



THE KANSAS DEPARTMENT OF AGRICULTURE

**Division of Water Resources
Report to the House Committee on Water**

AUGUST 22, 2023

KDA – DIVISION OF WATER RESOURCES

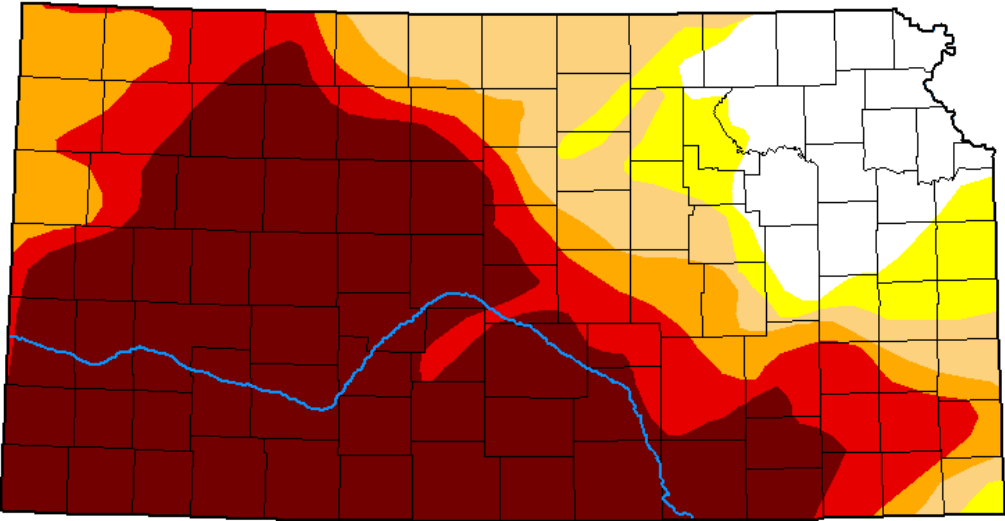
Current Topics

- Drought and Minimum Desirable Streamflow (MDS)
- 2022 Overpumping Penalties
- Pending Applications
- Arkansas River and Republican River Compact Updates
- Water Structures
- Hays – R9 Transfer
 - Kansas Supreme Court
 - Water Transfer Panel
- Rattlesnake Creek/Quivira

