

<p style="text-align: center;">Inside This Issue</p> <p>DWR web portal launched</p> <p>Proposed rules and regulations hearings</p> <p>2008 legislative session results</p> <p>Drafting IGUCA procedures</p> <p>Field analysis summaries now available</p> <p>Big Blue River Compact</p> <p>Kansas-Oklahoma Arkansas River Compact</p> <p>Benefits of watershed dams</p> <p>Flexible water use</p> <p style="text-align: center;">New Staff</p> <p>Jody Keller- Water Appropriation</p> <p>Tara Lanzrath- Basin Team</p> <p style="text-align: center;">Calendar of Events</p> <p>July 15 Solomon BAC/WG Meeting Rooks County Mental Health Department Stockton</p> <p>July 23 KS-OK Arkansas River</p>	<p>DWR web portal launched DWR has a new web portal at www.ksda.gov/dwr to give our customers easier access to all DWR web-based resources. We also have added new content and improved functionality including:</p> <ul style="list-style-type: none"> • Public hearing notices • Data, maps and links • Contact information • Structured lists of statutes, regulations and forms • DWR newsletter and subscription requests • Links to DWR program pages <p>Other recent additions include weekly updates on conditions in the Republican River related to minimum desirable streamflow administration (provided in the Water Appropriation program pages) and the 2007 Field Summary Reports for each project area of our Subbasin Water Resource Management Program.</p> <p>We will add new content regularly. For example, we are converting application forms to PDF with writable fields to allow applicants to type in the information on their computer and print it out. We will still accept applications filled out by hand. We also are working on a set of fact sheets related to topics of significant interest.</p> <p>Please let us know what you like about the website or send us your ideas for ways we can make the website more useful. You can provide feedback online by clicking the “Comments” button in the top right-hand corner of the website banner, or send an email to one of the managers listed under “Contact Information” on the left side of the screen or “Contact” at the top of the screen.</p> <p>Proposed rules and regulations hearings Two public hearings are scheduled in the coming weeks.</p> <p>The first hearing is on the proposed adoption of 19 new and amended regulations under the Kansas Water Appropriation Act. It will be at 10 a.m. July 23 in the library on the second floor of the Kansas Department of Agriculture, 109 S.W. 9th in Topeka.</p> <p>The second hearing is on the proposed adoption of regulations correcting the procedure for dam breach analysis and for placing unconsolidated material storage stockpiles and safety berms in a floodplain. It will be at 10:00 a.m. August 20 in the fourth floor training room of the Kansas Department of Agriculture, 109 S.W. 9th in Topeka.</p> <p>Both sets of proposed regulations, as well as information on the</p>
--	---

Compact Meeting
9 a.m.
Best Western Sun Dome
Hotel
Hutchinson

July 23
Public Hearing
Kansas Water
Appropriation Regulations
Changes
10 a.m.
2nd Floor
KDA Topeka Office

August 4
Small Dam Owner
Seminar
1 p.m.
Public Library
Junction City

August 20
Public Hearing
Stream Obstructions
Proposed Rules and
Regulations Changes
10 a.m.
4th Floor
KDA Topeka Office

August 22
Annual Agronomy Field
Day
Kansas State University
Manhattan

From the Field

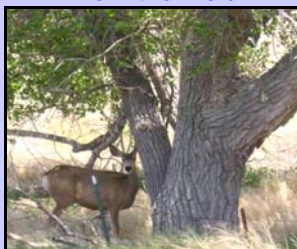


Photo taken by
Elizabeth Fitch
Stafford Field Office

hearings and how to provide comment is at <http://www.ksda.gov/dwr>

2008 legislative session results

While many water-related bills were debated in the 2008 legislative session, only two are mentioned here.

89 – The main point of this act is to ensure that moneys recovered as a result of Nebraska or Colorado's noncompliance with the Republican River Compact are spent on water conservation projects, and that the money is targeted to the upper or lower basin so that Kansans who experienced water shortages will receive some relief.

The act creates two new treasury funds and establishes a fairly involved procedure for distributing moneys recovered by Kansas. All moneys recovered will be first credited to the existing Interstate Water Litigation Fund and transferred to the existing interstate water litigation reserve account of the State General Fund until the balance of the account reaches \$20 million. Any additional amount will be credited to one of two new Republican River Water Conservation Projects Funds, depending on whether the moneys are recovered from Nebraska or Colorado.

