

Kansas Water Authority

Meeting

August 23, 2023

McPherson, KS



MEETING 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			--
	June 7, 2023 Meeting			X	2-5
9:10 am	KWA Public Water Supply Committee	John Bailey			6-16
	City of Independence Negotiation Authorization	Nathan Westrup		X	7-12
	City of Marion Contract Approval	Nathan Westrup		X	13-16
	CNRBWAD#3 Contract Renegotiation	Nathan Westrup		X	--
10:00 am	KWA RAC Operations Committee	Jeremiah Hobbs			
	RAC Membership Appointments	Angela Anderson		X	17-23
10:30 am	BREAK				
10:45 am	KWA Budget Committee	Mike Armstrong			
	SWPF FY 2025 Budget Recommendations	Matt Unruh		X	24-63
12:00 pm	LUNCH				
1:00 pm	Hays/Russell Water Transfer	Matt Unruh			--
2:15 pm	KWA Ex Officio Agency Updates	Dawn Buehler			--
2:45 pm	Director's Report	Connie Owen			--
2:50 pm	New Business	Dawn Buehler			--
3:00 pm	Adjourn	Dawn Buehler			

Call to Order/Roll Call

Call to Order/Roll Call; *Dawn Buehler*

Minutes

Presented by: Dawn Buehler



Action Needed

Approval of minutes from:
June 7, 2023

KWA Public Water Supply Committee

Presented by: John Bailey & Nathan Westrup

Actions Proposed Following 8/9/2023 Committee Meeting:

- Consider recommendation on request to begin negotiations for Water Marketing contract from Elk City Lake – City of Independence
- Consider recommendation on negotiated contract from Marion Reservoir – City of Marion
- Consider recommendation on request to renegotiate water storage contract with the Cottonwood and Neosho River Basins Water Assurance District No. 3

City of Independence, Application & Request to Negotiate

- City of Independence

- Current Water Purchase Contract No. 22-1

- Expires 8/17/62

- Quantity, 60 MGY

- New application – additional quantity

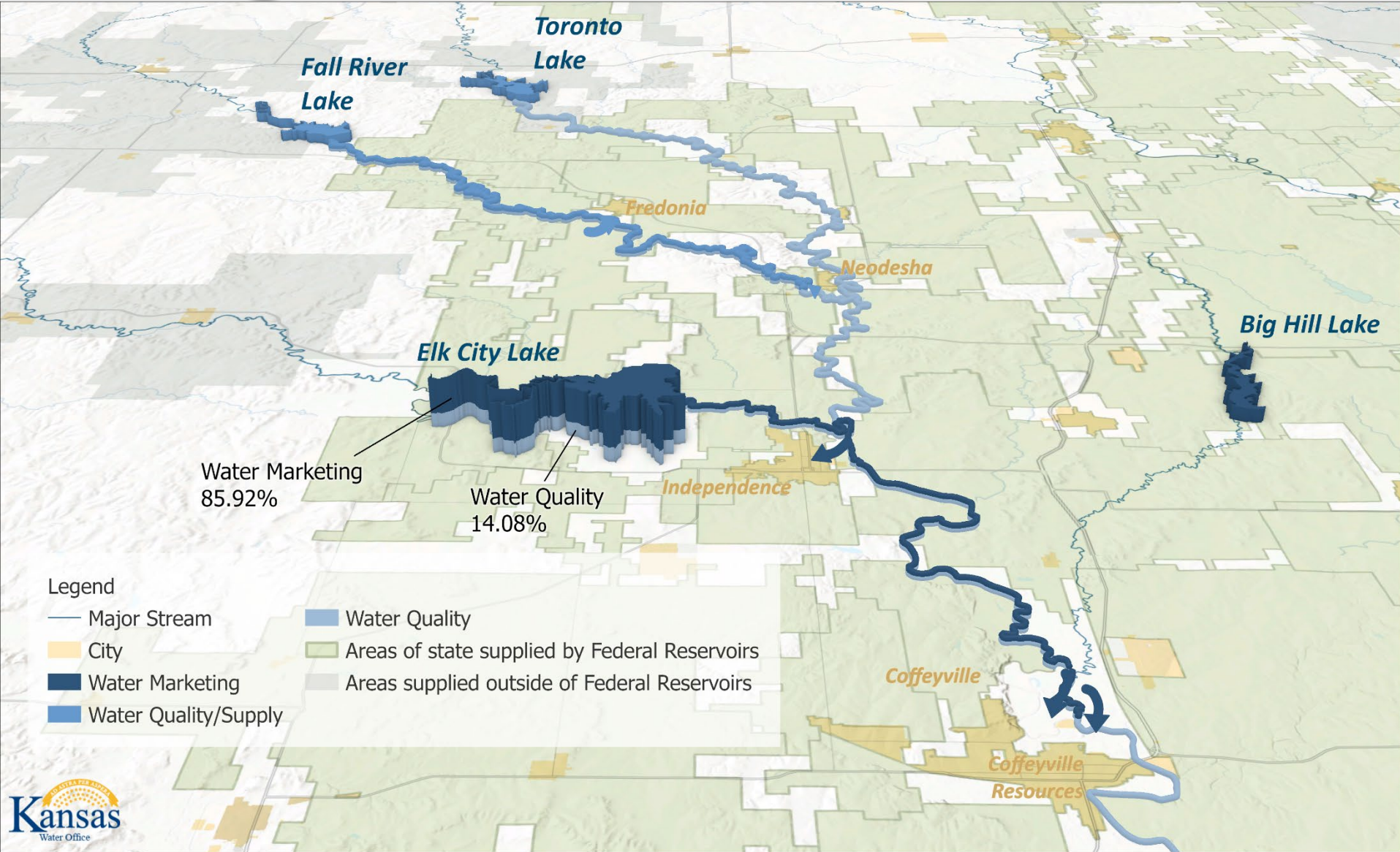
- Application received 6/23/23

- Quantity, 200 MGY

- Preliminary findings

- Provides list of considerations and information used to determine need and public interest

Verdigris basin



Request to negotiate

- **K.A.R. 98-5-3. Request to negotiate.** (a) When an applicant is ready to enter into a water purchase contract, the applicant shall provide written notice of the applicant's desire to enter into negotiations for a contract with the director.
 - Written notice to begin negotiations was provided with the submittal of the application on June 23, 2023
 - If the KWA finds that the proposed sale is in the public interest and that it will advance the purposes of the State Water Planning Act and the State Water Plan – the KWA should authorize the Director to begin negotiations with the applicant

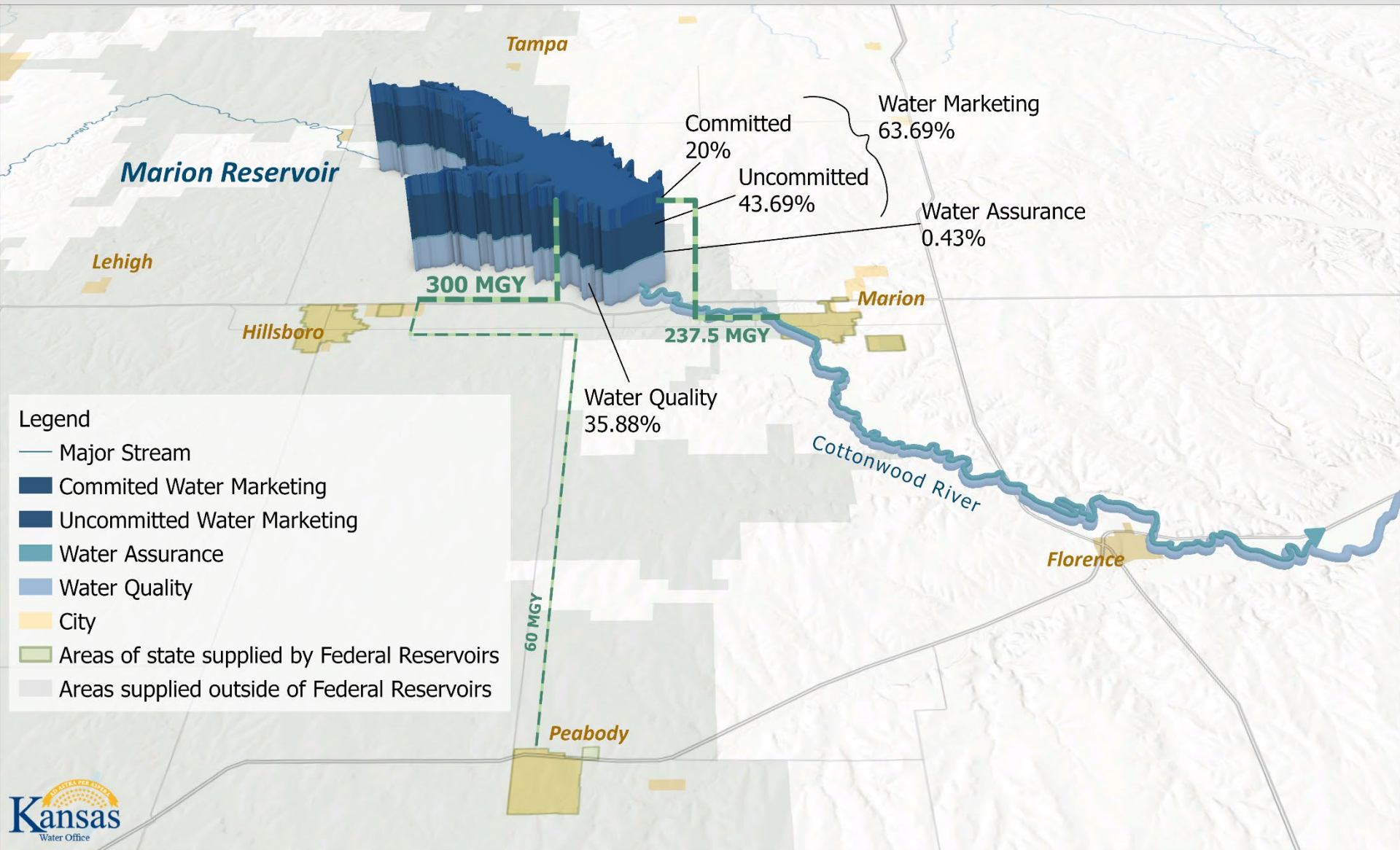
PWS Committee Action

- KWO proposes authorization to begin negotiations with the City of Independence
- PWS Committee took action to recommended that the KWA authorize the Director to begin negotiations
- KWA (Action)