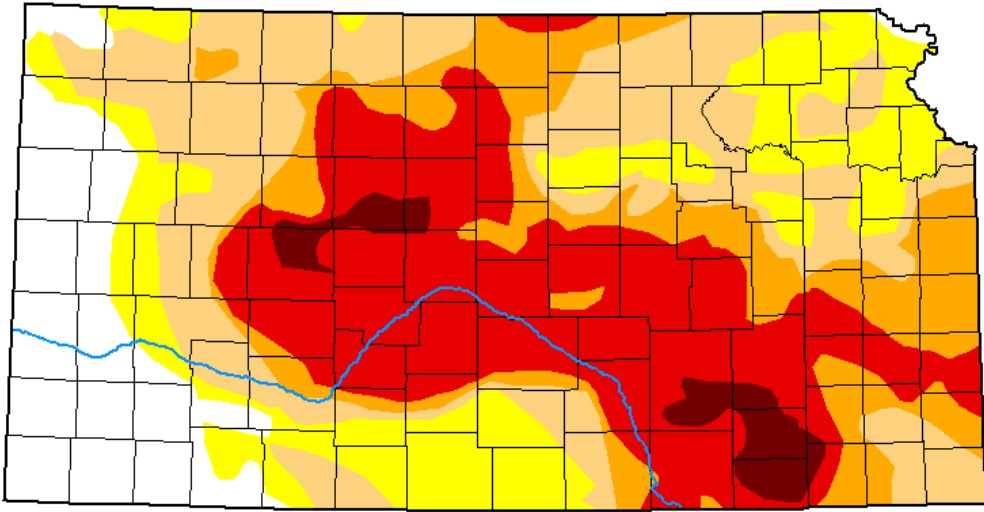


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April 25, 2023

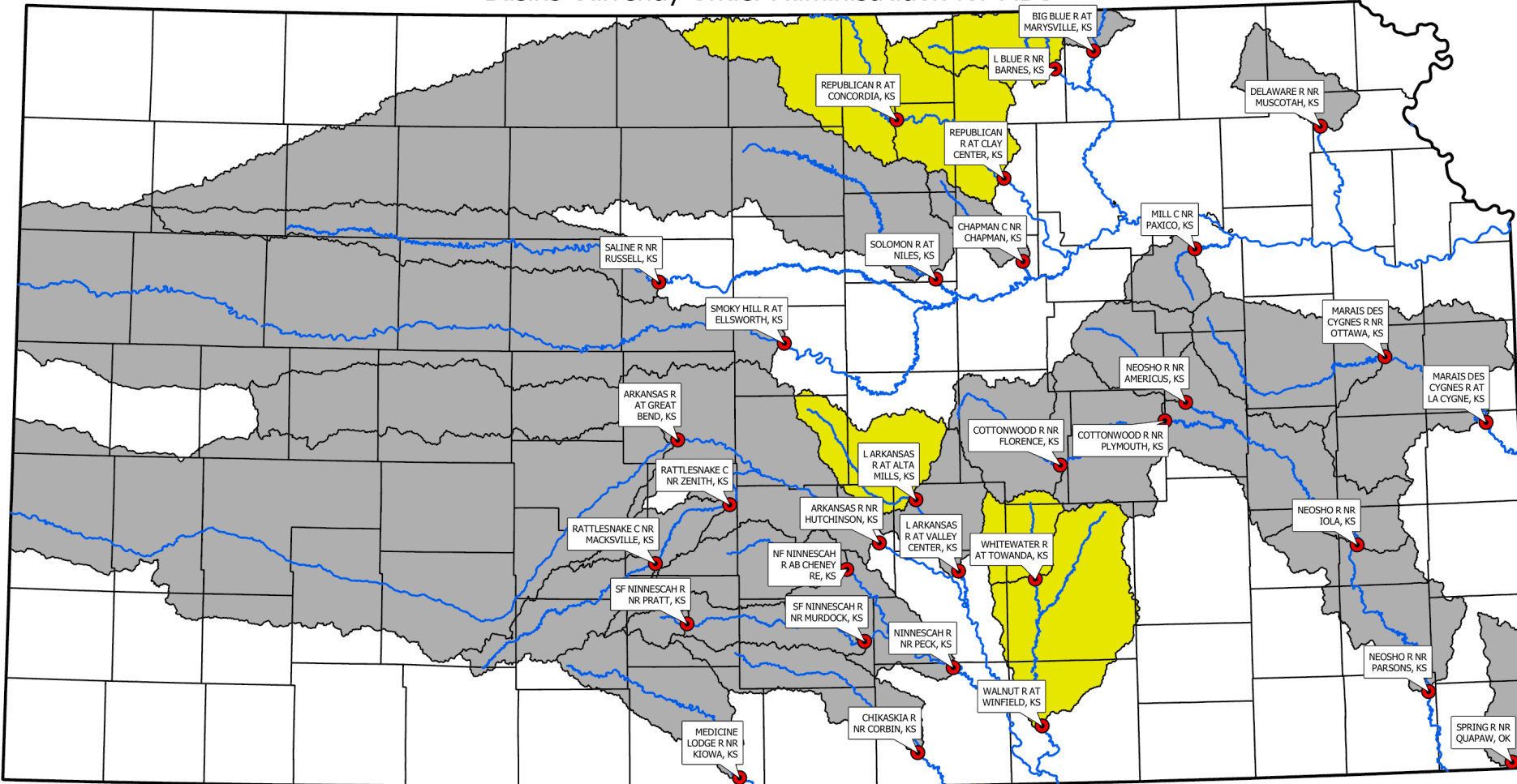


August 8, 2023



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Basins Currently Under Administration for MDS



- MDS Gage
- ~ MDS Stream
- Basin Above MDS Gage
- Basin Under MDS Administration

0 25 50 100 Miles



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Division of Water Resources
August 15, 2023

Current MDS Administration

MDS Stream	Files Administered
Republican River	245
Little Blue River	23
Little Arkansas River	26
Whitewater River	11
Walnut River	55
Total	360



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Overpumping – Using more water than authorized by a water right during a given year.

Penalty Category	Severity Level A < 24 Hours Over	Severity Level B 24-72 Hours Over	Severity Level C > 72 Hours Over
1 (no prior offense)	Written notice of noncompliance	\$1,000/day and reduction of 2 times over pumped	\$1,000/day and reduction of 3 times over pumped
2 (1 prior offense)	\$1,000/day and reduction of 2 times over pumped	\$1,000/day and one-year suspension	\$1,000/day and three-year suspension
3 (2 prior offenses)	\$1,000/day and one-year suspension	\$1,000/day and three-year suspension	\$1,000/day and four-year suspension
4 (>2 prior offenses)	\$1,000/day and three-year suspension	\$1,000/day and four-year suspension	\$1,000/day and five-year suspension

2021 water use year

- 147 Overpump penalty orders issued
- 2,720 acre-feet over authorized total
- \$463,750 fines collected

