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Mike Beam, Secretary

Laura Kelly, Governor

October 18, 2023

RE: Quivira National Wildlife Refuge Impairment and
USFWS Request to Secure Water

Dear Sir or Madam:

This letter is a follow up to my letters dated April 10, 2023, and August 21, 2023, regarding the U.S. Fish and Wildlife Service's (USFWS) request to secure water pertaining to its Water Right, File No. 7571 (Water Right), for Quivira National Wildlife Refuge (Refuge), located in northeastern Stafford County. On October 11, 2023, the USFWS sent me correspondence withdrawing its request for administrative action in 2024 on the impairment of its Water Right and requested instead that KDA-DWR lead an effort to develop a collaborative remedy to the impairment. As a result of the USFWS's request, I will not issue administration orders with a 2024 effective date concerning the impairment of the USFWS's Water Right for the Refuge.

I remain committed to resolving this long-term impairment issue. To that end, my staff and I will lead a working group of stakeholders to develop a short and long-term plan to satisfy the Refuge's water supply needs while attempting to minimize impacts to the basin. To be acceptable, a long-term plan must fully address the impairment, be enforceable, and provide clear timelines and accountability.

This month's request by USFWS focused on a collaborative remedy instead of water rights administration in 2024. However, it also included a contingent request to secure water beginning in 2025, if alternatives are not achieved in a timely manner. We will continue to provide direct communications to you about the process and workgroup, as well as alternatives that are identified or administration plans that are developed for 2025 and beyond.

The comment period pertaining to the Draft Supplement to the 2016 Final Impairment Report related to Water Right, File No. 7,571, has ended. Timely filed comments are still being evaluated and the finalized supplement to the report will be posted on our website at agriculture.ks.gov/quivira. Additional information, including the USFWS letter dated October 11, 2023, as well as historical information regarding this issue, can be found at that same website address.

Sincerely,

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

pc: KDA-DWR Stafford Field Office
Big Bend GMD No. 5
U.S. Fish and Wildlife Service