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Topeka, KS 66612  
785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

September 30, 2019

«FIRST\_NAME» «LAST\_NAME»«ADDRESS\_LINE\_1»  
«ADDRESS\_LINE\_2»  
«CITY», «STATE\_CODE» «ZIP\_CODE»«ZIP\_EXTENSION»

Re: Notice of Upcoming Water Administration  
Water Right File No(s): «filenums»

Dear «FIRST\_NAME» «LAST\_NAME»,

You have been identified as an owner and/or water use correspondent of the above referenced water right file or files which have been found to be impairing Water Right, File No. 7,571, owned by the U.S. Fish and Wildlife Service for its Quivira National Wildlife Refuge. The purpose of this letter is to provide **NOTICE** of our plan to regulate water rights pursuant to K.S.A. 82a-706b. **THIS IS NOT AN ORDER AND NO ACTION IS REQUIRED AT THIS TIME.** In the event that the owner of Water Right, File No. 7,571 files a request to secure water for 2020, as they have done in each of the last two years, you will be required to reduce your annual withdrawals of water based on the priority of your water right. While we have not yet received such a request, we anticipate receiving one in the near future, and most importantly we believe it is crucial for owners and operators of the affected water rights to know what to expect and have the opportunity to plan accordingly.

In order to phase-in the anticipated regulation, the administrative orders reducing the withdrawal of water will be issued over three years **beginning in 2020 with the water rights located closest to the stream, identified as Zone C** on the enclosed map. We anticipate these initial orders will be effective on January 1, 2020. Administrative orders will then be effective for **Zone B in 2021** and for **Zone A in 2022**. Water rights located in Zone B and Zone A will not be required to take any action in 2020. It is our hope that this phase-in approach will provide additional time for the development of a local solution while still satisfying the legal duties of the Chief Engineer.

Local stakeholders and water right owners have raised numerous important questions as plans to resolve the impairment have been developed over the last two years. This notice is part of our attempt to make sure everyone in the area of administration fully understands the anticipated regulation and how it will impact them individually. **We will also host two public meetings on October 21, at 3:00 p.m. and 7:00 p.m., at the Stafford County Courthouse Annex in St. John** to review the anticipated regulation and our work with local stakeholders to develop a water conservation area (WCA) that will provide flexibility in use for those regulated water rights. Both meetings will include the same information. We also plan to live-stream the meetings. To watch the live stream or to view an archived version, please visit [www.agriculture.ks.gov/Quivira..](http://www.agriculture.ks.gov/Quivira..)

We have also addressed many questions through previous correspondence. For example, extensive information about why the Big Bend Groundwater Management District No. 5's (GMD 5) proposed Local Enhanced Management Area (LEMA) was insufficient, and why augmentation alone is not enough to remedy the impairment can be found on our web site at [www.agriculture.ks.gov/quivira](http://www.agriculture.ks.gov/quivira). See specifically, "Resolving the Quivira Impairment", and our September 20, 2019 response to several agricultural organizations regarding issuance of administrative orders. There is also a list of questions received and our answers from the process to finalize the 2016 Impairment Report which established the need for further regulation in the basin. See <https://bit.ly/2IKVMRF>.

It is also important to understand that regulating water rights to reduce water use is just one part of the overall solution to the impairment of Water Right, File No. 7,571. The anticipated administrative orders will implement the first of a three-part solution to the impairment while allowing three years (2020-2022) for the other essential measures to be implemented. Along with the required reductions in water use, the other two components are:

- Development of the augmentation project proposed by GMD 5; and
- The retirement or reduction of 4,400 acre-feet of water right use near the stream in Zone D.

If augmentation is fully developed and 4,400 acre-feet of water use — or an amount with an equivalent impact — is retired or removed from Zone D, then allocations under the administrative orders will not change. If the two components noted above are not accomplished by the end of 2022, any water-saving progress toward completing those actions will be considered and new administrative orders for 2023 will be issued to further limit withdrawals by the impairing water rights.

Attached to this letter is a report titled "**Summary of Allocations and Comparisons with Historical Use**" which provides detailed information on the administrative allocations that have been determined for the water rights you own or control, the years when the allocations will take effect, proposed multi-year allocations for those who choose to participate in the planned WCA, and comparisons with reported water use for your reference. Also included is a reference guide to more fully explain the information in the report tables. Please note that no information has been provided related to water rights senior to Water Right, File No. 7,571 as they will receive no administrative orders. See the web link noted above for additional resources to understand this important information including a series of videos explaining this information in more detail.

Individual water right allocations are based solely on each water right's priority date and authorized quantity, with senior (older) rights getting larger portions of their authorized quantities. In no way were the administrative allocations based on historical reported water use.

As mentioned above, we are working with local stakeholders to develop a WCA to maximize flexibility in the use of these administered allocations. We anticipate the WCA will create multi-year allocations and allow movement of allocations between water rights. We also expect the WCA to have provisions for the transfer of allocations between participants.

