Northern Kearny and Finney County Local Enhanced Management Area (KFL)

GOAL EXPRESSION

To extend the Ogallala Aquifer water supplies for the long-term benefit of the area, the following five- (5) year KFL plan proposal will reduce water use by 11% from Historical Usage which current data and research shows will substantially reduce the Ogallala Aquifer water level decline rates when compared to the average annual water level decline rate 2005-2016.

PROPOSAL

- KFL will affect all Appropriation Water Rights whose source is groundwater
- Vested Water Rights within the KFL boundaries shall not be regulated but are encouraged to enroll voluntarily in the KFL.
- KFL Allocations for irrigation use will be established as follows:
  - Each groundwater appropriation right will be allocated 85% of its Historical Usage multiplied by five
  - Quantities shall be expressed in terms of total acre-feet
  - No water right shall receive more than the currently authorized quantity times five for a KFL Allocation
- KFL Term Permit needed if individual water right exceeds their annual authorized quantity (must still remain within KFL appropriated quantity)

Flexibilities, Temporary Transfers and Benefits of Proposed LEMAs

One allocation – five years to use it

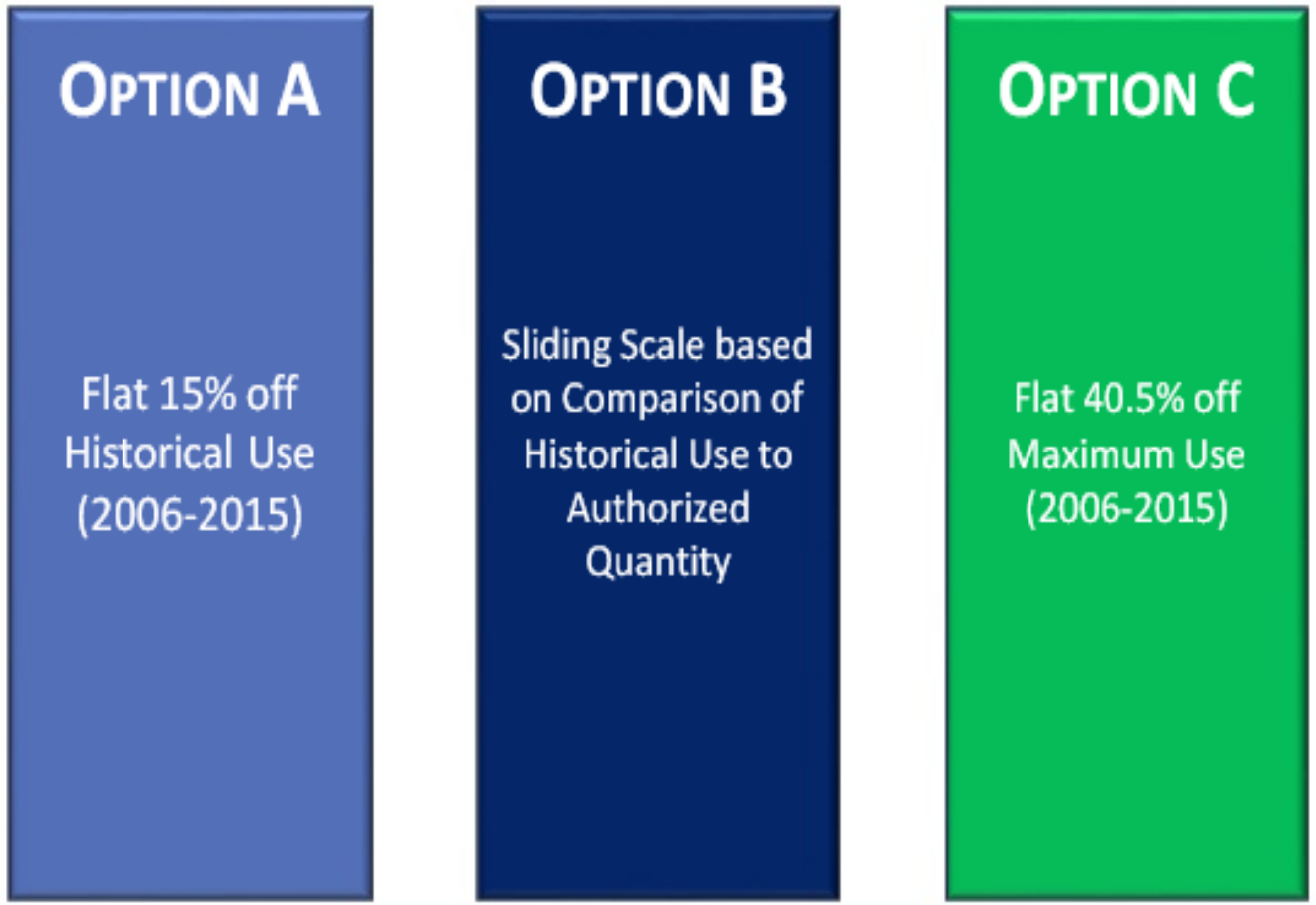
Use your allocation between your wells as needed:

