

Kansas Water Authority
1911 E Kansas Ave.
Garden City, Kansas
Tuesday, August 17, 2021
Agenda

*Please note that this meeting will adhere to the current state government employee social distancing and mask guidelines/requirements. Priority will be given to KWA voting members for in-person attendance. Space may be limited to additional public participants, for which the virtual option is available.

<i>Time</i>	<i>Agenda Item</i>	<i>Presenter</i>	<i>KWA Advice</i>	<i>KWA Decision</i>	<i>Page No.</i>
8:00 am	Call to Order/Roll Call	Dawn Buehler	--	--	--
8:05 am	Approval of Meeting Minutes	Dawn Buehler			
	June 23, 2021 Meeting (Virtual)	Dawn Buehler		X	2
8:10 am	Overview of Meeting Agenda & Logistics	Connie Owen	X		
8:15 am	Kansas Water Plan Update	Connie Owen			
	2021 Kansas Water Plan Draft (for Public Comment)	Connie Owen		X	4
9:30 am	Public Water Supply Committee Update	John Bailey			
	RWD Douglas No. 6 Request to Negotiate	Nathan Westrup		X	5
9:45 am	Garden City Water Conservation Efforts	Fred Jones Jake White	X		
10:15 am	BREAK				
10:30 am	KWA Budget Committee	Mike Armstrong			
	FY 2023 SWPF Budget Discussion	Cara Hendricks Debra Jones		X	12
11:45 am	Legislative & Federal Update	Matt Unruh	X		14
	KWA Message to Gov. & Legislature Re: Federal Funding	Connie Owen		X	15
12:00 pm	Lunch Break				
1:00 pm	RAC Operations Committee	Jeremiah Hobbs			
	RAC Messages to the KWA	Jeremiah Hobbs		X	16
	New RAC Membership Appointments	Jeremiah Hobbs		X	19
1:50 pm	GMD1 LEMA Update	Earl Lewis	X		
2:10 pm	Western Kansas Playa Lake Efforts	Matt Smith	X		
2:40 pm	Director's Report	Connie Owen	X		
2:50 pm	New Business				
3:00 pm	Adjourn				

Upcoming Kansas Water Authority Meetings:

October 6, 2021 – Location/Format TBD
December 1, 2021 – Location/Format TBD
January 26-27, 2022 – Topeka, KS

August 17, 2021 KWA Meeting Zoom Information:

Join Meeting through Zoom at:

<https://us06web.zoom.us/j/87509155720?pwd=d1l2aGZXalcZSHZkd0ZrWHFBSkNQQQT09>

Meeting ID: 875 0915 5720

Passcode: 394863

Minutes

KANSAS WATER AUTHORITY

June 23, 2021

Topeka, Kansas

Zoom

- CALL TO ORDER:** Chair Dawn Buehler called the **June 23, 2021**, Kansas Water Authority conference call to order at **9:00** a.m.
- MEMBERS PRESENT:** Dawn Buehler, Mike Armstrong, John Bailey, Lynn Goossen, Randy Hayzlett, Jeremiah Hobbs, Alan King, Chris Ladwig, Carolyn McGinn, Allen Roth, Jean Steiner, Allan Soetaert, David Stroberg
- MEMBERS ABSENT:** ALL PRESENT
- EX-OFFICIO MEMBERS PRESENT:** Andrew French, Tony Layzell, Susan Metzger, Brad Loveless, Jude Kastens, Leo Henning, Andrew Lyon, Connie Owen
- EX-OFFICIO MEMBERS ABSENT:** Earl Lewis, Mike Beam, Kayla Savage

APPROVAL OF MINUTES:

- Motion No. 06-23-01** It was moved by **Jeremiah Hobbs** and seconded by **Allen Roth** to approve the June 9, 2021 Minutes for the Regular Meetings of the Kansas Water Authority as amended. **Motion carried with no dissenting votes.** Information found in meeting materials.

Public Water Supply Committee Update:

CY2022 Water Marketing Rate:

- Motion No. 06-23-02** It was moved by **Allan Soetaert** and seconded by **Lynn Goossen** to approve the CY2022 Water Marketing Variable Rate at \$0.454/1000 gallons. **Motion carried with no dissenting votes.** Information found in meeting materials.

Water Marketing Application No. 258:

- Motion No. 06-23-03** It was moved by **Jean Steiner** and seconded by **Jeremiah Hobbs** for the KWA to give approval to the Director to begin contract negotiations with the City of Independence. **Motion carried with no dissenting votes.** Information found in meeting materials.

Water Marketing Application No. 259:

- Motion No. 06-23-04** It was moved by **Allen Roth** and seconded by **John Bailey** for the KWA to give approval to the Director begin contract negotiations with the City of Hillsboro. **Motion carried with no dissenting votes.** Information found in meeting materials.

Vision/Kansas Water Plan Update:

Timeline and Schedule Update:

Connie Owen gave an update.

New Business:

Leo Henning gave an update for KDHE.

ADJOURNMENT

The KWA adjourned at 9:55 am.

MEMO



DATE: August 11, 2021
TO: Kansas Water Authority
FROM: Matt Unruh
RE: Kansas Water Plan Update

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

As all members of the Kansas Water Authority (KWA) are aware, efforts continue to proceed forward on the current Kansas Water Plan update. Recently, Kansas Water Office (KWO) staff have compiled all 5 of the individual Guiding Principle sections along with the 14 Regional sections into a standalone working draft version of the Kansas Water Plan as we collectively look to transition to the next phase of the Kansas Water Plan update process. This transition would involve moving into the formal public comment phase of the Kansas Water Plan update.

During the formal public comment phase, the KWO would post a full working draft Kansas Water Plan at <https://www.kwo.ks.gov/water-vision-water-plan/water-plan> to provide the opportunity for interested stakeholders and partners to review the current contents of the draft document. Comments could continue to be submitted to the KWO as currently noted on Kansas Water Plan webpage via email at kwo-info@kwo.ks.gov as well. In addition to a posted formal comment period which is anticipated to be at least 30 days in length, the KWO would proceed forward with satisfying the Kansas Water Plan public hearing requirement as set forth in statute.

