

**Report of the Kansas Commissioners
to the
KANSAS-OKLAHOMA ARKANSAS RIVER COMMISSION
Annual Meeting – Marion, Kansas
October 15, 2014**

Kansas Commissioners

Commissioner **David Barfield**, Chief Engineer of the Kansas Department of Agriculture's Division of Water Resources, continues to serve by virtue of his office.

Commissioner **Peggy Blackman** is currently serving an appointed four-year term beginning June, 2012. Ms. Blackman resides in Marion, Kansas. She is vice chair of the Neosho Basin Advisory Committee and coordinator of the Marion Reservoir Watershed Restoration and Protection Strategies (WRAPS) Implementation & Assessment Workgroup. She was mayor of the City of Marion from 1977-1986.

Commissioner **Bruce Falk** was appointed commissioner by Governor Brownback during July, 2011. Mr. Falk resides in Stafford, Kansas. Before his retirement in 2008, he served the Kansas Department of Agriculture, Division of Water Resources for 35 years including 16 years as water commissioner in the division's Stafford Field Office.

Kansas Department of Agriculture Move to Manhattan:

The Kansas Department of Agriculture moved its offices to Manhattan, Kansas during mid-June, 2014 in part to take advantage of the synergy between the Department's work and KSU and other agencies of the area that make Manhattan a key center of agricultural research and development in Kansas.

The move was announced 14 months ahead of time, allowing for a significant transition period. While nearly half of DWR headquarters staff retired or found other jobs, we were able to recruit from Manhattan to fill vacancies as they occurred to ease the transition. We have been able to maintain key experienced staff while adding many younger, skilled staff.

In addition, prior to the move, the Department was able to complete a project to image the lion's share of documents that we must maintain as state records.

Throughout the transition, we have sought to do our best to maintain our core services.

Climate Conditions

Drought conditions have subsided over much of the state over this year and thereby reducing, but not eliminating, the stress on agriculture and water management. Below is a summary of current conditions as well as graphics showing conditions of a year ago.

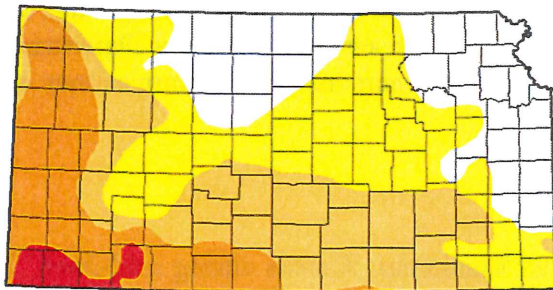
**U.S. Drought Monitor
Kansas**

October 7, 2014
(Released Thursday October 9, 2014)
Valid 8 a.m. EDT

Statistics type: Traditional (D0-D4, D1-D4, etc.) Categorical (D0, D1, etc.)

Drought Condition (Percent Area):

Week	Date	None	D0-D4	D1-D4	D2-D4	D3-D4	D4
Current	2014-10-07	24.89	75.11	44.76	19.50	2.25	0.00
Last Week	2014-09-30	18.51	81.49	46.13	19.50	2.37	0.00
3 Months Ago	2014-07-08	0.17	99.83	86.29	47.11	12.48	0.00
Start of Calendar Year	2013-12-31	4.71	95.29	46.92	33.89	5.58	0.00
Start of Water Year	2014-09-30	18.51	81.49	46.13	19.50	2.37	0.00
One Year Ago	2013-10-08	48.34	51.66	40.48	31.94	3.96	0.00



Population Affected by Drought: **974,958**

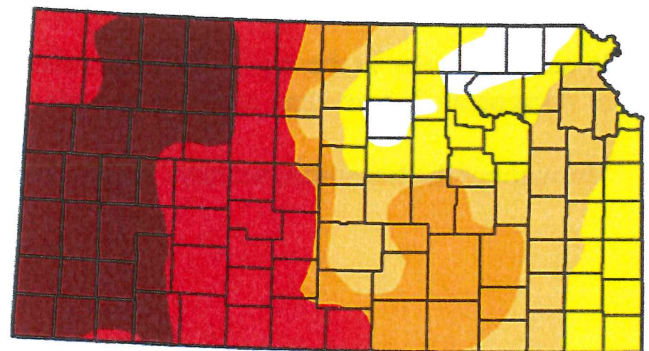
[View More Statistics](#)

Intensity:

- D0 - Abnormally Dry
- D1 - Moderate Drought
- D2 - Severe Drought
- D3 - Extreme Drought
- D4 - Exceptional Drought

Minimum Desirable Streamflows: MDS administration has been reduced over time. The year started with administration of 318 water rights on 18 streams where the statutory criteria for minimum desirable streamflows had been set. At this point, we are administering 10 water rights on 2 streams (including 5 water rights on the Medicine Lodge River near Kiowa).