One-third of the moneys in the projects funds gets credited to the existing State Water Plan Fund for use toward water conservation projects statewide, and two-thirds deposited in the project funds is allocated for conservation projects in either the lower Republican basin if from Nebraska or the upper Republican basin if from Colorado. Eligible conservation projects include efficiency improvements to canals, water use efficiency upgrades, implementing water conservation in irrigation or other uses, implementing of water management plans, water measurement devices, artificial recharge, reservoir maintenance or purchase of storage space, retiring water rights, or construction and operation of off-stream storage.

The director of the Kansas Water Office and the chief engineer of the Kansas Department of Agriculture's Division of Water Resources are responsible for selecting projects, with priority given to projects needed to achieve or maintain compact compliance, projects that achieve the greatest water conservation for the general good, and projects required by the chief engineer. Projects over \$10,000 aggregate cost are subject to line-item appropriation by the Kansas Legislature.

2860 – This act seeks to temporarily prevent Public Wholesale Water Supply District No. 25 from acquiring access to water through eminent domain. The act prohibits the chief engineer from approving an application for a permit to appropriate water filed on or after January 1, 2008, by any public wholesale water supply district located in Douglas county, unless legal access to the proposed point of diversion was acquired before January 1, 2008, or by voluntary means such as purchase or by condemnation at least 10 years prior to the water appropriation application.

The act also requires study of this issue during the 2008 2009 interim by a special committee designated by the Legislative Coordinating

Council. The provisions in the act expire on June 30, 2010. 704 attempted to amend the cutoff date of application filing in 2860 to January 1, 2007, since PWWSD No. 25 filed its applications prior to January 1, 2008; however, 704 was not passed by the full Legislature, just the Senate.

For the most complete listing of water-related bills, see the Kansas Water Office website at www.kwo.gov

Developing intensive groundwater use control area procedures

One issue that received considerable attention in both the 2007 and 2008 session, as well as the interim session between, was IGUCAs. These IGUCA statutes allow for a hearing process in areas with water conflicts (groundwater decline, water quality degradation, other) to identify and implement specific corrective control provisions to address the water concerns of that area. Eight IGUCAs have been established through this process.

While most agree there is a need for IGUCAs, some have wanted the statute clarified and additional process added to prescribe periodic reviews and additional opportunities for public involvement. Despite the work of the Legislature, no bill was passed. The legislative process did identify a number of improvements to the process which received widespread acceptance as well as identifying important issues that require more discussion.

We are working on a set of administrative regulations to capture some of the ideas discussed through the legislative process. These concepts include:

- Clarify conditions under which the Chief engineer may initiate IGUCA proceedings within a Groundwater management district
- Separate the IGUCA hearing process into two phases; first hearing to determine if an IGUCA is needed, to be held by an independent hearing officer; and the second hearing to determine corrective control provisions, to be held by the chief engineer.
- Public hearings to review each existing IGUCA at least once every 10 years.

On a parallel track, we are developing regulations to specify procedures for administrative hearings by the chief engineer, including IGUCA hearings.

Following further review by partners and stakeholders, we will proceed with the formal process for adopting administrative rules and regulations. This involves review and approval by the Department of Administration and the Attorney General's Office, followed by a hearing before the Legislative Joint Committee on Rules and Regulations and a public hearing with a 60-day comment period.

Notice of the public comment period, along with the proposed regulations, will be published in the Kansas Register and on the DWR website. If you have questions about the proposed regulations, or you

want to receive a working draft, please contact Paul Graves at pgraves@kda.state.ks.us or 785-296-3710.

General information about IGUCAs as well as specific information on the eight existing IGUCAs is available on our website at www.ksda.gov/appropriation/content/291.

Annual field analysis summaries now available

DWR has developed summaries of hydrologic data collected in targeted subbasins identified by the Kansas State Water Plan.

These field analysis summaries are written annually and include groundwater levels, streamflow and precipitation data collected during the previous calendar year. Water use is discussed and general background information about the geographic area is included. Water quality data is an included topic in the Ozark Plateau Field Analysis Summary. Data is supplied by various entities including the Subbasin Water Resource Management Program, groundwater management districts, United States Geological Survey, National Climatic Data Center and others.

These summaries are to help educate the public in these targeted areas of the dynamic hydrologic conditions of their environment.

