

<p>Inside This Issue</p> <p>DWR Update</p> <p>Kansas Water Resources Guide</p> <p>Arkansas River Compact Annual Meeting</p> <p>Consequences of Over-pumping</p> <p>Beta Test of Online Water Use Reporting</p> <p>Basin Team Update</p> <p>Kansas Dam Safety Conference 2009</p> <p>National Watershed Coalition Conference</p> <p>Residential Flood Proof Basements</p> <p>New Staff</p> <p>Chris Beightel- Professional Civil Engineer III, Water Management Services</p> <p>Sandra Vaughn- Environmental Scientist II, Garden City Field Office</p> <p>Hongsheng Cao- Environmental Scientist III, Interstate Water Issues</p> <p>Service and Promotion</p> <p>David Means-promoted to Environmental Scientist II, Basin Team (Stockton)</p> <p>Steve Stankiewicz-transferred to KDA Fiscal</p>	<p>DWR Update <i>Water Appropriation Fees</i> The Kansas Department of Agriculture plans to ask the Legislature to remove a June 30, 2010, sunset on application and inspection fees in the Kansas Water Appropriation Act. The department also will seek to adjust the fees to more closely align with the cost of providing these services. Losing these fees would severely constrain our ability to continue to provide current levels of service.</p> <p><i>State Water Plan Fees</i> The Kansas Department of Agriculture's effort to remove a sunset on water appropriation fees should not be confused with an initiative by the Kansas Water Authority to increase State Water Plan fees on water uses, fertilizer and pesticide sales, and sand dredging. The State Water Plan fee increases are intended to secure additional revenue to apply toward meeting State Water Plan objectives, which include improving and protecting the state's water supplies. It has been years since these fees were last adjusted.</p> <p><i>Proposed Rules and Regulations</i> The Kansas Department of Agriculture proposes to adopt two new sets of rules and regulations on hearing procedures for Intensive Groundwater Use Control Areas and on other types of hearings conducted by the chief engineer. The proposed rules on IGUCA hearings include many of the same principles discussed in the legislative process during 2007 and 2008. They are designed to increase opportunities for public input and participation by groundwater management districts. The proposed rules on other hearings codify current practices.</p> <p>The proposed rules reflect input from stakeholder group meetings over the past year. Both regulations have been approved by the Kansas Department of Administration and the Attorney General's Office. The chief engineer will accept public comments at a February 12 public hearing in Topeka. The proposed regulations and other information are available on our website at: www.ksda.gov/dwr/content/308/cid/1496.</p> <p><i>Republican River Compact</i> Two processes currently under way may have profound results on the delivery of water Kansas is entitled to. The first is nonbinding arbitration between Kansas, Nebraska and Colorado. The states are trying to resolve disputes over the magnitude of Nebraska's overuse in 2005 and 2006, the penalties that should be imposed and the measures Nebraska needs to take to ensure future compliance. The arbitration process will involve a trial before a mutually selected arbiter in Denver this March. If the states do not reach agreement through the nonbinding arbitration, the matter could be brought before the U.S. Supreme Court.</p>
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<p>Section Kim Feldkamp- 10 years of service, Dam Safety Team Sue Keeny-15 years of service, Garden City Field Office</p>	<p>A second, concurrent process involves Colorado's proposal to construct a pipeline to deliver groundwater to the Nebraska state line to augment natural flows in the North Fork Republican River. This is an effort by Colorado to achieve compliance with compact terms. All three states must agree with the proposal for the pipeline flows to count toward Colorado's compact obligations. The states are engaging the services of a professional mediator in an attempt to resolve disagreements over the pipeline proposal.</p>
<p>Calendar of Events</p>	
<p>January 1 New Year's Day State offices closed</p>	<p>Kansas Water Resources Guide The Kansas Department of Agriculture is pleased to announce a new publication available this month. <i>Kansas Water Resources</i> is an 18-page booklet describing the services provided by the Division of Water Resources. It includes helpful information about permitting procedures and other topics.</p>
<p>January 8 8 a.m.- Noon Basics of NFIP Garden City</p>	<p>"As a state agency, it is part of our job to provide information to the Legislature, constituents and other groups," said Adrian Polansky, secretary of agriculture. "This booklet serves as a useful reference for state leaders, stakeholders and the general public to better understand the wide range of important work the agency performs in managing the state's water resources."</p>
<p>Big Bend GMD 5 Board meeting Stafford</p>	
<p>January 13 Equus Beds GMD 2 Board meeting Halstead</p>	<p>Examples of the department's role in water resource issues include appropriating water for beneficial use under the system of water rights, regulating and inspecting dams to safeguard public safety, and fighting to obtain Kansas' share of water under the interstate river compacts.</p>
<p>January 14 Southwest Kansas GMD 3 Board meeting Garden City</p>	<p>Copies of <i>Kansas Water Resources</i> will be sent to a number of groups the agency works with on a regular basis. It also will be available at Division of Water Resources offices in Topeka, Parsons, Stockton, Stafford and Garden City. It's also available online at www.ksda.gov/dwr.</p>
<p>January 19 Martin Luther King, Jr. Day State offices closed</p>	
<p>January 21 Western Kansas GMD 1 Board meeting Scott City</p>	<p>Arkansas River Compact Annual Meeting The Arkansas River Compact Administration had it's annual meeting December 8 and 9 in Lamar, Colorado. ARCA oversees an interstate compact on the Arkansas River between Colorado and Kansas. The Kansas compact commissioners are chief engineer David Barfield; David Brenn, Garden City; and Randy Hayzlett, Lakin. In addition to reports from the states, ARCA committees and other agencies, attendees provided updates on various Colorado projects and John Martin Reservoir operations. ARCA also passed four resolutions:</p>
<p>January 22 State Association of Kansas Watersheds Annual meeting Topeka</p>	<ul style="list-style-type: none"> • Honoring Lee Rolfs, a long-time staff attorney with the Kansas Department of Agriculture who recently retired after three decades of service to the state. Lee was a key participant in the 1985 Kansas v. Colorado lawsuit and other ARCA issues over the years. • Supporting the states joint efforts to address tamarisk, an invasive species also known as salt cedar. ARCA promotes efforts to control and eradicate tamarisk due to its adverse
<p>January 23 Sustainability Conference, Kansas State University Manhattan</p>	
<p>January 28-29 Kansas Water Authority</p>	

