

Kansas Water Authority Meeting
Sedgwick County, KS
9:00 a.m. – October 19, 2022
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				--
	August 10, 2022 Water Policy Discussion August 17, 2022 Meeting	Dawn Buehler		X	2
9:10 am	KWA Public Water Supply Committee Update	John Bailey			--
	Water Purchase Contract No. 17-2, Wolf Creek Request Letter to U.S. Army Corps of Engineers	Nathan Westrup		X	8
9:40 am	KWA RAC Operations Committee Update	Jeremiah Hobbs			
	RAC Membership <i>Additional information to be provided at meeting</i>			X	11
9:50 am	Kansans for Conservation	Jordan Martincich Rob Manes			--
10:20 am	BREAK				
10:35 am	KWA Kansas Water Plan/Water Policy Discussion	Dawn Buehler	X		--
11:05 am	Legislative Update	Matt Unruh			--
11:20 am	KWA Annual Report to Governor & Legislature Discussion	Matt Unruh	X		--
11:50 am	Federal Update				
	U.S. Corps of Engineers PAS Agreements	Josh Olson		X	13
12:00 pm	LUNCH				
1:00 pm	Federal Update (Continued)				
	Kansas River Reservoirs Flood and Sediment Study	Laura Totten			--
1:30 pm	Water Success Story – Sorghum in Kansas	Sarah Sexton-Bowser			--
2:00 pm	KWA Ex Officio Agency Updates	Dawn Buehler			--
2:30 pm	Future KWA Meeting Schedule	Dawn Buehler			--
2:40 pm	Director's Report	Connie Owen			--
2:50 pm	New Business	Dawn Buehler			--
3:00 pm	Adjourn	Dawn Buehler			--

Upcoming Meetings:

- November 16-17, 2022 - Governor's Conference on the Future of Water in Kansas, Manhattan
- December 14, 2022 - Kansas Water Authority, Colby
- January 24-25, 2023 – Kansas Water Authority, Topeka
- April 19, 2023 – Kansas Water Authority, TBD
- June 7, 2023 – Kansas Water Authority, Southwest Kansas (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

August 10, 2022

In-person Meetings

Salina, KS

CALL TO ORDER: Chair Dawn Buehler called the **August 10, 2022**, Kansas Water Authority (KWA) water policy discussion held in-person to order at **10:05 a.m.**

MEMBERS PRESENT: Dawn Buehler, Mike Armstrong, John Bailey, Randy Hayzlett, Jeremiah Hobbs, Carolyn McGinn, Allen Roth, Jean Steiner, David Stroberg

MEMBERS ABSENT: Lynn Goossen, Alan King, and Allan Soetaert

EX-OFFICIO MEMBERS PRESENT: Earl Lewis, Scott Ishman, Susan Metzger, Steve Adams, Sara Baer, Leo Henning, Mike Beam, Andrew Lyon, Kayla Savage, Ryan Hoffman, Connie Owen

EX-OFFICIO MEMBERS ABSENT: All were present

OPENING REMARKS: Dawn Buehler gave opening statements including a welcome message, description of the purpose of the meeting, and started introductions.

Susan Metzger went through the meeting guidelines and self-introductions. All members of the discussion and open audience introduced themselves and named their favorite body of water.

Connie Owen presented an overview of the Kansas Water Plan.

FUNDING KANSAS WATER PLAN PRIORITIES:

Susan Metzger spoke about the first topic of the day. She asked all participants what they and their stakeholders would say are their funding priorities for the Kansas Water Plan. Time was then given for the stakeholder representatives and the audience to break into smaller groups for discussion.

After group discussion the room was called back to order and transitioned to a room-wide open discussion of what each group had spoken about in their smaller group.

BREAK FOR LUNCH 12:15

ORGANIZATION & STRUCTURE TO ADDRESS KANSAS WATER PLAN PRIORITIES:

Susan Metzger spoke about the second and final topic of the day: organization and structure to address the Kansas Water Plan priorities. Again, she had the room break into small groups to have a discussion on how they or their stakeholders would feel about this topic.

After group discussion the room was called back to order and transitioned to a room-wide open discussion of what each group had spoken about in their smaller group.

OPEN DISCUSSION: Susan Metzger opened the floor for any sort of discussion that any stakeholder wanted to bring up or have more discussion on. This included the Ogallala Aquifer, agency structure, and publicly available programs.