- Wells within a consolidated well unit (connected by pipe) or within a limited distance (2 miles) will be allowed to share the combined quantity of the individual LEMA allocated quantities as long as the annual authorized quantity of any individual well is not exceeded during any calendar year.
- Wells within a distance greater than 2 miles will be allowed to share the combined quantity of the individual LEMA allocated quantities if the annual average historical use of any individual well is not exceeded during any calendar year.

Term permit to make the best use of your wells

Carry over to the next LEMA/Don't "Use it or lose it"

Three Options Under Evaluation



Option A – Flat 15% off Historical Water Use (2006-2015)

Year	Reported Water Use
2006	184
2007	119
2008	168
2009	143
2010	164
2011	177
2012	235
2013	165
2014	174
2015	115

Authorized Quantity = 258

Average reported water use (2006-2015) = 164

LEMA Allocation =
164 x 0.85 (applies 15% conservation factor) =
140 acre-feet per year x 5 =
699 acre-feet

Option B – Sliding Scale based on Comparison of Historical Use to Authorized Quantity

Year	Reported Water Use
2006	184
2007	119
2008	168
2009	143
2010	164
2011	177
2012	235
2013	165
2014	174

Authorized Quantity = 258

Average reported water use (2006-2015) = 164

Average reported water use compared to Authorized Quantity = 164/258 = 63.5%

Conservation Factor = 63.5% of 24% or 15.24%

LEMA Allocation =
164 x 0.847 (applies 15.24% conservation factor) =
139 acre-feet per year x 5 =
695 acre-feet

goal of THIS if consumtive use is 100% 24" then get 15% Reduction - If only used like 20" or 80% of allotted amount then only 80% of 15% cut please give to MR. ROTH - and who ever is in charge of committee

Historical Usage Compromise Proposal

Kent 3-29-17 Kyles Idea a impartial observer

At the March 28, 2017 meeting one of the biggest points of contention was reducing use based on authorized quantity vs historical use. Our proposal would be a way to compromise in order to be as fair as possible to all.

If a Water Right's Historical Usage is 100% of the Annual Authorized Quantity then it would be reduced by 100% of the Conservation Factor, however if a Water Rights Historical Usage is less than 100% of the Annual Authorized Quantity then that Water Right would have it's Conservation Factor reduced by the percent "saved".

DWR
mike.meyer@ks.gov phone - ~~276-2907~~ 276-9315
thom.makris@ks.gov
fax - 276-9315

For example,

Water Right A's Historical Usage is 2 acre feet over the Comparison Years and its Annual Authorized Quantity is 2 acre feet.

24in x 15% = 3.6in Reduction, thus 24in - 3.6in = 20.4in KFL Annual Allocation
20.4in x 5 years = 102in Total KFL Allocation

yes Bingo

Water Right B's Historical Usage in 1 acre foot over the Comparison Years and its Annual Authorized Quantity is 2 acre feet.

12in Historical Usage / 24in Annual Authorized Quantity = 50% Saved
50% of 15% = 7.5%
12in x 7.5% = 0.9in Reduction, thus 12in - 0.9in = 11.1in KFL Annual Allocation
11.1in x 5 years = 55.5in Total KFL Allocation

yes Bingo

VS

12in x 15% = 1.8 in Reduction, thus 12in – 1.8in = 10.2in KFL Annual Allocation
10.2in x 5 years = 51in Total KFL Allocation

We think this idea would be a way to help curb the "use it or lose it" mentality that the current proposal fosters by rewarding Water Rights for prior conservation while still ensuring that all Water Rights will have some form of conservation applied to them.

mike Thom Kyles Idea after he attended 3-28-17 meeting - 3-29-17

Kyle Maddux
Kent Maddux

Option C – Flat 40.5% Reduction off Maximum Use (25% Max reduction off average use) or Pump Test

Year	Reported Water Use
2006	184
2007	119
2008	168
2009	143
2010	164
2011	177
2012	235
2013	165
2014	174
2015	115

Authorized Quantity = 258

Maximum Annual Quantity Pumped = 235

Maximum annual reported water use LEMA allocation = 235 x 0.595 = 140 acre-feet (700 acre-feet for five-year allocation)

