

Kansas Water Authority Meeting
Kansas City, Kansas
9:00 a.m. – April 19, 2023
Agenda

<i>Time</i>	<i>Agenda Item</i>	<i>Presenter</i>	<i>KWA Advice</i>	<i>KWA Decision</i>	<i>Page No.</i>
9:00 am	Call to Order/Roll Call	Dawn Buehler			--
9:05 am	Approval of Meeting Minutes	Dawn Buehler			--
	January 25, 2023 Meeting			X	2
	March 3, 2023 Meeting			X	5
9:10 am	Welcome & Water Update/Overview	UG of Wyandotte Co. / Kansas City, KS			--
9:30 am	KWA Budget Committee	Mike Armstrong			--
	Summary of Senate Sub. For HB 2302	Victoria Potts			7
	SWPF FY 2025 Budget Recommendation Process	Matt Unruh		X	11
10:15 am	Legislative Update				--
	HB 2279 Update	Victoria Potts			12
10:30 am	BREAK				--
10:45 am	KWA RAC Operations Committee	Jeremiah Hobbs			--
	RAC Membership			X	14
	RAC Messages to the KWA			X	15
11:10 am	Federal Update	Josh Olson			--
	USGS Federal Cooperative Agreements			X	17
11:30 am	Water Success Story: Kansas Abandoned Well Plugging	Susan Duffy Ryan Hoffman			--
12:00 pm	LUNCH				--
1:00 pm	Sustainable Rivers Program	Heidi Mehl			--
1:30 pm	DOC SFY 2024 State Cost Share Programs Update	Andy Lyon			--
1:45 pm	KACD Urban Conservation CCGA	Dan Meyerhoff Troy Munsch			--
2:00 pm	KDHE – WRAPS Program Update	Mike Beezhold			--
2:15 pm	KWA Ex Officio Agency Updates	Dawn Buehler			--
2:35 pm	Director's Report	Connie Owen			--
2:45 pm	New Business	Dawn Buehler			--
2:55 pm	Adjourn	Dawn Buehler			--

Upcoming Meetings:

- June 7, 2023 – Kansas Water Authority, Dodge City (KGS Field Conference)
- August 23, 2023 – Kansas Water Authority, TBD
- October 18, 2023 – Kansas Water Authority, TBD
- December 13, 2023 – Kansas Water Authority, TBD

Minutes

KANSAS WATER AUTHORITY

January 25, 2023

In-Person Meeting

Topeka, KS

CALL TO ORDER: Chair Dawn Buehler called the **January 25, 2023**, Kansas Water Authority (KWA) meeting to order at **09:00 a.m.**

MEMBERS PRESENT: Dawn Buehler, Michael Armstrong John Bailey, Lynn Goossen, Randy Hayzlett, Jeremiah Hobbs, Pete Loecke, Carolyn McGinn Allen Roth, Allan Soetaert, Jean Steiner, David Stroberg

MEMBERS ABSENT: Alan King

EX-OFFICIO MEMBERS

PRESENT: Susan Duffy, Ryan Hoffman, Earl Lewis, Jay Kalbas, Susan Metzger, Steve Adams, Sara Baer, Tom Stiles, Andrew Lyon, Kayla Savage, Connie Owen

EX-OFFICIO MEMBERS ABSENT: Mike Beam

APPROVAL OF MINUTES:

Motion No. 01-25-01 It was moved by John Bailey and seconded by Allen Roth to approve the December 14 & 15 2022, Minutes for the Regular Meeting of the Kansas Water Authority **Motion carried with no dissenting votes.** Information found in meeting materials.

KWA PWS COMMITTEE:

John Bailey reported for the Public Water Supply Committee. Nate Westrup then gave a presentation on Water Marketing Application No 266- Renewal of the Water Purchase contract 81-5.

Dawn Buehler opened the floor for questions and comments. A discussion began over the new water rate for this contract verses the old capped rate.

Contract 81-5 Renewal Negotiations

Motion No. 01-25-02 It was moved by Michael Armstrong and seconded by Jeremiah Hobbs to approve the directors request to begin contract negotiations with the City of Coffeyville. **Motion carried with no dissenting votes.** Information found in meeting materials.

Nate Westrup then gave a presentation on Water Marketing Application No 265- Renewal of the Water Purchase contract 81-4.

Dawn Buehler opened the floor for questions and comments. Discussion on what entities Marion Reservoir may supply in the future was discussed. There was also a discussion on Water Conservation plans for any water marketing contracts.

Contract 81-4 Renewal Negotiations

Motion No. 01-25-03 It was moved by Carolyn McGinn and seconded by David Stroberg to approve the directors request to begin contract negotiations with the City of Marion. **Motion carried with no dissenting votes.** Information found in meeting materials.

KWA RAC OPERATIONS COMMITTEE:

Jeremiah Hobbs reported for the Public Water Supply Committee. Presented applications for Zack Frederick for the Agriculture 3 Category to the Great Bend Prairie RAC & the application of Katie Durham for the At- Large Public (cc) Category to the Upper Smoky RAC.

Dawn Buehler opened the floor for questions and comments.