Following the formal public comment phase, all input received prior to and during the formal public comment phase will be given due consideration in advance of a final draft Kansas Water Plan being presented to the KWA for review and approval. After KWA approval, the updated Kansas Water Plan will be submitted to the Governor and Legislature and posted to the KWO webpage for future access and reference.

At this time, the KWO would like to share the current working draft version of the Kansas Water Plan which is accessible at https://kwo.ks.gov/docs/default-source/water-vision-water-plan/water-plan/draft_kansaswaterplan_081121.pdf?sfvrsn=ab4c8014_2. KWO staff recognize that there are still additional edits and formatting changes which need to take place prior to a final draft being submitted to the KWA for review and approval, with much of this final formatting work slated to take place during and following the formal public comment phase. The KWO appreciates the understanding of the KWA on this additional work as we continue to make progress towards a completed Kansas Water Plan update.

With this current draft being provided, the KWO respectfully requests feedback from the KWA and consideration to approve a transition to the formal public comment phase of the Kansas Water Plan update process.

The Kansas Water Office requests approval from Kansas Water Authority to proceed forward to the formal public comment phase of the Kansas Water Plan update.

MEMO



DATE: August 6, 2021
TO: Kansas Water Authority
FROM: John Bailey, Chair, Public Water Supply Committee
Nathan Westrup
RE: Public Water Supply Committee Update

900 SW Jackson Suite 404
Topeka, KS 66612
Phone: (785) 296-3185
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Action Items:

- Consider authorizing the Director to begin contract negotiations pursuant to Water Marketing Application No. 260 (Douglas Co. Rural Water District No. 6)

Water Marketing Application No. 260

The Director of the Kansas Water Office submits findings to the Kansas Water Authority for review and to decide whether to authorize the Director to enter into contract negotiations with Douglas Co. Rural Water District No. 6 for water supply from Clinton Lake. The Kansas Water Office received a written application on June 16, 2021, accompanied by a request to begin negotiations. The district currently holds Water Purchase Contract No. 79-2 for water supply from Clinton Lake, which will expire on December 13, 2021. Article 16 of their current contract provides the purchaser a right of first refusal to enter into a new contract, contingent on the yield availability. The district also holds Water Purchase Contract No. 90-2 and has requested to terminate this contract, increasing the authorized quantity of the new negotiated contract by an equivalent amount. Precedence of allowing consolidation of multiple variable rate contracts was established with the approval of the City of Lawrence's contract in 2019. Arranging for contract consolidation would be addressed during contract negotiations.

In accordance with K.S.A. 82a-1305, which states, in part:

"Whenever the authority finds that a proposed withdrawal and use of water, other than surplus waters, is in the interest of the people of the state of Kansas and will advance the purposes set forth in article 9 of chapter 82a of Kansas Statutes Annotated, and amendments thereto, it shall authorize the director to enter into negotiations for the purpose of entering into written contracts with any person for withdrawal and use within or without the state of waters from conservation storage water supply capacity committed to the state."

As noted in the citation above, before negotiations for a contract can begin, the Kansas Water Authority (KWA) must find:

1. That the proposed sale is in the public interest, and
2. That it will advance the purposes of the State Water Planning Act and the State Water Plan.

If the Kansas Water Authority finds that the request meets these two criteria, it should authorize the Director to begin negotiations with the applicant.

The Public Water Supply Committee recommends the Kansas Water Authority approve the Director's request to begin contract negotiations with the Douglas Co. Rural Water District No. 6.*

**The consensus of present voting members, 2 of 4. 3 advisory members were also in attendance.*

PWS Committee Draft Workplan

In an effort to keep the committee informed and aware of upcoming projects that will require committee action, a workplan is being developed for the next few years. A draft workplan was presented to the committee for review and discussion.

[illegible]

PRELIMINARY FINDINGS
REQUEST BY DOUGLAS COUNTY RWD NO. 6
TO PURCHASE WATER
FROM CLINTON LAKE FOR WATER SUPPLY PURPOSES
July 19, 2021

The Director of the Kansas Water Office submits findings to the Kansas Water Authority for review and to decide whether to authorize the Director to enter into contract negotiations with Douglas County Rural Water District No. 6 (DGRWD6) for water supply from Clinton Lake. The Kansas Water Office received a written application on June 16, 2021, accompanied by a request to begin negotiations. DGRWD6 currently holds two Water Purchase Contracts (Nos. 79-2 & 90-2) for water supply from Clinton Lake, WPC No. 79-2 will expire on December 13, 2021. Article 16 of their contract provides the purchaser a right of first refusal to enter into a new contract, contingent on the yield availability.

In accordance with K.S.A. 82a-1305, which states, in part:

