

Ogallala Aquifer Advisory Committee (OAAC) Meeting Minutes

Colby, September 21, 2011

OAAC Committee Members: Gary Harshberger, Mike Ramsey, Larry Maxwell, Matt Lee, Scott Maurath, Bert Stramel, Carolyn Armstrong, Toby Dougherty, Kim Goodnight, Rock Ormiston, Mike Shirley, Greg Graff.

Committee Members Absent: Connie Kuhlman, Cecil O'Brate, Mike McNiece, Clay Scott, Curtis Tobias, Brian Vulgamore, Steve Irsik, Mitch Baalman, Gary Baker

Others: Earl Lewis, Chris Wilson, Susan Stover, Lane Letourneau, Scott Ross, Greg Foley, Burke Griggs, Jan King, Mark Rude, Wayne Bossert, Tim Boese, Mike Corn, Kent Askren, Steven Hines, Ronald Conway, Michael Meyer, Kyle Spencer, Lon Frahm, Craig Cooper, Lincoln Wilson, Jay Waechter, Sim Sipes, Ted Tietjen, Jackie Widon, Jason Norquest, David Brenn, Carl Holmes, Larry Powell, Steve Alford

Introductions: Gary Harshberger called the meeting to order at 11:00 a.m., and self introductions were made by the committee and the audience.

Meeting Notes: The OAAC took action to approve the meeting notes from the Dodge City meeting on August 9, 2011, and the Scott City meeting on August 23, 2011. Both meeting notes were approved as presented.

Draft Legislation Review: Chris Wilson reviewed the two options on the amending the "use it or lose it" abandonment statute with the committee, one simple version, another that allowed GMDs the option to define criteria for abandonment. The merits of both approaches were discussed at some length.

The following motion was made by Larry Maxwell and seconded by Toby Doherty. There were three dissenting votes. Motion passed.

The OAAC recommends to the Kansas Water Authority the introduction of legislation to modify K.S.A. 82a-817(e) so it reads as follows: (e) *Notwithstanding the provisions of subsection (a), a groundwater right, which has as its local supply an aquifer area that has been closed to new appropriations by rule, regulation or order of the chief engineer and where means of diversion are available to put water to a beneficial use within a reasonable time, shall be deemed to have due and sufficient cause for nonuse and shall not be deemed abandoned.*

Chris Wilson, KDA, Wayne Bossert GMD4, and Burke Griggs, KDA-DWR, presented proposed legislative language 82a-1036(a) for Local Enhanced Management Areas (LEMA). Details of the draft legislative language were discussed in detail. Wayne Bossert noted there were still a few changes he'd recommend from the version handed out to the committee. It was noted that the other GMDs have not studied the proposed LEMA legislative language in detail. Gary Harshberger recommended additional time before a motion on the LEMA recommendation. He

asked the GMDs to submit their comments on the LEMA language for the OAAC to consider. He also wanted the OAAC to see the final proposed LEMA language before making a motion on it for the Kansas Water Authority. Materials for the Water Authority are due October 20th.

Flex Account Discussion: Lane Letourneau, KDA-DWR, presented a status report on the Department's consideration of revisions to the Multiyear Flex Accounts (82a-736). The intent is to make the program more useful, while not increasing consumptive use of water; currently the program is rarely used. One key change would be allowing the option for five year accounts to be based on the net irrigation requirement (NIR) for 50% chance rainfall for a specific county that corresponds to the authorized place of use. A map was shared on the county average water use compared to the NIR for 50% change rainfall. The group asked the Department to consider NIR for 60%, 70% and 80% chance rainfall for comparison. The Department will provide another status report at the next meeting.

Water Banking: Susan Stover, KWO, gave a brief overview of water banking in Kansas, and the evaluation team's recommendation to modify water banking to make it a more attractive tool for water markets and conservation. The Water Banking Act allows for up to two banks in Kansas. The only water bank developed covers the entire GMD5 district. The OAAC discussion indicated the water bank tool may be useful in the Ogallala. Gary Harshberger asked that KWO provide the OAAC the revised legislative language that would be needed to make water banking eligible in the Ogallala.

Limited Irrigated Crop Insurance: Jay Waechter, USDA Risk Management Agency, presented a powerpoint to update the OAAC on the development of an insurance option for limited irrigated crops.

Due to the hour, the last two items, Water Management in Other States, and Continued Discussion to Conserve and Extend the Ogallala were not addressed at this meeting.

Next Meeting: Thursday, October 13th, Garden City, 9 a.m. to noon. Agenda will include LEMA, Flex Accounts, and Water Banking.

Adjournment: The Committee adjourned at 3:30 p.m.