

Secretary Mike Beam
Kansas Department of Agriculture
1320 Research Park Dr.
Manhattan, KS 66502



Director Connie Owen
Kansas Water Office
900 SW Jackson, Suite 404
Topeka, KS 66612

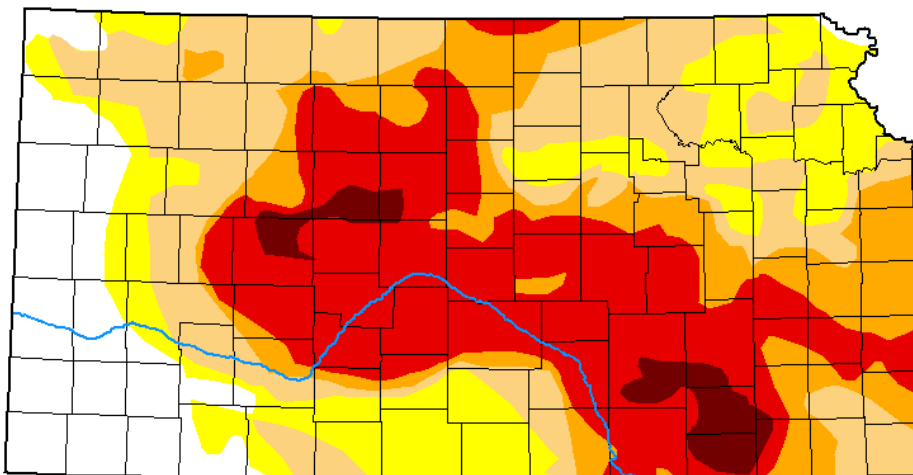
August 18, 2023

Brent Esplin, Regional Director
Missouri Basin and Arkansas–Rio Grande–Texas Gulf Regions
2021 4th Avenue North
Billings, MT 59107-6900

Re: Expansion of the Lower Colorado River Basin Conservation and Efficiency Program

Dear Regional Director Brent Esplin:

We are writing to encourage you to quickly expand the Lower Colorado River Basin Conservation and Efficiency Program (LC Program) to Kansas. On August 10, 2023, as shown below, over two million Kansans lived in drought-stricken areas. Nearly a third of Kansas remained in a D3-D4 drought, and over 40% of the state had been in a D2-D4 drought for the last three months. Throughout the summer of 2023, Kansas had one of the largest percentages of D4 drought of any U.S. state.



To date, the LC Program has focused on the Colorado River Basin, emphasizing quantifiable and verifiable reductions in consumptive use; funding projects that demonstrated financial and technical capability to implement and perform long-term

operations, maintenance, and replacement; and funding initiatives that can be monitored to ensure that proposed benefits to drought-stricken basins are realized. Technical proposal considerations included economic and environmental benefits, disadvantaged communities, cost sharing/partnerships, and readiness to proceed. We ask that you employ similar criteria for the LC Program as it expands to other basins, but with an emphasis on communities that suffer from extended drought.

The High Plains Aquifer, interconnected with the Ogallala, lies beneath most western Kansas communities. The High Plains Aquifer is also the primary source of water for western Kansas, and economically the most important groundwater resource in Kansas. Yet in 2022, average groundwater levels in the HPA fell by almost two feet. Some areas in Kansas were the driest ever based on historical records, some of which go back to the late 1800s. Dry years also lead to increased pumping demands, primarily for irrigation, which in turn typically cause greater declines in water levels. Such declines can impact particularly sensitive areas like the Rattlesnake Creek sub-basin, a part of the HPA, which provides water to the Quivira National Wildlife Refuge.

Quivira lies within the High Plains Aquifer and is a Ramsar Convention Wetland of International Importance. The Refuge is part of the Kansas Wildlife Refuge Complex, and spans over 22,000 acres about 30 miles west of Hutchinson. Your colleagues at the U.S. Fish and Wildlife Service rely upon a senior surface water right that permits diversions of more than 14,000 acre-feet per year from the Rattlesnake Creek to support unique inland salt marshes and sand prairies that host over 340 bird species each year, including pelicans, whooping cranes, bald eagles, threatened shorebirds, and snowy plovers.

In 2016, the Kansas Chief Engineer determined that between 30,000 and 60,000 acre-feet per year (AFY) of junior groundwater pumping by upstream irrigators was impairing the Service's water right at Quivira. Negotiations between the Service and the local groundwater management district ensued, with a focus on resolving the impairment through use of NRCS-funded augmentation, but a call for water remains outstanding and an environmental impact statement will not be published until early next year.