MDS was established to protect ecological, water quality, and domestic needs.



Drought Map from July 2013

50-year water vision

Last year, Governor Brownback called on state water-related agencies, led by the Kansas Department of Agriculture and the Kansas Water Office, to work with stakeholders to develop a 50-year vision for our improved development and management of the State's water resources. His request, and the subsequent work, has two principle areas of focus:

- Reservoirs – Kansas relies on a system of federal and non-federal reservoirs to provide a water supply to our population centers and industry of central and eastern Kansas. Unfortunately, the yield of the system is being reduced over time by siltation and the system will not be sufficient for future demands in some parts of the state.
- Ogallala management – The Ogallala aquifer is a critical but declining source of water supply for much of western Kansas.

The "Vision Team" has hosted over 100 meetings to listen to the public's thoughts on improved management and how to meet water supply demands for the coming 50 years. They are currently consolidating input on a draft of the Vision. The 50-year Vision Document will be released just prior to the upcoming Governor's Water Conference on November 12-13, 2014.

Legislation: The 2014 Legislative session had no significant water legislation. This was by design as there were no pressing matters and everyone thought it best to allow for the Governor to call for a 50-year Water Vision process to help define the legislative agenda for water.

Local Enhanced Management Area:

As has been reported in the past, the 2012 Kansas Legislature provided groundwater management districts (GMDs) with the authority to initiate a public hearing process to consider a specific conservation plan to meet local goals. The legislation was developed in large part to accommodate the work that was being done in Northwest Kansas GMD4 where a local group of stakeholders were actively seeking ways to extend the life of their water resource, their businesses and their way of life through a 20% reduction in annual use. This first LEMA was implemented in 2013 and seems to be functioning well.

Western Kanas Groundwater Management District No. 1 worked to develop the state's second LEMA working through a series of meetings with waterusers in the counties covered by the GMD. As an outgrowth of those extensive discussions, the Board of Directors voted to initiate a district-wide LEMA with the goal of extending the life of the aquifer through a reduction in use of approx.. 20%. Before going ahead, the Board wanted local support demonstrated by a 2/3 majority of waterusers voting on the Board's proposal. Unfortunately that level of support was not achieved. The Board is exploring other alternatives.

Northwest Kansas GMD No. 4 is also discussing how it might use the LEMA tool in other areas of northwest Kansas.

Litigation:

Kansas v. Nebraska and Colorado: On April 4, 2011, the U.S. Supreme Court issued an order accepting Kansas' May 3, 2010 request to file suit seeking enforcement of the Republican River Compact and the

Court's decree approving the final settlement stipulation of 2003. William J. Kayatta, Jr., of Portland, Maine is Special Master in the case. The States completed nearly 10 days of trial in August, 2012 and a second short segment in January 2013. The Special Master issued his draft report earlier this year and the U.S. Supreme Court held its oral arguments on the States' exceptions to the report yesterday, October 14, 2014.

In addition to the Supreme Court Case, the Republican River Compact states held five non-binding arbitrations during 2013 and 2014 on additional areas of dispute regarding the Compact, two initiated by Colorado, three initiated by Nebraska, mostly focused on accounting and modeling of three augmentation projects developed by Colorado and Nebraska. The states have recently reached agreement on short-term agreements regarding the augmentation plans while they continue to seek longer-term agreements.

Arkansas River Basin Matters

Quivira National Wildlife Refuge impairment – The U.S. Fish and Wildlife Service operates the Refuge, a wetland of international significance along the Central Flyway. For almost 20 years, the Service has been expressing concern about the impact of upstream groundwater pumping on water resources to meet the needs of the Refuge and its very senior surface water right in the Rattlesnake Creek basin. After 15 years of seeking to work to reduce groundwater use through voluntary means failed to produce a fraction of the desired reductions, during April of 2013 the Service requested that its water right be protected. DWR is currently working to complete its impairment investigation to determine if junior upstream groundwater pumping is impairing the Services right, and if so, what action should be taken.

Water transfer - During the mid-1990's, after decades of search for a source of water to meet its long-term water supply needs, the City of Hays purchased a ranch near Kinsley, Kansas with the intent to develop it as a water supply source for the future. During April 2014, the City of Hays' City Commission asked its staff to take steps to initiate the processes needed to bring this about. This will include a series of water right change applications to change the points of diversion, place of use, and use made of water from the existing irrigation use to municipal use for Hays, the City of Russell and likely other partners. DWR's rules applicable to the change applications will insure that only the consumptive use portion of the water rights are allowed to be used for the new use, likely reducing the 8000 acre-feet of water rights to approximately 5,000 acre-feet. In addition, as the proposal would authorize the transport of more than 2000 acre-feet more than 35 miles, it will also have to be approved under the Kansas Water Transfer Act, the first permanent transfer to be considered under the Act.

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