

**Kansas Department of Agriculture  
Division of Water Resources**

**Report to the Kansas Water Authority  
Wichita, Kansas  
May 13-14, 2010**

1. Republican River Compact issues:
  - a. Arbitration over Nebraska's noncompliance in 2005-2006, concluded July 2009
  - b. Arbitration over Colorado's compliance pipeline proposal, ongoing
  - c. Arbitration over Nebraska's crediting issue, ongoing
  - d. Kansas filing to U.S. Supreme Court over Nebraska's 2005-2006 noncompliance, May 3, 2010
  
2. SB 510, conservation use: Not worked. Would have established "conservation use" as a new and distinct beneficial use of water. The owner of a vested or certified water right in good standing would have the option of changing his water right to conservation use – and the option of changing back to the original use or another use. Water rights in conservation use would be protected from abandonment.
  
3. Regulations:
  - a. Due and sufficient causes (adequate moisture, closed areas, maintain functional diversion works), effective May 21, 2010
  - b. Water flowmeters (simplify requirements for public water suppliers), effective May 21, 2010
  - c. 15 acre-feet exemptions in GMD 2 (limited in combination with other rights), effective May 14, 2010
  - d. 15 acre-feet exemptions in GMD 5 (offsets in designated basins and 1-mile spacing), effective May 21, 2010
  - e. Impairment investigations (proof of adequate well and pump system, process for GMD involvement, steps in investigation, regional lowering), pending adoption after conclude review of public comments
  - f. Stream obstructions (update, clarify, streamline), in draft phase, anticipate stakeholder meetings within next year
  
4. Water appropriation permits:
  - a. Olathe: In March, issued permits for 2.4 billion gallons per year (7,300 acre-feet) from horizontal collector well in Kansas River alluvium; 96% surface water and 4% groundwater based on modeling.
  - b. PWWSD 25: In May, issued permits for 676 million gallons per year (2,074 acre-feet) to supply Douglas Co. RWDs 2 & 5 and Osage Co. RWD 5.
  
5. Dam safety conference: February 8-10, DWR hosted the annual Kansas Dam Safety Conference in Hutchinson. Approximately 140 individuals attended the conference which included one and a half days of presentations on dam safety issues, a single day session on emergency action plans (EAPs), and a day session on obstructions in streams

and levees all running simultaneously. Forty people attended the session on EAPs. Attendees also had the option to tour the Wichita Aquifer Storage and Recovery project.

6. K-18 permits: In March, issued permits for 18 stream crossings, several channel alterations, and floodplain fill for berms and roadway embankments for K-18 highway improvements between Ogden and Manhattan. A major objective of this project is to address flooding problems in the City of Ogden. To provide a large part of this relief, both Dry Branch and Sevenmile Creek will discharge excess flows into a new overflow channel. Berms along Dry Branch and the overflow channel will help redirect water away from the residents of Ogden.
7. GMD 1 closure request: GMD 1 is working with DWR on proposed rule changes to close the district to new appropriations. The chief engineer has ordered a moratorium on applications for new water appropriation permits in the district while the rules are being developed. In April, extended the moratorium through April 21, 2011. The moratorium will help protect existing water rights from increased risk of impairment and accelerated regional lowering of the water table that could occur if new appropriations were allowed. Domestic use, temporary permits and term permits are exempt from the moratorium.
8. Gooch-Mills impairment administration: In March, informed junior water right owner (Mills) of 2010 water right administration approach involving reduced rates at set trigger levels and real-time irrigation scheduling using KanSched. Order is being prepared.
9. Ozark aquifer safe yield: Reviewing model results and developing proposed regulations regarding safe yield of the Ozark aquifer. Anticipate public notice and hearing by fall of 2010.
10. GMD 4 high priority area considerations: GMD 4 is considering proposing rules to implement limited irrigation and multi-year allocation criteria for high priority areas.