Expansion of the LC Program can immediately and measurably help mitigate both drought and the economic impacts of curtailing 60,000 AFY of irrigation. For example, LC Program-funded rotational fallowing, removal of invasive species, irrigation efficiency improvements, and water markets will help raise the HPA groundwater level and improve streamflow. The Kansas Water Office and the Kansas Department of Agriculture are ideally positioned to administer efforts that include the following:

- Agricultural upgrades and innovations, whether in technology or management.
- Water storage projects that allow for operational flexibilities or capturing new sources of water, i.e., re-regulating reservoirs or basins.

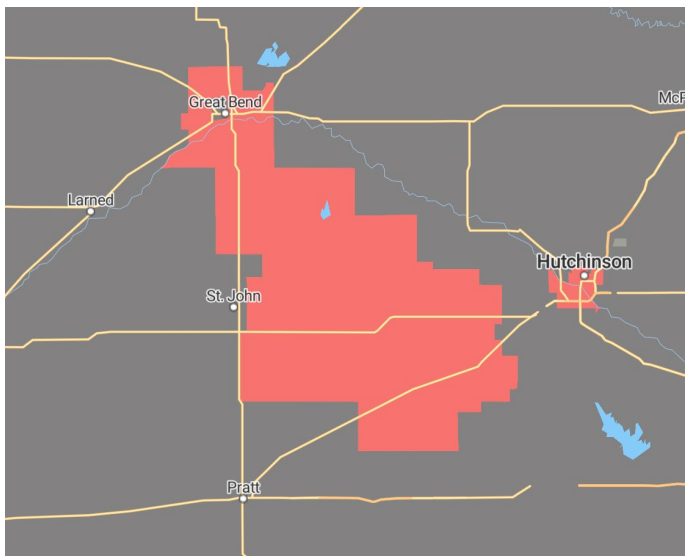
- New technology, or existing technology used in new ways.
- Creative approaches to water markets, auctions, and/or crop switching with verifiable water savings.

It is also worth noting that Kansas benefits from excellent water metering, while Big Bend Groundwater Management District No. 5 (which regulates the Rattlesnake Creek sub-basin) employs an advanced hydrogeological model peer-reviewed by top experts in the field. That model can be used to assess the efficacy of any LC Program-related efforts within the Big Bend Prairie Aquifer.

Use of LC Program funds can also be coordinated through unique public-private partnerships, such as the ACRES Initiative. The non-profit ACRES Initiative is led by representatives from Big Bend Groundwater Management District Number 5, the Central Kansas Water Bank Association (the only functioning water bank in Kansas), the Water Protection Association of Central Kansas (an association of affected irrigators), Ducks Unlimited, the Kansas Livestock Association, The Nature Conservancy, and Kansas Corn.

The ACRES Initiative has developed a plan ("Plan") to conserve 20,000–30,000 acre feet of diverted water per year. The Plan would lease, rotate, bank, or move irrigation away from the Refuge, supporting restoration of Refuge diversion infrastructure and native ecology. The Plan would thus support sustainability of the area's water supply, improving conditions for the Refuge and creating positive socioeconomic impacts for the citizens of the region.

Indeed, parts of Rice, Barton, Reno, Stafford, Pawnee, Edwards, Kiowa, Pratt, Ford, and Clark counties are included in the Rattlesnake basin, an area defined as "severe distress or non-metropolitan" for purposes of the New Markets Tax Credit Program:



The area also borders disadvantaged communities as identified by the Climate and Economic Justice Screening Tool (CEJST).



Support for the Plan would thus provide an immediate opportunity to fund a shovel-ready, ten-year initiative that puts water back into the Refuge, provides breathing room to local irrigators facing pending administration orders, and would help support aspects of a watershed plan already under consideration by the Natural Resources Conservation Service, all while helping a sister agency (the U.S. Fish and Wildlife Service) solve a long-term problem.

Crucially, in areas where agriculture is pivotal, water scarcity poses a direct threat to the local economy and local wildlife. Without ample water, crops wither, leading to economic setbacks, especially in the already disadvantaged communities within the Rattlesnake basin. Kansas is well-poised to mitigate these challenges through the Kansas Water Office, the Kansas Department of Agriculture, and efforts like the ACRES Initiative that bring together local communities, agricultural trade associations, local government, and conservation-minded non-profit organizations. With infrastructure at the ready and a clear, actionable plan in place, the Plan is more than a theoretical proposal; it's a tangible solution to ensure both environmental and economic vitality in the region. The time for proactive measures is now, and Kansas is primed to lead the charge.

Failure to timely extend the LC Program beyond the Colorado Basin may thus prove catastrophic for families, farms, and wildlife across western Kansas. We urge you to move with all deliberate speed to make funding available for drought mitigation efforts in western Kansas.

Respectfully,

Mike Beam
Kansas Secretary of Agriculture

Connie Owen
Director, Kansas Water Office

CC: Martha Williams, Director, U.S. Fish and Wildlife
Dennis McKinney, Kansas State Executive Director, USDA Farm Service Agency
Wayne Pullan, Regional Director, Upper Colorado Regional Office