Applications for Great Bend Prairie & Upper Smoky Hill RAC

Motion No. 01-25-04

It was moved by Allen Roth and seconded by Lynn Goossen to approve the applications for Zack Frederick for the Agriculture 3 Category to the Great Bend Prairie RAC with a term of June 2023 & approve the application of Katie Durham for the At- Large Public (cc) Category to the Upper Smoky RAC with a term of June 2025. **Motion carried with no dissenting votes.** Information found in meeting materials.

HARVEST HYDROGEN HUB CONCEPT

Jay Kalbas, State Geologist and Director of the Kansas Geological Survey presented on the Harvest Hydrogen Hub Concept.

Dawn Buehler opened the floor for questions and comments. Discussion on safety of project, water use, possible water reclamation and energy generation were had.

LEGISLATIVE UPDATE

Victoria Potts gave an update on legislation and legislative visits and spoke on the Governor's budget recommendations.

Dawn Buehler opened the floor for questions and comments. The KWA members' experience with legislative visits was discussed. There was also a discussion on funding the State Water Plan, specifically the fact that fully funding the statutory transfers does not mean "fully funding the water plan", and how the previous Blue-Ribbon Task Force funding estimates do not reflect what those projects would cost now.

GOVERNOR LAURA KELLY

Governor Kelly spoke about the importance of water in the Kansas.

HIGH PLAINS AQUIFER ANNUAL MEASUREMENT UPDATE

Brownie Wilson (Kansas Geological Survey) presented on measuring water levels in the High Plains Aquifer, what the process looks like and also what the current depth map is looking like.

Dawn Buehler opened the floor for questions and comments. Well depth and diameter, water quality, and aquifer declines were all discussed.

AGENCY UPDATES:

Kayla Savage gave an update for the Kansas Department of Commerce.

Susan Duff gave an update for the Kansas Corporation Commission.

Jay Kalbas gave an update for the Kansas Geological Survey

Sara Baer gave an update for the Kansas Biological Survey.

Susan Metzger gave update for Kansas State University.

Andy Lyon gave an update for the Department of Conservation.

Earl Lewis gave an update for the Division of Water Resources.

Tom Stiles gave an update for the Kansas Department of Health and Environment.

Steve Adams gave an update for the Kansas Department of Wildlife and Parks.

DIRECTORS REPORT: **Connie Owen** gave a Director's Report from the Kansas Water Office.

NEW BUSINESS: **Jeremiah Hobbs** mentioned that State Association of Kansas Watersheds would be hosting their 72nd annual meeting in Topeka at the end of January.

ADJOURNMENT: **Dawn Buehler** adjourned the meeting at **12:47 p.m.**

Dawn Buehler, Chair

Connie Owen, Secretary

Minutes

KANSAS WATER AUTHORITY

March 3, 2023

Virtual Meeting

Topeka, KS

CALL TO ORDER: Chair Dawn Buehler called the **March 3, 2023**, Kansas Water Authority (KWA) meeting to order at **02:00 p.m.**

MEMBERS PRESENT: Dawn Buehler, Michael Armstrong, Randy Hayzlett, Jeremiah Hobbs, Allen Roth, Jean Steiner, David Stroberg

MEMBERS ABSENT: John Bailey, Lynn Goossen, Alan King, Pete Loecke, Carolyn McGinn, Allan Soetaert

EX-OFFICIO MEMBERS

PRESENT: Susan Duffy, Earl Lewis, Scott Ishman, Susan Metzger, Steve Adams, Ted Harris, Leo Henning, Andrew Lyon, Connie Owen

EX-OFFICIO MEMBERS ABSENT: Mike Beam, Kayla Savage

LEGISLATIVE UPDATES:

Dawn Buehler introduced Victoria Potts to give a legislative update. Victoria went over a description of House Bills 2279 & 2302 and where the bills currently are in the process, as well as, what the next steps are.

Dawn Buehler opened the floor for questions and comments.

Items that were discussed:

- Why the Water Pollution Control Fund was included in bill 2302 and if there were other funding opportunities besides it
- How this bill will affect the monies for the State Water Plan Fund projects.
- Monies that are set to go into the State Water Plan Fund in years 4 & 5 of this bill
- How any new tax bill may affect the fee structure
- The Post Legislative Audit on the Ground Water Management Districts
- How funding may be used for Ground Water Management Districts
- How funding from State could be used as Leverage funding
- Whether or not Dawn Buehler should testify in front of the Senate on behalf of the KWA in support of these bills

Dawn Buehler testifying in front of the Senate

Motion No. 03-03-01 It was moved by Allen Roth and seconded by David Stroberg to approve Dawn Buehler to testify on behalf of the KWA to show support for HB 2302 with testimony being shared with the KWA members 24 hours in advance. **Motion carried with no dissenting votes.** Information found in meeting materials.

Dawn Buehler opened the floor for new business.

Matt Unruh spoke about the Milford Lake RCPP project 5-year renewal. He spoke about the Kansas Water Office's application being approved by NRCS for a new 5-year term. This provides 2.88 million dollars in technical assistance. Dawn Buehler opened the floor for questions and comments.

