

Minutes

KANSAS WATER AUTHORITY In-Person Meeting

December 14 & 15, 2022

Colby, KS

- CALL TO ORDER:** Chair Dawn Buehler called the **December 14, 2022**, Kansas Water Authority (KWA) meeting to order at **02:03 p.m.**
- MEMBERS PRESENT:** Dawn Buehler, John Bailey, Lynn Goossen, Randy Hayzlett, Jeremiah Hobbs, Pete Loecke, Allen Roth, Allan Soetaert, Jean Steiner, David Stroberg
- MEMBERS ABSENT:** Michael Armstrong, Alan King, Carolyn McGinn
- EX-OFFICIO MEMBERS PRESENT:** Ryan Hoffman, Earl Lewis, Scott Ishman, Steve Adams, Sara Baer, Erich Glave, Lane Letourneau, Andrew Lyon, Kayla Savage, Connie Owen
- EX-OFFICIO MEMBERS ABSENT:** Ernie Minton
- APPROVAL OF MINUTES:**
Motion No. 12-14-01 It was moved by Jeremiah Hobbs and seconded by Allen Roth to approve the October 19, 2022, Minutes for the Regular Meeting of the Kansas Water Authority **Motion carried with no dissenting votes.** Information found in meeting materials.
- KWA PWS COMMITTEE:**
John Bailey reported for the Public Water Supply Committee. Richard Rockel then gave a presentation on calendar year (CY) 2023 Surplus Water Report. Dawn Buehler opened the floor for questions and comments.
- CY 2023 Surplus Water Report*
Motion No. 12-14-02 It was moved by Allan Soetaert and seconded by John Bailey to approve the CY 2023 Surplus Water Report **Motion carried with no dissenting votes.** Information found in meeting materials.
- KWA OGALLALA AQUIFER COMMITTEE:**
Dawn Buehler reminded the attendees on the process of how the KWA Ogallala Aquifer Committee came to be (RACs' aquifer concerns; KWA Water Policy Conversation in summer 2022; KWA discussion at August 2022 meeting; recommendations in KWA-approved Kansas Water Plan). Matt Unruh then gave a presentation on the Ogallala Aquifer Committee meeting and presented the committee's recommendations to the KWA.
- Dawn Buehler opened the floor for questions and comments. Discussion ensued, including comments to the effect that the KWA has an advisory role only; the recommendations closely echo those in the Kansas Water Plan; a need exists for timelines and specifics; a need exists for water user buy-in; these recommendations are long overdue; there is concern about what the specifics and timelines for actions may be; the development of metrics, goals and actions must take place through the collaborative process identified in the recommendations, including the input of scientific and subject matter

experts; the process ahead will take time, but we have to get started somehow. Each KWA member present voiced support for a new direction away from planned depletion.

Ogallala Aquifer Committee Recommendations

Motion No. 12-14-03

It was moved by Jean Steiner and seconded by Allan Soetaert to approve the recommendation of the KWA Ogallala Aquifer Committee to adopt the following:

“1. The policy of planned depletion of the Ogallala Aquifer is no longer in the best interest of the State of Kansas.

2. A formal collaborative process is needed to establish data-driven goals, metrics, and actions to halt the decline of the Ogallala Aquifer while promoting flexible and innovative management within a timeframe that achieves agricultural productivity, thriving economies, and vibrant communities – now and for future generations of Kansans.

3. The collaborative process should engage state agencies, regional advisory committees, local stakeholders, groundwater management districts, and the Kansas Water Authority.”

Motion carried, with one dissenting vote by Randy Hayzlett. Information found in meeting materials.

Annual Report to the Governor & Legislature:

Victoria Potts presented the 2023 Annual Report to the Governor & Legislature.

Dawn Buehler opened the floor for questions and comments.

- Steven Adams mentioned that they were going to have to use self-services stations instead of hiring people for aquatic nuisance species decontamination stations due to hiring issues.
- Andy Lyon mentioned that there was a new appropriated for page 3 and that he was happy to work with Victoria on edits.
- Consider mentioning match funding in header
- Discussed needing to update how much it would cost to fully fund the KWP, since it hasn't been calculated since Vision efforts associated with the Blue-Ribbon Fund Task Force.
- May want to include a sentence on the role of grassroots group are.
- The Kansas-Colorado River Compact talks about issues below John Martin, may want to add Western Kansas as well. It was mentioned that the Arkansas River is the only source of recharge, other than rain, and Western Kansas gets neither.

Annual Report to the Governor & Legislature

Motion No. 12-14-04

It was moved by Randy Hayzlett and seconded by David Stroberg to approve the 2023 Annual Report to the Governor and Legislature with the KWO's final editorial discretion, based on feedback provided by the Kansas Water Authority during the December 14th meeting. **Motion carried with no dissenting votes.** Information found in meeting materials.

ADJOURNMENT:

Dawn Buehler adjourned the meeting at 3:57 p.m.

CALL TO ORDER: Chair Dawn Buehler called the **December 15, 2022**, Kansas Water Authority (KWA) meeting to order at **08:33 a.m.**

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

MEMBERS ABSENT: Michael Armstrong, Alan King, Carolyn McGinn

EX-OFFICIO MEMBERS PRESENT: Ryan Hoffman, Earl Lewis, Scott Ishman, Steve Adams, Sara Baer, Erich Glave, Lane Letourneau, Andrew Lyon, Connie Owen

EX-OFFICIO MEMBERS ABSENT: Ernie Minton, Kayla Savage

KWA RAC OPERATIONS COMMITTEE:
Jeremiah Hobbs gave an update on the KWA RAC Operations Committee regarding RAC membership. He spoke about the application for John Garris for the Verdigris RAC.