City of Marion, Negotiated Contract

- Water Purchase Contract No. 23-1
 - Terms of renewal
 - Quantity: 237.5 MGY (no change and yield is sufficient)
 - Term: 40 years (no change)
 - Variable rate (WPC 81-4 is capped at \$0.10 / 1,000 gallons)
 - Direct raw water intake from Marion Reservoir (no change)
 - Place of use, City of Marion (no change)
 - Standard contract

Marion Reservoir



Considerations for Decision

In accordance with **K.S.A. 82a-1311a(c)**, 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**;
- (2) any **current beneficial uses** being made of the noncontracted water proposed to be diverted;
- (3) any reasonably foreseeable **future beneficial uses** of the water;
- (4) the economic, environmental, public health and welfare and **other benefits or adverse impact** of approving the contract;
- (5) **alternative sources** of water available to the applicant;
- (6) the preliminary plan of design, construction and operation of any **works or facilities** used in conjunction with carrying the water to its point of use;
- (7) whether the proposed purchase is **consistent with the state water plan** approved by the legislature;
- (8) the date of receipt of the application to contract for withdrawal and use of water;
- (9) minimum streamflow requirements; and
- (10) whether the applicant has adopted and implemented a water conservation plan.

PWS Committee Action

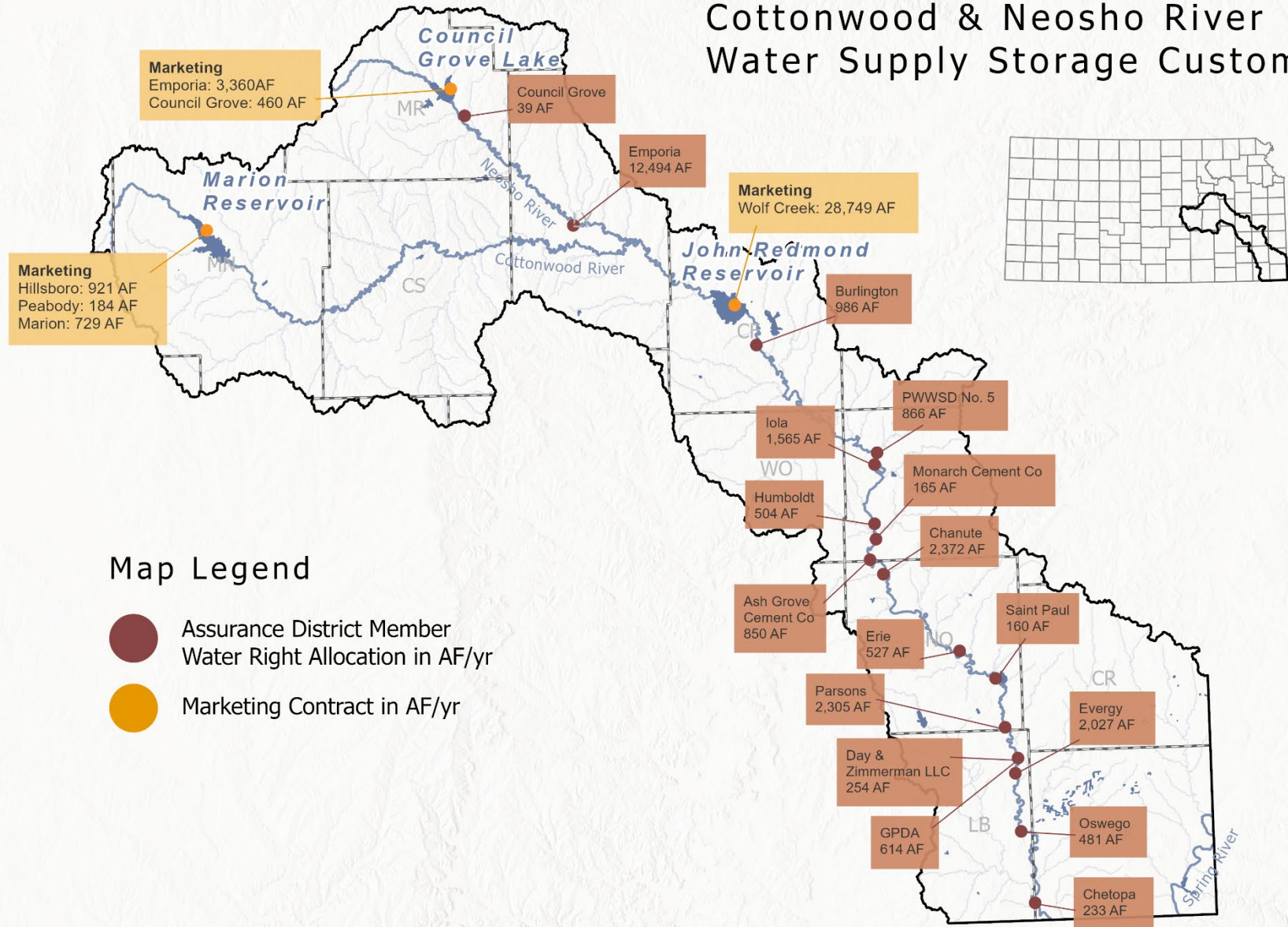
- KWO proposes approval of Water Purchase Contract No. 23-1 (City of Marion)
- PWS Committee took action to recommend that the KWA approve the negotiated contract, Water Purchase Contract No. 23-1
- KWA (Action)

CNRB Water Assurance District No. 3

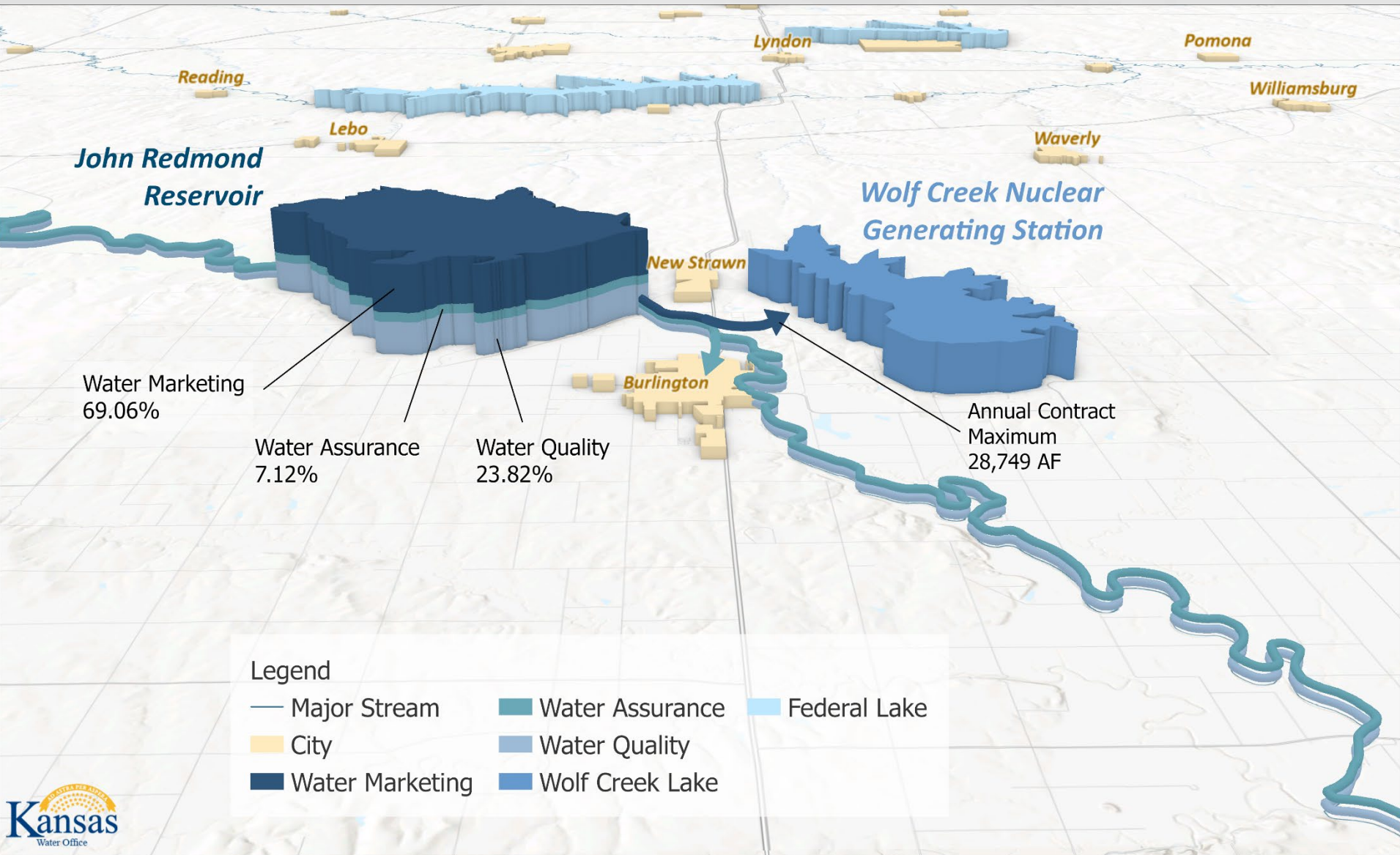
- District contract for storage, 8/28/1996
 - John Redmond, Council Gove, and Marion
 - 17 members (municipal and industrial)
 - 2 members upstream of John Redmond
 - 15 members downstream of John Redmond
 - No members on the Cottonwood River
- District submitted request to (re)negotiate storage contract, July 3, 2023
 - Additional storage in Marion or Council Grove
 - 2 members, 3 water appropriation applications
 - Unspecified quantity
 - Dependent on the requirements of the Chief Engineer