Milford RCPP project 5-Year renewal

Motion No. 03-03-02

It was moved by **Michael Armstrong** and seconded by **Jean Steiner** to approve the directors request to begin contract negotiations with the NRCS in regards to a 5-year renewal contract for Milford RCPP. **Motion carried with no dissenting votes.** Information found in meeting materials.

ADJOURNMENT:

Dawn Buehler adjourned the meeting at **02:50 p.m.**

Dawn Buehler, Chair

Connie Owen, Secretary

MEMO



DATE: April 12, 2023
TO: Kansas Water Authority
FROM: Mike Armstrong, Victoria Potts & Matt Unruh
RE: KWA Budget Committee & Legislative Update

900 SW Jackson Street, Suite 404
Topeka, KS 66612
Phone: (785) 296-3185
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www.kwo.ks.gov

The Kansas Water Authority Budget Committee met via Zoom on April 11, 2023. Topics of discussion included the following items:

- Legislative Update – Summary of Senate Sub. For HB 2302 & FY 2024 Appropriations
- Kansas Water Plan Budget Guidelines
- FY 2025 SWPF Budget Recommendation Development Process

Summary of Senate Sub. For HB 2302

Senate Sub. For HB 2302 makes changes to the funding mechanism for the State Water Plan Fund, establishes 2 new grant programs under the Kansas Water Office, and makes appropriations related to paying off water supply storage debt associated with Milford Lake and Perry Lake.

State Water Plan Fund

Current law transfers \$6.0 million from the State General Fund and \$2.0 million from the Economic Development Initiatives Fund to the State Water Plan Fund annually. The State Water Plan Fund also receives approximately \$13.0 million in fees and fines. Senate Sub. For HB 2302 makes the following adjustments to the State Water Plan Fund:

- Transfers an additional \$35.0 million from the State General Fund to the State Water Plan Fund;
- Transfers \$5.0 million from the State Water Plan Fund to the new Water Technical Assistance Fund; and
- Transfers \$12.0 million from the State Water Plan Fund to the new Water Projects Grant Fund.

**Note: The existing \$8.0 million transfers and fee revenue remains the same*

FY 2024 SWPF Estimate (Current vs. HB 2302)	Current	HB 2302
Revenue		
Beginning Balance	\$ 2,440,115	\$ 2,440,115
Fees and Fines Est	\$ 13,025,027	\$ 13,025,027
SGF/EDIF Transfer	\$ 8,000,000	\$ 8,000,000
Sales Tax Estimate	\$ -	\$ -
Additional SGF Transfer	\$ -	\$ 35,000,000
Total Available	\$ 23,465,142	\$ 58,465,142
Transfers		
Water Technical Assistance Fund	\$ -	\$ 5,000,000
Water Projects Grant Fund	\$ -	\$ 12,000,000
Reservoir Payoff	\$ -	\$ -
Total Transfers out of SWPF	\$ -	\$ 17,000,000
Net Available SWPF	\$ 23,465,142	\$ 41,465,142
Current FY 2024 SWPF Appropriations	\$ 22,546,399	\$ 22,546,399
Unbudgeted Balance	\$ 918,743	\$ 18,918,743

Kansas Water Authority Budget Recommendation Guidelines

Senate Sub. For HB 2302 creates some guidelines for the Kansas Water Authority (KWA) when making State Water Plan Fund budget recommendations:

- The KWA will encourage the creation of grant programs for stockwatering conservation projects and such grant programs shall prioritize the use of stockwater fees allocated to the State Water Plan Fund;
- The KWA will encourage funding requests from state and local entities that cooperate with qualified non-profit entities;
- The bill allows the KWA to recommend up to 10% of the unencumbered balance of the SWPF to be used to supplement existing salaries or fund new FTE positions created to implement the Kansas Water Plan; and
- The bill allows the KWA to recommend funds if at least two conservation districts present a joint proposal for a position or positions to provide shared services to those districts. Funds may be used to supplement the salaries of those positions.

Grant Programs

Senate Sub. For HB 2302 establishes 2 new grant programs under the Kansas Water Office. The Water Technical Assistance Fund is to be used to provide grants for the planning, engineering, managing, or other technical assistance in the development of plans for water infrastructure projects or for processing the grant and loan applications for such water infrastructure projects. Any municipality or special district related to water may apply for the grants. Municipalities with fewer than 2,000 residents would be prioritized in the awarding of grants.

Senate Sub. For HB 2302 also establishes the Water Project Grants Fund. Municipalities or special districts related to water will use the grants for:

- Construction, repair, maintenance, or replacement of water-related infrastructure;
- Matching moneys for grant or loan applications for water-related infrastructure projects; and
- Grants that could be applied to an outstanding loan balance from the existing Public Water Supply Loan Fund or Kansas Pollution Control Revolving Fund.

Water Supply Storage Debt

Senate Sub. For HB 2302 appropriates \$52.0 million from the State General Fund to the new Water Supply Storage Debt Payment for Milford and Perry Account in the Office of the State Treasurer. These funds will be invested by either the State Treasurer or the Pooled Money Investment Board in U.S. Treasury bills until the interest rate for the bills is equal or less than the interest rate for the debt payments. At that time, the State Treasurer would use the funds to pay off the water supply storage debt associated with Milford Lake and Perry Lake.

