

Kansas Water Authority Meeting
Dodge City, Kansas
9:00 a.m. – June 7, 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			2-4
	April 19, 2023 Meeting			X	
9:10 am	Welcome & Water Update/Overview	City of Dodge City			--
9:40 am	KWA Public Water Supply Committee	John Bailey			5-12
	Water Marketing Application No. 267	Nathan Westrup		X	
	Water Contract No. 17-2, Wolf Creek	Nathan Westrup		X	
	CY 2024 Water Marketing Rate	Nathan Westrup		X	
10:10 am	KWA Budget Committee	Mike Armstrong			13-15
	Kansas Water Plan Budget Guidelines	Matt Unruh		X	
10:30 am	BREAK				
10:50 am	Federal Update				16
	U.S. Army Corps of Engineers PAS Agreement	Matt Unruh		X	
10:55 am	Northwest Kansas Mineralization Study Update	Leo Henning Dr. Todd Moore			--
11:30 am	Kansas Geological Survey Water Update	Jay Kalbas			--
12:00 pm	LUNCH				--
1:00 pm	Water Success Story: Water Conservation Areas	KDA - DWR			--
1:30 pm	KS/CO Arkansas River Water Quality Summit Update	KDHE KDA - DWR			--
2:00 pm	KWA Ex Officio Agency Updates	Dawn Buehler			--
2:30 pm	Director's Report	Connie Owen			--
2:40 pm	New Business	Dawn Buehler			--
2:50 pm	Adjourn	Dawn Buehler			--

Upcoming Meetings:

- August 23, 2023 – Kansas Water Authority, Central Kansas
- October 18, 2023 – Kansas Water Authority, TBD
- December 13, 2023 – Kansas Water Authority, TBD

Minutes

KANSAS WATER AUTHORITY In-Person Meeting

April 19, 2023

Kansas City, KS

CALL TO ORDER: Chair Dawn Buehler called the **April 19, 2023**, Kansas Water Authority (KWA) meeting to order at **09:10 a.m.**

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

MEMBERS ABSENT: Allan Soetaert

EX-OFFICIO MEMBERS

PRESENT: Susan Duffy, Earl Lewis, Steve Adams, Sara Baer, Leo Henning, Andrew Lyon, Connie Owen, Mike Beam, Kayla Savage, Scott Ishman, Brian Olson

EX-OFFICIO MEMBERS ABSENT: All were present

APPROVAL OF MINUTES:

Motion No. 04-19-01 It was moved by Allen Roth and seconded by Carolyn McGinn to approve the January 25, 2023, Minutes for the Regular Meeting of the Kansas Water Authority. **Motion carried with no dissenting votes.** Information found in meeting materials.

APPROVAL OF MINUTES:

Motion No. 04-19-02 It was moved by Jeremiah Hobbs and seconded by Mike Armstrong to approve the March 3, 2023, Minutes for the Virtual Meeting of the Kansas Water Authority. **Motion carried with no dissenting votes.** Information found in meeting materials.

KWA BUDGET COMMITTEE:

Mike Armstrong reported for the Budget Committee. He applauded the work of the legislature for listening to the need for more funding. Victoria Potts then presented on the senate substitute for HB2302. Matt Unruh presented on the SWPF FY 2025 budget recommendation process. Dawn Buehler opened the floor for questions and comments. Items that were discussed:

- Mike Beam asked for clarification on the research coordination team.
- Mike Armstrong mentioned that projects should tie back to the Kansas Water Plan, prioritize urgent projects such as drought response and safety, and prioritize projects that can be implemented quickly to show use of money responsibly. This will tell a story and highlight metrics to the legislature.
- Dawn Buehler highlighted that RACs should be thinking about metrics for progress on goals and action plans for reporting to the legislature. She also mentioned that RACs should identify the low hanging fruit of the goals and action plans and start with those.

SWPF FY 2025 Budget Recommendation Process

Motion No. 04-19-03 It was moved by Mike Armstrong and seconded by Pete Loecke to approve the SWPF FY 2025 Budget Recommendation Process. **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 application for Dave Mann for the Agriculture 2 category to the Upper Republican RAC. **Dawn Buehler** opened the floor for questions and comments.

Application for Upper Republican RAC

Motion No. 04-19-04

It was moved by **Allen Roth** and seconded by **Lynn Goosen** to approve the applications for Dave Mann for the Agriculture 2 category to the Upper Republican RAC with a term expiration of June 2025. **Motion carried with no dissenting votes.** Information found in meeting materials.

Jeremiah Hobbs then presented a message to the KWA from the Upper Republican RAC regarding the need to save the Ogallala Aquifer.

Upper Arkansas RAC Message to the KWA

Motion No. 04-19-05

It was moved by **Jeremiah Hobbs** and seconded by **Jean Steiner** to approve the following response to the Upper Republican RAC:

“The KWA has received this message. All RACS should be involved in the discussion on the Ogallala Aquifer. The KWA passes the message on to the Ogallala Committee.” **Motion carried with no dissenting votes.** Information found in meeting materials.