CNRB Water Assurance District No. 3

Cottonwood & Neosho River Water Supply Storage Customers



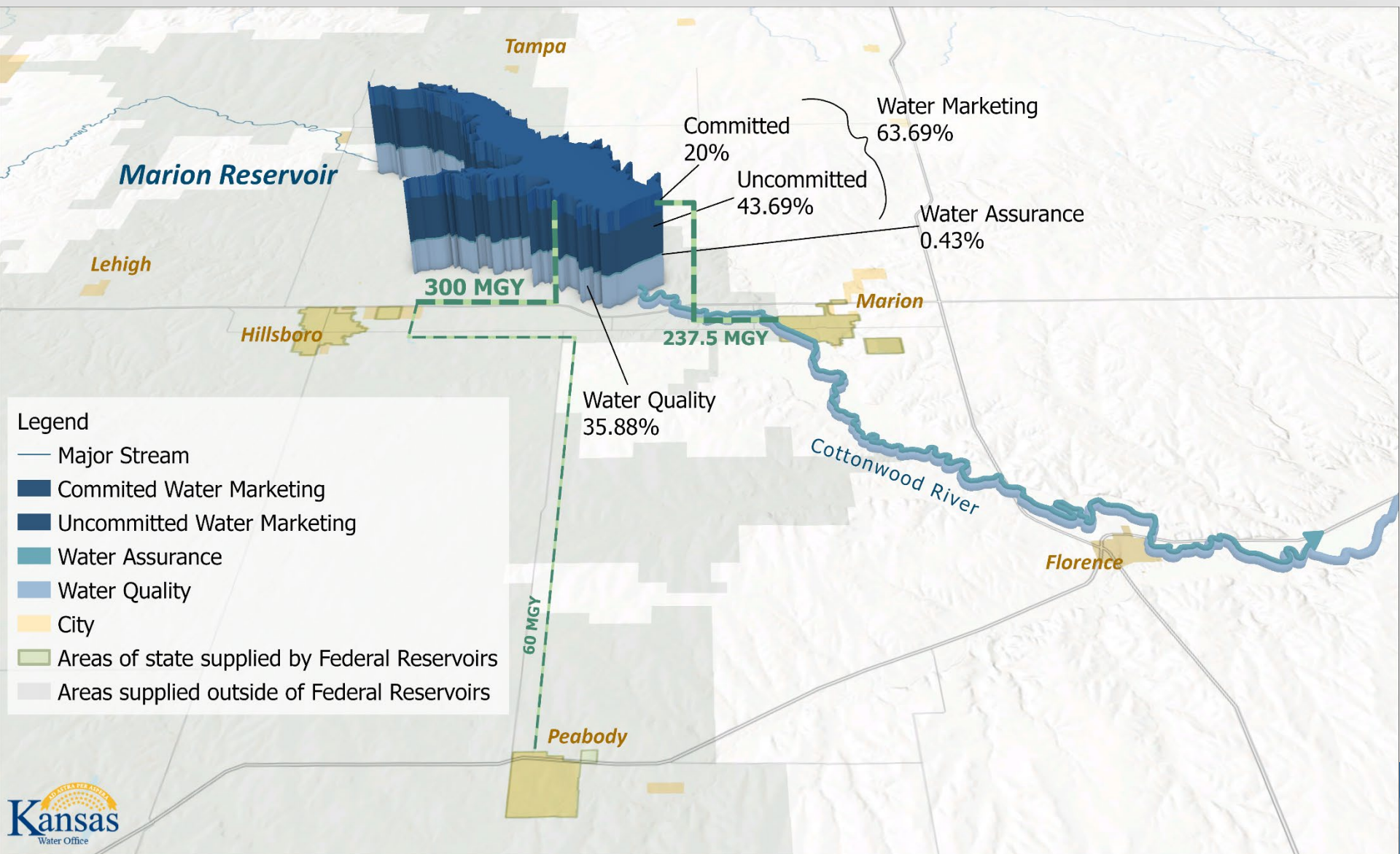
John Redmond Reservoir



Council Grove Lake



Marion Reservoir



PWS Committee Action

- KWO proposes the KWA authorize the Director to enter into negotiations with the Cottonwood & Neosho River Basins Water Assurance District No. 3, regarding additional storage
- PWS Committee took action to recommend that the KWA authorize the Director to initiate negotiations with the District
- KWA (Action)

KWA RAC Operations Committee

Presented by: Jeremiah Hobbs & Angela Anderson

Actions Proposed Following 8/8/2023 Committee Meeting:

- KWA approval of RAC Membership Appointments

Regional Advisory Committee Recommendations Summary

A membership drive for Regional Advisory Committee (RAC) membership positions with term expirations of June 30, 2023, as well as vacant positions, took place beginning this past spring. Ninety-five applications for RAC membership were received covering all 14 of the RACs.

On August 8, 2023, the RAC Operations Committee met to review the applications received for RAC membership and to develop recommendations for membership appointments to the RACs.

Other information of note from the 2023 membership drive includes:

- 19 current RAC members with 2023 term expirations did not express interest in continuing as members for an additional term.
- 20 RAC positions were vacant at the beginning of the membership drive; 12 with terms expiring on June 30, 2023 and 8 with terms expiring June 30, 2025.
- 15 RAC positions will remain vacant post KWA approval; 3 having expirations term dates in 2025 and 12 with expiration term dates of June 30, 2027.

KWA Recommendations

- Approve **CIMARRON RAC** member applications for categories suggested:
 - Jas Dale: Agriculture Industry
 - Approve moving Jose Rosales to Public Water Supply(cc)
 - Approve moving Jason Norquest to At Large Public 2
 - Approve moving Gary Boldt to At Large Public(cc)
- 9/13 positions will be filled

Cimarron RAC

<i>Membership</i>			
<i>Name</i>	<i>City</i>	<i>Category</i>	<i>Term</i>
Matt Higgins (Chair)	Elkhart, KS	Public Water Supply 2	2025
Bret Rooney (Vice-Chair)	Satanta, KS	Groundwater Management	2025
Gary Boldt	Ulysses, KS	At Large Public (cc)	2025
Jason Norquest	Garden City, KS	At Large Public 2	2027
Jose Rosales	Liberal, KS	Public Water Supply (cc)	2027
Andrew Moser	Hugoton, KS	Agriculture (cc)	2025
Luke Grubbs	Hugoton, KS	Irrigation	2025
Adam Gerrond	Ulysses, KS	Conservation/Environment (cc)	2025
Jas Dale	Ulysses, KS	Agriculture Industry	2027
VACANT		Public Water Supply 3	2027
VACANT		Agriculture 2	2027
VACANT		At Large Public 3	2027
VACANT		Industry/Commerce (cc)	2025

Planner: Keadron Pearson

KWA Recommendations

- Approve **Equus-Walnut RAC** member applications for categories suggested:
 - Russ Tomevi: Integrated Planning
 - David Bogner: Groundwater Management
 - Don Henry: Public Water Supply (cc)
 - Steve Hieger: Industry/Commerce (cc)
 - Jerry Clasen: Agriculture 2
 - Dan Defore: Watershed Protection
 - Sandy Koontz: Conservation/Environment 2
- 13/13 positions will be filled

Equus-Walnut RAC

<i>Membership</i>			
<i>Name</i>	<i>City</i>	<i>Category</i>	<i>Term</i>
Brian Meier (Chair)	Wichita, KS	Industry/Commerce 2	2025
Russ Tomevi (Vice-Chair)	Winfield, KS	Integrated Planning	2027
David Bogner	Mt. Hope, KS	Groundwater Management	2027
Jerry Clasen	Nickerson, KS	Agriculture 2	2027
Tim Boese	Halstead, KS	Conservation/Environment (cc)	2025
Don Henry	Wichita, KS	Public Water Supply (cc)	2027
Steve Hieger	Wichita, KS	Industry/Commerce (cc)	2027
Chad Milligan	Derby, KS	At Large Public (cc)	2025
Brett Perry	Andover, KS	Public Water Supply 2	2025
Josh Bedel	McPherson, KS	Public Water Supply 3	2025
Richard Basore	Sedgwick, KS	Agriculture (cc)	2025
Sandy Koontz	Benton, KS	Conservation/Environment 2	2027
Dan Defore	Dexter, KS	Watershed Protection	2027