The bill also allows the State Finance Council to authorize the State Treasurer to immediately pay off the debt if the Director of the Water Office determines there is a need to call the water into service.

State Water Plan Fund

Kansas Water Authority FY2024 Budget Recommendations

EXPENDITURES	FY2024 KWA/Agency Base Budget Recs	FY2024 KWA/Agency Enhancement Recs	FY2024 KWA/Agency Recs Full Restoration SGF/EDIF	FY2024 GOV Recs	Legislative Changes	Updated FY2024 Recs
Department of Health and Environment						
Contamination Remediation	\$ 1,095,978		\$ 1,095,978	\$ 1,095,978		\$ 1,095,978
Nonpoint Source Program	\$ 414,893		\$ 414,893	\$ 414,893		\$ 414,893
TMDL Initiatives	\$ 384,916		\$ 384,916	\$ 384,916		\$ 384,916
Harmful Algae Bloom Pilot	\$ 150,547		\$ 150,547	\$ 150,547		\$ 150,547
Watershed Restoration/Protection (WRAPS)	\$ 1,000,000		\$ 1,000,000	\$ 1,000,000		\$ 1,000,000
Drinking Water Protection Program	\$ 800,000		\$ 800,000	\$ 800,000		\$ 800,000
NEW: LEPP		\$ 250,000	\$ 250,000	\$ 250,000		\$ 250,000
NEW: Surface Water Trash Removal		\$ 50,000	\$ 50,000	\$ 50,000		\$ 50,000
SUBTOTAL--KDHE	\$ 3,846,334	\$ 300,000	\$ 4,146,334	\$ 4,146,334		\$ 4,146,334
Department of Agriculture						
Interstate Water Issues	\$ 514,664		\$ 514,664	\$ 514,664		\$ 514,664
Subbasin Water Resources Management	\$ 650,174		\$ 650,174	\$ 650,174		\$ 650,174
Water Use	\$ 100,000		\$ 100,000	\$ 100,000		\$ 100,000
Water Resources Cost Share	\$ 2,768,956	\$ 65,758	\$ 2,834,714	\$ 2,768,956	\$ 65,758	\$ 2,834,714
Nonpoint Source Pollution Asst.	\$ 1,863,636		\$ 1,863,636	\$ 1,863,636		\$ 1,863,636
Aid to Conservation Districts	\$ 2,502,706		\$ 2,502,706	\$ 2,502,706		\$ 2,502,706
Watershed Dam Construction	\$ 550,000	\$ 100,000	\$ 650,000	\$ 650,000		\$ 650,000
Water Quality Buffer Initiative	\$ -		\$ -	\$ -		\$ -
Riparian and Wetland Program	\$ 154,024		\$ 154,024	\$ 154,024		\$ 154,024
Water Transition Assistance Program/CREP	\$ 550,727	\$ 100,000	\$ 650,727	\$ 550,727		\$ 550,727
Irrigation Technology	\$ 350,000	\$ 200,000	\$ 550,000	\$ 550,000		\$ 550,000
Crop and Livestock Research	\$ 250,000	\$ 100,000	\$ 350,000	\$ 350,000		\$ 350,000
Soil Health	\$ 200,000	\$ 200,000	\$ 400,000	\$ 200,000	\$ 200,000	\$ 400,000
Streambank Stabilization	\$ 750,000	\$ 100,000	\$ 850,000	\$ 750,000		\$ 750,000
SUBTOTAL--KDA	\$ 11,204,887	\$ 865,758	\$ 12,070,645	\$ 11,604,887	\$ 265,758	\$ 11,870,645
Kansas Water Office						
Assessment and Evaluation	\$ 834,078		\$ 834,078	\$ 834,078		\$ 834,078
MOU - Storage Operations & Maintenance	\$ 736,160		\$ 736,160	\$ 736,160		\$ 736,160
Stream Gaging	\$ 448,708		\$ 448,708	\$ 448,708		\$ 448,708
Technical Assistance to Water Users	\$ 425,000		\$ 425,000	\$ 425,000		\$ 425,000
Reservoir and Water Quality Research	\$ 450,000		\$ 450,000	\$ 450,000		\$ 450,000
Water Quality Partnerships	\$ 434,176	\$ 450,000	\$ 884,176	\$ 884,176		\$ 884,176
KS Water Plan Education & Outreach Strategy	\$ 250,000		\$ 250,000	\$ 250,000		\$ 250,000
High Plains Aquifer Partnerships	\$ 400,000	\$ 450,000	\$ 850,000	\$ 850,000		\$ 850,000
Kansas Reservoir Protection Initiative	\$ 1,000,000		\$ 1,000,000	\$ 1,000,000		\$ 1,000,000
Equus Beds Chloride Plume Remediation Project	\$ 50,000		\$ 50,000	\$ 50,000		\$ 50,000
Flood Response Study	\$ 200,000		\$ 200,000	\$ 200,000		\$ 200,000
Arbuckle Study	\$ 150,000		\$ 150,000	\$ 150,000		\$ 150,000
Water Injection Dredging (WID)	\$ -		\$ -	\$ -		\$ -
SUBTOTAL--KWO	\$ 5,378,122	\$ 900,000	\$ 6,278,122	\$ 6,278,122		\$ 6,278,122
Department of Wildlife & Parks						
Aquatic Nuisance Species (ANS) Program	\$ 224,457		\$ 224,457	\$ 224,457		\$ 224,457
University of Kansas--Geological Survey	\$ 26,841	\$ 113,159	\$ 140,000	\$ 26,841		\$ 26,841
FY2024 Pay Plan				\$ 80,742	\$ (80,742)	\$ -
Total State Water Plan Expenditures	\$ 20,680,641	\$ 2,178,917	\$ 22,859,558	\$ 22,361,383	\$ 185,016	\$ 22,546,399

