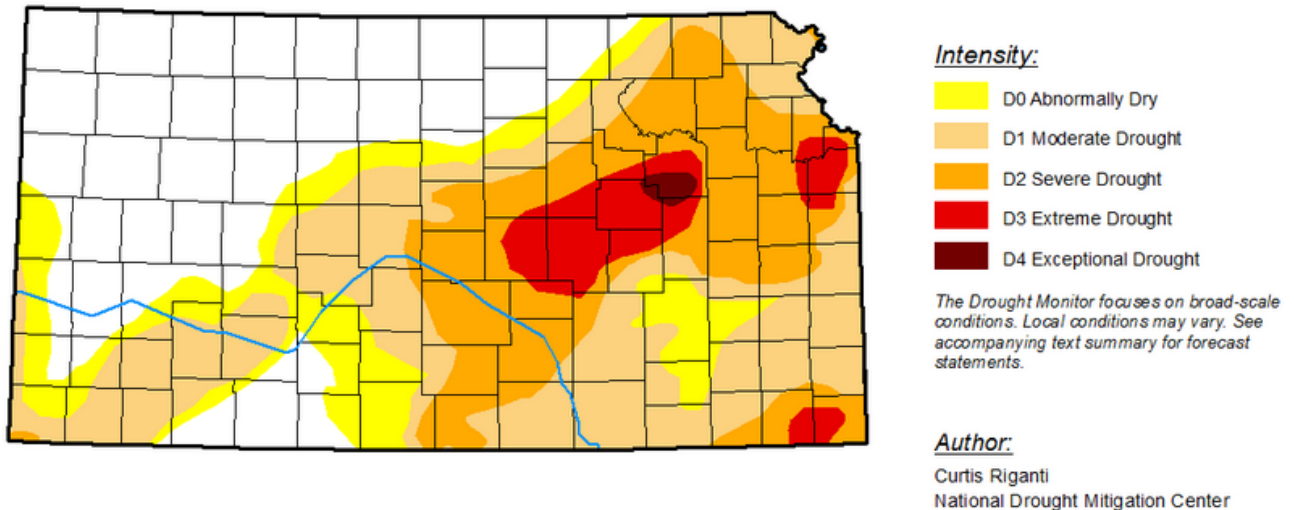


**Kansas State Report
Western States Water Council
Summer 2018 meeting**

Climate Conditions – Water supply conditions during the 2018 growing session started off very dry over large parts of the state but have since improved over much of western Kansas. Significant portions of central and northeastern Kansas remain very dry.

U.S Drought Monitor for Kansas, July 17, 2018



Minimum Desirable Streamflows: MDS were established to protect ecological, water quality, and domestic needs. Under MDS, when prescribed gages fall below statutorily defined values, all surface water and connected groundwater rights junior to MDS (1984) are to be regulated. Statewide 2018 has been an active year for administration of MDS.

Legislation: Once again, this year's legislature session was dominated by issues related to taxation and budget, esp. enhanced funding for public schools. The Legislature did agree to a \$3.25 million enhancement to the State Water Plan Fund to implement additional portions of the Kansas Water Vision.

Other water legislation included:

- **House Bill 2312** clarified procedures related to certain administrative hearings conducted by the chief engineer.
- **House Bill 2691** moves the deadline to apply for a Multi-Year Flex Account (MYFA) from October 1 to December 31 to take current year water usage into account.
- **Senate Bill 194** permits groundwater management district (GMD) boards to increase the maximum water withdrawal charge from \$1.00 for each acre-foot to \$2.00 for each acre-foot. The charge would continue to be used to finance the operations of the GMD. In addition, the bill eliminates a provision of current law that permits the boards of GMD to assess a greater annual water withdrawal charge if more than 50 percent of the authorized place of use of the water is outside the district.

