

November 17, 2020

WHC LEMA

c/o Ronda Hutton

1320 Research Park Drive

Manhattan, KS 66502

Subject: Submission of Testimony Pertaining to the November 20, 2020 Public Hearing for the  
Wichita County LEMA Plan

In 2016, a group of Wichita County citizens came together to share and discuss their concerns about their rapidly diminishing groundwater resource. This citizen group represented a broad cross section of the community: irrigated agriculture, livestock production, banking, and community institutions such as schools and county government. It quickly became clear that action by local citizens and organizations was necessary for the survival of the community and local economy. The Wichita County Water Conservation Area team was formed to develop an action plan for conserving the remaining groundwater resource.

Wichita County relies almost exclusively on the Ogallala aquifer for water to supply all uses within the county. The team engaged in an education process with state agencies to understand the characteristics of the aquifer, including historic use patterns, rates of depletion, and projections of remaining aquifer life based on a variety of use scenarios. The team invested hundreds of hours in this process as they met with staff from the Kansas Department of Agriculture, Division of Water Resources; the Kansas Geological Survey; and the Kansas Water Office. This effort was deemed to be valuable enough that two agricultural producer organizations, Kansas Corn and the Kansas Livestock Association, provided financial support to the group. The result was the Wichita County Water Conservation Area Management Plan. This plan is unique among other Water Conservation Area (WCA) plans in that it is structured so that all water users in the county may participate and may adapt the plan to fit their operation by using the flexibilities included in the WCA Management Plan.

The Wichita County WCA plan was approved in 2017 and implementation began that same year, with the primary focus being on irrigation use. The water savings since that time have been thoroughly documented by the Division of Water Resources. Participating producers, motivated by a desire to provide a future for their families and community, have been willing to make the changes necessary for success. These changes include implementation of advanced technology to more intensively manage irrigation applications; modifying cropping patterns; and refraining from excess irrigation as a form of insurance. No economic disasters have occurred and participating producers have testified that they can raise good crops using less water.

Participation in a WCA is voluntary. Although the Wichita County WCA covers a considerable portion of the county, participation is still insufficient to substantially slow the depletion of the local aquifer. Approximately 65 percent of the original water in storage had been depleted when the WCA plan was approved. At this time, the depletion level is nearing 70 percent. It is clear that more needs to be done and that all water users need to participate. Western Kansas Groundwater Management District No. 1 (GMD 1) has taken this step by developing and requesting approval of the Wichita County LEMA Plan. The Wichita County LEMA will address irrigation use, which accounts for approximately 96 percent of all water use in the county. While the corrective control provisions of the LEMA are less stringent than those of the Wichita County WCA Management Plan, they are credible and provide a practical transition to a long-term process for conserving the Ogallala aquifer. Significant water conservation can be achieved with implementation of the proposed LEMA. The water use reduction levels are reasonable and will provide an incentive for producers to implement technologies, cropping changes, and management strategies that will attain the goals of the LEMA.

Some persons may object to the LEMA due to concerns that it will have adverse economic impacts on the local agricultural economy. This is unlikely based on the proposed reduction levels. Experience in the Sheridan 6 LEMA, the GMD 4 LEMA, and numerous WCAs proves that economic viability can be maintained or improved when conservation plans are implemented. There may also be some concerns about the impact of water use reductions on property values. The LEMA requirements will be uniformly applied to all producers with irrigation appropriation rights. Therefore, impacts will be uniformly spread across the LEMA area. As was previously stated, the proposed water use reduction levels are reasonable and there is sufficient evidence that economic viability can be maintained with such reductions. The greater concern is the impact

of doing nothing, which would result in nearly all irrigated land in the region being converted to dryland within 20 years or less. This would have a substantial negative impact on land values, the local economy, and the ability of the community to sustain basic services and quality of life.

It is my recommendation that the Wichita County LEMA Plan be approved and implemented. No LEMA plan is likely to be perfect, but that cannot be a reason for delaying conservation that is urgently needed to stabilize our groundwater resource. This LEMA plan is a step in that direction and should be supported by the citizens of Wichita County and the State of Kansas.

Respectfully,

A handwritten signature in cursive script that reads "Frank C. Mercurio".

Frank Mercurio, P.E.

Member, Wichita County Water Conservation Area Team

Member, Upper Smoky Hill Regional Advisory Committee