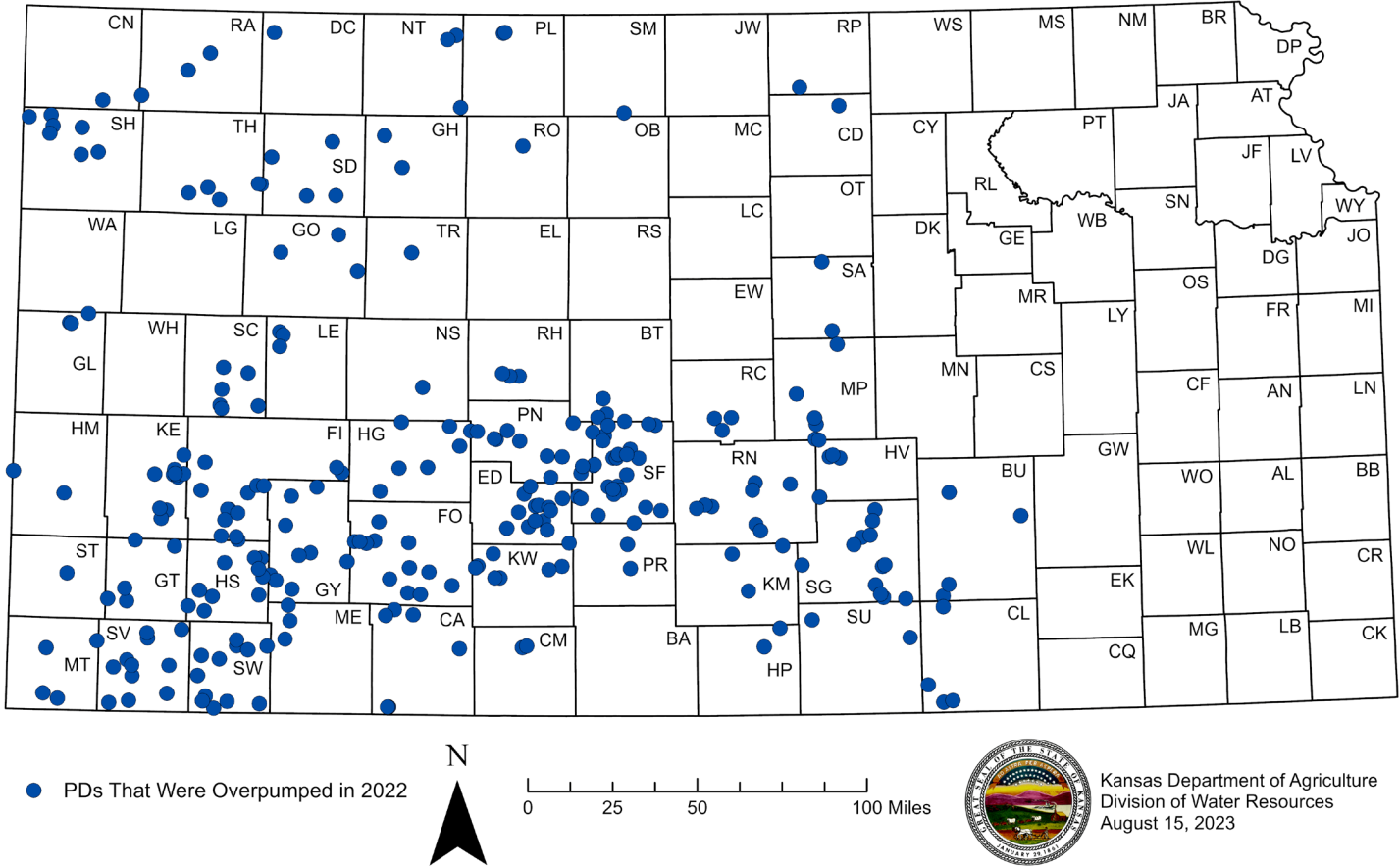
2022 water use year

- 273 Overpump penalty orders issued
- 6,378 acre-feet over authorized total
- \$479,000 fines collected (so far)