Planners: Lauren Campbell, Amelia Nill

KWA Recommendations

- Approve **Great Bend Prairie RAC** member applications for categories suggested:
 - Roger Blew: Agriculture 3
 - Pat Janssen: Groundwater Irrigation
 - Isaac Aberson: Watershed Protection
 - Berry Bortz: Agriculture (cc)
 - Stephanie Royer: At Large Public 2
 - Approve moving James Oberle to Public Water Supply (cc)
- 11/13 positions will be filled

Great Bend Prairie RAC

<i>Membership</i>			
<i>Name</i>	<i>City</i>	<i>Category</i>	<i>Term</i>
VACANT (Chair)		Public Water Supply 3	2027
Isaac Aberson (Vice-Chair)	Jetmore, KS	Watershed Protection	2027
Berry Bortz	Preston, KS	Agriculture (cc)	2027
Pat Janssen	Kinsley, KS	Groundwater Irrigation	2027
Stephanie Royer	LaCrosse, KS	At Large Public 2	2027
Cammie Vaupel	St. John, KS	Industry/Commerce 2	2025
Daniel Filbert	Macksville, KS	Agriculture 2	2025
Jeff Holste	Burdett, KS	Industry/Commerce (cc)	2025
Orrin Feril	Stafford, KS	At Large Public (cc)	2025
James Oberle	Pawnee Rock, KS	Public Water Supply (cc)	2027
Veronica Coons	Great Bend, KS	Conservation/Environment (cc)	2025
Roger Blew	Stafford, KS	Agriculture 3	2027
VACANT		Public Water Supply 2	2025

Planners: Keadron Pearson, Amelia Nill

KWA Recommendations

- Approve **Kansas RAC** member applications for categories suggested:
 - Colin Stalter: At Large Public (cc)
 - Adam Bauer: WRAPS
 - Marlene Bosworth: Conservation/Environment (cc)
 - Sarah Hill-Nelson: Industry/Commerce 2
 - Leslie Holthaus: Conservation/Environment 2
 - Darci Meese: Public Water Supply (cc)
 - William (Bill) Heatherman: Public Utility
- 13/13 positions will be filled

Kansas RAC

<i>Membership</i>			
<i>Name</i>	<i>City</i>	<i>Category</i>	<i>Term</i>
Marlene Bosworth (Chair)	Sabetha, KS	Conservation/Environment (cc)	2027
Darci Meese (Vice-Chair)	Lenexa, KS	Public Water Supply (cc)	2027
Adam Bauer	Milford, KS	WRAPS	2027
Leslie Holthaus	Beattie, KS	Conservation/Environment 2	2027
Sarah Hill-Nelson	Lawrence, KS	Industry/Commerce 2	2027
Glenn Brunkow	Westmoreland, KS	Agriculture (cc)	2025
Sylvia Davis	Topeka, KS	Water Assurance District	2025
Bill Heatherman	Manhattan, KS	Public Utility	2027
Melissa Michels	Maple Hill, KS	Industry/Commerce (cc)	2025
Daniel Howell	Frankfort, KS	Agriculture 2	2025
Colin Stalter	Gardner, KS	At Large Public (cc)	2027
Ian Fannin-Hughes	Overland Park, KS	Planning, Restoration & Protection	2025
Brad Bradley	Overland Park, KS	Fish & Wildlife	2025

Planner: Amelia Nill

KWA Recommendations

- Approve **Marais des Cygnes RAC** member applications for categories suggested:
 - Trenton Morris: Public Water Supply (cc) (HAWC)
 - Charles Finley: Public Water Supply 2
 - Larry Schulte: Industry/Commerce (cc)
 - Lori Kuykendall: WRAPS
 - Don Stottlemire: At Large Public 2
 - Lyle Wobker: Agriculture 2
 - Approve moving Laura Hines to Water Assurance District
- 13/13 positions will be filled

Marais des Cygnes RAC

<i>Membership</i>			
<i>Name</i>	<i>City</i>	<i>Category</i>	<i>Term</i>
Lyle Wobker (Chair)	Paola, KS	Agriculture 2	2027
Don Stottlemire	Rantoul, KS	At Large Public 2	2027
Laura Hines	Lawrence, KS	Water Assurance District	2027
Lori Kuykendall	Lyndon, KS	WRAPS	2027
Trenton Morris	Paola, KS	Public Water Supply (cc) (HAWC)	2027
Gary Armentrout	Centerville, KS	Public Water Supply 3	2025
Gayla Speer	Wellsville, KS	Agriculture (cc)	2025
Keri Harris	Ottawa, KS	At Large Public (cc)	2025
Ron Brown	Fort Scott, KS	Conservation/Environment (cc)	2025
Scott Yeargain	Ottawa, KS	Conservation/Environment 2	2025
Charles Finley	Gardner, KS	Public Water Supply 2	2027
Larry Schulte	Leawood, KS	Industry/Commerce (cc)	2027
Ray Samuel	Richmond, KS	At Large Public 3	2025

Planner: Lauren Campbell

KWA Recommendations

- Approve changing **Missouri RAC** Fish & Wildlife category to At Large Public 2
- Approve **Missouri RAC** member applications for categories suggested:
 - Dan Bowen: At Large Public 2
 - Carl Johnson: Conservation/Environment (cc)
 - Jeff Grossenbacher: Agriculture (cc)
 - Brett Neibling: Agriculture 2
 - Mike Stec: Industry/Commerce (cc)
 - John Bishop: Recreation
- 11/13 positions will be filled

Missouri RAC

<i>Membership</i>			
<i>Name</i>	<i>City</i>	<i>Category</i>	<i>Term</i>
Joel Mahnken (Chair)	Leavenworth, KS	Public Water Supply (cc)	2025
Michelle Wirth (Vice-Chair)	Kansas City, KS	Public Water Supply 3	2025
Brett Neibling	Highland, KS	Agriculture 2	2027
Carl Johnson	Leavenworth, KS	Conservation/Environment (cc)	2027
Jeff Grossenbacher	Bern, KS	Agriculture (cc)	2027
John Bishop	Atchison, KS	Recreation	2027
Mike Stec	Atchison, KS	Industry/Commerce (cc)	2027
Chris Griffen	Troy, KS	WRAPS	2025
Martin Simon	Atchison, KS	At Large Public (cc)	2025
Doug Allen	Sabetha, KS	Public Water Supply 2	2025
Dan Bowen	Atchison, KS	At Large Public 2	2027
VACANT		Tribal Representative	2027
VACANT		Agriculture Industry	2027

Planner: Kirk Tjelmeland

KWA Recommendations

- Approve **Neosho RAC** member applications for categories suggested:
 - Wes Fleming: Industry/Commerce (cc)
 - Lisa Suderman: WRAPS
 - Brian Obermeyer: Conservation/Environment 2
 - Dean Grant: Water Assurance District
 - Tisha Conard Richardson: At Large Public 2
 - Tim Peoples: Industry/Commerce
 - Barry Mayhew: At Large Public 3
- 12/13 positions will be filled

Neosho RAC

<i>Membership</i>			
<i>Name</i>	<i>City</i>	<i>Category</i>	<i>Term</i>
Wes Fleming (Chair)	Burlington, KS	Industry/Commerce (cc)	2027
Lisa Suderman (Vice-Chair)	Hillsboro, KS	WRAPS	2027
Brian Obermeyer	Cottonwood Falls, KS	Conservation/Environment 2	2027
Dean Grant	Emporia, KS	Water Assurance District	2027
James Triplett	Pittsburg, KS	Conservation/Environment (cc)	2027
Jay Byers	Pittsburg, KS	At Large Public (cc)	2025
Joe Buchanan	Council Grove, KS	Public Water Supply (cc)	2025
Dale Strickler	Iola, KS	Agriculture 2	2025
Susan Hague	Cedar Point, KS	Agriculture (cc)	2025
Tisha Conard Richardson	Wilsey, KS	At Large Public 2	2027
Tim Peoples	Parsons, KS	Industry/Commerce 2	2027
Barry Mayhew	Mission Hills, KS	At Large Public 3	2027
VACANT		Ranching/Grazing	2027

Planner: Angela Anderson

KWA Recommendations

- Approve **Red Hills RAC** member applications for categories suggested:
 - Larry Mangan: Public Water Supply (cc)
 - Phil White: At Large Public East
 - Clark Bibb: At Large Public West
 - Alan Albers: Agriculture (cc)
 - Ted Alexander: Agriculture 2
 - Michael Coleman: Fish & Wildlife
 - Tim Marshall: Conservation/Environment (cc)
- 10/11 positions will be filled

Red Hills RAC

<i>Membership</i>			
<i>Name</i>	<i>City</i>	<i>Category</i>	<i>Term</i>
Larry Mangan (Chair)	Wellington, KS	Public Water Supply (cc)	2027
Jeffery Porter (Vice-Chair)	Medicine Lodge, KS	Local Government	2025
Clark Bibb	Coldwater, KS	At Large Public West	2027
Alan Albers	Cunningham, KS	Agriculture (cc)	2027
Phil White	Wellington, KS	At Large Public East	2027
Mark Watts	Medicine Lodge, KS	Industry/Commerce (cc)	2025
Brandon Grigsby	Ashland, KS	At Large Public (cc)	2025
Michael Coleman	Pratt, KS	Fish & Wildlife	2027
Tim Marshall	Medicine Lodge, KS	Conservation/Environment (cc)	2027
Ted Alexander	Sun City, KS	Agriculture 2	2025
VACANT		Industry/Commerce 2	2027