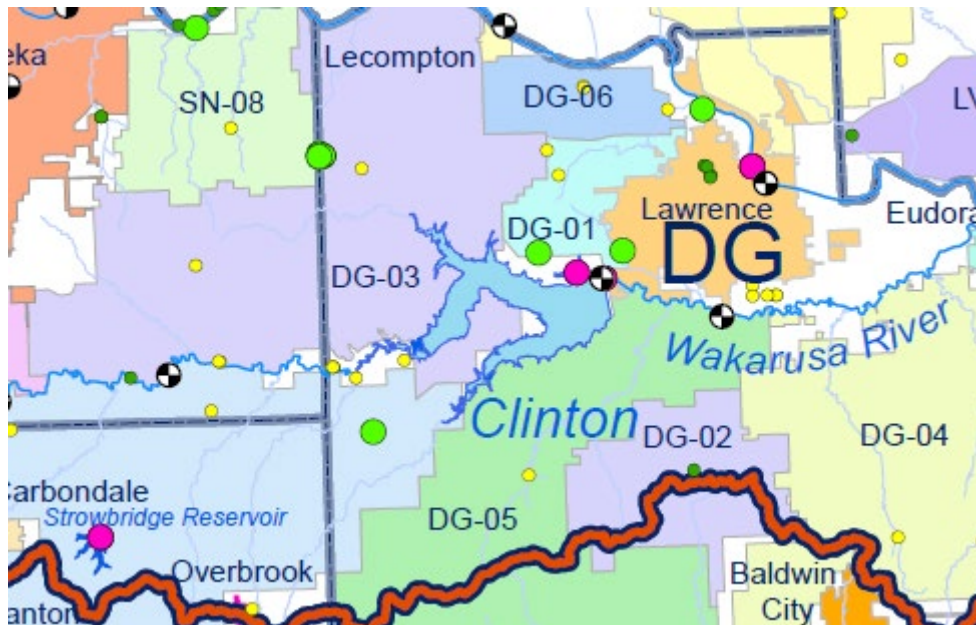
"Whenever the authority finds that a proposed withdrawal and use of water, other than surplus waters, is in the interest of the people of the state of Kansas and will advance the purposes set forth in article 9 of chapter 82a of Kansas Statutes Annotated, and amendments thereto, it shall authorize the director to enter into negotiations for the purpose of entering into written contracts with any person for withdrawal and use within or without the state of waters from conservation storage water supply capacity committed to the state."

As noted in the citation above, before negotiations for a contract can begin, the Kansas Water Authority (KWA) must find:

1. That the proposed sale is in the public interest, and
2. That it will advance the purposes of the State Water Planning Act and the State Water Plan.

If the Kansas Water Authority finds that the request meets these two criteria, it should authorize the Director to begin negotiations with the applicant. Figure 1 is a map of Clinton Lake and municipal water service areas.

Figure 1
Clinton Lake and service areas



The Kansas Water Authority shall consider the following items in determining whether the proposed contract is in the best interest of the people of the State of Kansas and whether benefits to the State for approving the contract outweigh the benefits to the state for not approving the contract.

1. The present and future water supply needs of the applicant;

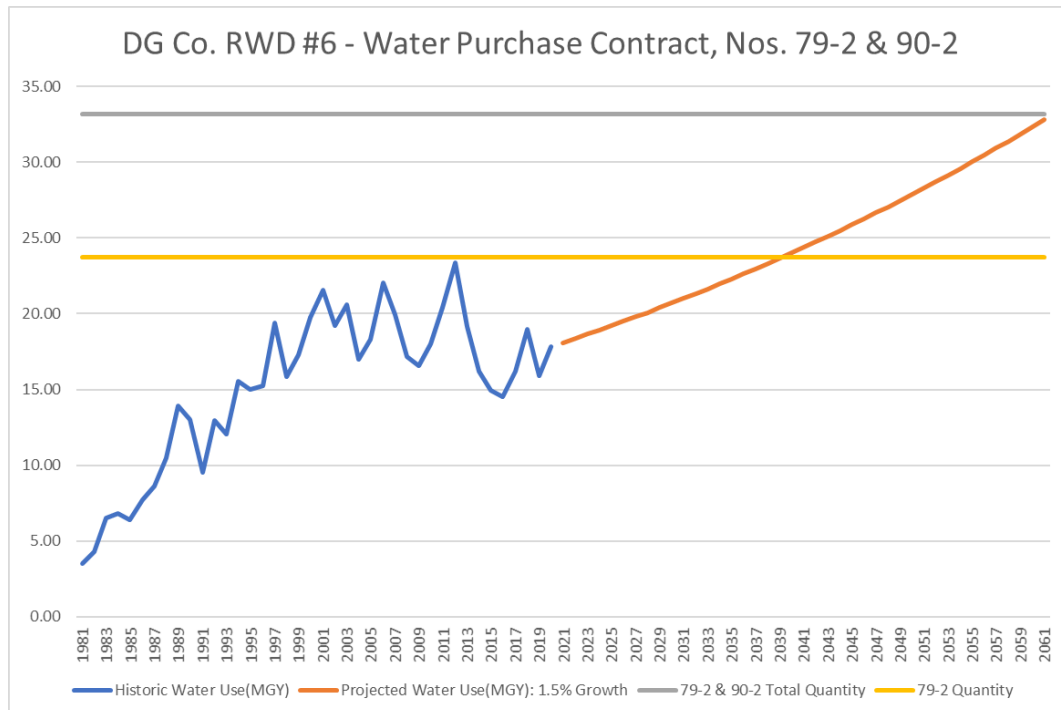
The applicant, DGRWD6, requests 33.2 million gallons per year (mgly) to supply water for municipal and industrial use.

Clinton Lake is DGRWD6’s sole source of supply. The district also has a water treatment contract with the City of Lawrence, as they do not own or operate an intake or any treatment facilities. KWO, DGRWD6, and Lawrence have accounting procedures in place to determine raw water use under WPC Nos. 79-2 & 90-2. Table 1 outlines the water supply that is currently available.

TABLE 1
AVAILABLE WATER SUPPLIES

Water Purchase Contract Number	Authorized Quantity (mgly)
79-2	23.76
90-2	9.5
Total	33.26

DGRWD6 operates and maintains a distribution system to retail customers only. In effect, it is the caretaker of a portion of a regionalized system created by the City of Lawrence Clinton Lake treatment plant. The chart below shows the historic water use under Water Purchase Contract Nos. 79-2 & 90-2. Also shown is a projected water use annual increase of 1.5%, as the district has noted that their service area is in a designated growth area – according to the Douglas County Comprehensive Plan Horizon 2040.



The reason for the submittal of Application No. 260 is, of course, the expiration of WPC 79-2 but DGRWD6 is requesting a quantity in excess of the subject contract. The district is requesting cancelation of WPC 90-2 and inclusion of most of the authorized quantity into the new contract. WPC

90-2 does not expire until 1/1/2031 but has insufficient quantity for the district's needs. This appears to be a reasonable request and avoids the need to address a second renewal in 10 years. In either case, two contracts or one contract, DGRWD6 will be subject to the variable rate. The benefit to all parties will be a simplification of accounting procedures.

