



Division of Water Resources

Perfecting Water Rights for Well Flexibility or Outright Quantity and Annual Water Use Reporting

Katherine A. Tietsort, Topeka Field Office, Water Commissioner
Lane Letourneau, Water Appropriation Program Manager
Kansas Department of Agriculture
Division of Water Resources

This presentation is designed for PWS managers and operators and will walk through considerations in perfecting uncertified water rights, identify how to accomplish water right perfection goals, and answer perfection questions. If you've asked: How do I pump to develop outright quantity? How do I pump to develop system redundancy or flexibility? What are limitations and do I have them? This presentation is for you! Finally, we'll cover how to report all this properly on the annual water use report.

Topics

- Water Right Perfection (Development)
 - Development Process
 - Perfecting for Flexibility / Redundancy
 - Perfecting for Outright Quantity
 - Limitations
 - Certificate Process
- Water Use Reporting

Water Right Development Period Completion of Diversion Works

- Obtain Approval of Application (Permit to Proceed)
 - Approval specifies completion date and perfection date
- Complete diversion works (N+P & fee)
 - Remainder of year of approval + 1 full year to December 31; reminder letter
 - Diversion works- any well, pump, power unit, source, dam and other devices necessary to bring water under control for delivery to distribution system and distributed and all equipment required (meter, check valve, tube, etc.)
 - can be extended, reminder letter
 - Extensions- must be filed before period expires, have extension fee, include date diversion works will be completed and progress to date

Water Right Development Period Perfection Period

- Remainder of year of approval + 20 full years to December 31 (5 years for non-Municipal); letter
- If extension to complete is granted, an extension for perfection is granted
- Perfection period can be extended, letter
 - Perfection is applying water as authorized
 - Extensions- must be filed before period expires, have extension fee, include information about progress to date in perfection and reason why more time is needed
 - If justified, shall be extended in 5 year increments or less after the original 20 years

Fundamental Concepts of Perfection

- Perfection stops "hoarding" of water
- PWS gets to "keep" the total amount of quantity lawfully used at the rate used, no more, no less
 - One key item is how DWR views rate & quantity versus how PWS do
 - Quantity- DWR Maximum quantity authorized per year vs. PWS- MGD
 - Rate- DWR Maximum instantaneous rate water is removed from source vs. PWS- calculated rate based on average or maximum day

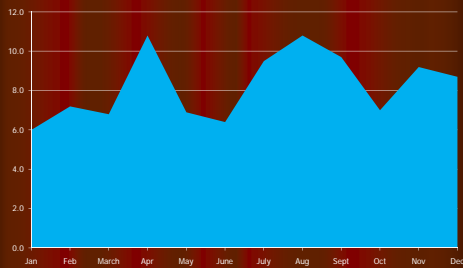
SO, how do rights pump, anyway?



First Right

- Water Right is certified for the maximum instantaneous rate developed and annual maximum quantity developed
- This original right pumped January through December to meet demands, with peaks occurring, usually in summer months of peak demand
- At some point, need more water

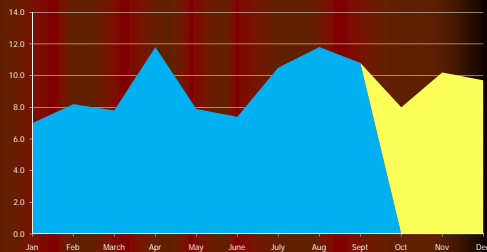
How First (Original) Right is Pumped



Second Right- same well/intake

- Either same rate or additional rate
- **Senior file (first file) always pumps first**
- Same rate-
 - Total quantity pumped lawfully – quantity authorized by first right = certificate quantity
 - So, now the first (original) right is pumped differently, the increased demand has caused the first right, pumped first, to be exhausted (run out) some time before end of year, then the second right is pumped
 - Limited in rate to original (same) rate

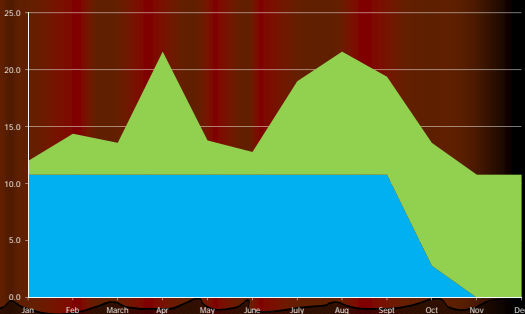
Second Right Pumping (same rate)