FEDERAL UPDATE:

Josh Olson presented an update on federal agreements with the USGS.

USGS Federal Cooperative Agreements

Motion No. 04-19-06

It was moved by **Mike Armstrong** and seconded by **David Stroberg** for the KWA to authorize the Director of the Kansas Water Office 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. **Motion carried with no dissenting votes.** Information found in meeting materials.

WATER SUCCESS STORY: KANSAS ABANDONED WELL PLUGGING

Susan Duffy and **Ryan Hoffman** of the KCC presented on the efforts to plug abandoned wells in Kansas. The initial estimate for the number of wells to plug in Kansas is 2165 with an estimated budget of just under \$25 million. Between mid-January and the end of March, 453 wells have been plugged in the state.

Dawn Buehler opened the floor for questions and comments.

SUSTAINABLE RIVERS PROGRAM:

Heidi Mehl, Director of Water & Agricultural Programs, presented on the Sustainable Rivers Program to discuss how the management of releases from federal reservoirs and dams can be used to mimic natural flow regimes to protect freshwater species and ecosystems.

DOC SFY 2024 STATE COST SHARE PROGRAMS UPDATE:

Andy Lyon, Director of the Division of Conservation, discussed program updates for the upcoming fiscal year for the agency.

KACD URBAN CONSERVATION CCGA:

Troy Munsch, of KACD, presented on the Urban Conservation CCGA and current research projects being done with Kansas State to discover barriers in communications with producers.

KDHE – WRAPS PROGRAM UPDATE:

Mike Beezhold, Unit Chief of Watershed Management, gave an update on WRAPS and the upcoming events and changes to the program, including a groundwater water quality meeting with Kansas and Colorado in May.

KWA EX-OFFICIO AGENCY UPDATES:

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

Susan Duffy gave an update for the Kansas Corporation Commission.

Scott Ishman gave an update for the Kansas Geological Survey.

Sara Baer gave an update for the Kansas Biological Survey.

Brian Olson 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.

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

DIRECTOR'S REPORT:

Connie Owen reported that the Kansas Water Office had a successful World Water Day celebration at the Capitol. The KWO has many upcoming RAC meetings. The WID pilot project and new WISE projects are moving forward.

NEW BUSINESS:

No new business.

ADJOURNMENT:

It was moved by **Carolyn McGinn** and seconded by **David Stroberg** to adjourn. **Motion carried with no dissenting votes.** The meeting was adjourned at **2:10 p.m.**

Dawn Buehler, Chair

Connie Owen, Secretary

MEMO



DATE: June 1, 2023
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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Item Proposed for Action:

- Consider authorizing the Director to begin contract negotiations pursuant to Water Marketing Application No. 267
- Consider authorizing the Director to begin negotiations of an amendment to Water Purchase Contract No. 17-2
- Set the CY 2024 Water Marketing Rate

Water Marketing Application No. 267 – Renewal of Water Purchase Contract No. 81-2 and additional quantity

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 the City of Emporia for water supply from Council Grove Lake. The Kansas Water Office received a written application on May 26, 2023, accompanied by a request to begin negotiations. Emporia currently holds Water Purchase Contract No. 81-2 for water supply from Council Grove Lake, which will expire on October 21, 2023. Article 17 of their contract provides the purchaser a right of first refusal to enter into a new contract, contingent on the yield availability. Please reference the attached, preliminary findings.

The Public Water Supply Committee recommends the Kansas Water Authority approve the Director's request to begin contract negotiations with the City of Emporia.

Everygy 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. In addition to the extension of the term, KWO will need to incorporate the use of uncommitted Water Marketing Storage in Marion Reservoir to satisfy the contractually quantity.

Water Marketing Contract No. 17-2

- Original Term of 5 years (maximum 40)
- Term amended in October of 2022 to 10 years
- Expires 12/31/27
- Quantity: 9,368 MGY

Request for amendment

- Article 2, extend contract term
 - Negotiations of the extended term will be based on Wolf Creek's operating license, through the year 2045, and the available yield in John Redmond and Marion
 - The Purchaser has been evaluating an alternative water supply program options and has decided to remain in the Water Marketing Program