WRAP UP: Susan Metzger wrapped up the meeting and Dawn Buehler gave her closing statements.

ADJOURNMENT: Dawn Buehler adjourned the meeting at 2:45 p.m.

Dawn Buehler, Chair

Connie Owen, Secretary

Minutes

KANSAS WATER AUTHORITY

August 17, 2022

In-Person Meeting

Manhattan, KS

CALL TO ORDER: Chair Dawn Buehler called the **August 17, 2022**, Kansas Water Authority (KWA) meeting held in-person to order at **09:04 a.m.**

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

MEMBERS ABSENT: Alan King

EX-OFFICIO MEMBERS PRESENT: Ryan Hoffman, Earl Lewis, Jay Kalbas, Susan Metzger, Steve Adams, Leo Henning, Mike Beam, Andrew Lyon, Kayla Savage, Connie Owen, Jude Kastens

EX-OFFICIO MEMBERS ABSENT: All present

APPROVAL OF MINUTES:
Motion No. 08-17-01 It was moved by Allan Soetaert and seconded by Allen Roth to approve the June 22, 2022, Minutes for the Regular Meeting of the Kansas Water Authority with a correction to the Arkansas River Water Quality Summit's name. **Motion carried with no dissenting votes.** Information found in meeting materials.

KWA PWS COMMITTEE:
John Bailey & Nathan Westrup gave a presentation for the Public Water Supply (PWS) Committee and what goes into considering Water Purchasing Contracts.

Water Purchasing Contract 22-1

Motion No. 08-17-02 It was moved by John Bailey and seconded by Lynn Goossen to approve Water Purchasing Contract 22-1 with the City of Independence. **Motion carried with no dissenting votes.** Information found in meeting materials.

Nathan Westrup then presented on the Water Marking Program's Comprehensive Capital Development plan.

Dawn Buehler opened the floor for discussion. Comment was made that the Comprehensive Capital Development plan is intended to be in place for the CY24 rate discussions.

Jay Kalbas introduced himself to the Kansas Water Authority as the new Director of the Kansas Geological Survey.

KANSAS WATER PLAN: Connie Owen started the discussion on the Kansas Water Plan. Reminded the room that approval of the Kansas Water Plan was subject to editorial edits. Connie then opened the floor for discussion.

Items that were discussed:

- Adding wording to the document that recommends accountability. A

formal process will be initiated to create specific targets, metrics and goals to implement recommendations in this section through a collaborative process through state agencies, regional advisory committees, local stakeholders, and the Kansas Water Office.

- Adding Bill Golden’s work in the Aquifer guiding principles. Adding wording that talks more specially about professor Golden’s work.
- Making a section that talks about incentives of using less water from the aquifer
- Adding chemicals specific to water producers to the either the surface water or water quality sections - Leo Henning to provide wording
- Being more direct and firm about funding issues
- Adding the Equus Beds to the Aquifer section
- Adjusting wording for the Aquifer section. Reservoir section is listed as “Conserve, protect, and restore reservoirs.” Should we change the Aquifer Section to something similar?
- Adjustment of wording or creation of a committee to consider sustainability as part of the guiding principals in addressing the conservation of the High Plains Aquifer.
- Working on more practices that reduce sediment - as dredging is a short-term solution. If all we do is dredge will the supply be able to keep pace with the population growth?
- Kansas Corporation Commission opportunities to provide remediation support of the salt bloom in the Equus Beds.
- Making it more explicit that this is in fact a planning document and not an implementation document.
- Encouraging legislation to make conservation plans a requirement for all municipal water suppliers

Approval of the 2022 Kansas Water Plan

Motion 08-17-03

It was moved by **Jean Steiner** and seconded by **Jeremiah Hobbs** to approve the 2022 Kansas Water Plan subject to editorial changes and with the addition the following items. **Motion carried with no dissenting votes.** Information found in meeting materials.