Second Right- increased rate, total quantity

- Increased rate
 - When well pumps a given rate, some quantity is being pumped under the senior right, and some under the junior right, simultaneously
 - If approval is total quantity, certificate considers the total quantity pumped at the new rate and is limited back to the senior right in rate and quantity
 - First (original) right is still pumped differently, the two rights pump at the same time

Second Right Pumping (higher rate and additional quantity)



Flexibility

- If your utility just wants to develop an alternate source for pumping flexibility, you can focus on pumping the full authorized quantity in any given year of the perfection period
- Does not matter what is pumped under senior rights
- The certificate will limit the quantity to the maximum year pumpage of all rights

Quantity

- If your utility is trying to develop outright quantity to meet increased demands, your focus should be two-fold:
 - Pump the full authorized quantity in any given year of the perfection period from the new source / right
 - Pump all your senior rights to their maximum extent in the same year
 - If you don't achieve this, you will get a limiting clause

LIMITATIONS

- Limits you to the maximum quantity you pumped collectively with other (senior) rights
- Limits to the maximum rate at which water was diverted during the perfection period

Example limitations

- That the rate of diversion approved under this permit is further limited to the rate which combined with Water Right, File No. X, will be diverted at a maximum diversion rate not in excess of 7,000 gallons per minute (15.6 c.f.s.).
- That the quantity of water approved under this permit is further limited to the quantity which combined with Water Right, File No. X, will provide a total not to exceed 185.8 million gallons of water per calendar year for municipal purposes at the location described herein.

Example Limitations, con't.

- That the quantity of water approved under this permit is further limited to the quantity which combined with Appropriation of Water, File Nos. X, Y and Z, will provide a total not to exceed 1,898.5 million gallons of water per calendar year for municipal purposes at the location described herein.
- That the quantity of water and rate of diversion is further limited to the quantity and rate which combined with Water Right, File Nos. X and Y, will provide a total not to exceed **608.62 million gallons** per calendar year to be diverted a maximum diversion rate **not in excess of 2,559 gallons per minute** (5.7 c.f.s.) from the authorized point of diversion, for municipal use as described herein.

Certificate Process

- Field Office staff conducts inspection
- Proposed Certificate developed once perfection period expires
- HQ drafts certificate
- Certificate issued

Propose Certificate - ProCert

- Field Office proposes certificate
 - FO staff conducts Field Inspection
 - Rate test, review of Quantity, PU, PD, etc. WU matrix
 - Based on maximum extent lawfully developed up to approved quantity and rate
 - Reductions to quantity if quantity or rate overpumped, place of use not authorized, PD critical
 - Must be based on properly metered (if required) and properly reported data

Draft Certificate

- Proposed Certificate from FO reviewed by Certificate Unit and a draft certificate is prepared and sent to owner
- Allows owner a 30-day review and response period
- CAREFULLY review everything on your draft certificate – ASK if you have questions

Certificate Issued

- Certificate is prepared from draft, signed by CE and issued to owner
- Owner should file copy with Register of Deeds
- Owner should make sure they understand what the certificate says and what limitations the certificate puts in place (how to operate within the constraints of the certificate)
- FO assistance available for this

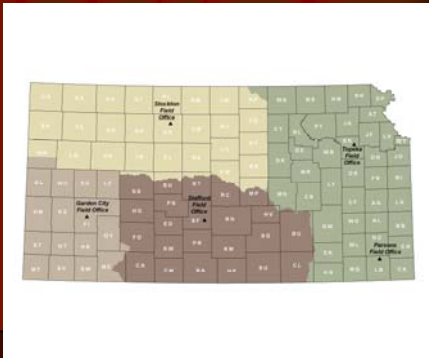
Water Use Reporting

- Your water use report was reviewed thoroughly in the past, due to budget constraints the review will be minimized
- It will be more important than ever to ensure you are properly reporting because problems may not be noticed or you may be issued a Notice of Non-Compliance
- Call with any questions

WUR Items to Focus On Part A

- Part A-
 - Include meter beginning and ending meter readings directly from meter face including all multiplication factor digits, include unit, subtract for total,
 - Hrs X rate if no meter,
 - Well data
 - Reasons for any non use

DWR Field Offices- Where to get assistance



KDA/DWR Web Site For More Information



Questions??