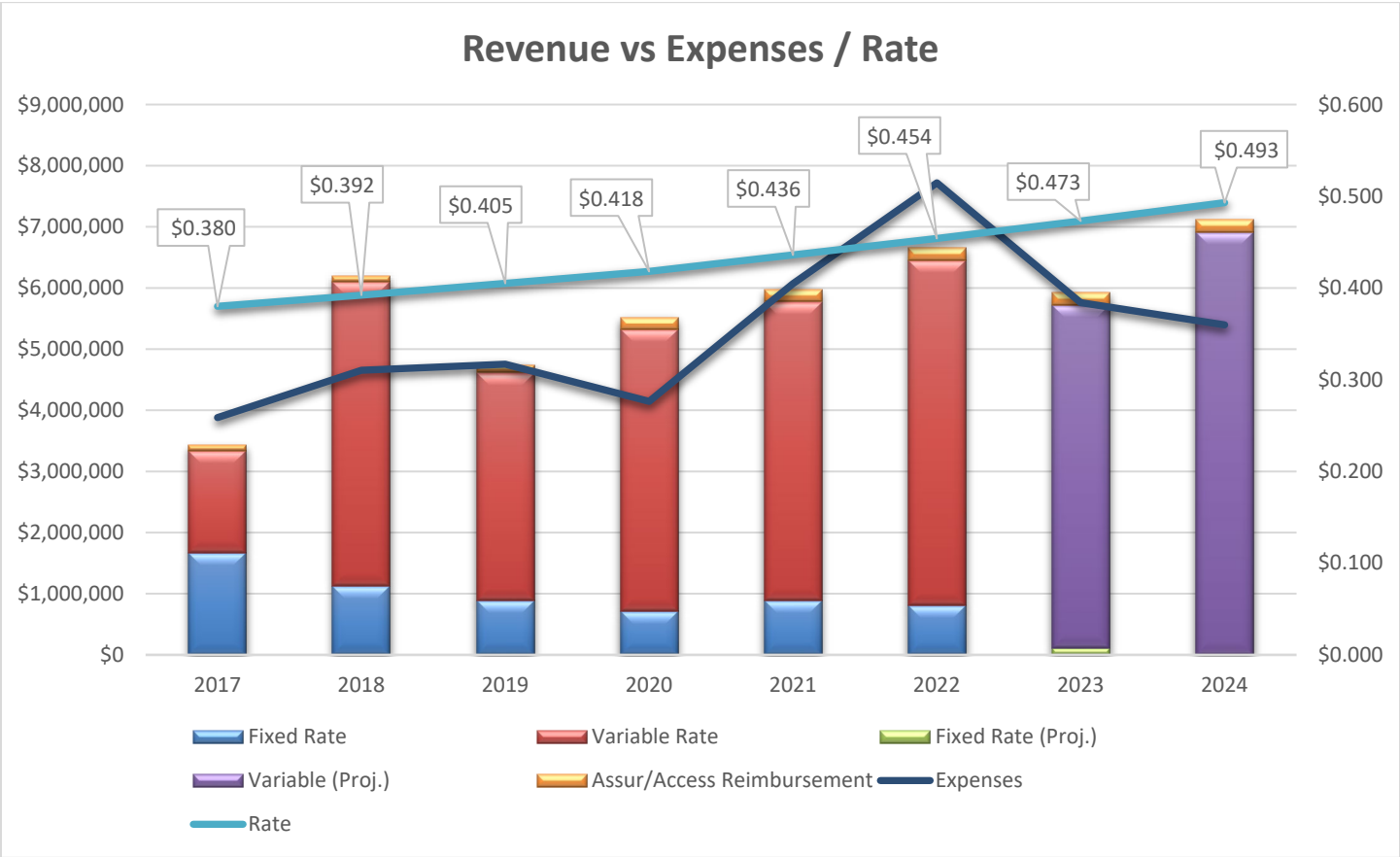
The Public Water Supply Committee recommends the Director be approved to negotiate an amendment of Article 2 for Water Purchase Contract, No. 17-2

The Public Water Supply Committee met on June 1, 2023 to set the water marketing rate for calendar year 2024. The water marketing rate is determined based on the financial needs of the program and projected sale of water. The State Water Plan Storage Act requires the KWA take action by July 15th on the rate to be applied the following calendar year.

Water Marketing Program Variable Rate for Calendar Year 2024

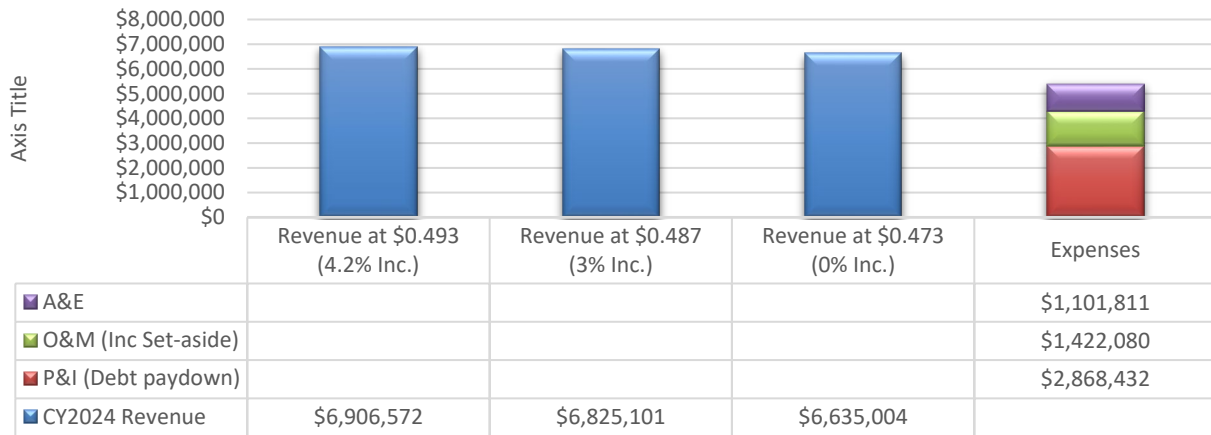
The PWS Committee acted to recommend that the KWA set the Calendar Year (CY) 2024 Water Marketing variable rate at \$0.493/1000 gallons, which is a 4.2% increase from the CY 2023 rate. The 2 cent increase will further enhance deposits into the Conservation Storage Water Supply Fund, to be used for protection and/or restoration of water supply storage.