OR

Average Use (164.4 acre-feet) x 0.75 x 5 = 617 acre-feet

OR

Pump Test = 450gpm
450 x 1440 x 120 days/325,851 = 239 acre-feet
Therefore, 239 AF x 0.595= 142 AF x 5 years = 710 AF (5-yr Allocation)

Alternative KFL PROPOSAL OPTIONS

- Todd Ploeger Letter (Option 4)
- Prior Appropriation (shutting off junior water rights) (option 5)

Option 4: Flat 13.9” Per Acre

- Based upon acres irrigated, not allocated
- Results in overall 11% reduction in recent use

To whom it may concern,

I attended both of the public meetings held in Garden City to inform the area farmers about the proposed LEMA. At both meetings, you asked for comments or concerns. I believe using a well's 10-year historical water use to determine LEMA allocation is wrong. There will never be a consensus among the area farmers unless all wells and all farmers are treated fairly and equally. At the first meeting, someone asked for a show of hands if you think something should be done to help extend the life of the aquafer. Every farmer in the room raised their hand. Every neighbor I have talked to thinks if we need to cut usage, then everyone should be cut the same amount. Finding out that we have been in a "use it or lose it" situation for the last 10 years without knowing it is upsetting. Everyone knows some people pump more than others and it is their legal right to do so, up to 24 inches in most cases. Why should the ones who have pumped the most be allowed to continue to pump the most? Haven't they caused more of a decline in the aquafer than someone who has pumped 15 inches? It is a good thing everyone doesn't pump 24 inches or we would be in a worse situation.

Anyone with land that has access to surface water would take a bigger hit using the historical water use plan. Anyone who uses surface water knows that it conserves ground water WHEN it is available. Each year there is no guarantee if or how much will be available. There were several years in the last 10 that we used surface water and that has resulted in our 10-year history being lower than it would have been. We should not be penalized for not pumping the ground water. We did not spend thousands of dollars for ponds, pumps, and underground pipe to get a couple more inches of ground water allocation taken from us.

The first meeting had a farmer from the Hoxie LEMA area. It is my understanding that most every well has the same allocation in that area. When the question was brought up at the second meeting of why not cut every well's allocation the same in this area, the response was, "Do you mean only cut the big users?" The other response from the KDA speaker was, "That would never work in this area because there is too much diversification and too much of a difference in how much the wells are pumped." Aren't the big users declining the aquafer more than the moderate users? Why would someone from KDA say that would never work without at least trying it first? Aren't the trucks hauling 100,000 lbs to the elevator causing more road damage than the ones hauling 75,000 lbs? If the road department wants to lessen road damage, do they cut all trucks 15% of their average 10-year hauling weight, or do they make the heavy trucks haul a lighter load that won't do as much damage while allowing the lighter trucks to continue hauling 75,000 lbs?

One of our wells has a 10-year history of 13.5 inches of ground water use where we have access to surface water. Under the 15% flat cut, we would be allocated 11.5 inches. In reality, what looks like a 15% cut is really over 50%. How can we go from knowing we have 24 inches available in case of no rain all summer and no ditch water, to planting a crop knowing we have at most 11.5 inches? That is going from irrigated to partial dryland in one year. There is too much invested to make that kind of switch that fast. The three options proposed all have the same basic flaw, which is being based on historical usage. Does KDA really

have the resources to do all the pump tests for option C and the manpower to meet with and discuss different plans with all the farmers in the area? I don't believe the due consideration for past conservation would be fair at all. Everyone has a different idea on what conservation is and each situation is different. How could a panel or a person be fair when it comes to judging how conservative a farmer has been when mother nature is involved? One field got a rain and the next one didn't, so one farmer shut off the well and the other didn't. It seems like a nightmare trying to treat everyone fairly, which comes back to my reason for writing this. The only way everyone and every well can be treated fairly and equally is to cut everyone's allocation the same. You can't have some wells with an allocation of 20.4 inches and others with 11.5 when they each started at 24.

