

Mike Beam, Secretary

Laura Kelly, Governor

October 15, 2021

Connie C. Owen
Director
Kansas Water Office
900 SW Jackson St, Suite 404
Topeka, KS 66612

RE: Comments on State Water Plan Update

Dear Director Owen,

The Kansas Department of Agriculture recognizes the importance of the state water plan as a compendium of guiding principles and as a living instrument informing and engaging Kansans to focus our collective efforts toward conserving, maintaining and improving our diverse water resources and the communities of interest those resources support.

We have reviewed the current draft water plan document and offer the following comments, first from the KDA Division of Conservation:

1. P 43 — In the Guiding Principles section on “Improving the State’s Water Quality” we request that you include the Kansas Department of Agriculture – Division of Conservation’s implementation of the state Non-Point Source Pollution Control program that addresses water quality impairments statewide.
2. P 37 — Streambank Stabilization efforts should be specifically cited in “Secure, Protect, and Restore Kansas Reservoirs” as a strategy that has broad-based support in current implementation watersheds but could be expanded in the future. Streambank Stabilization should also be recognized as an example of successful collaboration through the Interagency Streambank Team.

And these from the KDA Division of Water Resources:

3. P 5 — In the Guiding Principles #2 intro bullet, it states in part, “...reservoirs which supply water for two-thirds of the state’s population.” We suggest that this language be clarified to indicate that the reservoirs provide *drinking* water to two-thirds of the state’s population.
4. P 23 — We encourage you to recognize and include KDA-DWR’s water use reporting requirements, the success of the online application, and the critical value of that data as

part of the measuring success related to conserving and extending the High Plains Aquifer. We would be happy to provide suggested language if desired.

5. P 27 — We note the bullet “Provide more support to DWR for compliance and enforcement” and we appreciate the sentiment, but it would be helpful to expand on what kind of support is being contemplated here. Is it political, financial, both?
6. P 28 — In Funding and Resource Needs, please consider including a bullet that encourages the agencies to request and the legislature to approve funding adequate to recruit and retain the best professional staff to provide resources to Kansas water users.
7. P 52 — Please consider including a bullet encouraging interstate cooperative efforts to improve regional water quality. This could potentially include language recommending cooperative work with Colorado regarding the Arkansas River to improve quality in the Upper Arkansas Region.
8. P 65 — In the Assessment, Prevention and Recovery section of “Reduce Vulnerability to Extreme Events,” please consider restructuring the sentence to say *dam safety* and not *non-federal dam safety*. While the KDA – DWR doesn’t regulate the USACE or BOR dams, it does regulate other dams under federal control such as NRCS watershed dams (PL-566).

P 236 Arkansas River Compact Compliance

We noted that the introduction of the Arkansas River section includes a few items that are out of date and so we offer this new language for your consideration.

The Kansas-Colorado Arkansas River Compact is both state and federal statute (K.S.A. 82a-520 and US 63 Stat. 145-152, 1949) and apportions the waters of the Arkansas River between Colorado and Kansas (Figure 10). The Arkansas River Compact Administration (ARCA) administers the Compact provisions and is comprised of Kansas, Colorado, and federal representatives. A 1980 agreement among the states provides water stored under the Compact in John Martin Reservoir (JMR) is allocated 40% to Kansas and 60% to Colorado. This allocation is accomplished through separate accounts for each state and has allowed both states to improve the efficiency of the use of water stored in JMR. Compact water released from JMR must be put to immediate beneficial use by Kansas between the Colorado-Kansas state line and Garden City.

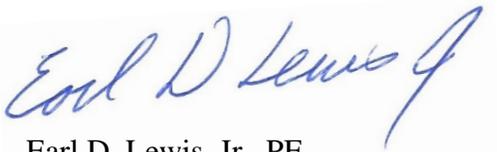
There are six Kansas irrigation ditches that divert surface water from the Arkansas River between the state line and Garden City. These ditches benefit under the terms of the 1980 agreement, as they can call for Kansas’s water at any time and any rate, while being assured 40% of the water stored under the Compact. This allows the Kansas ditches to call for water during peak growing demand of summer crops, typically in July.

KDA-DWR staff and technical experts monitor Colorado’s compact compliance throughout the year and perform compact accounting on an annual basis. Since the end of the most recent U.S. Supreme Court litigation and implementation of the court-ordered measures of compliance in 2007, Colorado has complied with the compact. There are often operational changes in Colorado that KDA-DWR reviews to ensure that Kansas receives its share of the river’s waters. Some of the current issues are: Colorado’s Pueblo

Winter Water Storage Program, a proposed JMR Colorado multi-purpose account, temporary agricultural transfers, and the Trinidad Operating Plan 10-year review. More information on the Arkansas River Compact and current issues is available through KDA-DWR.

Thank you for considering our comments.

Sincerely,

A handwritten signature in blue ink that reads "Earl D. Lewis, Jr." The signature is written in a cursive style with a large, sweeping initial "E".

Earl D. Lewis, Jr., PE
Chief Engineer
Division of Water Resources