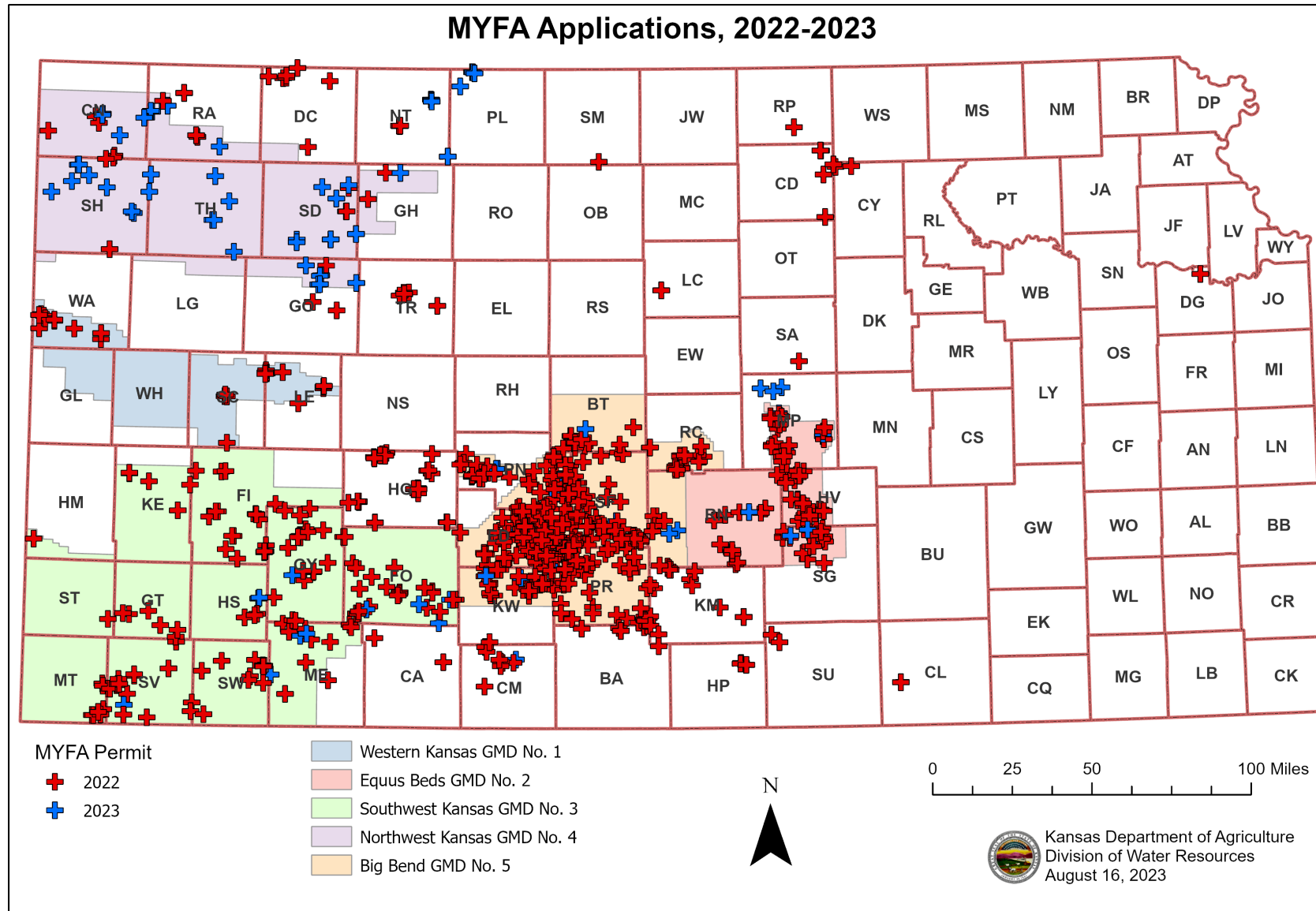


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Overpumped Points of Diversion (PDs)
2022

