

# MEMO



DATE: August 24, 2016  
TO: Kansas Water Authority  
FROM: Tracy Streeter  
RE: Proposed WCA Legislation

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The Kansas Department of Agriculture would appreciate discussion and input from the Kansas Water Authority on the following topics:

- Potential amendment to KSA 82a-745 Water Conservation Areas (WCAs) – included with this memo are a joint letter from KDA, Kansas Livestock Association and Kansas Farm Bureau to the Groundwater Management Districts and the potential amendment.
- Potential amendment to KSA 82a-717a Diversions by common-law claimants and others – included with this memo is the potential amendment. The amendment is the outcome of several months of discussions among members of the KWA, KLA, KFB, KWO, and the GMDs. The changes made for additional discussion include streamlining the impairment process so that a claimant first seeks administrative relief prior to judicial relief, allows for a temporary order to curtail pumping under certain criteria, and ensures the decision of the Chief Engineer is still reviewable under the Kansas judicial review act.
- Potential amendment to Consumptive Use calculation and related rules and regulations – included with this memo is a map of the proposed revision. The Vision calls for us to evaluate consumptive use regulations and ensure they are being applied properly. For that reason, KDA has developed a proposal for discussion that would modify the consumptive use calculation to align with a methodology employed in the Republican River Compact Final Settlement Stipulation. That methodology is based on irrigation system types and return flows. Under this revised calculation, a consumptive use rate is established per county and ranges from 11.8% to 21.3%. If this revision is adopted, any water right owner could still advocate for a more favorable consumptive use percentage if they provide alternative evidence and evaluations. KDA is seeking input on the proposed methodology and revised approach to calculating consumptive use for consideration of a potential regulation change.

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*No Action Required Input Only*

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