We encourage you to attend one of the public meetings scheduled for October 21, 2019, noted above.

Please check our web site often for additional details and updates. In the meantime, if you have questions, please feel free to contact the KDA Stafford Field Office at 620-234-5311.

Sincerely,

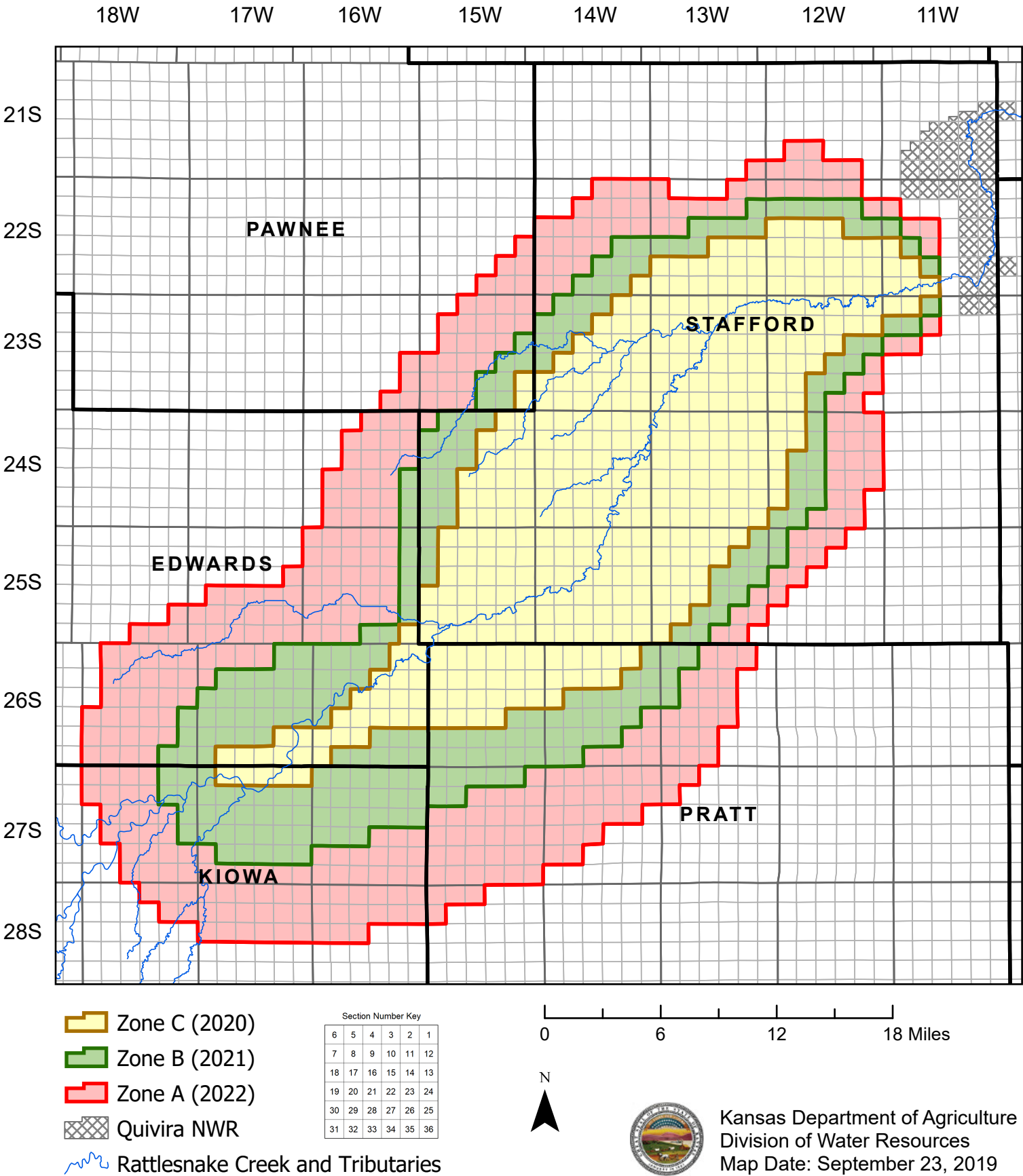
A handwritten signature in blue ink that reads "David W. Barfield". The signature is written in a cursive, flowing style.

David W. Barfield, P.E.  
Chief Engineer

Enclosures: Zone Map;  
Guide to Summary of Allocations and Comparisons with Historical Use;  
Summary of Allocations and Comparisons with Historical Use

CC: Big Bend Groundwater Management District No. 5  
Mike Beam, Secretary of Agriculture  
Jeff Lanterman, Stafford Field Office

# Quivira National Wildlife Refuge (NWR) Impairment Administration Zones



## Guide to Summary of Allocations and Comparisons with Historical Use

The information sheet has two tables. Table 1 includes summary information based upon the location of the water right(s) with respect to the impairment administration zones A, B, and C. Table 2 provides information specific to each water right.