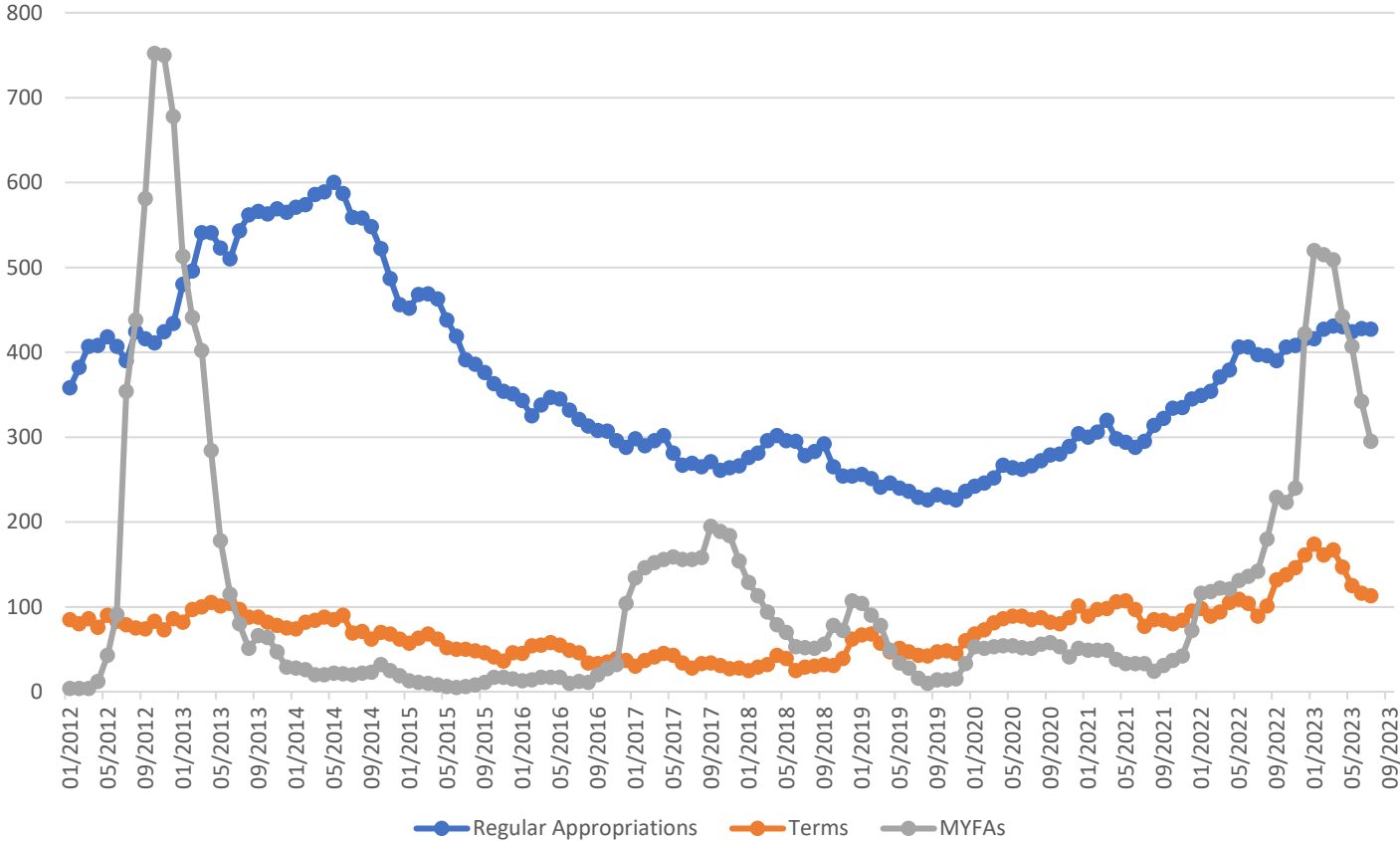


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New Application Backlog 2012 to Present



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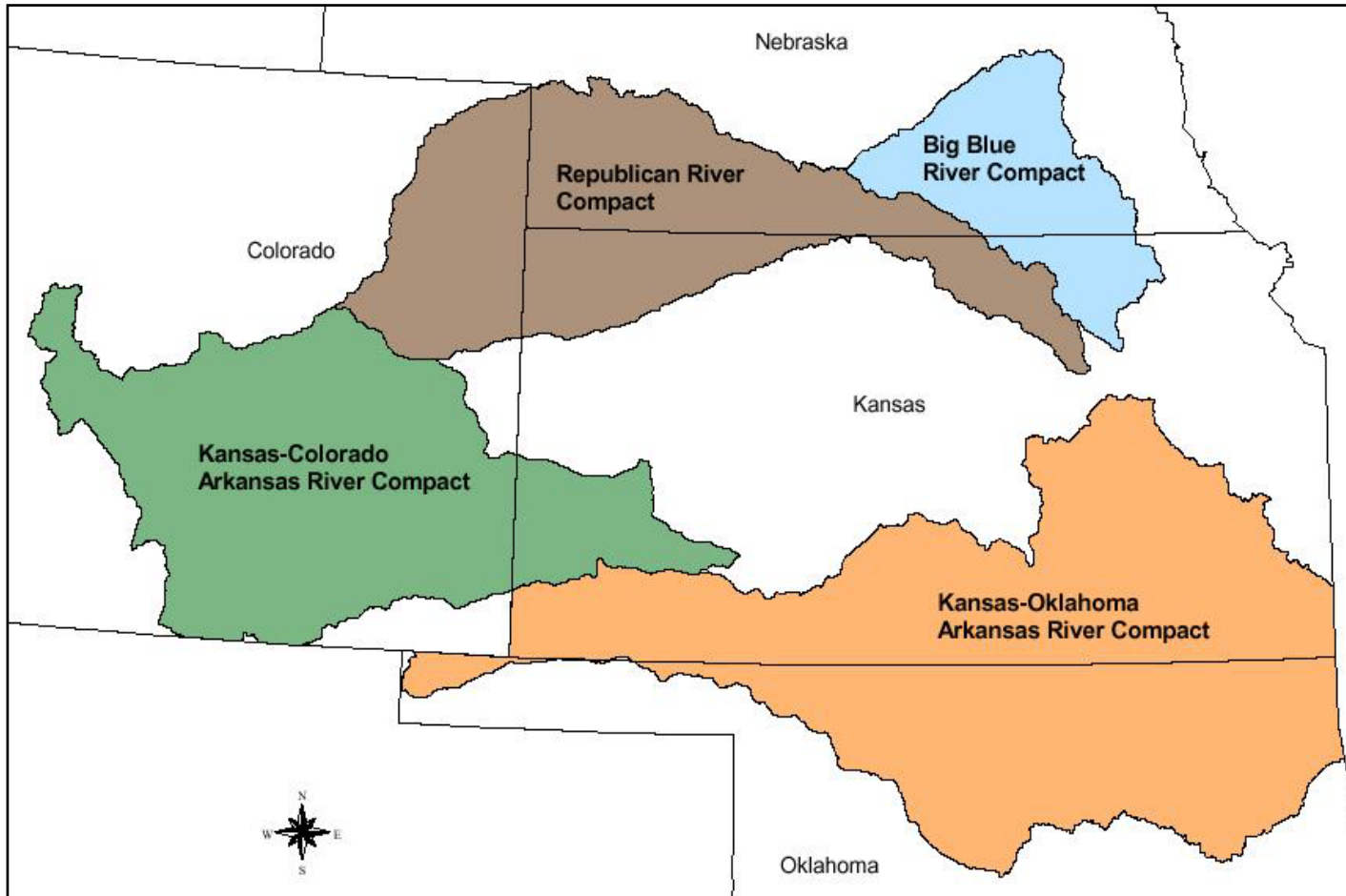
Pending Water Appropriation Applications

