

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

**Report to the Kansas Water Authority  
Beloit, Kansas, November 4-5, 2010**

**State Water Plan Fund related activities**

Republican River Compact:

- a. **RRCA annual meeting** held on August 12 in Burlington, CO. The administration adopted minor changes to its accounting procedures and Groundwater Model and committed to finalizing accounting data for recent years.
- b. **Arbitrations** over Colorado's compliance pipeline proposal and Nebraska's crediting issue concluded
  - i. October 7: Arbitrator issued decisions finding against Nebraska on their crediting proposal and against Colorado on their proposed compliance pipeline, asserting that Kansas objections were reasonable. Her decisions are on our web site.
  - ii. November 1: States submitted responses (accept/reject decisions).
  - iii. Kansas and Colorado have re-entered into negotiations regarding the pipeline.
- c. **Kansas pleading** to U.S. Supreme Court over Nebraska's 2005-2006 noncompliance. On October 1: Court invited Acting U.S. Solicitor General's comments. We anticipate it will be several months before the Solicitor General responds.

Arkansas River Compact:

- a. **Surface water efficiency rules** - CO state engineer Dick Wolfe, in response to concerns expressed by KS, has adopted of rules governing surface water efficiency improvements on the Ark River valley.
- b. December 13-14: **Arkansas River Compact Administration annual meeting** in Lamar, Colorado
- c. October 4: Governor Parkinson reappointed Randy Hayzlett and David Brenn as **Kansas representatives** for terms through October 31, 2014.

Wateruse data review - Due to budget cuts we had to reduce our share to the cooperative agreement with USGS from \$60,000 to \$10,000 in FY 2011. However, we are having Basin Management Team staff complete some of the work previously done by USGS; allowing them to contribute greater than \$10,000 match and enabling them to focus their staff's expertise where most helpful.

High Plains Aquifer Management:

- a. GMD 4 Management Areas: Earlier this year, GMD 4 requested adoption of regulations that would enable the district to implement management programs to reduce the rate of water use in one or more of its high-priority areas, subject to further input from members and action by the board. In September, the Kansas Attorney General's Office advised DWR that, in essence, such water regulation must be implemented through corrective controls for intensive groundwater use control areas. DWR is working with GMD 4 to move toward enhanced management in a high-priority area.
- b. GMD 1: Rule changes are in process to close the district to new appropriations from the Ogallala and Niobrara formations. Moratorium in place during interim.
- c. GMD 2: The Board requested rules changes to require metering currently unmetered diversions by 2015.

Hydrologic Models:

- a. Ozark Aquifer: DWR is using a USGS model to determine safe yield of this aquifer in southeast Kansas. The aquifer extends into northeast Oklahoma and southwest Missouri with most of the recharge occurring in Missouri. Kansas has had a moratorium on new appropriations from this aquifer pending the completion of the study. Using the model. DWR has determined the safe yield of the aquifer system to be at least 36,000 AF/year, three times current appropriations. On this basis, the moratorium permits will be approved and rules governing future appropriations developed.
- b. GMD 5: After nearly two years of cooperative efforts, a hydrologic model of GMD 5 is complete. This model will be used to guide water management decisions in the area. DWR staff are currently reviewing the final model with its peer reviewer, Steve Larson.
- c. GMD 3: Model development continues.

- d. Equus Beds Aquifer: DWR is collaborating with USGS in the development of a model for this easternmost lobe of the High Plains aquifer in south-central Kansas near Wichita. The model will provide a better accounting tool for Wichita's aquifer storage and recovery project, and is anticipated to provide more accurate estimates of natural recharge/safe yield of the aquifer.

## Other activities/information

### Regulations:

- a. Impairment: Recent amendments (K.A.R. 5-4-1 and 5-4-1a) require water right owners filing impairment complaints to have their well and equipment tested; codify opportunities for GMDs to provide input in impairment investigations; and specify procedures when impairment is found to be predominantly due to regional groundwater lowering as opposed to direct well interference.
- b. AWEP: A recent temporary regulation (K.A.R. 5-3-23), soon to be made permanent, allows water right owners to retain their original authorized quantity when reducing irrigated acreage as part of an end gun removal Agricultural Water Enhancement Program in the Rattlesnake Creek subbasin within GMD 5. GMD 5 requested this regulatory amendment to incentivize participation in the program.
- c. Stream Obstructions: DWR is in the process of updating a comprehensive set of regulations (K.A.R. 5-40-1, *et seq.*) governing stream obstructions and channel changes other than jurisdictional dams. A stakeholder review process is planned before the formal regulatory approval process.

Dam Safety: This past spring the Kansas Legislature considered a bill that would have eliminated inspection requirements for high hazard and significant hazard dams; a subsequent version of the bill would have exempted most nonfederal dams from state regulation. The Legislature did not act on this bill due to public safety concerns. The bill came about because of concerns over inspection costs and costs to upgrade dams when downstream development changes hazard classifications. This summer, a technical advisory committee was convened to examine these concerns and potential solutions. This process is ongoing.

### High-Profile Permits Issued Since August:

- a. North Lawrence Generation: Largest water appropriation permit in the history of Kansas, File No. 47,275 authorizes approximately 2.5 million acre-feet of water per year for hydropower use at the proposed powerhouse on the north side of the Kansas River in Lawrence, opposite the existing Bowersock Mills & Power Company hydropower plant. This is for nonconsumptive, flow-through water use. The permit includes special conditions to ensure that the new use does not interfere with Kansas River Water Assurance District releases, requires collecting special data and proper coordination of operations.
- b. Water District No. 1 of Johnson County: This new permit authorizes an additional 100,000 acre-feet per year of authorized quantity for their new collector well in the Missouri River alluvium, based on higher than expected yield. This is subject to the district's existing overall quantity limitation, but it increases their operational flexibility between wellfields and surface water supplies.
- c. Wichita ASR Phase II: Eight new permits and a related order specifying operational limits and accounting for the City of Wichita's Aquifer Storage and Recovery project. These permits are in addition to the 24 re-drilled wells approved last fall.
- d. Lincoln Street Bridge and Dam in Wichita: \$12 million innovative project to replace the Lincoln Street Bridge and dam in the main channel of the Arkansas River in Wichita.

Water Structures program manager - Matt Scherer's retirement as program manager is effective December 10. Chad Voigt to be the new Water Structures program manager, beginning work on November 29. Chad has over 20 years of engineering experience in the public and private sectors, including substantial work in stormwater management; design and construction of flood control projects; floodplain administration; watershed management; hydrologic and hydraulic modeling; GIS and database management; and program management. Chad was the City of Lawrence's stormwater engineer for nearly 10 years. He has a bachelor's of science in civil engineering from the University of Kansas.

DWR Currents: DWR's weekly newsletter is distributed by email and available on our website at <http://www.ksda.gov/dwr/content/314> . It's a convenient way to stay informed about Kansas water resources issues, agency actions, legislation (during the session), and upcoming events. More information on most of the matters noted above is available via the DWR currents link.