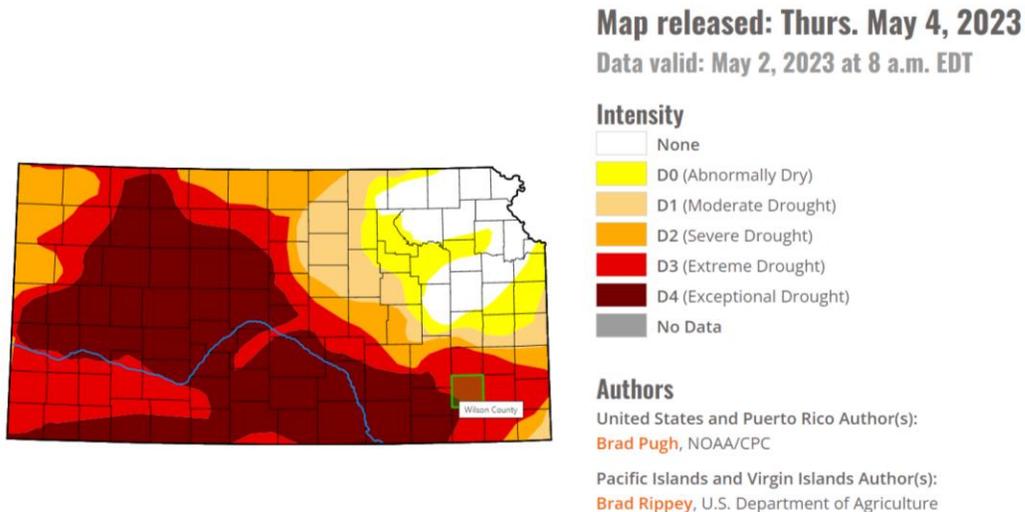


**Kansas Report to
Kansas-Nebraska Big Blue River Compact Meeting
May 9, 2023**

Drought

Much of Kansas continues to experience significant drought conditions. Western Kansas, and in particular Southwest Kansas, is entering the third consecutive year of drought.



2023 Legislative Session

The 2023 Kansas Legislature adjourned in early May. It was a fairly active session regarding water policy and funding.

SB 205 – Senate Bill 205 passed and addressed issues related to the state’s water banking and multi-year flex account programs. Both programs are available in South Central Kansas and the Attorney General identified a conflict in which both programs could not legally operate at the same time, but were doing so until recently. The bill clarifies the law and authorizes the activities that had taken place up until 2022.

HB 2279 – House Bill 2279 is focused on the state’s groundwater management districts. The bill requires greater financial transparency and reporting. It also requires that all districts identify “high priority areas of concern” by July 1, 2024 and develop action plans to deal with issues in those areas by July 1, 2026. Both have to be submitted to the chief engineer by the deadline and to the legislature during the following session.

HB 2302 – House Bill 2302 adds \$35 million more each year to the state water plan fund. It directs that \$5 million be used in a grant fund to provide technical assistance to local units of government to design, develop, and seek funding for infrastructure projects. There is also \$12 million set aside in a grant fund for infrastructure projects for local units of government with an