The chart below shows the recent history of rates and resultant revenue set by the authority.



It is important to note that the KWO and the PWS Committee intend to continue to generate revenue for the debt services of contracted storage at Perry and Milford. The legislature did appropriate moneys to pay the outstanding debt but it has been invested take advantage of interest earnings that are in excess of the finance rates on the debt. The committee chose from the range of rates in the following chart/table, varying the amount of revenue available for Conservation Storage Water Supply Fund deposit. (next page)

CY 2024 - Water Marketing Program Rate Scenarios (W/ Probable New Contracts)



Cons Storage WS Fund (Dep)

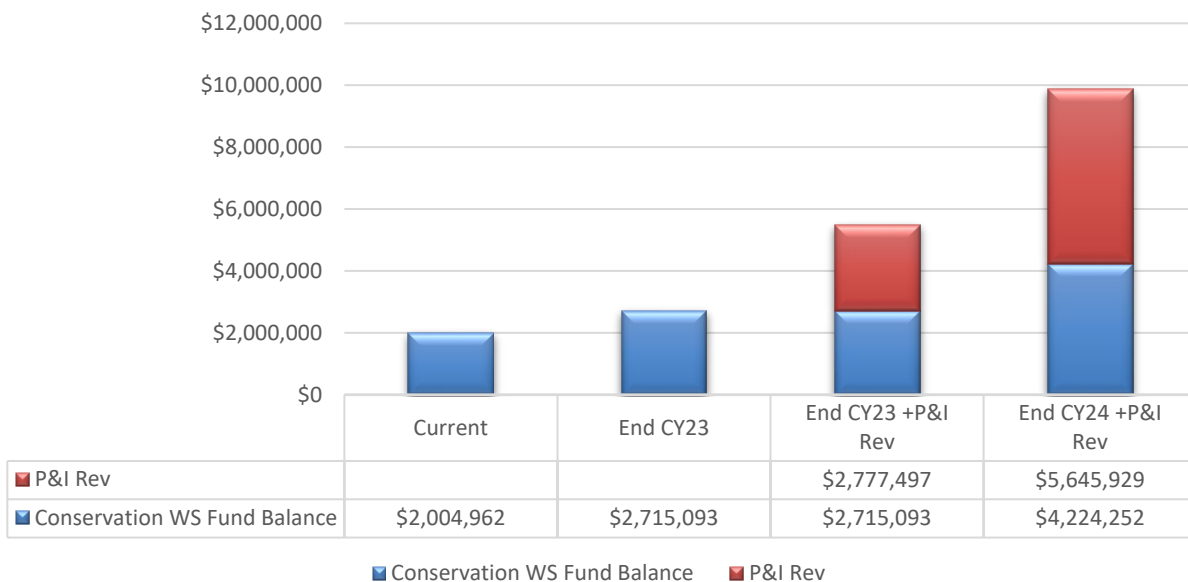
\$1,514,248

\$1,432,778

\$1,242,681

Additionally, the chart below reflects the current balance and anticipated deposits in the Conservation Storage Water Supply Fund, with the recommended rate of \$0.493/1000 gallons. Also included, as “+P&I Rev”, is the amount of revenue generated for debt service payments to the USACE. At this time, the fund interest rate is greater than the interest on the debt and KWO will likely take the same approach as the legislature and grow the money while we can. When the invested SGF funds are used to pay off the debt to the USACE, the “+P&I Rev” portion of balance would become available for protection and/or restoration of water supply storage. If a future legislature decides to sweep the invested SGF funds the KWO would use the “+P&I Rev” portion to service the debt to the USACE.

Conservation Storage Water Supply Fund Balance



Note: This fund is interest bearing but the balances do not reflect any interest gains. The balances also do not reflect any expenditures, possible but no concrete obligations yet.

The PWS Committee recommends that the Kansas Water Authority set the CY 2024 Water Marketing rate at \$0.493/1000 gallons.

**PRELIMINARY FINDINGS
REQUEST BY CITY OF EMPORIA
TO PURCHASE WATER
FROM COUNCIL GROVE LAKE FOR MUNICIPAL PURPOSES
MAY 26, 2023**

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 the City of Emporia for water supply from Council Grove Lake. The Kansas Water Office received a written application on May 26, 2023, accompanied by a request to begin negotiations. Emporia currently holds Water Purchase Contract No. 81-2 for water supply from Council Grove Lake, which will expire on October 21, 2023. Article 17 of their contract provides the purchaser a right of first refusal to enter into a new contract, contingent on the yield availability.