<p>meeting Topeka</p>	<p>impacts on habitat, water quantity and water quality.</p>
<p>February 9-11 Kansas Dam Safety Conference Lawrence</p>	<ul style="list-style-type: none"> • Adopting Special Engineering Committee recommendations on operations to allow ARCA to publish annual reports and recognized Colorado's delivery of water for past delivery deficits. • Continued authorization of the Special Engineering Committee. The committee has been instrumental in evaluating disputed issues and making recommendations to ARCA for improved accounting and operations.
<p>February 10 Equus Beds GMD 2 Board meeting Halstead</p>	<p>ARCA members voted to change the location of the next ARCA annual meeting, which usually is in Lamar, Colorado. The 2009 ARCA annual meeting will be in Garden City on December 7 and 8.</p>
<p>February 11 Southwest Kansas GMD 3 Board meeting Garden City</p> <p>Stream Obstructions Seminar Lawrence</p>	<p>Several of issues before ARCA for 2009 include: a source for the permanent pool, City of Lamar request for an account in JMR, Tri-State application for change of water rights, reservoir-to-reservoir delivery issues, revising the 1980 operating plan for JMR, and finalizing any incomplete ARCA minutes and transcripts for past meetings.</p>
<p>February 12 Public Hearing-IGUCA Rules and Regulations Topeka</p>	<p>After the ARCA meeting, the Kansas delegation toured the dam at John Martin Reservoir. This tour included the inside workings of the dam. Don Headley, Corps of Engineers, described how the dam was constructed and operated and gave the group an update on the current dredging operation to remove silt from front of the dam.</p>
<p>February 18 Northwest Kansas GMD 4 Annual meeting Colby</p>	<p>Consequences of Overpumping Kansas water rights have legally established limits concerning the quantity of water authorized, rate of diversion, place of use, use made of water, and other conditions and limitations. Owners should be aware of the legal limits of their water rights because violations can result in substantial penalties.</p>
<p>February 19 Big Bend GMD 5 Annual board meeting Stafford</p>	<p>In general, the Division of Water Resources applies the following progressive penalties when an individual diverts more water than is authorized by his or her water right or permit to appropriate water:</p>
<p>February 23 10 a.m. Solomon Working Group Meeting Stockton Field Office</p>	<ul style="list-style-type: none"> • First offense: Notice of Noncompliance • Second offense: \$500 fine and 1x water penalty* • Third offense: \$500 per day fine and 2x water penalty** • Fourth offense: 1-year suspension of authorization to use water • Fifth offense: Revoke water right or permit
<p>February 24-25 Central Plains Irrigation Conference Colby</p>	<p>* 1x water penalty means the authorized quantity for the following year is decreased by the same amount overpumped.</p> <p>** 2x water penalty means that the authorized quantity for the following year is decreased by twice the amount overpumped.</p>
<p>February 26 Western Kansas GMD 1 Board meeting Scott City</p>	<p>There may be exceptions to the progression listed above. For example, if overpumping is flagrant, the department may proceed directly to imposing a stricter penalty without rather than waiting for repeat offenses to occur.</p>
<p>March 10</p>	