State Water Plan Fund

Kansas Water Authority FY2024 Budget Recommendations

REVENUE	FY2024 KWA/Agency Budget Recs (Full Rest.)	FY2024 DOB Recommendations	FY2024 GOV Recommendations	Updated FY2024 Recs (Legislative Changes)
Beginning Balance	\$ 2,440,115	2,440,115	\$ 2,440,115	\$ 2,440,115
Transfers and Adjustments				
State General Fund Transfer	\$ 6,000,000	6,000,000	\$ 6,000,000	\$ 6,000,000
Economic Development Fund Transfer	\$ 2,000,000	2,000,000	\$ 2,000,000	\$ 2,000,000
Release of Prior Year Encumbrance	\$ -		\$ -	\$ -
Other Service Charges	\$ 50,000	50,000	\$ 50,000	\$ 50,000
SUBTOTAL--Adjustments	\$ 8,050,000	8,050,000	\$ 8,050,000	\$ 8,050,000
Receipts				
Municipal Water Fees	\$ 3,189,304	3,189,304	\$ 3,189,304	\$ 3,189,304
Clean Drinking Water Fee Fund	\$ 2,872,301	2,872,301	\$ 2,872,301	\$ 2,872,301
Industrial Water Fees	\$ 850,000	850,000	\$ 850,000	\$ 850,000
Stock Water Fees	\$ 439,609	439,609	\$ 439,609	\$ 439,609
Pesticide Registration Fees	\$ 1,488,892	1,488,892	\$ 1,488,892	\$ 1,488,892
Fertilizer Registration Fees	\$ 4,049,921	4,049,921	\$ 4,049,921	\$ 4,049,921
Pollution Fines and Penalties	\$ 70,000	70,000	\$ 70,000	\$ 70,000
Sand Royalties	\$ 15,000	15,000	\$ 15,000	\$ 15,000
SUBTOTAL--Receipts	\$ 12,975,027	12,975,027	\$ 12,975,027	\$ 12,975,027
Total Available	\$ 23,465,142	23,465,142	\$ 23,465,142	\$ 23,465,142
Less: Expenditures	\$ 22,859,558	20,680,641	\$ 22,361,383	\$ 22,546,399
Ending Balance	\$ 605,584	2,784,501	\$ 1,103,759	\$ 918,743

KWA SWPF FY 2023 Budget Recommendation Process

Included below and discussed during the April 11 KWA Budget Committee was the KWA's budget recommendation development process for State Water Plan Fund expenditures for FY 2025 which begins July 1, 2024. KWA feedback is requested on this process prior to action and initiation.

April

- KWA approves SWPF FY 2025 budget recommendation development process (*4/19/2023 Meeting*)
- KWA provides guidance on priorities / areas of funding
 - *Initial Guidance to Agencies and Regional Advisory Committees*

May

- Agencies develop initial funding requests
- Agencies convene to develop initial recommendations for KWA Budget Committee

May-June

- Research Coordination Group meets to develop research funding recommendations
 - *Recommendations provided to agencies and KWA Budget Committee*

June

- KWA Budget Committee meets to develop draft budget recommendations

June-July

- RACs review draft budget recommendations and provide feedback to KWA Budget Committee

July-August

- KWA Budget Committee finalizes recommendations for full KWA
- Full KWA acts on recommendations (*8/23/2023 Meeting*)

September

- KWA FY 2025 SWPF budget recommendations are submitted by agencies as part of agency administration budget process

The Budget Committee recommends the Kansas Water Authority approve the SWPF FY 2025 budget recommendation development process.

MEMO



DATE: April 12, 2023
TO: Kansas Water Authority
FROM: Victoria Potts
RE: Legislative Update on HB 2279

900 SW Jackson Street, Suite 404
Topeka, KS 66612
Phone: (785) 296-3185
Fax: (785) 296-0878
www.kwo.ks.gov

HB 2279 requires groundwater management districts (GMDs) to submit annual reports to the Legislature and conservation and stabilization action plans to the Chief Engineer.