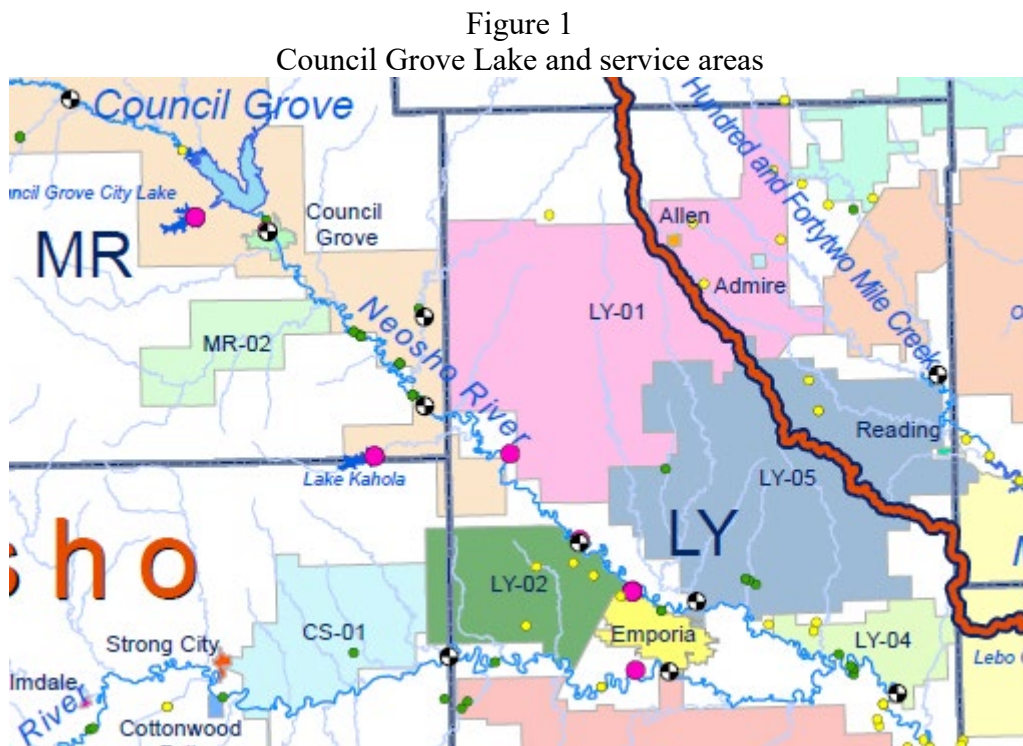
In accordance with K.S.A. 82a-1305, which states, in part:

"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 Council Grove Lake and municipal water service areas.