<p>Equus Beds GMD No. 2 Board meeting Halstead</p>	<p>The Division of Water Resources sends an order of the chief engineer by certified mail to those individuals who are assessed civil penalties. The order explains the reason for the penalties and identifies the authorized quantity for the water right or permit to appropriate water. If the authorized quantity has been reduced for the next year, the reduced quantity is identified in the order.</p>
<p>March 11 Southwest Kansas GMD 3 Board meeting Garden City</p>	<p>In 2008, the Division of Water Resources started to routinely apply water penalties in addition to monetary penalties. As a result, a number of water rights or permits to appropriate water have had their authorized quantities reduced for 2009. The Division of Water Resources will require individuals in this situation to submit a plan for compliance with the reduced quantity. Letters will be issued to overpumpers explaining the requirements for a compliance plan.</p>
<p>March 12 Big Bend GMD No. 5 board meeting Stafford</p>	<p>For example, to reduce water use in 2009, an irrigator may have to plant a less water-consumptive crop or reduce the acreage planted in order to comply with the reduction in the authorized quantity due to overpumping in 2008. There may be other options available, such as irrigation scheduling to meet the crop needs within the water use limitation. The Division of Water Resources wants to allow water users the flexibility to determine how they will comply with their reduced allocations in a manner that creates the least impact on their operations.</p>
<p>March 18 Western Kansas GMD 1 Board meeting and annual meeting Dighton</p>	<p>It is very important for individuals who have been assessed penalties to avoid overpumping their reduced authorized quantities in 2009 or subsequent years. All water users – owners and tenants – should be careful to avoid overpumping so that they do not jeopardize the water rights or permits to appropriate water that they depend on.</p>
<p>March 24 Kansas Rural Water Association Meeting Wichita</p>	<p>Beta Test of Online Water Use Reporting The Division of Water Resources is conducting a pilot project to test online reporting of 2008 water use. A web-based application will allow water use reports to be filed through the Internet. The pilot project will be carried out with help from the groundwater management districts and DWR field offices.</p>
<p>March 26 Water and Future of Kansas Conference Topeka</p>	<p>Water users are encouraged to visit their local field office or groundwater management district office to file their annual water use reports online. Participants will need their printed water use report forms to have the ID number and PIN, which will be used to login to the test web site. The web-based application will then guide the water user through several web pages where water use information may be entered for the water rights and permits. When all of the water use data has been entered, the water user is prompted to electronically sign the report, after which it will be considered filed. The water user can return to edit the data until it is electronically signed and filed. After that, it cannot be changed.</p>
<p>April 8 Southwest Kansas GMD 3 Board meeting Garden City</p>	<p>Participants in the pilot project must still file their paper water use reports by March 1. The data submitted by filing electronically will be captured by the Division of Water Resources and compared with the paper reports. Ultimately the data will be electronically</p>
<p>April 9 Big Bend GMD 5 Board meeting Stafford</p>	
<p>April 14 Equus Beds GMD 2 Board meeting Halstead</p>	
<p>April 16-17 Kansas Water Authority Meeting Ulysses</p>	
<p>From the Field</p>	



Lake Lenexa Dam
Photo by Kim Feldkamp
Dam Safety Team Leader

transferred to the water rights information system (WRIS) database after undergoing a few quality control checks.

Online water use reporting during this pilot project is limited to individuals entering the data at one of the participating locations. This will ensure individuals will have the help they need to enter the data correctly. It will also ensure a higher level of quality control during the test. Participants will gain a working knowledge of the online reporting system, which will make it easier and more convenient for them to use this system in the future.

If the pilot project demonstrates that the online reporting system is ready, the application may be tweaked based on the experience gained in the pilot project and next year online reporting will be available to all (or most) users from any computer connected to the Internet. Although paper reports will still be mailed, we will work toward more online reporting to improve efficiency, accuracy and ease of reporting annual water use data.