The field analysis summaries for the 2007 calendar year are the first available reports. Targeted geographic areas include Rattlesnake Creek, Pawnee-Buckner, Middle Arkansas River, Upper Arkansas River, Upper Solomon River, Lower Solomon River, Mainstem Solomon River, Ogallala-High Plains Fringe Area and the Ozark Plateau.

The field summary analyses are available online at www.ksda.gov/subbasin. Navigate to the appropriate subbasin and then to Field Summaries. Paper copies are available at your local Division of Water Resources Field Office, or by calling (785) 296-3705.

Big Blue River Compact

The 35th annual meeting of the Kansas-Nebraska Big Blue River Compact Administration was May 28 in the Farm Bureau office in Manhattan.

The compact administration is currently composed of a federally appointed compact chairman, Gary Mitchell of Solomon, Kansas, David Barfield, chief engineer of the Kansas Department of Agriculture Division of Water Resources, Brian Dunnigan, acting director of the Nebraska Department of Natural Resources, Sharon Schwartz, advisory member from Hanover, Kansas, and Ken Regier, advisory member from Aurora, Nebraska. Kansas Department of Agriculture staff who provide support to the Compact Administration were Bob Lytle, Katie Tietsort and Lindsey Douglas.

The compact provides for minimum target flows to pass the Kansas state line on both the Big Blue and Little Blue rivers during the spring

and summer months. The flows are measured at the Barneston, Nebraska, gauging station on the Big Blue River, and at the Hollenberg, Kansas, gauging station on the Little Blue River.

If the flow falls below the target, Nebraska is required to administer water rights junior to the compact date of 1968 to achieve the state line flow. During the annual meeting, reports were presented to and accepted by the compact administration by each state, the three Nebraska natural resources districts in the basins, the engineering, legal, budget, and water quality committees, and by the United States Geological Survey. During the spring and summer months of 2007, no junior water rights in Nebraska were regulated because there was sufficient stream flows.

Kansas-Oklahoma Arkansas River Compact

The 44th annual meeting of the Kansas-Oklahoma Arkansas River Compact will be at 9 a.m. July 23 at the Best Western Sun Dome Hotel in Hutchinson. This compact, comprised of two federally appointed commissioners, one from each state, two citizen representatives from both states, and the state officials responsible for administering water law, provide for limits in the amount of conservation storage construction in the subbasins of the Arkansas River. Kansas currently has substantial storage capacity remaining in the entire subbasins.

Benefits of watershed dams *provided by SCC*

In Kansas, dams provide a range of economic, environmental and social benefits, including recreation, flood control, water supply, waste management and wildlife habitat.

Recognizing that serious problems of water management result from erosion, floodwater or sediment damages or instability of natural water supplies were arising in the watersheds of the rivers and streams of Kansas, the Kansas Legislature established the Watershed District Act in 1953. The purpose of the watershed district is to construct, operate and maintain works of improvement needed to provide for water management within designated boundaries. The primary function is to develop a comprehensive general plan for a watershed that will provide flood protection for residents and landowners.

A watershed is all the land area that drains to a particular water resource point, such as a lake or stream. Watershed district boundaries generally follow a natural watershed basin. There are 88 organized watershed districts in Kansas encompassing approximately 35 percent of the total land mass in the state. Organized watershed districts have taxing authority (within limitations) and the power of eminent domain, in addition to other powers granted by K.S.A. 24-1209. Each watershed district incorporated under the provisions of this act is a political subdivision of state government.

Flexible water use for water appropriations

Water right holders who would like some leeway in how they use their water appropriation from year to year have until Oct. 10 to apply for a term permit that allows for more flexible water use over a five-year

period that begins Jan. 1, 2009.

The multiyear flex account option is available to vested and certified groundwater water right holders. Water users establish a five-year allocation based on an average of their actual reported water use, between 1992 and 2002, less a 10 percent conservation amount required by law and excluding any amount used in excess of the authorized quantity.

"This is one tool irrigators can use to deal with variations in precipitation from year to year," said David Barfield, chief engineer.

Staff in the DWR field offices are prepared to answer questions about flex accounts and to help water users complete application forms.

Field office locations and contact information are at www.ksda.gov/dwr/content/309

More information about flex accounts, including possible scenarios for their use, can be found at www.ksda.gov/appropriation/?cid=297