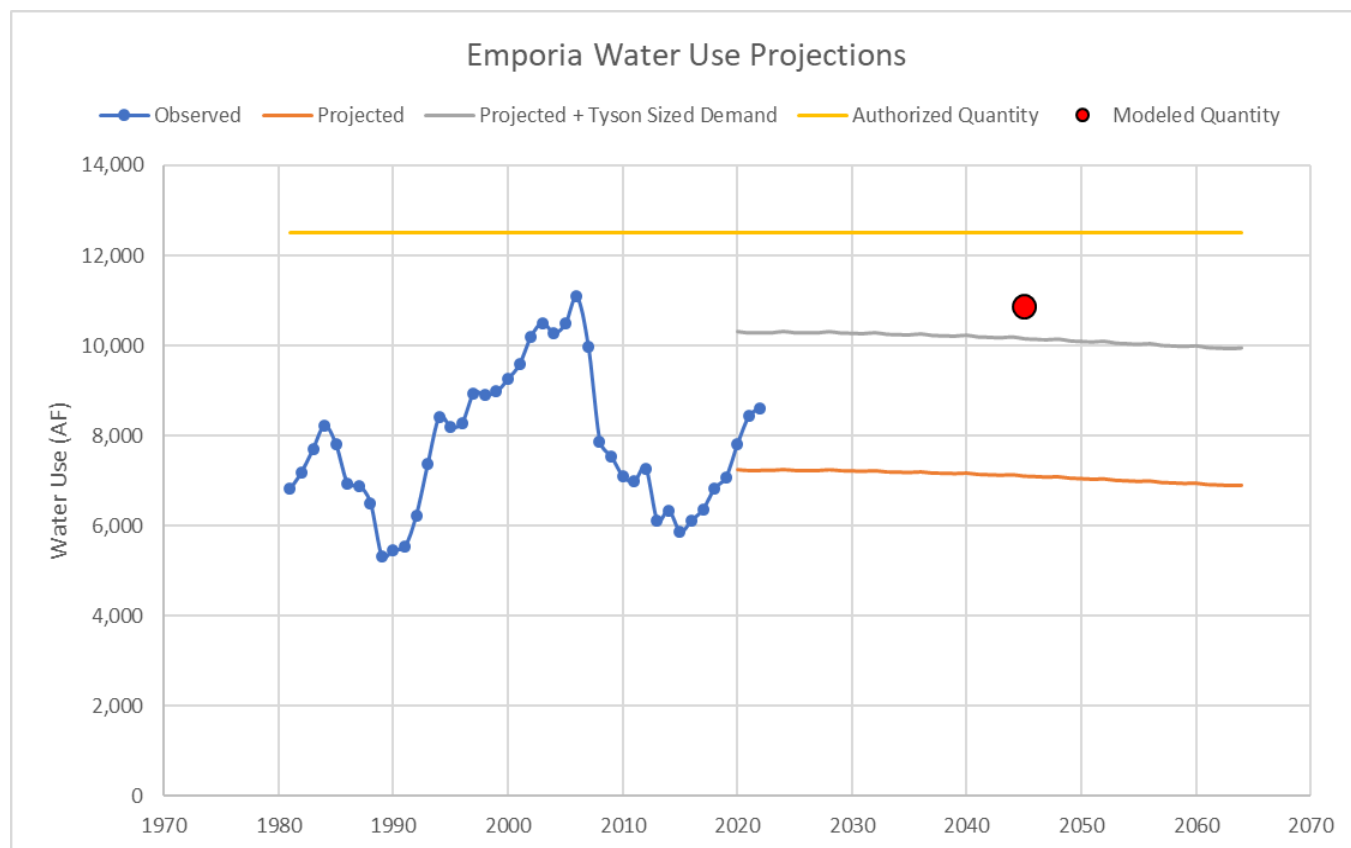


The Kansas Water Authority shall consider the following items in determining whether the proposed contract is in the best interest of the people of the State of Kansas and whether benefits to the State for approving the contract outweigh the benefits to the state for not approving the contract.

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

The applicant's source of water is the Neosho River and water rights held by the city have an authorized quantity that has been of sufficient quantity to meet their water supply demand. Water Purchase Contract No. 81-2 authorizes the city to withdraw an additional 1,095 MGY from Council Grove Lake, however, the contract has only been used to supplement the city's demand when natural flows in the Neosho River are insufficient. The applicant is requesting to negotiate a contract for 2,281 MGY from Council Grove Lake.

The chart below shows 40+ years of annual water use and future projections. See also, water demand projection and supply evaluation completed by Burns & McDonnell (attached). The projected demand (Modeled Quantity) was evaluated with the KWO's OASIS system model to determine the amount of supplemental releases necessary to supply Emporia's projected demand, 2,281 MGY.



In addition to use within the city, Emporia also provides regional sales to water to Hartford, Olpe, and rural water districts Lyon 1, 2, 4, 5, and Coffey 2.

The intent of the applicant is to decrease their drought vulnerability. A water purchase contract to provide access to water supply storage in Council Grove Lake and supplement their water supply needs when natural flows are insufficient in the Neosho River has been in place for 40 years.

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

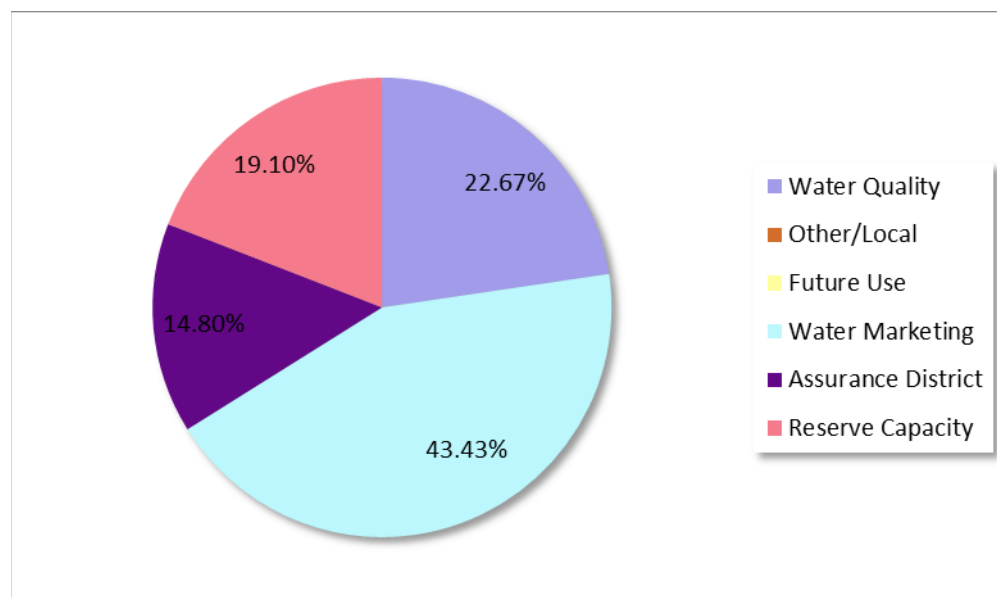
The City of Council Grove also has an existing contract for water supply, see table below. The Kansas Water Office's preliminary modeling indicates that the Water Marketing storage and Reserve Capacity storage is sufficient to provide adequate yield for current and proposed contract obligations. Almost half (48%) of the requested quantity is currently under Emporia's existing contract, for which the city has right of first refusal. The additional quantity will largely be supplied by dedicating the Reserve Capacity to the Water Marketing Program.