Planners: Lauren Campbell, Keadron Pearson, Amelia Nill

KWA Recommendations

- Approve changing **Smoky Hill-Saline RAC** At Large Public 2 category to Agriculture 3
- Approve changing Industry/Commerce 2 category to Conservation/Environment 3
- Approve **Smoky Hill-Saline RAC** member applications for categories suggested:
 - Holly Dickman: Large Public Water Supply
 - Baron Shively: Conservation/Environment 2
 - Martha Tasker: Public Water Supply (cc)
 - Rich Krause: Small Public Water Supply
 - Chris Meyer: Agriculture (cc)
 - Jay Leusman: Agriculture 3
 - Herbert Graves, Jr.: Conservation/Environment 3
 - Lon Schrader: At Large Public (cc)
- 12/13 positions will be filled

Smoky Hill –Saline RAC

<i>Membership</i>			
<i>Name</i>	<i>City</i>	<i>Category</i>	<i>Term</i>
Holly Dickman (Chair)	Hays, KS	Large Public Water Supply	2027
Baron Shively (Vice-Chair)	McPherson, KS	Conservation/Environment 2	2027
Martha Tasker	Salina, KS	Public Water Supply (cc)	2027
Chris Meyer	Sylvan Grove, KS	Agriculture (cc)	2027
Rich Krause	Russell, KS	Small Public Water Supply	2027
Bevin Law	Longford, KS	Conservation	2025
Brad Shogren	Lindsborg, KS	Irrigation	2025
Dan Baffa	Salina, KS	Conservation/Environment (cc)	2025
Tom Breit	Utica, KS	Agriculture 2	2025
Jay Leusman	Abilene, KS	Agriculture 3	2027
Herbert Graves, Jr.	Chapman, KS	Conservation/Environment 3	2025
Lon Schrader	Abilene, KS	At Large Public (cc)	2025
VACANT		Industry/Commerce (cc)	2027

Planner: Amelia Nill

KWA Recommendations

- Approve adding to the **Solomon-Republican RAC** a Conservation/Environment 3 category
- Approve **Solomon-Republican RAC** member applications for categories suggested:
 - Rhonda Coffman: At Large Public 3
 - Raymond DeBey: Agriculture (cc)
 - Timothy Driggs: Public Water Supply (cc)
 - Amanda Johnson: Conservation/Environment 2
 - Arnold Ross: Irrigation East
 - Sherry Koster: Conservation/Environment 3
- 12/13 positions will be filled

Solomon-Republican RAC

<i>Membership</i>			
<i>Name</i>	<i>City</i>	<i>Category</i>	<i>Term</i>
Donald Hellwig (Chair)	Solomon, KS	Agriculture 2	2025
Raymond DeBey (Vice-Chair)	Cawker City, KS	Agriculture (cc)	2027
Arnold Ross	Webber, KS	Irrigation, East	2027
Rhonda Coffman	Agenda, KS	At Large Public 3	2027
Amanda Johnson	Glasco, KS	Conservation/Environment 2	2027
Timothy Driggs	Phillipsburg, KS	Public Water Supply (cc)	2027
David Pfizenmaier	Clay Center, KS	Industry/Commerce (cc)	2025
Mike Brzon	Courtland, KS	At Large Public 2	2025
Robbin Dibble	Alton, KS	Conservation/Environment (cc)	2025
Sharon Sahfield	Beloit, KS	At Large Public (cc)	2025
Stanley Kats	Prairie View, KS	Irrigation, West	2025
Sherry Koster	Mankato, KS	Conservation/Environment 3	2027
VACANT		Fish, Wildlife & Recreation	2027

Planner: Amelia Nill

KWA Recommendations

- Approve **Upper Arkansas RAC** member applications for categories suggested:
 - Joe Jury: Agriculture (cc)
 - Titus Jaeger: Groundwater Irrigation
 - Jason Shamburg: At Large Public 2
 - Ray Slattery: Public Water Supply 2
 - Emily Vsetecka: Industry/Commerce (cc)
 - Gina Gigot: Groundwater Management
- 13/13 positions will be filled

Upper Arkansas RAC

<i>Membership</i>			
<i>Name</i>	<i>City</i>	<i>Category</i>	<i>Term</i>
Roy Dixon (Chair)	Garden City, KS	Agriculture Industry	2025
Fred Jones (Vice-Chair)	Garden City, KS	Public Water Supply (cc)	2025
Jason Shamburg	Deerfield, KS	At Large Public 2	2027
Joe Jury	Ingalls, KS	Agriculture (cc)	2027
Titus Jaeger	Lakin, KS	Groundwater Irrigation	2027
Emily Vsetecka	Garden City, KS	Industry/Commerce (cc)	2027
Ray Slattery	Dodge City, KS	Public Water Supply 2	2027
Gina Gigot	Garden City, KS	Groundwater Management	2027
Hugh Brownlee	Syracuse, KS	At Large Public (cc)	2025
Bill Simshauser	Lakin, KS	Conservation/Environment (cc)	2025
Kyle Averhoff	Garden City, KS	Dairy	2025
Monte Morgan	Deerfield, KS	Surface Water Irrigation	2025
Abram Lollar	Garden City, KS	At Large Public 3	2025

Planner: Keadron Pearson

KWA Recommendations

- Approve **Upper Republican RAC** member applications for categories suggested:
 - David Shaul: At Large Public 2
 - Mike Schultz: Public Water Supply (cc)
 - Shannon Kenyon: Groundwater Management
 - Kenneth Sanderson: Conservation/Environment 2
- 9/12 positions will be filled

Upper Republican RAC

<i>Membership</i>			
<i>Name</i>	<i>City</i>	<i>Category</i>	<i>Term</i>
Sue Evans (Chair)	Colby, KS	At Large Public (cc)	2025
Scott Ross (Vice-Chair)	Atwood, KS	Conservation/Environment (cc)	2025
Kenneth Sanderson	Goodland, KS	Conservation/Environment 2	2027
Mike Schultz	Brewster, KS	Public Water Supply (cc)	2027
Shannon Kenyon	Colby, KS	Groundwater Management	2027
David Shaul	Atwood, KS	At Large Public 2	2027
Brian Baalman	Menlo, KS	Industry/Commerce (cc)	2025
Omar Weber	Colby, KS	Public Water Supply 2	2025
Dave Mann	Quinter, KS	Agriculture 2	2025
VACANT		Agriculture Industry	2027
VACANT		Local Government	2025
VACANT		Agriculture (cc)	2027

Planner: Keadron Pearson

KWA Recommendations

- Approve **Upper Smoky Hill RAC** member applications for categories suggested:
 - Alicia Allen: Irrigation
 - Frank Mercurio: Conservation/Environment (cc)
 - Louis “Bo” Parkinson: Public Water Supply (cc)
 - Perry Nowak: Industry/Commerce (cc)
- 8/9 positions will be filled

Upper Smoky Hill RAC

Membership			
Name	City	Category	Term
Alicia Allen (Chair)	Tribune, KS	Irrigation	2027
Kyle Spencer (Vice-Chair)	Scott City, KS	Groundwater Management	2025
Frank Mercurio	Scott City, KS	Conservation/Environment (cc)	2027
Louis “Bo” Parkinson	Scott City, KS	Public Water Supply (cc)	2027
Perry Nowak	Scott City, KS	Industry/Commerce (cc)	2027
Farrin Watt	Leoti, KS	Agriculture (cc)	2025
Landon Frank	Scott City, KS	Financial	2025
Katie Durham	Scott City, KS	At Large Public (cc)	2025
VACANT		Agriculture Industry	2027

Planner: Keadron Pearson

KWA Recommendations

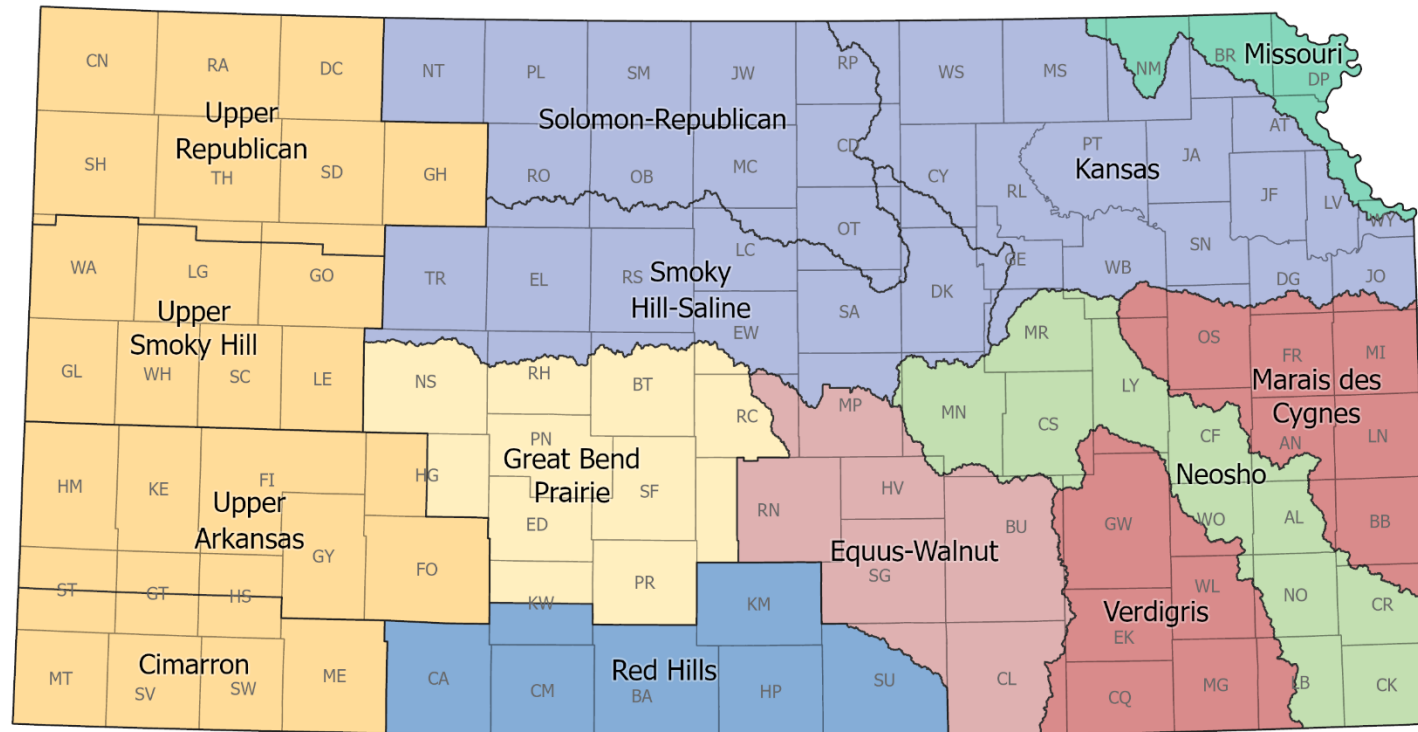
- Approve **Verdigris RAC** member applications for categories suggested:
 - John Ditmore: Industry/Commerce (cc)
 - John Garris: Public Water Supply (cc)
 - John Black: Agriculture 2
 - John West: At Large Public 2
 - Approve moving Doug Blex to Conservation/Environment 2
 - Derek Haines: WRAPS
 - Approve moving Brian Graff to Agriculture (cc) and extending his term to 2027
- 11/11 positions will be filled