Annual Report

HB 2279 requires each GMD board to submit a written report on the budget, finances, and activities of the GMD to the House Water Committee, House Agriculture and Natural Resources Committee, and the Senate Agriculture and Natural Resources Committee by January 25 of each year. The bill requires each GMD to publish the annual report on its website. The annual report includes:

- An itemized list of all income and the source of the income;
- An itemized list of all expenditures by the GMD board;
- An accounting of all assets held by the GMD board;
- The most recent approved audit;
- The budget adopted for the current year;
- A detailed description of the activities of the GMD; and
- A detailed statement explaining how the expenditure of the GMD board serve to further the conservation and reduced consumptive use of groundwater, the prevention of economic deterioration, and the stabilization of agriculture in the district.

Conservation and Stabilization Action Plan

HB 2279 requires each GMD board to identify all priority areas of concern within the district and set reasonable boundaries for those areas using Kansas Geological Survey data by July 1, 2024. Other sources of data may be used if approved by the Chief Engineer. The bill defines priority areas of concern to include areas where:

- The estimated usable lifetime of groundwater is 50 years or less or a similar measure of future water availability can be determined based on local water use and water level data; or
- An unreasonable deterioration of the quality of groundwater is occurring.

Priority areas of concern also includes areas where:

- Groundwater levels are declining or have declined excessively;
- The rate of withdrawal of groundwater equals or exceeds the rate of recharge;
- Preventable waste of water is occurring or may occur;
- An unreasonable deterioration of the quality of groundwater may occur; or

- Other areas identified by the GMD board and approved by the Chief Engineer.

The bill requires the GMD board to submit a report to the Chief Engineer after the priority areas of concern are identified. The report will include:

- The priority areas of concern;
- The nature of such concerns; and
- How the areas were identified and developed.

The bill requires each GMD board to conduct public education and outreach in each priority area so the GMD board can develop an action plan to reasonably address the identified concerns in each area based on input from water right owners and users in the area. The bill requires the action plan to be submitted to the Chief Engineer by July 1, 2026. The Chief Engineer has up to 90 days to review the action plan and identified areas of concern. After review by the Chief Engineer, each GMD board will implement the action plan as soon as practicable and incorporate the action plan and priority areas into the GMD's management program at the next annual review.

The bill requires each GMD board to review, at least every five years, existing priority areas of concern, any action plans previously adopted, and the district at large to identify any new areas that meet priority area conditions. After such review, the GMD board will update its priority areas of concern and its action plan as necessary and submit any updates to the Chief Engineer.

If the GMD board fails to identify priority areas of concern within the district, fails to submit an action plan to address the concerns or subsequent updates to action plans, or submits a plan that fails to reasonably address the problems within each identified area, the Chief Engineer could:

- Designate priority areas of concern in accordance with Section 2;
- Create an action plan in accordance with Section 2; and
- Take such corrective actions necessary under the authority granted to the Chief Engineer pursuant to the Kansas Water Appropriations Act and the Kansas Groundwater Management Act to carry out the action plan.

All areas within a district that have adopted a LEMA would be considered in compliance until the first action plan review. All areas within a district that have established an IGUCA would be considered a priority area of concern with an approved action plan in compliance with the bill until reviewed by the Chief Engineer pursuant to a schedule established in rules and regulations.

MEMO



DATE: April 10, 2023
TO: Kansas Water Authority
FROM: Jeremiah Hobbs, RAC Operations Committee Chair
RE: RAC Membership & RAC Messages

900 SW Jackson Street
Topeka, KS 66612
Phone: (785) 296-3185
Fax: (785) 296-0878
www.kwo.ks.gov

The KWA RAC Operations Committee met on April 4, 2023, via GoTo Meeting. Discussion from the meeting included the following topics:

- RAC Membership
 - New Membership Application
- RAC Message to the KWA from the Upper Arkansas RAC

RAC Membership

The Committee reviewed and discussed the application of Dave Mann from Quinter, KS for membership on the Upper Republican RAC. The following membership recommendation was approved by the RAC Operations Committee:

- Recommend Dave Mann be considered for the *Agriculture 2* category with a term expiration of June 2025.

The KWA RAC Operations Committee recommends KWA approval of the proposed RAC membership action for the Upper Republican RAC.

Upper Arkansas Regional Advisory Committee:

Message:

"We fully support taking steps to stop the decline of the aquifer and save it for future generations.

"policy of planned depletion of the Ogallala Aquifer is no longer in the best interest of the state of Kansas."

- *Kansas Water Authority 12-14-2022*

We agree!

The Arkansas River has completely lost streamflow from Garden City to Dodge City in our lifetime. As a result, we have lost an entire ecosystem.

There are 3 ways to address that tragedy and create an abundant future for this part of our state.

- 1- conservation-minded stewardship*
- 2- a complete rewrite of our state water laws with neighboring states*
- 3- other sources of supply*

Not just one of these, but all 3 will be necessary.

Upper Arkansas Regional Advisory Committee

GOAL: Establish a diversified, usable water supply by 2030, to motivate a vibrant growing economy with conservation-minded stewardship focused on increasing the life of the aquifer, reestablishing streamflow in the Arkansas River, and accelerating recharge; benefiting: economic prosperity, wildlife, habitat, recreation, and all water users while protecting property rights and providing safe drinking water.