Purchasers, Contract Numbers, and Contract Quantities
Council Grove Lake

Contract Number	Customer Name	Contract End Date	2023 Maximum Gallons	2023 Maximum AF	Annual Contract Maximum Gallons	Annual Contract Maximum AF
81-2	City of Emporia	10/21/2023	1,095,000,000	3,360	1,095,000,000	3,360
93-4	City of Council Grove	9/13/2023	60,000,000	184	150,000,000	460
			1,155,000,000	3,544	1,245,000,000	3,820

3. Any reasonable foreseeable beneficial use of the water;

As mentioned in the previous section, Water Marketing storage is sufficient to meet contract obligations for water supply, assuming current (and proposed) contract quantities carry forward.



The reasonable and foreseeable use of the available yield from Council Grove Lake is primarily needed to meet the supplemental water supply needs of the City of Emporia and the City of Council Grove, to a lesser extent. The City of Council Grove's primary source of supply is Council Grove City Lake. KWO will consider the best available data on all future demands in the region during negotiations.

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

A dependable long-term water supply is essential for the for the local economy, public health, and welfare. No adverse impacts have been identified.

5. Alternative sources of water available to the applicant;

The City of Emporia has retained the water rights associated with Lake Kahola, however, the property is owned by the residents around the lake, potentially inhibiting access to water in storage. Additionally, the outlet works of the lake are in disrepair and releases must be siphoned over the spillway. The Cottonwood River is a viable source of water but a significant amount of infrastructure would be required to access water from the Cottonwood. Over the next 5 years (or so), the city will be conducting further evaluation of alternative sources, including Lake Kahola and the Cottonwood River.

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;

All diversion works and facilities are existing and long-standing. The natural water course, the Neosho River, will deliver water released from storage to the city's water supply intake on the Neosho River.

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

Nothing in this proposed use of water has been identified that would be inconsistent with the State Water Plan and the State Water Plan Storage Act. The Kansas Water Plan indicates that development of regional solutions and use of existing sources is preferred in water supply development. The city is serving as a valuable regional supplier.

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

Application No. 267 was received by the Kansas Water Office from the City of Emporia on May 26, 2023.

9. Minimum streamflow requirements; and

The KWO and the Tulsa District of the U.S. Army Corps of Engineers cooperatively operate Council Grove Lake and provides a minimum release to the Neosho River (see table below). A portion of the conservation storage (22.67%) in Council Grove Lake is dedicated to serving water quality needs below the reservoir and is used for the minimum release.

Council Grove Lake Minimum Release Schedule (cfs)

Reservoir	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Council Grove	4	4	4	4	5	7	8	8	6	4	4	4

Minimum Desirable Streamflows (MDS) have been established in the Cottonwood/Neosho basin (see table below).

Cottonwood/Neosho MDS Flows (cfs)

Gage Location	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Americus	5	5	5	5	5	5	5	5	5	5	5	5
Plymouth	20	20	20	20	20	20	20	20	20	20	20	20
Iola	40	40	40	40	40	40	40	40	40	40	40	40
Parsons	50	50	50	50	50	50	50	50	50	50	50	50

The location most impacted by the operations of Council Grove Lake is Americus, located between Council Grove Lake and the City of Emporia's intake. Releases to meet Emporia's water supply demand result in a positive benefit to flow at Americus. The use of both water quality storage and water supply storage is necessary to maintain target flows throughout the system, in accordance with the Cottonwood/Neosho River Basins Water Assurance District No. 3 operations agreement. Releases from Water Marketing storage do not conflict with water assurance district operations.

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

The City of Emporia has an approved water conservation plan. The plan was consistent with the current guidelines of the Kansas Water Office and was approved on December 24, 2019.

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

MEMO



DATE: June 1, 2023
TO: Kansas Water Authority
FROM: Mike Armstrong, Chair, Public Water Supply
Committee
RE: Matt Unruh
Budget Committee Update

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Topeka, KS 66612
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Fax: (785) 296-0878
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Item Proposed for Kansas Water Authority Action:

- Consider approving updated Kansas Water Plan Budget Guidelines

Kansas Water Plan Budget Guidelines

In January 2020, the Kansas Water Authority (KWA) approved Kansas Water Plan Budget Guidelines to provide a framework for the State Water Plan Fund budgeting process. In response to discussion at the April 2023 meeting of the KWA, a draft update of Kansas Water Plan Budget Guidelines was discussed and reviewed during the May 30 meeting of the KWA Budget Committee. This draft includes language reflective of State Water Plan Fund-related action taken during the 2023 Session of the Kansas Legislature. Please reference the following attached document which includes updated Kansas Water Plan Budget Guidelines for consideration by the KWA at this time.