Basin Team Update

Middle Arkansas

On December 10, 2008, the Basin Management Team hosted a public meeting to review the Middle Arkansas groundwater model with local stakeholders. The team will work with local stakeholders to develop management alternatives for the area. They also will be running various future scenarios and will provide the results and other data requested by the stakeholders at future meetings. Public meetings are also planned in the area every three to four months.

Rattlesnake Creek

The team is working with the partnership to finalize the eight-year review of the management program. The report outlines progress made over the last four years and for the goals for 2012. For more information on the Rattlesnake Creek and to sign up for the bi-annual newsletter, visit www.ksda.gov/subbasin/content/201.

Solomon Basin

The team is in the process of completing the construction of the Upper North and South Fork Solomon models. They will host their next Solomon working group meeting February 23 in Stockton. At this meeting, future model scenarios requested to be run using the model will be reviewed with stakeholders.

Water Transition Assistance Program

This program is currently available to water users in the Rattlesnake Creek, Prairie Dog and six high-priority areas in Northwest Kansas Groundwater Management District No. 4. There has been a great response to the program in GMD 4. The program permanently retires irrigated acres in exchange for incentive payments and is targeted to areas experiencing groundwater declines and streamflow depletion. For more information visit the State Conservation Commission website at http://scc.ks.gov/index.php?option=com_content&task=view&id=715&Itemid=88

Conservation Reserve Enhancement Program

On December 2, the state received two new offers for CREP; one in Kearny County and one in Gray County. Acres currently enrolled and awaiting approval in Kearny County number more than 5,000. Finney County has 695.4 acres, Gray County has 3,650.5 and Pawnee County has 241.7. This totals 9,708.3 acres.

Kansas Dam Safety Conference 2009

Dam owners, engineers and municipality professionals interested in technical and practical information on operating and maintaining a dam are invited to the Dam Safety Conference 2009 sponsored by the Kansas Department of Agriculture.

The conference will be February 9 to 11 at the Holiday Inn in Lawrence. A block of rooms is reserved for attendees, and reservations can be made by calling (785) 841-7077. To ensure you receive the conference rate, specify that you are attending the Dam Safety Conference.

The registration fee to attend the conference is \$75. The fee includes evening socials, luncheon, breakfast and session materials.

National Watershed Coalition Conference

The National Watershed Coalition conference will be May 17 to 20 at the Marriot Hotel in Wichita. The theme of the conference is "A Gathering on the Great Plains Shaping the Future for Watershed Programs and Projects."

The value of managing natural resources based on watershed boundaries is widely recognized. The interconnected relationship of the resources and residents of the watershed are undeniable. Successful watershed management calls for understanding this relationship as well as communication and some level of consensus in an increasingly complex social and cultural environment. With its flexibility, the USDA Small Watershed Program has continued to evolve as a successful model for natural resource management on a watershed basis. In recent years many of the pioneering concepts and principles that serve as the basis for this program have been rediscovered, borrowed or reinvented by a variety of other governmental entities and organizations at all levels.

In many areas of the country the USDA Watershed Program has also served as the most significant tool available for managing water resources and supply, natural resource conservation as well as flood protection. Weather events in 2007 and early 2008 in areas of the country where the USDA program has flourished served as a reminder of the importance of the program. Those same events were also a wake up call for many state and local entities. By program design watershed partners face an increasingly larger role in the operational, financial and technical assistance areas of local watershed projects.

The 11th National Watershed Conference will provide a forum to examine the issues and policies that are critically important to shaping a relevant and viable future for watershed partners and their

projects. The conference will embrace the concept of management on a watershed basis and acknowledge current challenges to future watershed based resource management.

Residential Flood-Proof Basements

Flood-proof basements for residences piqued media interest when the TV show "Extreme Makeover" rebuilt a residence in the floodplain following the 2008 tornado in Chapman.

To have a basement exemption, a community must apply to the FEMA regional office and meet three community requirements:

- Flood depths cannot exceed 3 feet.
- The velocity of the flood water cannot be more than 5 feet per second.
- Flood warning times at least 12 hours in advance.

If a community meets these conditions, the request will be sent to FEMA headquarters for approval.

Residential basements are allowed in certain zones and must meet certain requirements. For instance, the walls must be watertight without human intervention and must withstand collapse. Also, the floor at the base of the flood-proofed walls must resist flotation. The structural aspects of basement flood-proofing must be certified by a professional engineer, with details submitted on form FEMA 81-78.

A complete list of requirements, and the FEMA form can be found online at the government forms website

<http://www.fedforms.gov/bgfPortal/docDetails.do;jsessionid=8BCD0AD7D1A32CAD1DD688B740DDACD2?dId=14493>