

WATER RIGHTS INVESTIGATIVE SERVICE  
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TESTIMONY FOR AUGUST 23, 2017 GMD No. 4

PROPOSED

LOCAL ENHANCED MANAGEMENT AREA

My name is Scott E. Ross, I live at 209 South Ash St.; Stockton, Kansas. I am currently the principal at Water Rights Investigative Service LLC. However, I am here today of my own accord, representing family interests in Northwest Kansas. These interests include both agriculture and local businesses. While I don't claim to be an expert on this subject, I would note that I have more experience on the topic than the average water user.

Initially, I want to state for the record that I am generally in favor of the Local Enhanced Water Management Area process. I observed, with great interest, this process beginning with the Kanas Water Office Management Committee and Technical Committee and their 2001 Ogallala Aquifer Management Advisory Committee Report. I attended most of the GMD No. 4 Board Meetings when the staff presented numerous iterations of ideas on how to determine the aquifer sub-units endorsed by the Water Office Reports. I saw heated discussions by the board and the GMD No. 4 staff over how these various technical scenarios would impact local water users. Finally, I saw the criteria applied and the aquifer sub-areas formed. All done with a great deal of staff time and thought dedicated to a fair and equitable outcome.

With the sub-unit determination, 6 high priority areas (HPA) were defined. A local meeting was held in each of these areas, great effort was put into making sure all the water users and landowners were notified and provided an opportunity to speak their minds. These comments came back to the GMD No. 4 Board of Directors, and again a great deal of discussion was devoted to examining these local comments. This continued until emerging from within the board members, 2 gentlemen stepped up and began to push for a management program in Sheridan County, Kansas.

These two board members along with the GMD No. 4 staff organized numerous meetings with those landowners and tenants directly involved in the Sheridan County HPA No. 6. Once again after months of discussion and consideration of various concepts, a consensus was reached that the LOCAL group would accept restrictions on their water use, provided it did not include an Intensive Groundwater Use Control Area (IGUCA), and it was of limited duration, so they could try out the agreed upon management techniques.

A solution seemed to be in hand. However, no legal avenue was open to accomplish the task they were proposing. At that point, the GMD No. 4 board and staff went to the Chief Engineer and Legislature asking for help developing the Local Enhanced Management Area statutes. With a combined effort, a statute was passed enabling the actions being proposed to be accomplished in 2012.

Based on the results of the last 5 years of data collection both in terms of water use as well as water level data, the actions taken by the local water users in Sheridan HPA 6 have been a resounding success. The total economic impact has not yet been evaluated, but the water levels in this area seem to have stabilized or come up and no immediate evidence suggests anything but good economic news.

I simply question why, after 12 years of hard work is the GMD No. 4 Board of Directors so anxious to abandon this successful effort in favor of such a broad-brush approach. The following information is not intended to be a comprehensive analysis on GMD No. 4. It is only a brief analysis of the readily available data on the eastern one half of Sheridan County. However, I think it represents other areas of GMD No. 4 as well.

This area encompasses 360 square miles of surface area east of Highway 23. It is underlain by 2 fresh water aquifers, the alluvial aquifers of the Saline and South Fork Solomon Rivers and their tributaries as well as the High Plains Ogallala Aquifer.

This area contains 285 permitted wells some are diverting water from both aquifers, some from only one. Among these 285 wells, 103 of them have or should have Water Level Measurement Tubes installed for the purpose of measuring water levels.

The water levels in High Plains Ogallala aquifer are measured at least annually by 16 wells as recorded within the Kansas Geological Survey's WIZARD database. At least two of these wells are most likely alluvial wells or at best include both alluvial and High Plains aquifers. Several townships within this area have no recorded water level measurements and yet they are being included. Several other townships included in this area show increased water levels. This data is simply provided to illustrate that more data can and should be collected and more analysis done to target specific areas in need of corrective control measures. Further, much of eastern Sheridan County was developed after the adoption of safe-yield by the Division of Water Resources (DWR). However, the one-half inch recharge remained in place in GMD No. 4. Finally, it seems the boundaries proposed in this district wide LEMA represent more political boundaries than hydrologic boundaries.

Northwest Kansas Groundwater Management District No. 4 provides for their recharge calculation to use ½ inch of precipitation recharge per acre. Based on USGS 87-4230, currently accepted data, eastern Sheridan County would have a recharge value of between .875 and one inch per acre or conservatively 250 acre-feet per 2-mile circle more water to appropriate. The water users in eastern Sheridan County have little reason to be restricted. Finally, this area includes water users who utilize alluvial aquifers not necessarily connected to the High Plains Ogallala Aquifer. They would be forced to act to establish their right before they could be removed from this proposed LEMA.

The statute, as is clearly highlighted in the name, is intended to be developed by LOCAL water users, as was the first LEMA. The LEMA process was never intended to be applied to an entire groundwater management district. The example set by Sheridan HPA No. 6 should be presented to other water HPA water users and efforts made to involve their thoughts in their own future. Further, efforts should be made to collect more data inside and outside the currently identified HPAs enhancing the understanding of the aquifer conditions in these areas. Better data and analysis of that data can only provide better definition of the hydrologic boundaries within the district. Not enough is currently known on many portions of the district to warrant such wide spread actions at this time. Specifically, regarding the definition of the connection between the alluvial aquifers and the High Plains Ogallala Aquifer.

I would like to see this proposal returned to the GMD No. 4 Board of Directors with the recommendation that they focus their efforts on those areas most in need, the remaining HPAs. This process was never intended to be applied to an entire groundwater management district. Certainly not without the inclusion of local input.

Thank you for this opportunity to speak.

Scott E. Ross L.G.

General Manager

Water Rights Investigative Service LLC