2. Any current beneficial uses being made of the non-contracted water proposed to be diverted;

The Kansas Water Office is currently evaluating the yield available for a presumed 40-year contract term through 2061. Yield appears to be sufficient for all existing and proposed contracts, however, according to current modeling Clinton Lake will be fully contracted. Four public water suppliers have existing contracts for water supply, listed in Table 2. When negotiating the most recent contract with the City of Lawrence, consideration was given to up-coming contract renewals.

Table 2
Purchasers, Contract Numbers, and Contract Quantities
Clinton Lake

Contract Number	Customer Name	Contract End Date	2021 Maximum Gallons	2021 Maximum AF	Annual Contract Maximum Gallons	Annual Contract Maximum AF
79-1	Douglas County Rural Water District No. 3	12/13/2021	684,273,174	2,100	684,273,174	2,100
79-2	Douglas County Rural Water District No. 6	12/13/2021	23,759,981	73	23,759,981	73
90-2	Douglas County Rural Water District No. 6	1/1/2031	9,503,298	29	9,503,298	29
95-3	Douglas County Rural Water District No. 5	10/26/2035	128,298,541	394	128,298,541	394
19-1	City of Lawrence	12/29/2059	4,988,000,000	15,308	4,988,000,000	15,308
			5,833,834,994	17,903	5,833,834,994	17,903

3. Any reasonable foreseeable beneficial use of the water;

The KWO is currently in contract negotiations with Douglas County Rural Water District No. 3 but as stated earlier, consideration was given to anticipated contract renewals of DGRWD3 & 6 when the Lawrence contract was negotiated. No new additional water users have been identified.

4. The economic, environmental, public health and welfare, and other benefits or adverse impacts;

A dependable long-term water supply is essential for the vitality of the communities in this area. The KWO worked extensively with the City of Lawrence, DG RWD 1, 2, 3, 4, 5, 6, and the City of Baldwin at the time of the City of Lawrence contract renewal to develop a contract structure to allow flexibility in the distribution of available water among the members in an effort to better meet water needs necessary for local economy, public health and welfare. No adverse impacts have been identified.

5. Alternative sources of water available to the applicant;

DGRWD6 has the option to obtain additional water from the Kansas River through the development of a water right. This could come from a ground water well in the alluvium of the river or directly from the river. Releases for the Kansas River Water Assurance District No. 1 support the flow of the Kansas River. Based on the criteria established when the water assurance district was formed, a groundwater appropriation of this size would not indicate the need for inclusion in the assurance district but an application would be subject to safe yield. The Kansas River is open to new appropriations for direct surface water diversions. This would require establishment of a surface water intake, treatment plant, and membership with the assurance district.

6. The preliminary plan of design construction and operation of any works or facilities used in conjunction with transporting the water to its point of use;

DGRWD6 currently has a contract for water supply from Clinton Lake and a contract with the City of Lawrence for treatment. The District will use existing facilities to transport water to its customers.

7. Whether the proposed purchase is consistent with the state water plan approved by the Legislature;

The Kansas Water Plan indicates that development of regional solutions and use of existing sources is preferred in water supply development. DGRWD6 owns and operates distribution infrastructure as part of a regional public water supply system from Clinton through the City of Lawrence's treatment plant. This meets the regional guidance as well as the use of existing sources. The contract is consistent with the State Water Plan and the State Water Plan Storage Act.

8. The date of the application to contract for withdrawal and use of water;

Application No. 260 was received by the Kansas Water Office from the DGRWD6 on June 16, 2021.

9. Minimum streamflow requirements; and

Clinton Lake will be making minimum releases from a separate sub-pool (Water Quality) within the conservation pool to meet the instream flow needs of the Wakarusa. Milford, Tuttle Creek, and Perry lakes will be making releases to meet Kansas River target flows at Topeka and DeSoto under the operations agreement of the Kansas River Water Assurance District No. 1.

10. Whether the applicant has adopted and implemented a water conservation plan;

DGRWD6 has a water conservation plan that was developed as part of the requirements for purchase of water supply from the Water Marketing Program. The plan is consistent with the guidelines of the Kansas Water Office at the time of approval, 1990 guidelines. The KWO and Kansas Rural Water Association will provide assistance to DGRWD6 with the development of a plan consistent with current guidelines.

Based on these findings, the Kansas Water Office recommends that the Kansas Water Authority authorize the Director to begin negotiations with the DGRWD6 for the purchase of water from Clinton Lake water supply storage for municipal purposes.

MEMO



DATE: August 11, 2021
TO: Kansas Water Authority
FROM: Mike Armstrong, Chair
RE: KWA Budget Committee

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

The Kansas Water Authority Budget Committee held a meeting via conference call on August 10, 2021. The primary topic of the meeting included the KWA Budget Committee's recommendation for FY2023 State Water Plan Funds.

Mike Armstrong (chair), Dawn Buehler, Randy Hazlett, Sen. Carolyn McGinn and Jean Steiner were on the call along with agency representatives.

The Budget Committee reviewed and discussed the agency and Regional Advisory Committees (RACs) input/feedback regarding recommended projects for funding through the SWPF in FY 2023. The Committee wants to continue to focus funding to priority projects that are in the State Water Plan and RAC Goals and Action Plans. The following table shows the Budget Committee's recommendation for SWPF FY 2023, as well as for the additional SGF/EDIF restoration for FY 2023.

In addition to the SWPF budget recommendations provided herein, the Committee members also discussed a request provided by three RACs for feedback from the KWA Budget Committee addressing the budget recommendations. The Committee members agreed that it would provide a general response back to the RACs describing the overall process and indicating the use of the Kansas Water Plan Budget Guidelines, as well as agency and RAC feedback, as the basis for the Committee's decisions regarding SWPF budget recommendations. Further, there was discussion and consensus that the message also encourage legislative outreach by RAC members to support full funding of the State Water Plan Fund.