Application for Verdigris RAC:
Motion No. 12-15-01 It was moved by Allen Roth and seconded by Lynn Goossen to approve the application of John Garris to the Verdigris RAC in the Public Water Supply (cc) category. **Motion carried with no dissenting votes.** Information found in meeting materials.

Jeremiah Hobbs then presented messages to the KWA, one from the Missouri RAC and one from the Upper Republican RAC, both expressing concerns about GMD3’s “proof of concept” permit to transport 6000 gallons of water from the Missouri River and place 3000 gallons in western Kansas and 3000 gallons in Colorado. Dawn Buehler opened the floor for discussion.

- Kirk Tjelmeland (KWO Planning and Outreach Coordinator for the Missouri RAC) shared that the Missouri RAC had been concerned about this activity for a long time.
- Scott Ross (Vice Chair of the Upper Republican RAC) spoke for the Upper Republican RAC, explaining the RAC viewed this activity as a waste of water and the RAC’s rationale for submitting their message.
- Earl Lewis spoke on DWR’s decision to approve the term permit at issue and stated that DWR would submit responses to the Missouri RAC’s questions.
- Greg Graff (landowner of location of 3000 gallon delivery per term permit) spoke about the need for recharge of the aquifer.
- The KWA engaged in further discussion, ultimately deciding to take action separately on the two respective RAC messages.

Resolution to the Upper Republican RAC message
Motion No. 12-15-02 It was moved by Lynn Goossen and seconded by Jeremiah Hobbs to approve the following response to Upper Republican RAC:
"The Kansas Water Authority agrees with the Upper Republican RAC’s objection to Groundwater Management District No. 3’s proposed activity (approved under DWR Term Permit, File No. 202090910) based on the

statutes and regulations cited by the Upper Republican RAC, and that all future applications for artificial recharge must meet regulatory criteria under the Kansas Water Appropriation Act. All future applications for artificial recharge must be shared with the impacted Groundwater Management Districts for review." **Motion carried with two dissenting votes by John Bailey and Randy Hayzlett.** Information found in meeting materials.

Resolution to the Missouri RAC message

Motion No. 12-15-03

It was moved by **Randy Hayzlett** and seconded by **David Stroberg** to approve the following response to the Missouri RAC:

"The RAC Operations Committee supports the Missouri RAC's request for additional information from GMD3 and the Division of Water Resources as reflected in their message dated November 7, 2022 by the end of January 2023. The RAC Operations Committee encourages the full KWA to engage in a discussion of the need for this information and any related aspect of this topic. That the Kansas Water Office will be kept updated by the Division of Water Resources and Groundwater Management Districts." **Motion carried with no dissenting votes.** Information found in meeting materials.

LEGISLATIVE UPDATES

Victoria Potts presented on legislative updates to include what happened with elections and current appointments that have been made. Victoria then opened the floor for the legislators in the room to speak. Rep. Jim Minnix and Rep. Lindsay Vaughn both spoke.

WATER WISE UPDATE

Weston McCary presented on the Kansas Water Office Water Innovation Systems and Education (WISE) Program, which will advance awareness and adoption of water savings strategies.

KANSAS WATER SUCCESS STORIES

Dawn Buehler introduced **Katie Durham** from GMD #1 and **Shannon Kenyon** from GMD #4. Katie gave a presentation on their LEMA work, and handed the presentation over to GMD #1's President, **Mark Callender**, so that he could speak on the LEMA.

Shannon introduced members of the GMD #4 board of directors President **Brett Oelke**, **Mitchell Baalman**, and **Gary Moss** so they could speak on their personal successes with water use reduction.

AGENCY UPDATES:

Ryan Hoffman gave an update for the Kansas Corporation Commission.

Scott Ishman gave an update for the Kansas Geological Survey.

Erich Glave gave an update for the Kansas Department of Health and Environment.

Andy Lyon gave an update for the Department of Conservation.

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

Lane Letourneau gave update for the Kansas Department of Agriculture.

Sara Baer gave an update for the Kansas Biological Survey.

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

NEW BUSINESS:

Erich Glave from the Kansas Department of Health and Environment (KDHE) presented on the Keystone Pipeline oil spill near Washington, Kansas. He explained the process of what has happened and the procedures going forward. Included in Erich's report, and in response to Kansas Water Authority questions was the following summary information:

- He does not believe this will affect any public water supply but can not be 100% sure at this time. He did feel that current containment will be able to keep it from entering a public water supply.
- Regarding how contaminants were going to be disposed of, he mentioned the plan is that crude will be refined and contaminated soil will be sent to a landfill.
- KDHE set the criteria for when clean up is complete.
- That Kansas officials do have a say in when the pipeline flow can begin again.
- Chemicals that are being detected will be made public as soon as they are verified by the KDHE lab.
- Immediately impacted landowners are being compensated by TC Energy
- KDHE is recommending that any private well owners reach out to them for testing.
- An updated risk assessment, managed by Pipeline and Hazardous Materials Safety Administration (PHMSA), may be needed after a situation like this.

ADJOURNMENT: Dawn Buehler adjourned the meeting at **12:13 p.m.**



Dawn Buehler, Chair



Connie Owen, Secretary