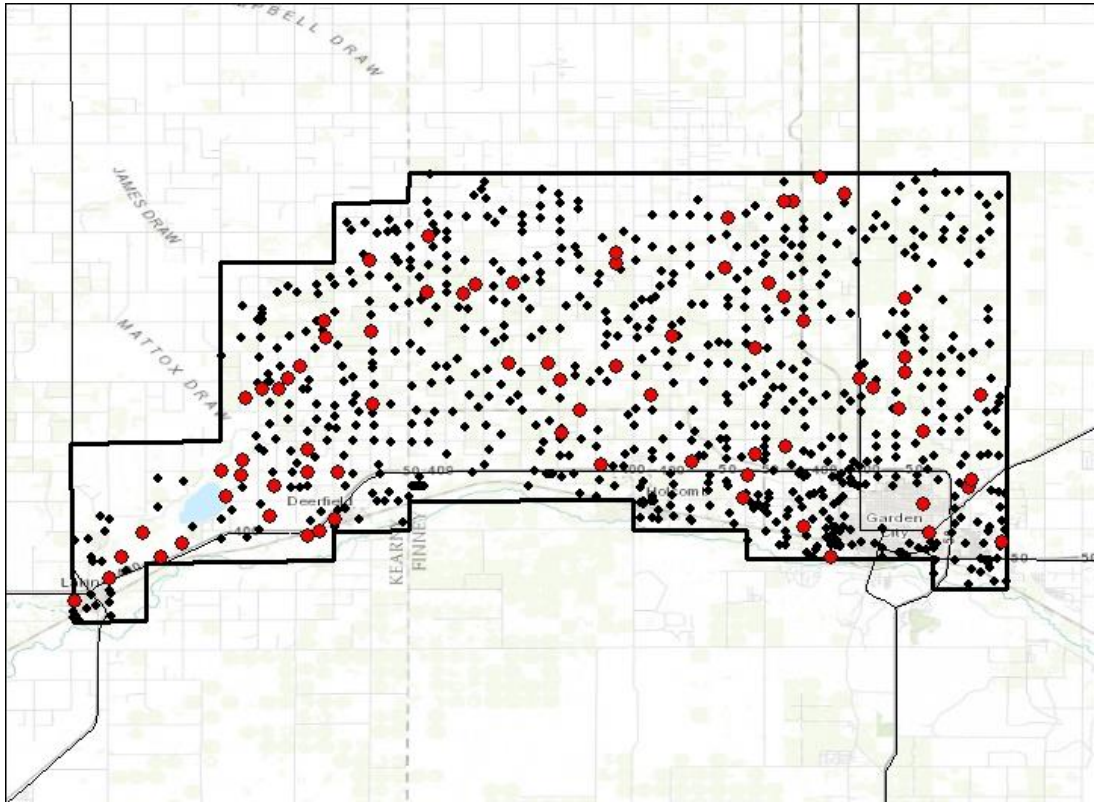
We have known for quite a while now that something should be done to extend the life of the aquafer. Probably all the wells pump less than they did 5 or 10 years ago. We have made adjustments to populations and hybrids keep improving. I think a slower approach would be more realistic such as cutting allocation by 1 inch each year for the next 5 years for wells with 24 inches and see what declines look like then. That would give everyone time to adjust and allow technology improvements to come. Someone at the meeting said "It's only 5 years." At that time, we would know whether slowly cutting everyone to 19 inches made a difference. It may not be as big of a usage decline as the other options, but it would be something and it would be fair.

Sincerely,

Todd Ploeger

(620) 355-1672

Option 5: Prior Appropriation



- All irrigation water rights junior to WR No. 25110 are shut off.
- Wells shut off are indicated by red dots on the map.
- Results in an overall 11% reduction in recent water use.

- Should any flexibilities be allowed?

Due Consideration for Past Conservation

By law, LEMAs must give due consideration for past voluntary conservation

Can be used to account for years without use or with limited use due to situations such as equipment breakdowns, voluntary conservation, or years of Ditch water use

Replace years of non-use or limited use with:

- Average use without zeros
- Pump Test
- 50% Net Irrigation Requirement (NIR) for Corn

Year	Reported Water Use	Average Use w/o Zeros	Pump Test (350gpm)	50% NIR (130 Acres, KE County) (NIR for KE County = 1.24 AF/AC))
2006	0		185	161
2007	0		185	161
2008	0		185	161
2009	143	143	143	143
2010	164	164	164	164
2011	25	25	185	161
2012	20	20	185	161
2013	165	165	165	165
2014	174	174	174	174
2015	115	115	115	115
Average	*81*	*115*	*175*	*157*

Questions?

- “A good plan today is better than a perfect plan tomorrow”.
  – George S Patton

NORTHERN FINNEY & KEARNY COUNTY
LOCAL ENHANCED MANAGEMENT AREA (KFL)

STEERING COMMITTEE MEMBERS

- Dwane Roth
- Randy Richmeier
- Mike Standley
- Bob Knoll
- Jeff Mai
- Doug Mai
- Roger Unruh
- Cory Weathered
- Monte Miller
- Steven Sterling
- Kyle Maddux
- Clayton Maddux
- Troy Dumler