The KWA Budget Committee recommends the KWA adopt the budget recommendations for FY 2023 as shown in the attached table assuming base-level funding from the previous year, as well as support the recommendation for full restoration of the State General Fund and Economic Development Initiatives Fund demand transfers. The KWA Budget Committee also recommends KWA support of the enhancements for full restoration as shown in the attached table.

State Water Plan Fund: Kansas Water Authority DRAFT FY 2023 Budget Recommendations - FOR REVIEW

EXPENDITURES	FY 2021 Adjusted*	FY 2022 Appropriation	FY 2023 KWA Base Budget Recs	KWA Enhanc. Recs	FY 2023 Full Restoration SGF/EDIF
Department of Health and Environment					
Contamination Remediation	\$ 1,090,340	\$ 1,088,301	\$ 1,088,301	\$ -	\$ 1,088,301
Nonpoint Source Program	\$ 406,157	\$ 303,208	\$ 403,208	\$ -	\$ 403,208
TMDL Initiatives	\$ 340,068	\$ 280,738	\$ 380,738	\$ -	\$ 380,738
Harmful Algae Bloom Pilot	\$ 1,148,761	\$ 450,000	\$ 150,000	\$ -	\$ 150,000
Watershed Restoration/Protection (WRAPS)	\$ 752,128	\$ 730,884	\$ 730,884	\$ 269,116	\$ 1,000,000
Drinking Water Protection Program	\$ 350,000	\$ 350,000	\$ 450,000	\$ 350,000	\$ 800,000
SUBTOTAL--KDHE	\$ 4,087,454	\$ 3,203,131	\$ 3,203,131	\$ 619,116	\$ 3,822,247
Department of Agriculture					
Interstate Water Issues	\$ 685,138	\$ 473,184	\$ 499,281	\$ -	\$ 499,281
Subbasin Water Resources Management	\$ 838,906	\$ 584,023	\$ 621,651	\$ -	\$ 621,651
Water Use	\$ 136,839	\$ 72,600	\$ 100,000	\$ -	\$ 100,000
Water Resources Cost Share	\$ 2,631,243	\$ 2,248,289	\$ 2,448,289	\$ 250,000	\$ 2,698,289
Nonpoint Source Pollution Asst.	\$ 2,127,289	\$ 1,853,185	\$ 1,860,104	\$ -	\$ 1,860,104
Aid to Conservation Districts*	\$ 2,192,637	\$ 2,223,373	\$ 2,223,373	\$ 250,000	\$ 2,473,373
Watershed Dam Construction	\$ 550,000	\$ 550,000	\$ 550,000	\$ -	\$ 550,000
Water Quality Buffer Initiative	\$ 529,454	\$ 100,000	\$ 200,000	\$ -	\$ 200,000
Riparian and Wetland Program	\$ 582,295	\$ 54,024	\$ 154,024	\$ -	\$ 154,024
Water Transition Assistance Program/CREP	\$ 454,936	\$ 446,593	\$ 446,593	\$ 100,000	\$ 546,593
Irrigation Technology	\$ 151,224	\$ 250,000	\$ 250,000	\$ 100,000	\$ 350,000
Crop and Livestock Research	\$ 350,000	\$ 250,000	\$ 250,000	\$ -	\$ 250,000
Soil Health - NEW	\$ -	\$ -	\$ 100,000	\$ -	\$ 100,000
Streambank Stabilization	\$ 1,320,700	\$ 794,264	\$ 500,000	\$ 250,000	\$ 750,000
SUBTOTAL--KDA	\$ 13,370,838	\$ 9,899,535	\$ 10,203,315	\$ 950,000	\$ 11,153,315
Kansas Water Office					
Assessment and Evaluation	\$ 599,177	\$ 858,919	\$ 700,000	\$ 150,000	\$ 850,000
MOU - Storage Operations & Maintenance	\$ 586,452	\$ 526,081	\$ 514,542	\$ -	\$ 514,542
Stream Gaging	\$ 413,580	\$ 423,130	\$ 413,580	\$ -	\$ 413,580
Technical Assistance to Water Users	\$ 341,391	\$ 325,000	\$ 325,000	\$ -	\$ 325,000
Vision Education Strategy	\$ 100,000	\$ 125,000	\$ 125,000	\$ 125,000	\$ 250,000
Reservoir and Water Quality Research	\$ 402,304	\$ 350,000	\$ 350,000	\$ -	\$ 350,000
Water Technology Farms	\$ 79,125	\$ 100,000	\$ 100,000	\$ 100,000	\$ 200,000
Watershed Conservation Practice Imp (KRPI)	\$ -	\$ 550,000	\$ 600,000	\$ 400,000	\$ 1,000,000
Equus Beds Chloride Plume Project	\$ 9,141	\$ -	\$ 50,000	\$ -	\$ 50,000
Milford Lake Watershed RCPP	\$ 400,000	\$ 200,000	\$ 50,000	\$ -	\$ 50,000
Water Injection Dredging (WID)	\$ 150,000	\$ 975,000	\$ 875,000	\$ -	\$ 875,000
Arbuckle Study	\$ 68,000	\$ 60,000	\$ 150,000	\$ -	\$ 150,000
Flood Response Study	\$ 100,000	\$ -	\$ 200,000	\$ -	\$ 200,000
SUBTOTAL--KWO	\$ 3,249,170	\$ 4,493,130	\$ 4,453,122	\$ 775,000	\$ 5,228,122
Department of Wildlife & Parks					
Aquatic Nuisance Species (ANS) Program	\$ -	\$ -	\$ -	\$ 224,457	\$ 224,457
University of Kansas--Geological Survey	\$ 26,841	\$ 26,841	\$ 26,841	\$ -	\$ 26,841
Total State Water Plan Expenditures	\$ 20,734,303	\$ 17,622,637	\$ 17,886,409	\$ 2,568,573	\$ 20,454,982

*FY 2023 draft budget recommendation contingent upon follow up information from agency regarding local matching funds.