- New Applications
 - Reduction in total number from 1,110 to 835 applications (Since Jan. 1)
 - 427 Regular New Applications (12-month turnaround)
 - 113 Term Permit Applications
 - 295 Multi-Year Flex Accounts (MYFA — 60% of 2022 applications processed)
- Change Applications
 - 175 Change Applications (Up to 6-month turnaround)
- Efforts to Reduce Processing Time
 - Overtime / Accenture Process Review / Implementing Enhancement



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Interstate Water Compacts



- Compliance with all compacts and historically good relationships with our neighboring states.
- Meeting regularly with Colorado and Nebraska on Republican River compact issues.
- Working with Colorado on Arkansas River water quality.



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Dam Safety

- 6,736 National Inventory of Dams – January 2023
- 2,596 state regulated dams
- 332 high hazard dams
- 184 significant hazard dams



Water Structures Applications Approved FY 2023

- New Dam Permits Issued – 12
 - 28 Pending Applications
 - 4-to-5-month turnaround
- Dam Determinations – 76 (Mainly Class A Exempt.)
- Dam Safety Inspections:
 - HHPD 91 required; 63 received; 1 approved
 - SHPD 36 required; 15 received; 1 approved
 - Focus was on older Dam Safety Inspection Reports



Dam Safety Program Evaluation – Funded by 2022 legislature

- Independent reviews by Alfred Benesch & Company/WSP, Sustainable Environmental Consultants, Association of State Dam Safety Officials.
- Looked at Dam Permitting and Approval Process, Dam Inspection Process, Procedures for Evaluation of Risk, Compliance and Enforcement, Watershed District Act, Programmatic Challenges and Opportunities, Staffing and Funding.



Water Structures Applications Approved FY 2023

Stream obstructions, channel changes, floodplain fills, levees, dredging

- KDOT 67 total (27 General Permit)
- Local 36 total (8 GP)
- Other 354 total (34 GP)
 - 50 Pending Applications
 - Processing time 33.4 days; GP 8.6 days



USACE Levee Safety Program

- Authorized in 2007.
- Very similar to the dam safety program.
- State assistance grants.
- Will need to modify statutes/regs to add metrics (e.g., inspections, condition assessments, Emergency Action Plans and Population at Risk).