Water management activities - (for information visit <http://www.agriculture.ks.gov/dwr>)

- **Local Enhanced Management Areas (LEMAs).** In 2012, the Kansas Groundwater Management Districts was amended to allow GMDs to initiate the creation of these special management area in over-appropriated areas, providing a two-hearing process for their consideration.
 - At the request of the Northwest Kansas GMD No. 4, after the required public hearings, the Sheridan 6 LEMA was extended for another 5 years, for the period 2018-22, under the same terms as the 2013-2017 LEMA, except for allowing carryover of a portion of any unused allocations from the first 5 years.
 - During June 2017, GMD No. 4 requested a new District-wide LEMA, which provided for allocations based on the rate of decline in the aquifer by township. For township of low decline, no restrictions were proposed. For rates of decline in saturated thickness of 0.5% - 1 %/year, a 5-year allocation of 90 inches/acre is provided. For rates of decline of 1 % - 2 %/year, a 5-year allocation of 5 times the 80% net irrigation requirement for corn is provided. For rates of decline of greater than 2 %/year, a 5-year allocation of 5 times the 50% net irrigation requirement for corn is provided. The LEMA was opposed by a group of intervenors who sought to delay of the second hearing and requested additional due process. While the hearing was not delayed, additional process was added, resulting in an improved record for decision. On February 23, 2018, I issued an order of decision, returning the LEMA plan to the GMD with proposed modifications based on the hearing record. The GMD accepted the proposed modifications and the order of designation for the modified plan was issued on April 13, 2018. On June 13, 2018, a petition for judicial review and a notice disputing the validity of the LEMA were filed in Gove County District Court to challenge the LEMA orders and the validity of K.S.A. 82a-1041 (the LEMA statutory provisions). On June 26, 2018, a petition for judicial review was filed in Thomas County District Court seeking review of the LEMA order related to setting allocations for particular plaintiffs within the LEMA area.
 - Western Kansas GMD No. 1 is actively exploring the use of the LEMA tool in the District, starting with a plan for the highly depleted Wichita County.
- **Water Conservation Areas (WCAs)** – In 2015, the Legislature amended our Water Appropriation Act to allow for the development of WCAs, which allows a water right owner or group of owners the opportunity to develop a management plan to reduce withdrawals to extend the usable life of the Ogallala-High Plains Aquifer, typically with increased flexibility to manage the reduced use. We now have 15 approved WCAs with more actively being considered. The most significant is the Wichita County WCA, a plan that covers the entire county which is highly depleted, with over 15% of the eligible acres of the area enrolled in the WCA.
- **Quivira National Wildlife Refuge Impairment Complaint** - The U.S. Fish and Wildlife Service (Service) owns and operates the Quivira National Wildlife Refuge (Quivira), a wetland of international significance and part of the central U.S. flyway. Water is a critical component its operations with a water right priority date in 1957. After decades of voluntary efforts to resolve its concerns were unsatisfactory, the Service filed an impairment complaint with KDA-DWR in April of 2013. KDA-DWR published its final impairment investigation report during April 2016 finding that upstream junior groundwater pumping is regularly impairing the Service’s senior water right. GMD No. 5 is developing a plan for an augmentation project as the cornerstone of the remedy of the impairment. They are also developing a LEMA proposal to reduce groundwater pumping to decrease the rate of increase in depletions.

- **Cities of Hays and Russell / R9 Ranch Water Right Changes and Water Transfer** - The Cities of Hays and Russell purchased the approximately 7,000-acre R9 Ranch and its thirty water rights in southwestern Edwards County in 1995 with the intention of someday using the water as part of the city's water supply. During June 2015, the Cities submitted applications to KDA-DWR to change the use made of water from irrigation to municipal use for the R9 Ranch water rights. As these proposed changes envision moving greater than 2,000 acre-feet more than 35 miles, during January 2016, the Cities submitted an application to transfer water from Edwards County to the Cities pursuant to the Water Transfer Act (K.S.A. 82a-1501, et seq.). The change applications and detailed proposed orders to approve the change applications have been sent to GMD No. 5 and the public for review. If the change applications are contingently approved this fall, the water transfer process would then begin.
- **Aquifer Storage and Recovery Project, City of Wichita** – The City of Wichita has requested changes to the permit conditions of its ASR project to meet the City’s current objectives for the project (as a source of water for long-term drought). The changes include reducing the bottom of the “basin storage area” and allowing for a new means to accumulate credits when the aquifer is full, called aquifer maintenance credits (AMCs). The public hearing has been set for October 22-23, 2018 to consider the City’s proposals.