Verdigris RAC

<i>Membership</i>			
<i>Name</i>	<i>City</i>	<i>Category</i>	<i>Term</i>
John Ditmore (Chair)	Coffeyville, KS	Industry/Commerce (cc)	2027
Ken McNickle	Mound Valley, KS	Public Water Supply 2	2025
Doug Blex	Independence, KS	Conservation/Environment 2	2027
John Black	Howard, KS	Agriculture 2	2027
John Garriss	Independence, KS	Public Water Supply (cc)	2027
John West	Buffalo, KS	At Large Public 2	2025
Gary Kelley	Sedan, KS	Conservation/Environment (cc)	2025
Derek Haines	Melvern, KS	WRAPS	2027
Ronald Smith	Fredonia, KS	Industry/Commerce 2	2025
Brian Graff	Neodesha, KS	Agriculture (cc)	2027
Pamela Walker	Altoona, KS	At Large Public (cc)	2025

Planner: Lauren Campbell


Regional Planning Areas and KWO Planners



KWO/KWA Operations

Presented by: Jeremiah Hobbs/
Angela Anderson

Discussion Item

-  RAC Chair Presentations at KWA meetings
 - Reinststate the invitation to RAC Chairs of regions near the KWA meeting location to provide a short update to the KWA.
 - If this is offered, what information would the KWA like to learn from the RAC/RAC Chairs?

BREAK

Meeting will resume shortly

KWA Budget Committee

Presented by: Mike Armstrong & Matt Unruh

Actions Proposed Following 8/14/2023 Committee Meeting:

- KWA approval of SWPF FY 2025 Budget Recommendations

Kansas Water Authority

State Water Plan Fund FY 2025 Budget Recommendation Development Process

Since the 6/7/2023 KWA Meeting:

- June 19: KWA Budget Committee Meeting
- June 22 & 23: RAC Budget Input Informational Webinars
- First week of July: Division of Budget Agency Guidance
- Month of July: RAC budget input meetings for all 14 RACs
- End of July: KWO compiles RAC input, coordinates with agency partners to develop initial draft FY 2025 SWPF recommendations
- August 7 and August 14: KWA Budget Committee reviews RAC feedback in conjunction with initial draft FY 2025 SWPF recommendations, finalizes recommendations for consideration by full KWA at August 23rd meeting.

SWPF FY 2025 Regional Advisory Committee Budget Input

Recent Progress/Success

- Has there been progress of note on regional and/or statewide water resource issues which should be highlighted?

State Water Plan Fund Priorities

- What type of activities would be most impactful under any/all of the 5 KWP Guiding Principles and/or noted actionable items?
- What type of activities would be of highest priority under any/all of the 5 KWP Guiding Principles and/or noted actionable items?
- What do you feel is an appropriate proportional level of funding to go towards each of the 5 Kansas Water Plan Guiding Principles?
- Where do you feel current priority activities would best fit within the 5 KWP Guiding Principles and/or noted actionable items?
- Are there opportunities for “low hanging” issues or priorities to be addressed?
- Are there urgent emerging issues/priorities or unique opportunities to be addressed?
- Are there any activities you feel are missing at the current time which should be considered for future SWPF expenditures?

State Water Plan Fund FY 2025 Priorities

Conserve and Extend the High Plains Aquifer

- Improve our understanding of the aquifer and all its characteristics
- Improve the efficiency of our use of High Plains water
- Reduce the amount of water that is pumped from the aquifer

Secure, Protect, and Restore our Kansas Reservoirs

- Ensure that Kansas has full access to reservoir storage needed to meet projected demands
- Improve our understanding of sediment inflows and deposition of sediment in reservoir storage
- Reduce the amount of sediment that is entering reservoir storage
- Manage and/or remove sediment once it has entered the reservoir

Improve the State's Water Quality

- Build out centralized knowledge bases for program management/decision making and to further define emerging issues and document successful improvements
- Establish long term strategies and implement water quality improvements through adopting of conservation practices in watersheds
- Clean up soil, ground water, and surface waters contaminated by past industrial and commercial activities
- Restore the quality of state waters and protect source water for public supplies through favorable land management and use, mitigation of anthropogenic exacerbated natural sources of pollution and appropriate treatment of upstream/upgradient pollutant loadings
- Use state resources to leverage local and federal funding to finance watershed planning and implementation efforts

Reduce our Vulnerability to Extreme Events

- Improve our understanding of the timing, frequency, and impact of extreme events
- Reduce flood damage through mitigation and control
- Reduce economic damage and water supply vulnerability due to drought

Increase Awareness of Kansas Water Resources

- Improve coordination and access of information available to stakeholders and the public
- Provide basic information and education on Kansas' water resources
- Provide targeted water conservation information and education

<div> <div>DRAFT</div> <div> <div>Kansas Water Authority</div> <div>State Water Plan Fund FY2025 Budget Recommendation Development</div> <div>Kansas Water Plan Guiding Principle Expenditure Recommendation Summary (08/14/23)</div> </div> <div>DRAFT</div> </div>							
FY 2025	Expenditure Type	Conserve & Extend the High Plains Aquifer	Secure, Protect & Restore our Kansas Reservoirs	Improve our State's Water Quality	Reduce our Vulnerability to Extreme Events	Increase Awareness of Kansas Water Resources	Total
Total Expenditures	Dollar Amount	\$10,946,289	\$10,459,467	\$12,014,674	\$5,358,724	\$1,792,343	\$40,571,498
	Percent of Total Expenditures	27.0%	25.8%	29.6%	13.2%	4.4%	
Base Budget Allocations	Dollar Amount	\$5,159,099	\$7,657,578	\$6,815,285	\$1,922,193	\$1,017,343	\$22,571,498
	Percent of Base Budget Allocations	22.9%	33.9%	30.2%	8.5%	4.5%	
Recommended Transfers	Dollar Amount	\$5,787,191	\$2,801,889	\$5,199,389	\$3,436,532	\$775,000	\$18,000,000
	Percent of Recommended Transfer	32.2%	15.6%	28.9%	19.1%	4.3%	