1. Add as a recommendation to the guiding principles:
 - a. “A formal process will be initiated to create specific targets, metrics and goals to implement recommendations in this section through a collaborative process involving state agencies, regional advisory committees, local stakeholders, groundwater management districts, and the Kansas Water Authority”
 - b. “The Kansas Water Authority shall create a committee to consider sustainability as part of the Guiding Principle addressing the Ogallala Aquifer.”
 - c. “Educate producers on the increased profitability that can be achieved through reduced groundwater usage, as documented in Professor Bill Golden’s economic analyses.”
2. Add a reference to Professor Bill Golden’s research.
3. Add the following language to the Water Quality Section:
 - a. “Nitrates, phosphorus. Atrazine, bromides, uranium, chlorides, and other contaminates are impacting surface water quality. The Kansas

Water plan will continue to promote activities and fining to address and reduce the impacts to surface water quality.”

KWA BUDGET COMMITTEE:

Michael Armstrong presented on the FY 2024 budget. Then, Matt Unruh presented on the FY 2024 State Water Plan Fund budget.

Dawn Buehler opened the floor for discussion. Discussion was had about every agency’s enhancements.

FY 24 State Water Plan Fund Budget

Motion 08-17-04

It was moved by Michael Armstrong and seconded by Carolyn McGinn to approve the Fiscal Year 2024 State Water Plan Fund Budget recommendations. **Motion carried with no dissenting votes.** Information found in meeting materials.

KANSAS WATER AUTHORITY MEETING ON WATER POLICY DISCUSSION:

Dawn Buehler spoke about the August 10, 2022, Kansas Water Authority special meeting on water policy. She then opened the floor for discussion. Items that were discussed included:

- Coming up with three primary policy/position talking points for KWA legislative visits during the 2023 Legislative Session.
- Review of current water funding/fee statutes to see if they need to be adjusted to reflect updated funding.

Matt Unruh then presented a draft letter of support for salary increases for professional State employees to send to the Governor and Legislators that was discussed at the June 22, 2022, Kansas Water Authority Meeting. The KWA discussed and provided edits to the draft letter.

Support for Salary Increase for Professional State Employees

Motion 8-17-05

It was moved by Allen Roth and seconded by Lynn Goossen to approve the edited Letter of Support for Salary Increases for Professional State Employees and to send it to the whole Kansas Legislature as well as the Governor’s Office. **Motion carried with no dissenting votes. Carolyn McGinn abstained from the vote.** Information found in meeting materials.

KANSAS WATER SUCCESS STORY:

Chris Steffen gave a presentation on a Kansas Water Success Story. He presented on Aquatic Nuisance Species (ANS) and what Kansas Department of Wildlife and Parks is doing to combat and stop the spread of these species in all bodies of water in Kansas.

KANSAS WRAPS UPDATE: Travis Sieve from Kansas Department of Health and Environment gave an update on the Watershed Restoration Protection Strategy (WRAPS).

AGENCY UPDATES: Ryan Hoffman gave update from the Kansas Corporation Commission.

Kayla Savage gave update from the Kansas Department of Commerce.

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

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

Andy Lyon gave an update for the Department of Conservation. He also introduced Rod Vorhees, the Chairperson of the State Conservation Commission.

Leo Henning gave an update for the Kansas Department of Health and Environment.

Mike Beam gave an update for the Kansas Department of Agriculture.

Jay Kalbas gave an update for the Kansas Geological Survey.

Jude Kasten gave an update for the Kansas Biological Survey.

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

NEW BUSINESS: **Dawn Buehler** reminded everyone that the next Kansas Water Authority meeting will take place on October 19, 2022, near Wichita, Kansas. At that meeting the KWA will set the 2023 meeting dates.

ADJOURNMENT: **Dawn Buehler** adjourned the meeting at **4:04 p.m.**

Dawn Buehler, Chair

Connie Owen, Secretary

MEMO



DATE: October 11, 2022
TO: Kansas Water Authority
FROM: John Bailey, Chair, Public Water Supply Committee
Nathan Westrup
RE: Public Water Supply Committee Update

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Topeka, KS 66612
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www.kwo.org

Items Proposed for Action:

- Consider approval of negotiated amendment to Water Purchase Contract No. 17-2
- Consider recommendation of the committee to encourage the Director to send a letter to the U.S. Army Corps of Engineers asking for a Public Assistance to States (PAS) study targeting potential technical approaches to managing sediment and achieving sustainability of federal reservoirs in Kansas.

Evergy has requested an extension of Water Purchase Contract (WPC) No. 17-2, the supplemental water supply for Wolf Creek Nuclear Generating Station. The source of supply for WPC No. 17-2 is John Redmond Reservoir and it is the sole source of make-up water for the power plant's cooling lake.