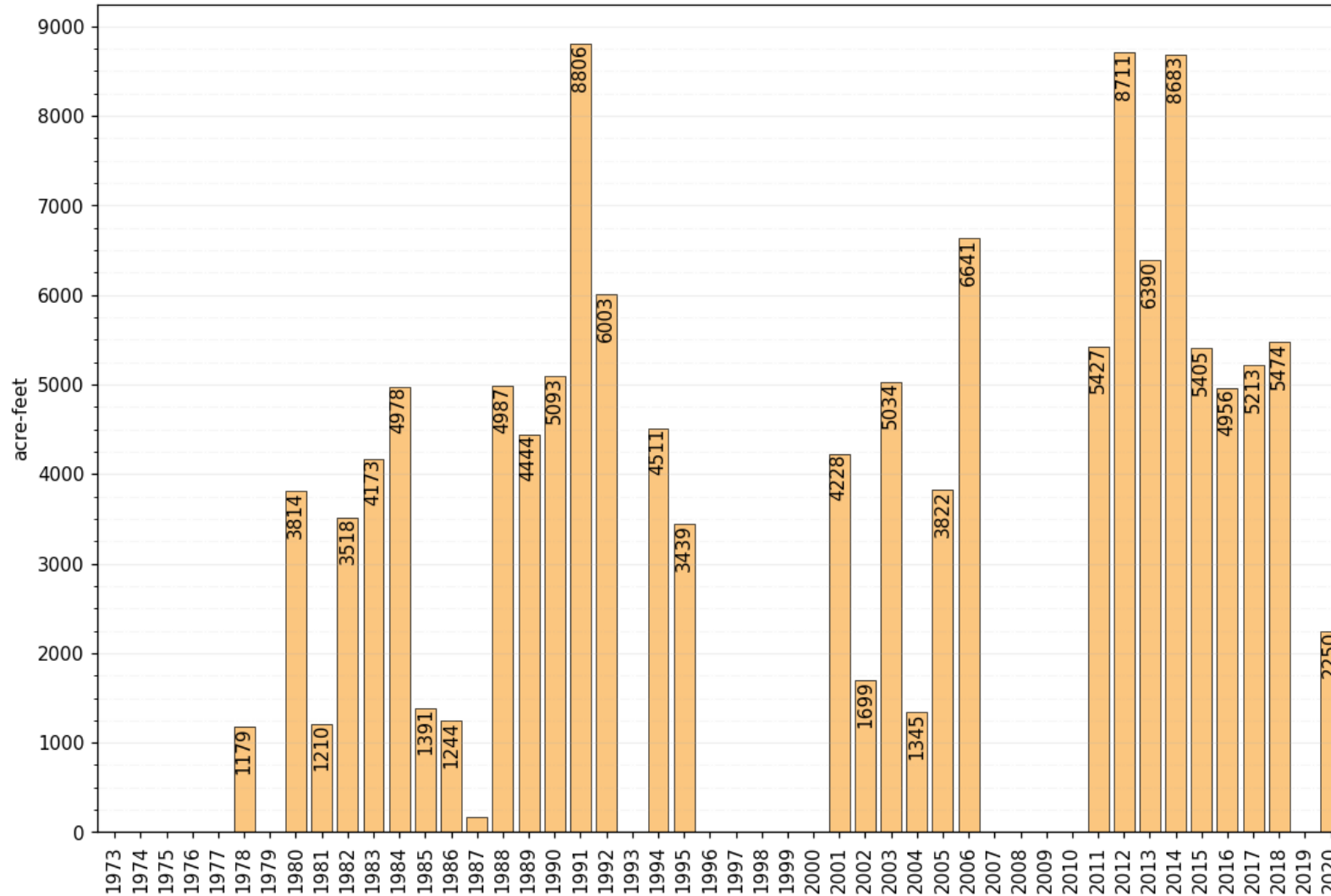
Summary of the Rattlesnake Creek Issue

- The U.S. Fish and Wildlife Service owns a 1957 surface water right from Rattlesnake Creek to serve the Quivira National Wildlife Refuge.
- The streamflow in Rattlesnake Creek is being depleted by upstream junior groundwater pumping.
- The USFWS senior right was determined to be impaired in 2016.
- On February 10, 2023, the USFWS filed a request to secure water for their senior water right.
- **DWR has recently completed a supplement to the 2016 Final Impairment Report, allowing 30 days for stakeholder comment.**

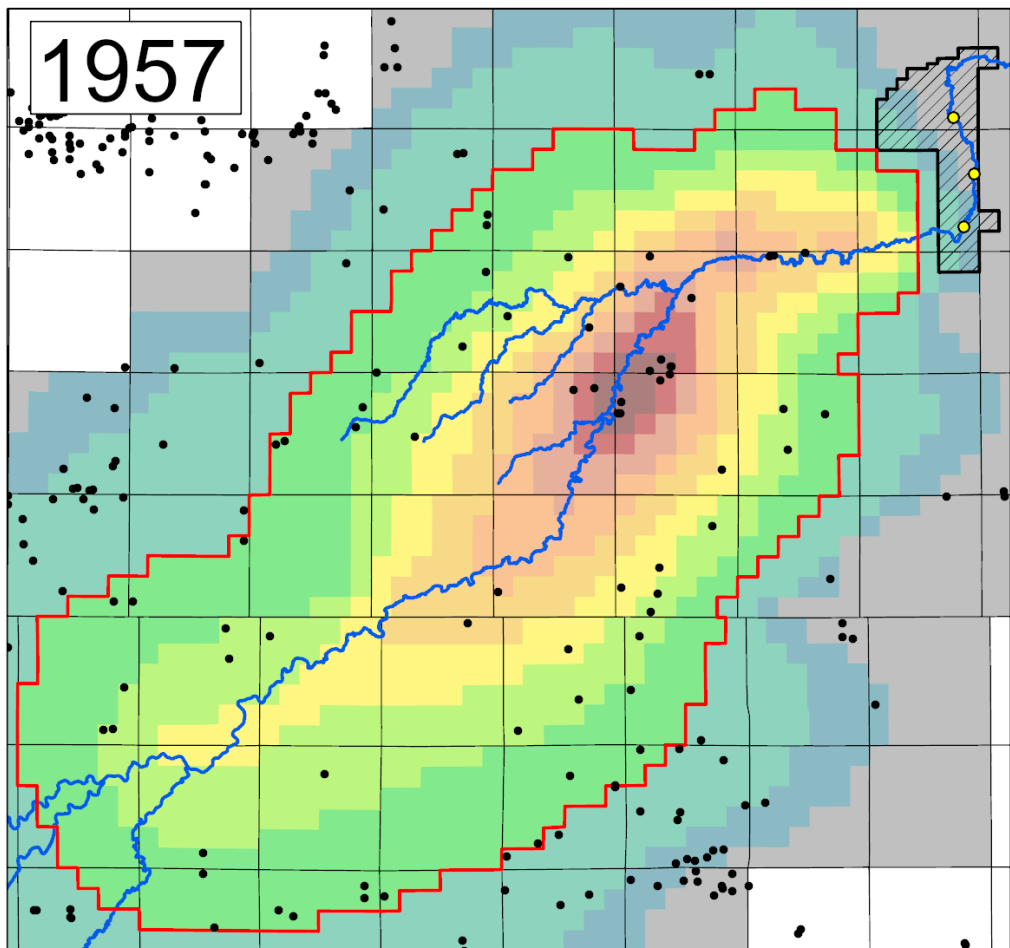


Extent Quivira Water Right Has Been Impaired

Impairment of Water Right File No. 7,571 by Year
Evaporation from LSM considered as water used



