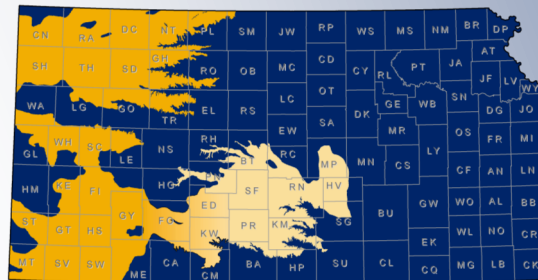


- Allows producer to producer leases of water right for most efficient use of water in overdeveloped areas
- OAAC proposed change would simply allow water bank to be developed over Ogallala if local producers find it to be a tool that will help them in conserving water and protecting the economy

**Amend the multi-year flex accounts to give irrigators expanded capabilities to manage their crop water over a five year period**

- Participants in the Flex Account Program are provided a five-year allocation that includes the flexibility to exceed their annual authorized quantity of the water right
- Participants can spread usage of their water allocation throughout the five years however they choose so long as the five-year total does not exceed the allocated amount
- Flex accounts are currently available, but not often used due to program structure and rules
- Allows users to match planning for water usage with long term cropping and financing decisions

- Proposed legislative changes to the flex account statute would allow a five-year flex account based on the larger of:
  - Average historic usage of the water right without the current 10% conservation requirement
  - Net irrigation requirement for the individual county times the maximum acres irrigated
  - A GMD developed alternative, approved by the chief engineer, not increasing long term use.
  - Will provide more options to producers for multi-year flexibility without increasing long-term water use under the water right



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# Ogallala Aquifer Policy Proposals



## Overview

The Ogallala Aquifer is the main source of water in the western third of Kansas. It is essential to find ways to help protect, extend and conserve the life of the Ogallala Aquifer for future generations of Kansans, as stated in the State Water Plan, while also supporting today's western Kansas economy.

- Counties located above the Ogallala Aquifer account for roughly 2/3 of the state's agricultural economic value.
- Without Ogallala water, significant portions of the region's agriculture and all of its related businesses could not be sustained, manufacturing could not continue, recreational opportunities would diminish and towns in the area would cease to exist.

The Governor has a personal commitment to the Ogallala effort and has made it a top priority for his administration.

## Benefits to Legislation

- Allows conservation and extends the Ogallala's useful life while sustaining and enhancing the economic viability of the region
- Allows management of the Ogallala Aquifer in a way that both benefits agriculture today and sustains the valuable water resource for future generations

- Allows local producers and communities to collectively decide their own future as it pertains to water
- Encourages a change to a culture of conservation

## 2012 Proposed Legislation

### **Amend appropriation act to eliminate "use it or lose it" for groundwater rights in areas closed to new water right development to protect those rights from unintentional forfeiture**

- The current statute requires that all appropriations of water must be for some beneficial purpose and after five consecutive years of non-use the water right is forfeited due to the owner abandoning use
- Provides incentive to conserve
- Fundamental step in changing from a culture of pumping water only to maintain a water right

### **Support legislation to provide a process for proactive conservation plans (LEMAs), or that can have mandatory reductions, are developed by the local Groundwater Management District, have corrective measures that address conservation needs, and are approved by the Chief Engineer**

- Recommendation came from NW Kansas GMD 4 in trying to implement local solutions

- Allows local communities of producers to collectively decide their future and implement conservation plans that meet their goals
- Sheridan County high priority area #6 is an example that would limit use to 55" over a 5-year period (average 11" per year) down from average of 14" of water used per year
- Widespread implementation of LEMAs will provide significant water conservation in the Ogallala

### **Allow development of additional groundwater Water Banks for a market-based program to relocate water use and provide conservation in water short areas**

- A water bank allows the short term lease (up to 10 years) of water rights at a price set by the seller and the buyer. The leased water can be pumped from anywhere within the water bank as long as it's the same hydrologic unit as the deposit and isn't specifically prohibited
- Current Water Bank in GMD 5 (last 6 years)
- Task Force of state and local officials, along with producers, recommended changes to improve bank operation while maintaining original intent
- Water Bank statute requires an overall 10% water conservation