MEMO



DATE: August 11, 2021
TO: Kansas Water Authority
FROM: Connie Owen & Matt Unruh
RE: Legislative & Federal Update

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Topeka, KS 66612
Phone: (785) 296-3185
Fax: (785) 296-0878
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Intention to Revise the Definition of “Waters of the United States” (WOTUS)

On June 9, 2021, the U.S. Environmental Protection Agency and the Department of the Army announced their intent to revise the definition of "waters of the United States." This process includes two rulemakings: a foundational rule to restore longstanding protections, and an anticipated second rule that builds on that regulatory foundation. The forthcoming rule will propose to restore the regulations defining "waters of the United States" in place for decades until 2015, updated to be consistent with relevant Supreme Court decisions. The agencies will also pursue a second rulemaking process that further refines and builds upon that regulatory foundation.

On July 30, 2021, the Agencies announced a schedule for initial public meetings to hear from interested stakeholders their perspectives on defining "waters of the United States" and how to implement that definition as the agencies pursue this process. The public meetings will be held as web conferences in August 2021, with one date reserved in September, if needed. Currently scheduled public meeting dates are as follows:

- August 18, 2021 from 3-5 p.m. Eastern
- August 23, 2021 from 1-3 p.m. Eastern
- August 25, 2021 from 3-5 p.m. Eastern (for small entities)
- August 26, 2021 from 6-8 p.m. Eastern
- August 31, 2021 from 3-5 p.m. eastern

More information regarding the public meetings, including registration information, can be found at <https://www.epa.gov/wotus/public-outreach-and-stakeholder-engagement-activities>.

The agencies are also accepting written recommendations from members of the public. The deadline to submit written recommendations is 30 days after the Federal Register notice is published. You may send written feedback identified by Docket ID No. EPA-HQ-OW-2021-0328 to Regulations.gov.

PFAS Action Act Update

On July 21, 2021, the U.S House of Representatives passed the PFAS Action Act (H.R. 2467) by a vote of 241-183, with 23 Republicans joining the Democrats in support of the bill. The bill directs the EPA to designate certain per- and polyfluoroalkyl substances (PFAS) as hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), with a five-year timeframe to evaluate all other PFAS. The bill also directs EPA to determine whether PFAS should be designated as toxic pollutants under the Clean Water Act, and if so, to establish standards to limit PFAS discharges from industrial sources into waters of the United States.

The bill authorizes \$200M a year for FY2022-26 to develop CWA guidelines and standards. It also directs other PFAS-related actions, including national drinking water regulations, adding them to the list of hazardous air pollutants, testing them for toxicity to human health, and regulating disposal of PFAS materials. It provides cost-share grants to assist eligible community water systems treat PFAS-contaminated waters, and authorizes \$500M a year for FY2022-26 to carry out the grant program. The bill directs EPA to establish a household well

water testing website to assist home owners, and authorizes \$1M for FY2022. The bill also directs EPA to require covered PFAS manufacturers to submit analytical reference standards.

Lesser Prairie Chicken Proposed Rule

On June 1, 2021, the U.S. Fish and Wildlife Service published a proposed rule ([86 FR 29432](#)) to list the Southern Distinct Population Segment (DPS) of the lesser prairie-chicken as endangered and the Northern DPS of the lesser prairie-chicken as threatened with a rule issued under section 4(d) of the Endangered Species Act. The proposed rule opened a 60-day comment period, initially scheduled to end August 2, 2021, and announced public hearings on scheduled for July 8 and 14, 2021.

On June 11, 2021, the U.S. Fish and Wildlife Service received a request to extend the public comment period. This request was accepted, with the public comment period extended for an additional 30 days through September 1, 2021.

Infrastructure Investment and Jobs Act

Activity continues to move forward on the Infrastructure Investment and Jobs Act, with the Senate voting on August 10 to approve the bill by a margin of 69-30. The bill now goes to the House, where Speaker Pelosi has said she will hold the bill until the Senate passes the budget reconciliation bill. The Infrastructure Investment and Jobs Act would provide what President Biden has called a "historic investment" in public works programs, and promises to distribute billions of dollars to upgrade roads, bridges, broadband internet, water infrastructure and other public works systems supporting the nation. Initial reports indicate Kansas could receive \$2.6 billion for federal highway programs, \$225 million for bridges, \$150 million for airports, \$273 million for public transit and \$618 million for watershed programs if the proposed bill is passed.

In June, the Kansas Water Authority expressed interest in developing a message to share with the Governor and Legislative expressing support and the need for coordination with federal infrastructure funding for water projects across Kansas. Based on initial feedback, the proposed language below has been drafted and is ready for additional discussion and action by the KWA.

The Kansas Water Authority officially encourages Governor Kelly and the Kansas Legislature to secure funds from the Biden Administration's recent and upcoming federal relief, recovery and infrastructure funding, for the purposes of funding sorely-needed water projects across the State of Kansas.

The Kansas Water Office requests approval from Kansas Water Authority on the federal infrastructure funding message to the Governor and Legislature

MEMO



DATE: August 10, 2021
TO: Kansas Water Authority (KWA)
FROM: Jeremiah Hobbs, RAC Ops Committee Chair
RE: Great Bend Prairie RAC Message

900 SW Jackson Street
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The Great Bend Prairie Regional Advisory Committee (RAC) met on Wednesday July 28th to provide budget recommendations to the FY 2023 proposed State Water Plan Fund (SWPF) budget. The following message was developed and approved during that meeting:

Message: The Great Bend Prairie Regional Advisory Committee (RAC) would like to receive direct communication back from the Kansas Water Authority (KWA) on why they have accepted or rejected our FY 2023 budget recommendations.

Background: Several years ago, a higher level of RAC participation in the budget process began with presentations provided to individual RACs on how SWPFs are being spent in their Region. These presentations are modified annually to reflect changes in line item spending. The current process provides a budget webinar to the RACs in spring with individual RAC recommendations to the KWA suggested budget in July or August.