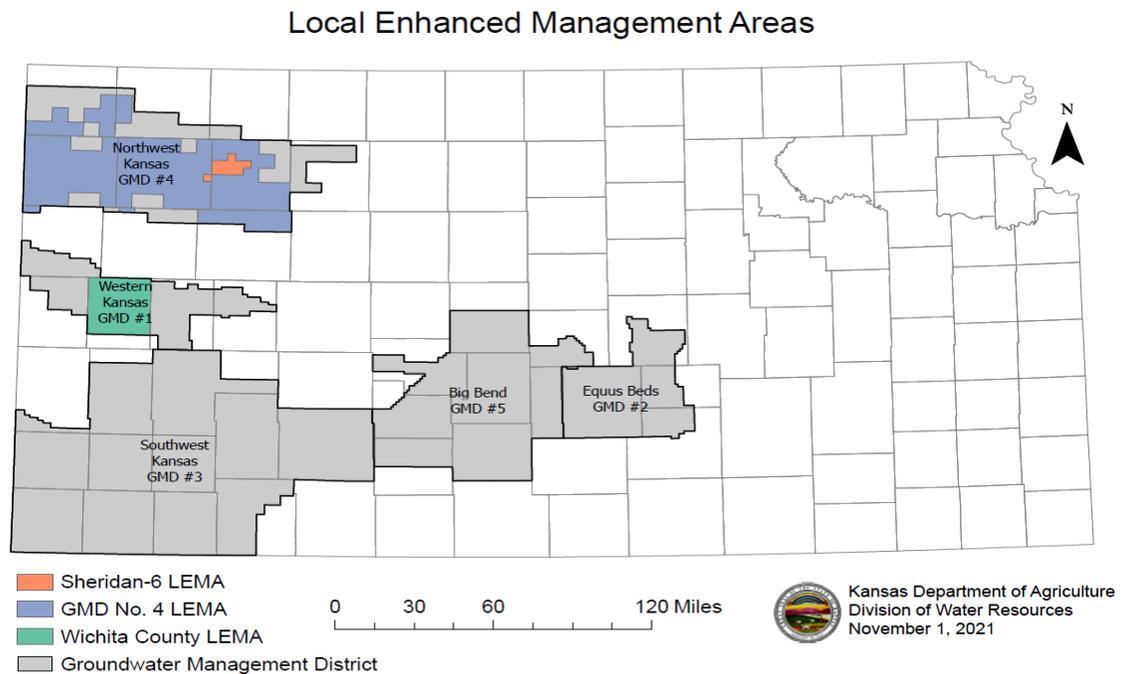
emphasis on small municipalities. The remaining \$18 million will be used for implementation of the Kansas Water Plan.

Local Enhanced Management Areas

In 2022, renewal hearings were held for the two local enhanced management areas (LEMAs) in Northwest Kansas. Both were renewed for another five years starting January 1, 2023 and running through December 31, 2027.

Wichita County LEMA in West Central Kansas began in 2021 and is in its third year.

In April of 2023, the remaining four counties in Western Kansas GMD 1 were approved for a LEMA which started in January of this year and ends in 2027.



Results from the two LEMAs (in NW Kansas) that have completed at least their first five year period continue to show that producers continue to conserve more than originally targeted. In Sheridan County, users saved 24% versus pre-LEMA usage even during the recent drought period.

Hays/Russell Water Transfer

The cities of Hays and Russell are seeking to transfer water from Edwards County, approximately 70 miles to the south. Under Kansas law the transfer must be permitted under both normal water right process and an additional transfer hearing process.

In 2018, the chief engineer approved changing the existing water rights from irrigation to municipal with some additional limitations to ensure the water supply is sustainable. A local group is opposed to the changes and challenged the decision in district court. In June of 2022 the district court judge found that the change was completed appropriately and ruled primarily for the state. The issue has been appealed to the Kansas Supreme Court with briefings underway.

The second part of the process was started in October of 2022 with the initiation of the hearing panel to evaluate the public interest of approval or denial of moving the water. A hearing officer has been selected and the hearing is scheduled to proceed in July 2023.

Rattlesnake Creek/Quivira National Wildlife Refuge

In February of this year, U.S. Fish and Wildlife Service requested that their senior water right to serve the refuge be protected and upstream rights administered. We have informed the USFWS and local stakeholders that administration will not take place in 2023, but we will have a durable solution in place starting in 2024. There are over 1,400 upstream junior wells with a significant number of them depleting streamflow which supports the senior surface water right.

Water Injection Dredging of Tuttle Creek Lake

The Kansas Water Office (KWO), in partnership with the Corps of Engineers, plans to implement a Water Injection Dredging (WID) demonstration project at Tuttle Creek Lake to promote sustainable long-term reservoir sediment management. WID is a process in which large volumes of water are injected at low pressure into the sediment bed near the bottom of the reservoir through the use of pumps and a series of nozzles located on a horizontal pipe positioned above the sediment bed. The injected water effectively fluidizes the sediment creating a 'density current' that allows the sediment to flow by gravity to deeper areas. In the case of Tuttle Creek Lake, the proposed WID demonstration project would be aimed at moving the sediment toward the existing low level outlet in the dam and monitoring the flow of the density current through the outlet during controlled discharges.

Funding has been set aside at both the state and federal side to support the project. Project design will take place in 2023 with a goal of testing and implementation in 2024.