Category	Program Name	Agency	FY2025 Draft Agency Allocation Recommendations	FY2025 Draft Agency Recommended Transfers - HB 2302	FY2025 Draft Agency Total Expenditure Recs	Category Total: FY2025 Draft Agency Allocation Recommendations	Category Total: FY2025 Draft Agency Recommended Transfers - HB 2302	Category Total: FY2025 Draft Agency Total Expenditure Recs	Category Percent of FY2025 Draft Agency Allocation Recommendations	Category Percent of FY2025 Draft Agency Recommended Transfers - HB 2302	Category Percent of FY2025 Draft Agency Total Expenditure Recs
Groundwater Initiatives	Water Transition Assistance Program/CREP	KDA	\$554,142	\$1,000,000	\$1,554,142	\$2,330,623	\$4,263,159	\$6,593,782	10.3%	23.7%	16.3%
	Irrigation Technology	KDA	\$550,000	\$2,000,000	\$2,550,000						
	Crop and Livestock Research	KDA	\$350,000	\$100,000	\$450,000						
	High Plains Aquifer Partnerships	KWO	\$850,000	\$1,150,000	\$2,000,000						
	Kansas Geological Survey	KGS	\$26,481	\$13,159	\$39,640						
Groundwater Initiatives & Water Quality	Interstate Water Issues	KDA	\$527,927	\$0	\$527,927	\$1,301,774	\$150,000	\$1,451,774	5.8%	0.8%	3.6%
	Subbasin Water Resources Management	KDA	\$673,847	\$0	\$673,847						
	Water Use Database Modernization	KDA	\$100,000	\$150,000	\$250,000						
GW Initiatives, WQ & Res. WS & Sed	KS Water Plan Education & Outreach Strategy	KWO	\$250,000	\$500,000	\$750,000	\$1,300,414	\$2,180,841	\$3,481,255	5.8%	12.1%	8.6%
	Assessment and Evaluation	KWO	\$1,050,414	\$1,180,841	\$2,231,255						
	HB 2302	KWO	\$0	\$500,000	\$500,000						
Water Quality	Contamination Remediation	KDHE	\$1,105,578	\$500,000	\$1,605,578	\$8,128,711	\$4,540,714	\$12,669,425	36.0%	25.2%	31.2%
	Nonpoint Source Program	KDHE	\$430,587	\$0	\$430,587						
	TMDL Initiatives	KDHE	\$391,378	\$0	\$391,378						
	Harmful Algae Bloom Pilot	KDHE	\$150,937	\$0	\$150,937						
	Watershed Restoration/Protection	KDHE	\$1,000,000	\$0	\$1,000,000						
	Drinking Water Protection Program	KDHE	\$800,000	\$0	\$800,000						
	Ark River Ditch Lining	KDHE	\$0	\$1,000,000	\$1,000,000						
	Aquifer Recharge Basin	KDHE	\$0	\$500,000	\$500,000						
	Groundwater Quality Monitoring Network	KDHE	\$0	\$1,060,000	\$1,060,000						
	WRAPS Effectiveness Monitoring	KDHE	\$0	\$200,000	\$200,000						
	LEPP	KDHE	\$250,000	\$400,000	\$650,000						
	Surface Water Trash Removal	KDHE	\$0	\$50,000	\$50,000						
	Nonpoint Source Pollution Asst.	KDA	\$1,866,598	\$0	\$1,866,598						
	Soil Health	KDA	\$400,000	\$0	\$400,000						
	Conservation Assistance for Water Users	KWO	\$425,000	\$75,000	\$500,000						
	Equus Beds Chloride Plume Remediation Project	KWO	\$50,000	\$25,000	\$75,000						
	Water Quality Partnerships	KWO	\$884,176	\$580,714	\$1,464,890						
Water Quality/Res. Water Supply & Sedimentation	Arbuckle Study	KWO	\$150,000	\$150,000	\$300,000	\$3,555,438	\$1,100,000	\$4,655,438	15.8%	6.1%	11.5%
	Aquatic Nuisance Species Program	KDWP	\$224,457	\$0	\$224,457						
	Aid to Conservation Districts	KDA	\$2,502,706	\$1,000,000	\$3,502,706						
	Riparian and Wetland Program	KDA	\$154,024	\$0	\$154,024						
	Stream Gaging	KWO	\$448,708	\$0	\$448,708						
Reservoir Water Supply & Sedimentation	Reservoir and Water Quality Research	KWO	\$450,000	\$100,000	\$550,000	\$5,954,538	\$5,765,286	\$11,719,824	26.4%	32.0%	28.9%
	Water Resources Cost Share	KDA	\$2,834,714	\$2,165,286	\$5,000,000						
	Dam Construction Rehabilitation	KDA	\$650,000	\$2,350,000	\$3,000,000						
	Streambank Stabilization	KDA	\$750,000	\$750,000	\$1,500,000						
	MOU - Storage Operations & Maintenance	KWO	\$719,824	\$0	\$719,824						
	Kansas Reservoir Protection Initiative	KWO	\$1,000,000	\$500,000	\$1,500,000						
TOTALS:			\$22,571,498	\$18,000,000	\$40,571,498	\$22,571,498	\$18,000,000	\$40,571,498			

Kansas Water Authority

State Water Plan Fund FY2025 Budget Recommendations (08/14/2023)

EXPENDITURES	FY2025 Base Budget Allocations	FY2025 Recommended Transfers - HB 2302	FY2025 Total Expenditures
Department of Health and Environment			
Contamination Remediation	\$ 1,105,578	\$ 500,000	\$ 1,605,578
LEPP	\$ 250,000	\$ 400,000	\$ 650,000
Nonpoint Source Program	\$ 430,587		\$ 430,587
TMDL Initiatives	\$ 391,378		\$ 391,378
Drinking Water Protection Program	\$ 800,000		\$ 800,000
Watershed Restoration/Protection (WRAPS)	\$ 1,000,000		\$ 1,000,000
Harmful Algae Bloom Pilot	\$ 150,937		\$ 150,937
Surface Water Trash Removal		\$ 50,000	\$ 50,000
Ark River Ditch Lining - NEW		\$ 1,000,000	\$ 1,000,000
Aquifer Recharge Basin - NEW		\$ 500,000	\$ 500,000
Ground Water Quality Monitoring Network - NEW		\$ 1,060,000	\$ 1,060,000
WRAPS Effectiveness Monitoring - NEW		\$ 200,000	\$ 200,000
SUBTOTAL-KDHE	\$ 4,128,480	\$ 3,710,000	\$ 7,838,480
Department of Agriculture			
Interstate Water Issues	\$ 527,927		\$ 527,927
Subbasin Water Resources Management	\$ 673,847		\$ 673,847
Water Use Database Modernization - Name Change	\$ 100,000	\$ 150,000	\$ 250,000
Water Resources Cost Share	\$ 2,834,714	\$ 2,165,286	\$ 5,000,000
Nonpoint Source Pollution Asst.	\$ 1,866,598		\$ 1,866,598
Aid to Conservation Districts	\$ 2,502,706	\$ 1,000,000	\$ 3,502,706
Dam Construction Rehabilitation - Name Change	\$ 650,000	\$ 2,350,000	\$ 3,000,000
Water Quality Buffer Initiative	\$ -		\$ -
Riparian and Wetland Program	\$ 154,024		\$ 154,024
Water Transition Assistance Program/CREP	\$ 554,142	\$ 1,000,000	\$ 1,554,142
Irrigation Technology	\$ 550,000	\$ 2,000,000	\$ 2,550,000
Crop and Livestock Research	\$ 350,000	\$ 100,000	\$ 450,000
Soil Health	\$ 400,000		\$ 400,000
Streambank Stabilization	\$ 750,000	\$ 750,000	\$ 1,500,000
SUBTOTAL-KDA	\$ 11,913,958	\$ 9,515,286	\$ 21,429,244
Kansas Water Office			
Assessment and Evaluation	\$ 1,050,414	\$ 1,180,841	\$ 2,231,255
MOU - Storage Operations & Maintenance	\$ 719,824		\$ 719,824
Stream Gaging	\$ 448,708		\$ 448,708
Conservation Assistance for Water Users - Name Change	\$ 425,000	\$ 75,000	\$ 500,000
Reservoir and Water Quality Research	\$ 450,000	\$ 100,000	\$ 550,000
Water Quality Partnerships	\$ 884,176	\$ 580,714	\$ 1,464,890
KS Water Plan Education & Outreach Strategy	\$ 250,000	\$ 500,000	\$ 750,000
High Plains Aquifer Partnerships	\$ 850,000	\$ 1,150,000	\$ 2,000,000
Kansas Reservoir Protection Initiative	\$ 1,000,000	\$ 500,000	\$ 1,500,000
Equus Beds Chloride Plume Remediation Project	\$ 50,000	\$ 25,000	\$ 75,000
Flood Response Study			\$ -
Arbuckle Study	\$ 150,000	\$ 150,000	\$ 300,000
Water Injection Dredging (WID)			\$ -
HB 2302	\$ 18,000,000	\$ 500,000	\$ 500,000
SUBTOTAL-KWO	\$ 24,278,122	\$ 4,761,555	\$ 11,039,677
Department of Wildlife & Parks			
Aquatic Nuisance Species (ANS) Program	\$ 224,457	\$ -	\$ 224,457
University of Kansas--Geological Survey			
	\$ 26,481	\$ 13,159	\$ 39,640
Total State Water Plan Expenditures	\$ 40,571,498	\$ 18,000,000	\$ 40,571,498

EXPENDITURES	FY2025 Base Budget Allocations	FY2025 Recommended Transfers - HB 2302	FY2025 Total Expenditures
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Contamination Remediation	\$ 1,105,578	\$ 500,000	\$ 1,605,578
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SUBTOTAL--KDHE	\$ 4,128,480	\$ 3,710,000	\$ 7,838,480

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EXPENDITURES	FY2025 Base Budget Allocations	FY2025 Recommended Transfers - HB 2302	FY2025 Total Expenditures
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Total State Water Plan Expenditures	\$ 40,571,498	\$ 18,000,000	\$ 40,571,498

Recommended FY 2025 SWPF expenditures leave current estimated ending balance of around \$850,000

Kansas Water Authority

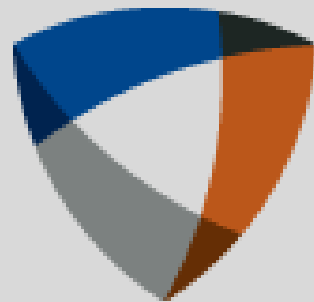
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Total State Water Plan Expenditures	\$ 40,571,498	\$ 18,000,000	\$ 40,571,498

KWA Budget Committee Recommendation:

The KWA Budget Committee recommends the KWA adopt State Water Plan Fund FY 2025 expenditure recommendations as shown in Budget Attachment 1. These recommendations assume base-level funding from FY 2024 supported by continuation of the State General Fund and Economic Development Initiatives Fund demand transfers totaling \$8 million along with \$18 million from a transfer into the SWPF as set forth by Senate Sub. For HB 2302.