Conservation is great!... something we all support!! Conservation can be achieved and our local economy can be sustained with an augmentation plan. It is imperative we have an augmentation plan to achieve conservation. Other sources of SUPPLY exist!

Our water resources have fueled the lifeblood of the Western Kansas economy since their development.

Usually by the time you realize you need INNOVATION it's already too late! Now is the time to act! In every place in this country where we have an abundant resource, we move it to a place where that resource is scarce! And that resource is put to a more beneficial, value added use.... lumber, oil, gas, and even our crops get moved across our country! Why don't we do the same with our WATER RESOURCES? Some say a water transfer is not possible. A large-scale water transfer is not only possible, it is inevitable! It will happen! The question is: Will we be part of it? or Will it go around or through our State without our participation?

We agree with chairwoman Buehler "It's time"

- *December 14 2022 remarks from KWA meeting Colby KS*

We request a seat at the table for developing the formal process to establish goals and actions to:

"halt the decline of the Ogallala Aquifer while promoting flexible and innovative management within a timeframe that achieves agricultural productivity, thriving economies and vibrant communities — now and for future generations of Kansans."

- *KWA 12-14-2022*

Our BELIEFS shape our reality. Do we have limiting BELIEFS? If we do... we must move from a SCARCITY mentality to an ABUNDANCE mentality. CHANGE is inevitable! Growth is Optional. Progress is Optional. Adaptation is Optional. Survival is Optional. What will we choose?

We can't change the PAST but we can paint a bright hopeful future one that portrays a true history of collaboration and one that forges bonds to solve the Basin's most dire threats. Rather than perpetuate the myth "Whiskey's for drinkin', water's for fightin' over," we urge you to embrace a new, more optimistic narrative – a future where the Arkansas River reestablishes flow and accelerates recharge, one that is good for economic prosperity, wildlife, habitat, recreation, and all water users while protecting property rights and providing safe drinking water.

Let's be part of the CHANGE! Let's choose PROGRESS GROWTH ADAPTATION and SURVIVAL!"

Background: The Upper Arkansas RAC met on February 3, 2023 in Garden City and was presented with a draft message from Titus Jaeger, RAC member, for review and consideration. Titus expressed that following the action taken at the December 14th KWA meeting regarding policy recommendation for the Ogallala Aquifer, he was compelled to draft a message showing support and commending the efforts taken. After discussion and additional information being added to the original draft, the motion was made by Brant Peterson and seconded by Joe Jury to send the message to the KWA for consideration. Following additional discussion, the motion passed with a majority vote of 7 in favor and 5 opposed.

Staff Input: The Kansas Water Office has begun the implementation phase of the Kansas Water Plan that was recently approved by the Kansas Water Authority. KWO staff will be working very closely with each of the fourteen Regional Advisory Committees on ways to carry out their Goals & Actions Plan. This message references items within the Upper Arkansas RAC's Goals & Actions Plan.

The Kansas Water Authority's recently established Ogallala Committee met for the first time in late November, 2022, to consider sustainability of the Ogallala Aquifer, pursuant to the Kansas Water Plan. The committee suggested and the KWA approved policy statements, including the use of a collaborative process on this topic.

Proposed Response: The Committee reviewed and discussed the message from the Upper Arkansas RAC. The following response recommendation was approved by the RAC Operations Committee:

- **The Kansas Water Authority appreciates the Upper Arkansas RAC's input regarding the Ogallala Aquifer. All RACs should be involved in Ogallala issues. The Kansas Water Authority recommends passing this message on to the Ogallala Committee.**

The KWA RAC Operations Committee recommends approval of the proposed response to the Upper Arkansas RAC.

MEMO



DATE: April 12, 2023
TO: Kansas Water Authority
FROM: Josh Olson
RE: Federal Cooperative Agreements – Streamgaging,
Kansas River Water Quality Monitoring, Neosho
River Sediment Monitoring, Milford Reservoir and
Clay Center Real-Time Water Quality Monitoring,
HABs in Slow Moving Waters Studies
(USGS)

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There are six potential agreements between the KWO and U.S. Geological Survey (USGS) for review and consideration by the Kansas Water Authority (KWA). Approval by the KWA, under KSA 74-2622, is required before the Kansas Water Office (KWO) enters into agreements with the federal government.

Streamgaging Network (USGS)

The USGS, in cooperation with the KWO and other cooperators, maintains stream gages across the state. Under this Joint Funding Agreement (JFA), funding for the streamgaging program will be provided for SFY 2024. Stream gages provide near real-time information about stream and river conditions. This information is used daily by numerous local, state and federal agencies and research entities to plan, protect and conserve water resources.

The expected non-federal contribution to cover the part of costs necessary to continue operations in SFY 2024 is \$448,708 from the SWPF. As a portion of the administration and enforcement costs to the public water supply program, Water Assurance Districts pay for the stream gages that monitor flow in the Assurance Districts, and Water Marketing will pay for stream gages that monitor flow within marketing customer areas. These equal two gages per WAD and Marketing Program. Final agreement will be determined after further discussions with USGS.

