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**Testimony on HB 2171
to
The House Agriculture and Natural Resources Committee
By Kim Christiansen
Kansas Department of Agriculture
February 12, 2013**

Good afternoon, Chairwoman Schwartz and members of the committee.

I am Kim Christiansen, chief legal counsel with the Kansas Department of Agriculture, and I am here to express KDA's support of House Bill 2171. As we continue explore options to work with stakeholders across Kansas to design and implement innovative water conservation and management plans, this proposed legislation will allow locally-driven water conservation plans statewide.

Conserving our state's water resources and continuously improving water stewardship are priorities at the Kansas Department of Agriculture. With your help and with support from Governor Brownback, we made significant progress in 2012 to shift the way we strategically approach water conservation and management in Kansas. There is more work to be done, however, and KDA is committed to building on the momentum in 2012 and taking more steps to increase flexibility and promote locally-driven water conservation.

Local solutions to local problems are often the best solutions. Water permits are a form of property. Local water users, working together to extend, conserve or preserve water, often can make the best recommendation and develop good plan. They should be able to have those plans authorized. The Agreed Local Management Tool, or ALMA, is a tool that allows local planning for water resources.

Local Enhanced Management Areas, or LEMAs, as established by the 2012 Kansas Legislature, are locally initiated, locally driven voluntary water conservation plans, available only in groundwater management districts (GMD) in the western half of the state. LEMAs give groundwater management districts (GMDs) a tool to initiate a public hearing process to consider unique, locally driven LEMA proposals. The first LEMA in the state was approved in portions of Sheridan and Thomas counties and is projected to reduce water use by 20 percent over five years.

HB 2171 will expand this tool for locally-driven water conservation planning options available statewide. The bill allows a local plan to developed, and does not limit the persons or groups that may instigate plan consideration. County Conservation District board, WRAPS groups, local or county planning groups or a simple group of farmers chatting in the café may develop the plan. Please note the KDA Division or Water Resources or other state agencies may assist in plan development.

House Agriculture & Natural
Resources Committee
Date 2-12-2013
Attachment # 1

The ALMA plan is presented to the board of county commissioners and the board shall submit the plan to the chief engineer for review within 60 days. We anticipate that the normal route will be a petition signed by not less than 25 percent of the eligible water right holders within the geographic boundaries of a proposed ALMA. However, an alternative plan initiation route is provided. The Board of County commissioner may also present a plan for consideration. The plan is given an initial review by the KDA-DWR. If the initial review indicates the plan is feasible, KDA-DWR will initiate a hearing, review and approval process of the ALMA plan.

The initial hearing, held by the county, considers whether the local area is experiencing water management concerns requiring enhanced management allowed under statute. If the initial hearing determines a management area is needed, a second hearing will be held by the Chief Engineer will be held to determine if the plan should be adopted as proposed.

As we enter the third year of this historic drought, conserving water is top of mind. However, water conservation needs to continue after the drought ends. Allowing a county or group of counties to have access to the ALMA tool will give more options to local interests and will encourage more water users to conserve water resources.

Thank you for the opportunity to speak with you today. I will stand for questions at the appropriate time.

Step One: Plan Development

Any group (Conservation District, City, County, Association, WRAPS) or citizens) can instigate a plan

KDA and other state agencies can assist with planning,



Step Two: Plan submitted/ Begins Review Process

Petition of 25% of water right holders

County commission's own initiative



Step Three: Plan Submitted for initial review

Board of County commissioners must submit plan to chief Engineer for initial review



Step Four: If approved, County Commissioners hold initial hearing. County may appoint a hearing officer