Water Marketing Contract No. 17-2

- Original Term of 5 years (maximum 40)
- Expires 12/31/22
- Quantity: 9,368 MGY

Negotiated amendment

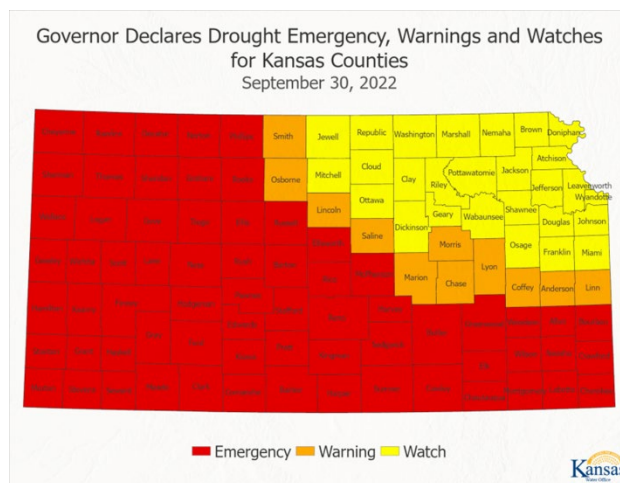
- Article 2, extend contract term from 5 years to 10 years (Expiration 12/31/2027)
- Article 6(b), statute requires quantity review on the sixth anniversary
- Amend names of the Purchaser entities

The Public Water Supply Committee recommends approval of the negotiated amendment for Water Purchase Contract, No. 17-2

Drought: Status and reservoir operations

The committee was briefed on the most recent county drought declarations and outlooks. The seasonal outlooks are predicting persistence and further development throughout the state.

The predominant flow in the Kansas River, Marais des Cygnes River, Verdigris River, and Neosho River basins is water released from storage. Operations have been activated in all water assurance districts and Water Marketing Program customer demands are being supported.



Capital Development Plan – Water Marketing Program fiscal policy

The committee continued the review Water Marketing Program financial forecasts and some initial thoughts on developing parameters of fiscal policy related to revenue generation in excess of basic expenses. Some of the critical fiscal policies to be developed will require additional information, such as estimates of future expenses related to reservoir sediment management.

The KWO has been pursuing identification of sediment management technologies (such as WID) but has not been able to develop the protection and restoration Master Plan, referenced in the 2017 Public Water Supply Comprehensive Capital Development Plan. The committee is supportive of generating revenue for research and development of innovative in-lake sediment management technologies through cost share studies with the U.S. Army Corps of Engineers.

The KWA Public Water Supply Committee recommends to the full Kansas Water Authority that the KWA encourage the Director of the Kansas Water Office to send a letter to the U.S. Army Corps of Engineers asking for a Public Assistance to States (PAS) study targeting potential technical approaches to managing sediment and achieving sustainability of federal reservoirs in Kansas.

AMENDMENT TO WATER PURCHASE CONTRACT NO. 17-2

a. Pursuant to the authority of Article 15 of Water Purchase Contract Number 17-2, the parties agree to extend the term of this contract for an additional period of five (5) years. To extend the term by an additional five (5) years, the parties agree to modify the termination date in Article 2 to state that the contract will terminate on the 31st day of December 2027.

b. The names of two of the Purchaser entities has changed. All contract references to the entity formerly known as Kansas Gas and Electric Company shall be replaced with the new entity name Evergy Kansas Central, Inc. All contract references to the entity formerly known as Kansas City Power & Light Company shall be replaced with the new entity name Evergy Metro, Inc.

c. The parties also agree that because this contract is being extended beyond its initial five (5) year term, paragraph (b) of Article 6 shall be replaced with the following language: "Pursuant to the provisions provided under K.S.A. 82a-1306(a)(4), the Director may adjust the total amount of water contracted for on the sixth anniversary of the execution of the contract and on each annual anniversary thereafter, if the Purchaser does not begin full payment for the water under contract and another water user is ready, willing, and able to contract for such water."