The recommendations from the RACs are primarily driven by the Goals and Action Plans that the RACs have developed. In previous years, the RACs have not received a direct response back from the KWA that included an explanation on their budget recommendations.

Staff Input: Kansas Water Office (KWO) staff have developed presentations for each individual region and solicit input from the RACs which is provided to the KWA Budget Committee for consideration in their final recommendations that are presented to the KWA.

Response: The KWA RAC Operations Committee recommends that the KWA Budget Committee address this message.

The KWA RAC Operations Committee recommends the KWA Budget Committee address this message.

MEMO



DATE: August 10, 2021
TO: Kansas Water Authority (KWA)
FROM: Jeremiah Hobbs, RAC Ops Committee Chair
RE: Kansas RAC Message

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The **Kansas Regional Advisory Committee (RAC)** met on Tuesday, July 28th. At that meeting, the Kansas RAC Funding and Governance Subcommittee delivered a draft message for consideration by the entire RAC. After further discussion, the following message was voted on and approved for submittal to the RAC Operations Committee:

Message: The Kansas Regional Advisory Committee (RAC) is pleased that the Kansas Water Authority (KWA) has supported the recommendation for an interim session for the House Water Committee in 2021.

However, the Kansas RAC would like to take this opportunity to reiterate its belief that the crucial nature of water to the well-being of the State of Kansas and its citizens necessitates that a permanent committee on water be established in each branch of the Kansas legislature. We believe that the establishment of a permanent committee will allow representatives the time to develop expertise in the area, and encourage sufficient attention to our most critical and potentially most complex resource – water.

Background: A new House Water Committee, led by Rep. Ron Highland, was created for the 2021 legislative session. The committee is focused on water issues and has met with various water-related agencies and interest groups to better understand how water resources are managed in the state of Kansas. At the Kansas RAC meeting on March, 19, 2021, the Kansas RAC approved a message to the RAC Operations Committee related to the House Water Committee which included recommendations that the KWA advocate for an interim summer session for the House Water Committee, as well as a permanent standing committee on water. Additionally, the Kansas RAC stated that it would like to offer its assistance, as appropriate, to the House Water Committee and recommended the KWA do the same.

The RAC Operations Committee discussed the original Kansas RAC message at its meeting on April 13, 2021, noting that the House Water Committee is authorized through the 2022 legislative session. The RAC Operations Committee advanced the recommendations to support an interim session and offer assistance to the House Water Committee. However, no comment on the recommendation for a permanent standing committee was included in the RAC Operations Committee response to the KWA. At the April 26, 2021, KWA meeting, the KWA voted and approved the KWA working with the KWO and House Water Committee to support an interim session.

In response, Dawn Buehler, KWA Chair, submitted a letter on May 12, 2021, to Representative Highland that provided some background about the RACs and KWA, expressed support from the Kansas RAC and KWA for an interim session, and offered assistance to the House Water Committee in support of further study of water resource management within Kansas. The House Water Committee ultimately received approval for an interim session which will be held in Garden City, Kansas, on August 17-18th. Several regional water issues will be addressed during the meeting, including: Water Quality/Quantity, Infrastructure Challenges, State Water Agency Organization and Funding.

Staff Input: Kansas Water Office (KWO) staff continue to work with the House Water Committee to present information, as requested related to water resources management in the state of Kansas. The August 17th KWA meeting date and location was scheduled to coincide with the House Water Committee interim session, in order to facilitate KWA and KWO participation and assistance.

Response: The KWA RAC Operations Committee suggests the KWA agree to generally recommend the concept of standing legislative committees in the Kansas House and Senate, respectively, to address water-related issues. This recommendation is not intended to convey an endorsement in support of, or in opposition to, any specific legislation the current House Water Committee may propose or consider.

The KWA RAC Operations Committee recommends KWA approval of the proposed response for the message to the KWA from the Kansas RAC.

MEMO



DATE: August 11, 2021
TO: Kansas Water Authority (KWA)
FROM: Jeremiah Hobbs, RAC Operations Committee Chair
RE: Regional Advisory Committee Membership

A membership drive for Regional Advisory Committee (RAC) membership positions with term expirations of June 30, 2021, as well as vacant positions, took place beginning this past spring. Eighty-two applications for RAC membership were received covering all 14 of the RACs.

On August 10, 2021, the RAC Operations Committee met to review the applications for RAC membership received and to develop recommendations for membership appointments to the various RACs. The table attached to this memo includes the complete list of recommendations for membership for various positions for all 14 RACs as discussed by the RAC Operations Committee and approved for recommendation to the full KWA. The recommendations are listed by RAC, and include the term expiration date, membership category (including the indication of core categories (cc) as designated by the Memorandum of Internal Policy-RAC), the applicants name and home location.

These membership recommendations will be reviewed with the full KWA at the August 17th meeting, at which time the KWA RAC Operations Committee will recommend that the KWA accept the recommendation made by the Committee and appoint the RAC applicants recommended.

Other information of note from the 2021 membership drive includes:

- 20 current RAC members with 2021 term expirations did not express interest in continuing on as members for an additional term
- 22 RAC positions are currently vacant (9 have 2023 terms expirations)

The KWA RAC Operations Committee recommends the KWA consider and accept the recommendations made by the Committee and appoint those RAC applicants recommended.