Local Groups may act as proponent



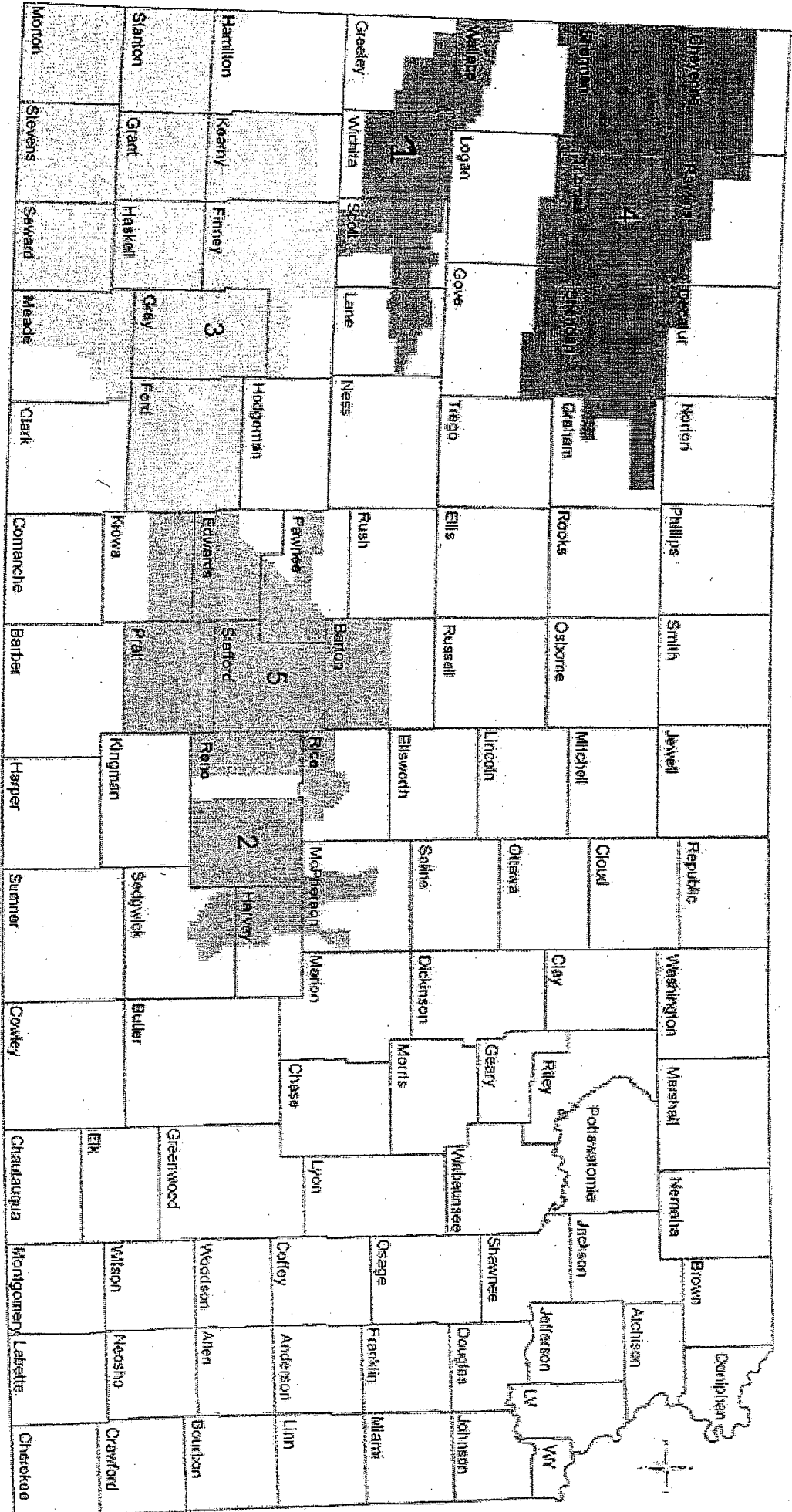
Step Five: If approved, Chief Engineer hold final hearing on merits of plan

Local Groups may act a proponent



Step Six; If approved, Final Order issued / Plan is effective

Options include GMD contract for monitoring and review or other interlocal agreements



- Western Kansas GMD #1
- Equus Beds GMD #2
- Southwest Kansas GMD #3
- Northwest Kansas GMD #4
- Big Bend GMD #5

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