LEMA / WCA Update

Kansas Water Authority
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Updates since April KWA presentation

• **Wichita ASR.** Changed process to formal public hearing. Hearing set for October 22 (and 23 if needed)

• **Hays/Russell Change applications.** Public education meeting held on June 21. Significant comments received from WaterPACK and others as well as a response by the Cities. Waiting on GMD 5 recommendation.

• **Quivira** - GMD 5 continues work to develop a LEMA proposal that meets KDA-DWR requirements to resolve impairment. GMD 5 public meeting planned for Monday night.

• For More: agriculture.ks.gov/dwr (search kda dwr)

• To track updates: agriculture.ks.gov/dwr-updates
Legislative acts to encourage conservation

- **1972, GMD Act.** – Ability to create GMDs to lead in local water conservation efforts
  - K.S.A. 82a-1020. **Legislative declaration.** It is hereby recognized that a need exists for the creation of special districts for the proper management of the groundwater resources of the state; for the conservation of groundwater resources; for the prevention of economic deterioration...

- **1978, GMD Act amended to allow IGUCAs to be considered.**
  - No IGUCA’s in the Ogallala

- **2012: Local Enhanced Management Areas (LEMA's) allowed**

- **2012: Eliminating abandonment of groundwater rights in closed areas**

- **2015: Water Conservation Areas (WCA’s) allowed**

- **2015: Requirement to give due consideration of past voluntary conservation in all conservation programs**

Northwest Kansas GMD 4 Seeks Enhanced Management

- “**Sheridan 6” High Priority Area wanted to cut use by 20%, but not via priority administration, (2010-11)**

- **Tried regulations; Attorney General says controls require an IGUCA**

- **GMD Board discusses and rejects IGUCA option**

- **Manager outlines new approach requiring new legislation**

- **Results in LEMA statute, 2012**

- **Sheridan 6 LEMA decisions, 2012 and 2017, 20% reduction in use**
Blue line = reported water use
Orange line = estimated water use based on climate factors (2000-12 data used to develop)
2013-2016 estimated use based on climate is 0.6 inches lower than 2000-12
2013-2016 reported use is 4.4 inches lower than estimated (32% reduction vs. 20% reduction goal)
GMD 4 District-wide LEMA legal challenges

• In Gove County District Court (Friesen vs. Barfield), petition for judicial review filed, challenges the process to develop the LEMA order and the validity of K.S.A. 82a-1041 (the LEMA statutory provisions), particularly allowing allocations that do not consider priority.

• In Thomas County, a petition for judicial review filed seeking review of the LEMA order, esp. as related to GMD’s authority to make final decisions on allocation appeals.
Wichita County WCA proposal development

- Extensive process to develop proposal, driven by a local committee, initiated August 2016
- Plan submitted November 2016
- Plan approved March 2017
Wichita County WCA

• Four 7-year milestones beginning in 2017 and ending in 2045. Conservation factor begins in 2017 with 29% and increases to 50% by the last 7-year planning period
• Can use their allotment for any use made of water on any land
• Current status:
  • 24 consent agreements approved
  • 2226 acre-feet of annual water savings (first 7 years)
  • 10,673 acres enrolled (in excess of 15% of irrigated acres in county)
  • 61 wells enrolled
Western Kansas GMD 1 LEMA considerations

- GMD 1 district-wide LEMA proposed, 2013-14.
  - Sought 20% reduction where use averaged > 12 inches/acre; lesser cuts to other users.
  - GMD asked for a 2/3 vote of support. Not achieved.
- Wichita County WCA steering committee members have requested GMD 1 adopt their WCA as a LEMA
- The last 5 regular board meetings and a special board meeting have focused on renewing LEMA discussions for the GMD.
- Board continue discussions toward:
  - A Wichita County LEMA starting in 2020; 20% / 30% / 40% cuts in successive 5-year periods.
  - Plan development in the remainder of the counties to follow

**KEARNY, FINNEY COUNTY**

PROPOSED LOCAL ENHANCED MANAGEMENT AREA (KFL)

**PROPOSAL SUMMARY**

- Discussions initiated among water users, fall 2016 (as WCA)
- Significant public process by stakeholders starting Jan 2017
- Discussion moves to LEMA
- Stakeholders went to GMD 3, summer 2017
- Lack of consensus, LEMA stalled
- 6 WCAs in the area: 13,848 acres, 1832 AF/year of savings
Other WCAs (outside Wichita County)

- Current status:
  - 16 plans approved
  - 24,797 acres enrolled
  - 125 Water rights / 132 wells enrolled
  - 3,690 acre-feet of annual water savings
- Many more in process
- Starting to draft rules

Value of Water Conservation Areas

- Water savings, generally under estimated (water users don’t want to commit to more than they are comfortable with)
- Flexibilities allow water users to maintain profitability
- [Document past water conservation]
- Demonstration to others
- Discussions leading to consideration of LEMAs
Questions