

Establishment of Local Enhanced Management Areas; SB 310

SB 310 sets up a process by which a local enhanced management area (LEMA) can be established within a groundwater management district (GMD). The process for establishment of a LEMA requires a GMD to recommend a plan to the Chief Engineer of the Kansas Department of Agriculture's Division of Water Resources. The Chief Engineer reviews the plan for clear geographic boundaries within the GMD, and ensures the plan includes a compliance monitoring and enforcement element, as well as proposed corrective control provisions that meet the goals of the plan. The Chief Engineer is required to conduct public hearings on the reasonableness of the geographic boundaries of the plan, whether public interest requires corrective control provisions be adopted, and whether groundwater conditions exist in the area so as to warrant a local enhanced management plan. The Chief Engineer then has the option to accept the LEMA plan as submitted, reject it as insufficient to address the conditions, or return it with the option for the GMD to revise and resubmit the plan.

If the Chief Engineer accepts the local enhanced management plan, the Chief Engineer then issues an "order of designation" designating the area in question as a LEMA. The designation order defines the boundaries of the LEMA and includes the corrective control provisions as set forth in the local enhanced management plan. Corrective control provisions can include the following:

- Closing the LEMA to any further appropriation of groundwater;
- Determining the permissible amount of groundwater to be withdrawn within the LEMA, with the permissible withdrawal amount to be apportioned by the Chief Engineer among groundwater right holders in accordance with priority dates;
- Reducing the permissible withdrawal of groundwater by any one or more appropriators within the LEMA;
- Requiring and specifying a system of rotation of groundwater use in the LEMA; or
- Any other provisions needed to protect the public interest.

A groundwater right holder can stay the order of designation by applying for a review of the order. Additionally, a public hearing to review the designation of a LEMA must be conducted within seven years after the order of designation is final, with a subsequent review to occur no later than ten years after the initial review.