THE STATE OF KANSAS, BY:

Connie Owen
Director, Kansas Water Office

WITH THE EXPRESS APPROVAL OF
THE KANSAS WATER AUTHORITY,
BY:

Dawn Buehler
Chairperson, Kansas Water Authority

PURCHASER, BY:

Evergy Kansas Central, Inc.
Evergy Metro, Inc.
John Bridson
Vice President, Generation

Kansas Electric Power Cooperative, Inc.
Suzanne Lane
Executive Vice President
and Chief Executive Officer

MEMO



DATE: October 17, 2022
TO: Kansas Water Authority
FROM: Jeremiah Hobbs, RAC Operations Committee Chair
RE: RAC membership

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The KWA Regional Advisory Committee (RAC) Operations Committee met October 17, 2022, via GoTo Meeting. Discussion during the conference call focused on the following topics:

- Membership application for the Cimarron Regional Advisory Committee.

The Committee reviewed and discussed the applications of: Andrew Moser from Hugoton for membership on the Cimarron RAC. The following membership recommendation was approved by the RAC Operations Committee:

- Recommend Andrew Moser be considered for the *Agriculture (cc)* category with a term expiration of June 2025.

The KWA RAC Operations Committee recommends KWA approval of the application for membership on the Cimarron RAC as indicated above.

MEMO



DATE: October 17, 2022
TO: Kansas Water Authority
FROM: Jeremiah Hobbs, RAC Operations Committee Chair
RE: RAC membership

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The KWA Regional Advisory Committee (RAC) Operations Committee met October 17, 2022, via GoTo Meeting. Discussion during the conference call focused on the following topics:

- Membership continuation for the Solomon-Republican Regional Advisory Committee.

The Committee reviewed and discussed the continuation to serve as a Solomon-Republican RAC member for Keli Habiger due to her recent move to Nebraska. The following items were taken into consideration for the approval to continue representation:

- Keli Habiger's 2019 application and activity serving on the Solomon-Republican RAC in the *Fish, Wildlife & Recreation* category

Review of the *RAC Structure and Membership* policy, Category Number 5:

Applicants are eligible for committee membership only in the region in which they have their primary place of residence. At the discretion of the KWA, a member may serve on a regional committee in which they have their place of employment, provided the employment is closely connected to the water user category which they would represent.

- The RAC Operations Committee discussed Ms. Habiger's current employment as a banker in Norton County as their agricultural business lender and the relevancy of that employment to the RAC membership category. It was noted that she had worked for the Post Rock Rural Water District as their superintendent of finance and administration for 8 years, she served on the Secure Sebelius Lake committee, as well as having assisted in the development of the Almena Irrigation agreement with Norton County Community Foundation. It was also discussed that finding RAC members, especially ones that fit the Fish, Wildlife & Recreation category can be difficult at times and that her membership has only one year left before the membership drive will take place.
- Recommend Keli Habiger be considered to continue to represent as a Solomon-Republican RAC member for the *Fish, Wildlife & Recreation* category with a term expiration of June 2023.

The KWA RAC Operations Committee recommends KWA approval for the continuation of the membership on the Solomon-Republican RAC as indicated above.

MEMO



DATE: October 13, 2022
TO: Kansas Water Authority
FROM: Josh Olson
RE: Federal Cooperative Agreements – Reservoir
Sustainability and Water Quality PAS Agreements
(USACE)

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There are up to three potential agreements between the KWO and U.S. Army Corps of Engineers (USACE) 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.

Several research projects that currently receive state funding through Reservoir and Water Quality Research (Research Coordination Workgroup) and Assessment and Evaluation have been identified as potentially eligible to receive federal match through Planning Assistance to States (PAS) agreements with USACE.

- Kansas River Alluvial Aquifer Observation Well Network Maintenance and Modeling
- Streambank Evaluation of the Cottonwood and Neosho Rivers above John Redmond Reservoir
- Sediment Coring for HAB Trends at Tuttle and Waconda Reservoirs
- Evaluating Long-Term HAB Trends at Wilson and Kirwin Reservoirs
- Kansas Real-Time Flood Inundation Mapping Tool Development
- KWO Bathymetry

The KWO is working with USACE to scope proposals for one to three PAS agreements and determine which KWO projects would be appropriate in each. The federal contribution is still being determined, but is anticipated to be related to reservoir sustainability and water quality as well. The expected KWO contribution in SFY 2023/24 is up to approximately \$800,000. The final scope, cost, and number of agreements will be determined after further discussions with USACE.

The Kansas Water Office recommends the KWA give approval to the Director to enter into PAS agreement(s) with the U.S. Army Corps of Engineers for Reservoir Sustainability and Water Quality.
