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Jackie McClaskey, Secretary

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Testimony on SB52
to
The Senate Natural Resources Committee
By Lane Letourneau
Kansas Department of Agriculture
January 29, 2015

Chairman Powell and members of committee, I am Lane Letourneau, the Water Appropriation Program Manager with the Kansas Department of Agriculture's Division of Water Resources. Thank you for the opportunity to provide testimony in support of amending our current statutes which would allow augmentation as a tool to help satisfy a senior water right if water rights administration is occurring.

The Kansas Water Appropriation Act is the group of statutes provided to us by the Kansas Legislature that allows us to allocate and regulate our state's water on a first-in-time, first-in-right basis. During periods of water shortages, junior water rights are curtailed to satisfy senior water rights. This ensures the use of the limited supply by the person with the most senior property right.

Currently, the Kansas Water Appropriation Act provides methods available to curtail diversion. The statute considers a junior water right pumping, when a senior is due the water, an unlawful diversion. We would like to amend the act to allow augmentation as an additional method to satisfy a senior water right during water short periods.

Augmentation is a broad term. We would like for the Legislature to consider narrowing the term in this case by explaining in the law that augmentation would be the replacement of the unlawful diversions in time, location and quantity if available.

The request made to you comes from the KDA as we are currently working with a group of stakeholders above the Quivera National Wildlife Refuge owned by U.S. Fish and Wildlife Service. Quivera holds a very senior surface water right. The surface water right is affected by groundwater pumping. The aquifer in that area holds about 80 feet of saturated thickness when it's fully recharged. The basin fluctuates based on rainfall. The top 30 feet affects the base flow of the stream. During dry times, augmentation could occur from the bottom 50 feet of the aquifer by using existing irrigation water rights to divert water into the refuge, allowing junior water right holders to take advantage of the remaining aquifer.

At the present time we have an active impairment investigation occurring at Quivera. To date, impairment has not been determined. Many factors have to be taken into consideration. The local stakeholders understand the surface and groundwater interaction in this basin. The local water users are looking for proactive solutions in case impairment is determined. I do not believe these stakeholders believe augmentation is the total answer to replace stream flow. They do believe that it could be part of the solution. Augmentation would provide another tool for appropriate water management.

The Kansas Department of Agriculture remains committed to providing better management tools so Kansans can use our critical water resources wisely.

Thank you for your time and consideration and I will stand for questions at the appropriate time.