Regional Advisory Committee	Position Information								
Cimarron	Membership Category	At Large Public (cc)	Groundwater Management	Irrigation	Public Water Supply				
	Term Expiration Following KWA Action	2025	2025	2025	2025				
	RAC Operations Committee Recommendation	Alan Olson, Ulysses	Bret Rooney, Satanta	Luke Grubbs, Hugoton	Matt Higgins, Elkhart				
Equus-Walnut	Membership Category	Industry/Commerce 2	Conservation/Environment (cc)	At Large Public (cc)	Public Water Supply 2	Public Water Supply 3	Agriculture (cc)		
	Term Expiration Following KWA Action	2025	2025	2025	2025	2025	2025		
	RAC Operations Committee Recommendation	Brian Meier, Wichita	Byron Warta, Newton	Chad Milligan, Wichita	Brett Perry, Andover	Josh Bedel, McPherson	Richard Basore, Sedgwick		
Great Bend Prairie	Membership Category	Industry/Commerce 2	Agriculture 2	Industry/Commerce (cc)	At Large Public (cc)	Public Water Supply 2	Conservation/Environment (cc)		
	Term Expiration Following KWA Action	2025	2025	2025	2025	2025	2025		
	RAC Operations Committee Recommendation	Cammie Vaupel, St. John	Daniel Filbert, Macksville	Jeff Holste, Burdett	Orrin Feril, Stafford	James Oberle, Pawnee Rock	Veronica Coons, Great Bend		
Kansas	Membership Category	Fish & Wildlife	Agriculture 2	Agriculture (cc)	Public Utility (From Recreation)	Industry/Commerce (cc)	Water Assurance District		
	Term Expiration Following KWA Action	2025	2025	2025	2023	2025	2025		
	RAC Operations Committee Recommendation	Brad Bradley, Overland Park	Daniel Howell, Frankfort	Glenn Brunkow, Westmoreland	Bill Heatherman, Manhattan	Melissa Michels, Maple Hill	Sylvia Davis, Topeka		
Marais des Cygnes	Membership Category	Public Water Supply 3	Agriculture (cc)	At Large Public (cc)	Conservation/Environment (cc)	Conservation/Environment 2	Public Water Supply 2		
	Term Expiration Following KWA Action	2025	2025	2025	2025	2025	2023		
	RAC Operations Committee Recommendation	Gary Armentrout, Centerville	Gayla Speer, Wellsville	Keri Harris, Ottawa	Ron Brown, Fort Scott	Scott Yeargain, Ottawa	James Depriest, Iola/Garnett		
Missouri	Membership Category	WRAPS	Public Water Supply (cc)	Public Water Supply 3	Public Water Supply 2	At Large Public (cc)			
	Term Expiration Following KWA Action	2025	2025	2025	2025	2025			
	RAC Operations Committee Recommendation	Chris Griffen, Troy	Joel Mahnken, Leavenworth	Michelle Wirth, Kansas City	Mike Stec, Atchison	Martin Simon, Atchison			
Neosho	Membership Category	Conservation/Environment (cc)	At Large Public (cc)	Public Water Supply (cc)	Industry/Commerce 2	Agriculture (cc)	Agriculture 2	At Large Public 2	
	Term Expiration Following KWA Action	2025	2025	2025	2025	2025	2025	2023	
	RAC Operations Committee Recommendation	James Triplett, Pittsburg	Jay Byers, Pittsburg	Joe Buchanan, Council Grove	Kate Grover, Iola	Susan Hague, Cedar Point	Dale Strickler, Iola	Tisha Conard Richardson, Wilsey	
Red Hills	Membership Category	Local Government	At Large Public (cc)	Industry/Commerce (cc)					
	Term Expiration Following KWA Action	2025	2025	2025					
	RAC Operations Committee Recommendation	Jeffery Porter, Medicine Lodge	Brandon Grigsby, Ashland	Mark Watts, Medicine Lodge					
Smoky Hill-Saline	Membership Category	Small Public Water Supply	Agriculture 2	Conservation	Conservation/Environment (cc)	Irrigation			
	Term Expiration Following KWA Action	2023	2025	2025	2025	2025			
	RAC Operations Committee Recommendation	Rich Krause, Russell	Tom Breit, Utica	Bevin Law, Longford	Dan Baffa, Salina	Brad Shogren, Lindsborg			
Solomon-Republican	Membership Category	Industry/Commerce (cc)	Agriculture 2	At Large Public 2	At Large Public (cc)	Conservation/Environment (cc)			
	Term Expiration Following KWA Action	2025	2025	2025	2025	2025			
	RAC Operations Committee Recommendation	David Pfizenmaier, Clay Center	Don Hellwig, Solomon	Mike Brzon, Courtland	Sharon Sahlfeld, Beloit	Robbin Dibble, Alton			
Upper Arkansas	Membership Category	Conservation/Environment (cc)	Public Water Supply (cc)	Surface Water Irrigation	At Large Public (cc)	Dairy	Agriculture Industry		
	Term Expiration Following KWA Action	2025	2025	2025	2025	2025	2025		
	RAC Operations Committee Recommendation	Bill Simshauser, Lakin	Fred Jones, Garden City	Monte Morgan, Deerfield	Hugh Brownlee, Syracuse	Kyle Averhoff, Garden City	Roy Dixon, Garden City		
Upper Republican	Membership Category	At Large Public 2	Public Water Supply 2	Industry/Commerce (cc)	Conservation/Environment (cc)	At Large Public (cc)			
	Term Expiration Following KWA Action	2023	2025	2025	2025	2025			
	RAC Operations Committee Recommendation	David Shaul, Atwood	Omar Weber, Colby	Brian Baalman, Menlo	Scott Ross, Atwood	Sue Evans, Colby			
Upper Smoky Hill	Membership Category	Agriculture (cc)	Groundwater Management	Financial					
	Term Expiration Following KWA Action	2025	2025	2025					
	RAC Operations Committee Recommendation	Farrin Watt, Leoti	Kyle Spencer, Scott City	Landon Frank, Scott City					
Verdigris	Membership Category	At Large Public (cc)	Conservation/Environment (cc)	Public Water Supply 2	At Large Public 2 (New Position)	Industry/Commerce 2			
	Term Expiration Following KWA Action	2025	2025	2025	2025	2025			
	RAC Operations Committee Recommendation	Pamela Walker, Altoona	Gary Kelley, Sedan	Ken McNickle, Mound Valley	Brian Graff, Neodesha	Ronald Smith, Fredonia			