to help the other partners understand the specific water quantities and timings that are essential to the successful operation of the refuge.

The Partners should work to better understand and utilize the newly constructed GMD 5 groundwater model. Among the key uses of the model should be to: (1) gain a clearer understanding of the interactions between groundwater pumping and streamflow in and around the Rattlesnake Creek; (2) simulate the effects of targeted pumping reductions on streamflow and groundwater levels and; (3) simulate the location, operation, and hydrological effects of augmentation well(s) that could help address the needs of QNWR.

The 2012 Legislature created an administrative management tool that allows a groundwater management district to initiate a process, then develop and implement corrective controls to address water resource issues. This new tool—the Local Enhanced Management Area (LEMA)—is a proactive option that offers a framework for locally controlled negotiations and solutions and it should be explored.

If the partners are unable to negotiate a solution, two of the possible paths forward seem obvious: (1) implementation of the Alternative Action Management Strategies as per Program section VII which calls for initiation of an Intensive Groundwater Use Control Area process or; (2) QNWR could file a complaint of water right impairment with DWR and request to secure water from junior appropriators whose diversions deplete streamflow in Rattlesnake Creek whether by surface diversion or groundwater pumping.

There are undoubtedly other paths yet to present themselves. We hope that the way forward is characterized by a sincere commitment from each partner to understand each other's concerns and constraints and that a mutually agreeable solution can be achieved.

DWR will consider, without prejudice, all options that conform to the law and are in the public interest.