THANK YOU TO TODAY'S
MEETING SPONSOR



KANSAS
MUNICIPAL
UTILITIES

Hays/Russell Water Transfer

Presented by: Matt Unruh

Water Transfer Hearing Panel

- **Kansas Water Transfer Act**, K.S.A. 82a-1501, et seq. –
Invoked when water is proposed to be diverted in a quantity of 2,000 acre-feet or more per year and transported outside a 35-mile radius of the point of diversion for beneficial use.
- Panel shall consist of the Chief Engineer of the Division of Water Resources, the Director of the Kansas Water Office, and either the Secretary of Kansas Department of Health and Environment (**KDHE**) or the director of KDHE's Division of Environment.

Appointment of Presiding Officer

- Panel's initial responsibility – Panel shall request a presiding officer from the Office of Administrative Hearings to conduct a water transfer hearing when: (1) an application for a water transfer is complete, or (2) the Chief Engineer, or the panel by majority vote that includes the Chief Engineer, determines it is in the state's best interest to hold a transfer hearing regarding a new application, a change application, or a proposed contract for the sale of water from the state's conservation storage supply (K.S.A. 82a-1501a).
- Hearing officer is to be an independent person “knowledgeable in water law, water issues and hearing procedures” and is a presiding officer for purposes of the Kansas Administrative Procedure Act (**KAPA**).

Approval of transfers – K.S.A. 82a-1502

- Current and reasonably foreseeable future beneficial uses of water at the point of origin
- Comparison of benefits to the state for approving the transfer versus the benefits to the state for not approving the transfer
- Impairment
- Conservation plans and practices implemented by the applicant

82a-1502. Approval of transfers, conditions. (a) No person shall make a water transfer in this state unless and until the transfer is approved pursuant to the provisions of this act. No water transfer shall be approved which would reduce the amount of water required to meet the present or any reasonably foreseeable future beneficial use of water by present or future users in the area from which the water is to be taken for transfer unless: (1) The panel determines that the benefits to the state for approving the transfer outweigh the benefits to the state for not approving the transfer; (2) the chief engineer recommends to the panel and the panel concurs that an emergency exists which affects the public health, safety or welfare; or (3) the governor has declared that an emergency exists which affects the public health, safety or welfare. Whenever an emergency exists, a water transfer may be approved by the panel on a temporary basis for a period of time not to exceed one year under rules and regulations adopted by the chief engineer. The emergency approval shall be subject to the terms, conditions and limitations specified by the panel.

(b) No water transfer shall be approved under the provisions of this act: (1) If such transfer would impair water reservation rights, vested rights, appropriation rights or prior applications for permits to appropriate water; and (2) unless the presiding officer determines that the applicant has adopted and implemented conservation plans and practices that (A) are consistent with the guidelines developed and maintained by the Kansas water office pursuant to K.S.A. [74-2608](#), and amendments thereto, (B) have been in effect for not less than 12 consecutive months immediately prior to the filing of the application on which the hearing is being held and (C) if the transfer is for use by a public water supply system, include the implementation of a rate structure which encourages the efficient use of water that is determined by the presiding officer to be effective and if designed, implemented and maintained properly, will result in wise use and responsible conservation and management of water used by the system.

(c) To determine whether the benefits to the state for approving the transfer outweigh the benefits to the state for not approving the transfer, the presiding officer shall consider all matters pertaining thereto, including specifically:

- (1) Any current beneficial use being made of the water proposed to be diverted, including minimum desirable streamflow requirements;
- (2) any reasonably foreseeable future beneficial use of the water;
- (3) the economic, environmental, public health and welfare and other impacts of approving or denying the transfer of the water;
- (4) alternative sources of water available to the applicant and present or future users for any beneficial use;
- (5) whether the applicant has taken all appropriate measures to preserve the quality and remediate any contamination of water currently available for use by the applicant;
- (6) the proposed plan of design, construction and operation of any works or facilities used in conjunction with carrying the water from the point of diversion, which plan shall be in sufficient detail to enable all parties to understand the impacts of the proposed water transfer;
- (7) the effectiveness of conservation plans and practices adopted and implemented by the applicant and any other entities to be supplied water by the applicant;
- (8) the conservation plans and practices adopted and implemented by any persons protesting or potentially affected by the proposed transfer, which plans and practices shall be consistent with the guidelines for conservation plans and practices developed and maintained by the Kansas water office pursuant to K.S.A. [74-2608](#), and amendments thereto; and
- (9) any applicable management program, standards, policies and rules and regulations of a groundwater management district.

History: L. 1983, ch. 341, § 2; L. 1993, ch. 219, § 3; L. 2004, ch. 145, § 47; July 1, 2005.

82a-1501. Water transfer act; definitions. As used in the water transfer act:

(a) (1) "Water transfer" means the diversion and transportation of water in a quantity of 2,000 acre feet or more per year for beneficial use at a point of use outside a 35-mile radius from the point of diversion of such water. In determining the amount of water transferred in the case of a water transfer supplying water to multiple public water supply systems or other water users, the amount of water transferred shall be considered to be the aggregate amount of water which will be supplied by the transfer to all public water supply systems and other water users whose points of use are located outside a 35-mile radius from the point of diversion of such water.

(2) Water transfer does not include a release of water from a reservoir to the water's natural watercourse for use within the natural watercourse or watershed, made under the authority of the state water plan storage act (K.S.A. [82a-1301](#) et seq., and amendments thereto) or the water assurance program act (K.S.A. [82a-1330](#) et seq., and amendments thereto).

(b) "Point of diversion" means:

- (1) The point where the longitudinal axis of the dam crosses the center line of the stream in the case of a reservoir;
- (2) the location of the headgate or intake in the case of a direct diversion from a river, stream or other watercourse;
- (3) the location of a well in the case of groundwater diversion; or
- (4) the geographical center of the points of diversion in the case of multiple diversion points.

(c) "Point of use" means the geographical center of each water user's proposed or authorized place of use where any water authorized by the proposed transfer will be used.

(d) "Chief engineer" means the chief engineer of the division of water resources of the Kansas department of agriculture.

(e) "Secretary" means the secretary of the department of health and environment, or the director of the division of environment of the department of health and environment if designated by the secretary.

(f) "Director" means the director of the Kansas water office.

(g) "Panel" means the water transfer hearing panel.

(h) "Party" means: (1) The applicant; or (2) any person who successfully intervenes pursuant to K.S.A. [82a-1503](#), and amendments thereto, and actively participates in the hearing. "Party" does not mean a person who makes a limited appearance for the purpose of presenting a statement for or against the water transfer.

(i) "Commenting agencies" means groundwater management districts and state natural resource and environmental agencies, including but not limited to the Kansas department of health and environment, the Kansas water office, the Kansas water authority, the Kansas department of wildlife, parks and tourism and the division of water resources of the Kansas department of agriculture.

(j) "Public water supply system" means any water supply system, whether publicly or privately owned, for which a permit is required pursuant to K.S.A. [65-163](#), and amendments thereto.

History: L. 1983, ch. 341, § 1; L. 1993, ch. 219, § 1; L. 2004, ch. 101, § 152; L. 2012, ch. 47, § 135; July 1.

Attorney General's Opinions:

Water transfers; review of legislature; amendments to water transfer act. 94-56.

CASE ANNOTATIONS

1. Cited in review of Kansas water authority's water transfer order on statutory, jurisdictional and administrative procedure grounds. *Water District No. 1 v. Kansas Water Authority*, 19 K.A.2d 236, 238, 866 P.2d 1076 (1994).

August 22, 2023

RE: In the matter of the application of the cities of
Hays, Kansas and Russell, Kansas for
approval to transfer water from Edwards
County, Kansas pursuant to the Kansas Water
Transfer Act
OAH No. 23AG0003 AG.

Dear Interested Parties:

You are receiving this letter because the Presiding Officer in the above referenced matter was notified by the parties and other commenting agencies that your agency may wish to be recognized as a commenting agency in this matter pursuant to the Kansas Water Transfer Act, K.S.A. 82a-1501 *et seq.*

If you wish to be recognized as a commenting agency and receive notifications of any further notices, orders, or other filings in this matter please notify the Office of Administrative Hearings (OAH) that you wish to be recognized as a commenting agency. Commenting agencies may complete a consent form to register for the OAH e-file system to receive notifications. (Please note that agencies with existing agreements in place with OAH are required to use the e-file system.) Comments from the appropriate commenting agencies are due by October 27, 2023; however, recognition as a commenting agency does not obligate a party to file any comments.

If you have questions about submitting documentation or registering for the e-file system, please contact OAH.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jess Mack", is written over a horizontal line.

Jess Mack
Court Clerk of the
Office of Administrative Hearings

Cc: Counsel for City of Hays, Kansas; Counsel for City of Russell, Kansas; Counsel for Water
PACK/Edwards County; GMD5; Kansas Department of Agriculture, Kansas Department
of Health and Environment; Kansas Water Office; Kansas Department of Wildlife and
Parks; [All via OAH E-filing System]

KWA Discussion/Potential Action

- Request to be recognized as a commenting agency
 - *Potential action at today's meeting*
- Discussion of potential comments:
 - Does the KWA want to provide comments?
 - Areas the KWA is best suited to provide comment?
 - What information would be needed to help draft comments to provide?
 - Additional discussion and potential action at a future meeting
 - Special standalone meeting and/or next regular meeting on October 18

KWA Ex Officio Agency Updates

Director's Report

Presented by: Connie Owen

New Business

Adjourn

Upcoming Meetings:

- October 18, 2023 – Kansas Water Authority, TBD
- November 15 & 16 – Governor's Water Conference, Manhattan
- December 13, 2023 – Kansas Water Authority, TBD
- 2024 Meetings TBD