The Budget Committee recommends the Kansas Water Authority approve updated Kansas Water Plan Budget Guidelines

Kansas Water Plan Budget Guidelines

June 2023

Water Plan Funds should be allocated to maximize accomplishing the goals and objectives established by the Kansas Statutes, the Kansas Water Authority and the Regional Advisory Committees. Fundamental to the budget process shall be a prioritization of expenditures that are required to do legally, necessary to implement the Kansas Water Plan, and discretionary expenditures that can be justified based upon defined benefits.

In particular, budgeted funds should be allocated with the following principles:

- Statutory Obligations shall be met first.
 - For instance, K.S.A. 82a-2101 requires that proceeds from the Clean Drinking Water Fee be allocated by providing not less than 15% to provide on-site technical assistance for public water supply systems, with the remainder being used to renovate and protect lakes which are used directly as a source of water for such public water supply systems
- All budgeted funds should be tied to one of the projects and initiatives established by the Kansas Water Plan. Allocation of funds should be supported by appropriate metrics and benchmarks, which clearly demonstrate the past (where applicable), current and future benefit of such expenditures.
- Per K.S.A. 82a-951, State Water Plan funding “shall not be used for . . . replacing full-time equivalent positions of any state agency.” Chapter 59 of the 2023 Session Laws of Kansas allows the Kansas Water Authority to recommend to the Legislature to appropriate up to 10% of the unencumbered balance of the State Water Plan fund to supplement salaries of existing state agency FTE positions and for funding new FTE positions created to implement the Kansas Water Plan. Such appropriations will not replace State General Fund, fee fund or other funding for positions existing on July 1, 2023. However, the Kansas Water Authority should continue to encourage funding for staff positions supporting State Water Plan programs and projects to be from the State General Fund removing any confusion and allowing additional funds to be used for implementation activities.
- Funds raised through fees on specific users, such as K.S.A. 82a-954, K.S.A. 2-1205 and K.S.A. 2-2204 should be used to fund projects or initiatives that benefit the users paying those fees, or mitigate environmental impacts caused by said users, including:
 - Agricultural users
 - Public water supply systems
 - Industrial users
 - Stock watering

Specifically, Chapter 59 of the 2023 Kansas Session Laws states the Kansas Water Authority shall encourage the creation of grant programs for stock water conservation projects and such grant programs shall prioritize the use of stock water fees allocated to the State Water Plan Fund.

- Allocation of funds should be reasonably related to:
 - The source of the funds,
 - Geographical balance (i.e. NE, NW, SE & SW), including consideration for RAC Regional balance
 - Hydrological (ground water vs. surface water) resource balance
 - An equitable mix of rural vs. urban interests.

Exceptions will be considered for high-priority or time-sensitive cases requiring significant funding for the implementation of an individual priority project.

- Priority must be given to long term contractual, or multi-year obligations such as:
 - Contracts with the Corps of Engineers for O&M costs of federal reservoirs
 - Contracts with the USGS for stream gages
- Consideration may be given to projects or initiatives that involve cost shares from other sources, such as Federal, state, local and private funding.
- Consideration may be given to expenditures that can be justified based upon emerging threats to water resources, including appropriate research initiatives.
- Chapter 59 of the 2023 Kansas Session Laws states the Kansas Water Authority will encourage requests from state and local entities that cooperate with qualified non-profit entities.
- Chapter 59 of the 2023 Kansas Session Laws states if at least two conservation districts present a joint proposal for position(s) to provide shared services to those districts, funds may be recommended to supplement the salaries of those position(s).

MEMO



DATE: June 1, 2023
TO: Kansas Water Authority
FROM: Matt Unruh
RE: Federal Cooperative Agreement – South Johnson
County Regional Wastewater PAS Agreement
(USACE)

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

There is one potential agreement between the Kansas Water Office (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 KWO enters into an agreement with the federal government. This potential agreement has been identified as potentially eligible to receive federal match through Planning Assistance to States (PAS) agreements with USACE.

The U.S. Army Corps of Engineers (USACE), through a PAS agreement between the KWO and the Kansas Department of Health and Environment (KDHE), would provide planning and engineering services to evaluate options for expanding existing facilities, development of a new regional wastewater treatment plant, or some combination. Wastewater planning would also entail the layout of specific collection systems tied to existing, expanded or new treatment plants among the five municipal utilities (Edgerton, Gardner, Spring Hill, Olathe, Johnson County Wastewater). The PAS would also assess governance arrangements between the utilities for sharing services over the region and potentially partnering in a regional treatment facility. The resulting sewer rate impacts for the variety of options would also need to be evaluated for the utilities.

The KWO is working with KDHE and USACE to finalize scoping of this proposal at the present time. The current expected non-federal sponsor contribution between KWO and KDHE is approximately \$250,000, with USACE to provide resources matching that amount to the study. The final scope and cost will be determined after further discussions with KDHE and USACE.

The Kansas Water Office recommends the KWA give approval to the Director to enter into a PAS agreement with the U.S. Army Corps of Engineers for a South Johnson County Regional Wastewater Study.