Kansas River Water Quality Monitoring (USGS)

Through a JFA, the USGS, KWO, KDHE, and the Nature Conservancy, along with the cities of Manhattan, Topeka, Lawrence, Olathe, and Water District No. 1 of Johnson County have participated in the Water Quality Monitoring agreement to characterize the sources, frequency and causes of cyanobacteria and associated toxins and taste-and-odor compounds, as well as other water quality concerns, in the Kansas River. Previous contracts have included the operation of water-quality monitors on the Kansas River at De Soto, Wamego, and Topeka, routine sample collection at these three sites over a range of hydrologic conditions, event-based sample collection at reservoir outflows, development of statistical relationships between collected samples and sensor values, and a time of travel study. A USGS Scientific Investigations Report and fact sheet, assessing 50 years of the Clean Water Act on the Kansas River, is also scheduled to be completed as part of the study later this year. The gages provide advanced notice to water suppliers that use the Kansas River as a source of water supply of changing water quality conditions that may affect treatment processes or cause cyanobacteria-related toxin and taste-and-odor events.

The final scope and agreement for this year's monitoring will be determined after further discussions with the overall group and USGS. The expected KWO contribution to the project in SFY 2024 is \$30,000.

Neosho River Sediment Monitoring (USGS)

Through a JFA, the KWO and USGS will operate and maintain two water quality monitors on the Neosho River at Neosho Rapids and Burlington. Historically, this monitoring network has been used to support the evaluation of the

efficacy of streambank stabilization efforts on the Upper Neosho and Cottonwood Rivers. The two monitors will be used to evaluate turbidity conditions upstream and downstream of John Redmond Reservoir. Quarterly suspended sediment samples will be collected at the two sites to assess the overall sediment load entering the reservoir and evaluate the performance of the suspended sediment models for the Neosho River previously published by the USGS.

The expected non-federal contribution to cover the cost of the necessary field and analytical work directly related to this program is \$76,500 from the KWO in SFY 2024. Final agreement will be determined after further discussions with USGS.

Milford Reservoir and Clay Center Real-Time Water Quality Monitoring (USGS)

Through a JFA, the KWO, KDHE, and USGS will collect water-quality, nutrient, and sediment data at the established streamflow station on the Republican River at Clay Center, Kansas. This data will provide an understanding of baseline suspended-sediment, nutrient, and water-quality conditions on the Republican River at Clay Center, the primary inflow into Milford Lake and closest streamgaging site not to experience backwater conditions from the lake. A USGS Scientific Investigations Report detailing findings from previous monitoring at the site is scheduled to be completed later this year. Additionally, the project supports a continuous water quality gage at the Wakefield causeway. This monitoring allows for better understanding of sediment and nutrient concentrations and characterization of water-quality conditions entering Milford Lake and HAB conditions at the reservoir. This agreement also helps to expand the monitoring network currently supported by the USGS, KWO, KDHE and communities along the Kansas River as part of the overall Kansas River Water Quality Monitoring study, and supports monitoring efforts associated with the Milford RCPP project.

The final scope and agreement for this year's monitoring will be determined after further discussions with KDHE and USGS. The expected KWO contribution to the project in SFY 2024 is \$39,800.

HABS in Slow Moving Waters Studies (USGS)

Through JFAs, the USGS, in collaboration with the KWO, KDHE, KDWP, and WaterOne, is investigating the occurrence of Harmful Algal Blooms (HABs) and algal toxins in slow-moving streams, wetlands, and oxbows above Perry and Milford Reservoirs and in the floodplain of the lower Kansas River and its tributaries downstream of dams. The project is focused on analysis of the temporal and spatial relations and hydrologic, water-quality and meteorological conditions of potentially toxic cyanobacteria bloom formation locations, transport of blooms downstream, and subsequent bloom development in reservoirs and large rivers. Additionally, the study will evaluate the use of satellite imagery for identifying potentially toxic cyanobacteria blooms in slow-moving streams, wetlands, and oxbows, with a goal of improving the utility of satellite imagery to monitor the occurrence of HABs and algal toxins in near-real time and assist with developing predictive models of HAB occurrence.

SFY 2024 is the third and final year of Phase 1 of the study, which will conclude in a USGS report in 2024. The first year of the proposed 3-year Phase 2 of the study will overlap with the final year of Phase 1 to prevent a gap year in sampling. While Phase 1 was more focused on identifying blooms, Phase 2 will more thoroughly investigate transport, including a more extensive and focused effort in the Milford Lake Complex and attempt to answer questions about the connectedness of the processes between the inflow, wetlands, lake, and outflow.

The KWO contribution to the project will be separated between two agreements (Phase 1 and Phase 2) with a total expected KWO contribution for both studies in SFY 2024 of \$61,850 (\$17,900 – Phase 1, \$43,950 – Phase 2). Final agreement will be determined after further discussions with USGS.

The Kansas Water Office recommends the KWA give approval to the Director to enter into agreements with the U.S. Geological Survey for the Streamgaging Network, Kansas River Water Quality Monitoring, Neosho River Sediment Monitoring, Milford Reservoir and Clay Center Real-Time Water Quality Monitoring, and HABS in Slow Moving Waters Studies.