Water Rights Near Quivira National Wildlife Refuge



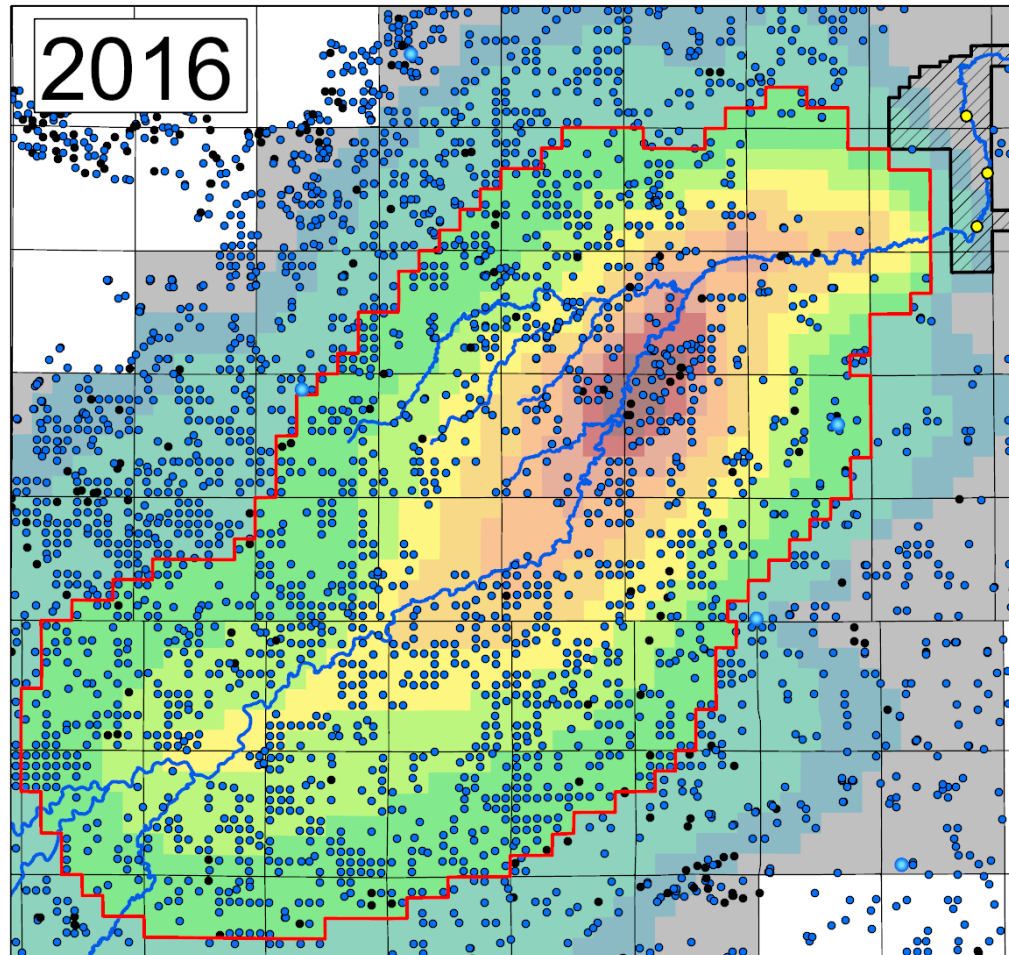
0 5 10 15 20 25 30 35 Miles

Stream Response (Percent)

1.0 or Less	40.1 - 50.0	Rattlesnake Creek	File No. 7571 (Quivira)
1.1 - 3.0	50.1 - 60.0	Zone A (10%)	Junior point of diversion
3.1 - 10.0	60.1 - 70.0	Quivira NWR	Senior point of diversion
10.1 - 20.0	70.1 - 80.0		
20.1 - 30.0	80.0 - 90.1		
30.1 - 40.0			

Kansas Department of Agriculture
Division of Water Resources
Modeling Date: November 16, 2017
Map Date: February 28, 2023

Water Rights Near Quivira National Wildlife Refuge



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30.1 - 40.0			

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Progress on House Bill 2279

- Requires the board of each GMD to identify all priority areas of concern within each GMD board's district and to set reasonable boundaries for those areas using data from the Kansas Geological Survey or other source approved by the Chief Engineer, by July 1, 2024.
- Requires each GMD board to submit a report to the Chief Engineer after the priority areas of concern are identified that details:
 - The priority areas of concern.
 - The nature of such concerns.
 - How the areas were identified and developed.



THANK YOU

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Kansas Department of Agriculture – Division of Water Resources
agriculture.ks.gov/DWR

August 22, 2023

