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Jackie McClaskey, Secretary

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Board members and Managers of Western Kansas Groundwater Management District (GMD) No. 1, Equus Beds GMD No. 2, Southwest Kansas GMD No. 3, Northwest Kansas GMD No. 4, and Big Bend GMD No. 5:

As a result of a number of discussions involving farmers and ranchers looking for flexible options for managing their water resources, representatives and leadership from the Kansas Department of Agriculture, Kansas Livestock Association, and Kansas Farm Bureau have undertaken a review of current flexibility tools to ensure producers have sufficient options to use existing water resources in thoughtful and innovative ways.

In considering the types of requests for flexibility that producers have requested and the tools that are available, discussion became centered around Water Conservation Areas (WCAs). K.S.A. 82a-745 became effective in 2015, implementing a very important action item in the Governor's 50-Year Vision for the Future of Water in Kansas calling for increased voluntary measures to conserve water, while providing flexibility in water resource management.

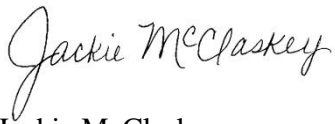
Current WCA law provides that the Chief Engineer may make use of single- or multi-year term permits in order to effectuate conservation goals identified in a WCA management plan. Discussions between the KDA, KLA, and KFB led to the identification of needed changes to the WCA law to highlight and clarify the "flexibility" component of WCAs.

The attached draft amendment provides that a WCA management plan may allow for individual participating water rights' authorized quantities to be exceeded, within certain limitations pertaining to safe yield and rate of diversion, and provided that the aggregate total authorized quantity of all participating water rights is not exceeded within any given year. Participants in a WCA management plan will have the ability to craft plans that work for all participants, subject to the requirement that no water right may be impaired.

This draft, which is intended for legislative consideration during the 2017 Legislative Session, also clarifies how WCAs are treated for purposes of priority, and providing protection and certainty in the event of an impairment concern. In addition, the proposal does not authorize any "new" water and any WCA must still include "corrective controls" in accordance with K.S.A. 82a-745(a)(5).

In an effort to inform the development of this proposed amendment, KDA has identified and is currently working with several pilot project participants. These pilot projects represent dairies and livestock operations who have requested flexible water right management. In the absence of the proposed legislative amendment to the WCA statute, these pilot projects will operate under the existing term permit tool and have agreed to transition to the flexible management plans under a WCA, if adopted by the Kansas Legislature.

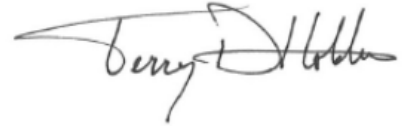
This proposal is the result of direct interaction between members of groundwater management districts, and therefore we look forward to partnering with the districts to ensure the success of this very important effort.



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