Header: Person ID = KDA-DWR's reference number identifying the owner / water use correspondent for the water right(s) listed below.

*Table 1: Summary by Administration Zone*

<b>For Administration Allocation</b>	
Column [1]	Administration Zone information being summarized. The first line is Zone C only, the second line has totals for Zones B & C, the third line has totals for all Zones.
Column [2]	The first year when the water right(s) will be limited to the administered allocations.
Column [3]	The total amount of water that will be allocated by order for all water rights that are listed in Table 2 by administration zone.
Column [4]	The total authorized quantity of all water rights listed in Table 2 by administration zone.
Column [5]	The total administered allocation divided by the authorized quantity (col 3 ÷ col 4).
<b>For WCA – information relevant to the proposed WCA to provide flexibility of use</b>	
Column [6]	The weighted average portion of pumping that comes from intercepted streamflow. This will be used to ensure that stream impacts will not increase when moving water between water rights under the WCA.
Column [7]	The multi-year WCA allocation if the water right is enrolled in the WCA when administered, i.e., (5 × Zone C allocation in 2020) + (4 × Zone B allocation in 2021) + (3 × Zone A allocation in 2022).
<b>For Reference – a comparison between allocations and historical use for planning purposes</b>	
Column [8]	The average annual reported water use over 2009-2018 of all water rights listed in Table 2 by administration zone.
Column [9]	The portion of the total authorized quantity that was used historically (col 8 ÷ col 4). This shows how fully the water right has been historically used.
Column [10]	The administered allocation as a % of historical use (col 3 ÷ col 8).

(over)

*Table 2: Detail by Water Right*

<b>For administration Allocation</b>	
Column [A]	Water Right File Number.
Column [B]	Identifying the person or business listed at the top as the owner, water use correspondent or both (O, W, O/W).
Column [C]	Administration zone (A, B, or C) and the first year that administration will begin. The rows in this table are shaded to group the response zones together.
Column [D]	The total amount of water that will be allocated by order for annual use by this water right.
Column [E]	Authorized quantity of this water right.
Column [F]	Administered Allocation divided by the authorized quantity (col D ÷ col E).
<b>For WCA – information relevant to the proposed WCA to provide flexibility of use</b>	
Column [G]	The portion of pumping that comes from intercepted streamflow (will be used when moving water between water rights under the WCA).
Column [H]	The multi-year WCA allocation if the water right is enrolled in the WCA when administered, i.e., (5 × Zone C allocation in 2020); (4 × Zone B allocation in 2021); (3 × Zone A allocation in 2022).
<b>For Reference – a comparison between allocations and historical use for planning purposes</b>	
<i>Whenever two or more rows are combined in the following columns it is because the water rights overlap in point of diversion, place of use, or both.</i>	
Column [I]	Average reported annual water use over 2009-2018.
Column [J]	The portion of the authorized quantity that was historically used (col I ÷ col E).
Column [K]	The allocated amount compared to historical use (col D ÷ col I).

# Summary Allocations and Comparisons with Historical Use

<Person ID> <Name>

9/30/2019

**Table 1:** Summary by Administration Zone.

For Administration Allocation					For WCA		For Reference		
[1]	[2]	[3]	[4]	[5]	[6]	[7]	[8]	[9]	[10]
Administration Zone(s)	Year Order Effective	Administered Allocation, AF	Authorized Quantity, AF	Administered Allocation as % of Authorized	Average Stream Response %	WCA Multi-Year Allocation, AF	Average Use, 2009-18	Use as % of Authorized, 2009-18	Administered Allocation as % of Use, 2009-18
C	2020	911.00	1,396.00	65.26%	47.18%	4,555.00	1,159.27	83.04%	78.58%
B, C	2021	2,381.00	3,591.20	66.30%	33.60%	10,435.00	2,945.21	82.01%	80.84%
A, B, C	2022	2,973.00	4,438.20	66.99%	30.35%	12,211.00	3,542.53	79.82%	83.92%

**Table 2:** Detail by Water Right.

For Administration Allocation						For WCA		For Reference		
[A]	[B]	[C]	[D]	[E]	[F]	[G]	[H]	[I]	[J]	[K]
Water Right File No.	Corr. Type	Zone (Orders Effective)	Administered Allocation, AF	Authorized Quantity, AF	Administered Allocation as % of Authorized	Stream Response %	WCA Multi-Year Allocation, AF	Average Use, 2009-18	Use as % of Authorized, 2009-18	Administered Allocation as % of Use, 2009-18
13,XXX	W	C (2020)	184.00	240.00	76.67%	38.35%	920.00 (5yr)	371.28	85.35%	89.69%
14,XXX	W	C (2020)	149.00	195.00	76.41%	38.35%	745.00 (5yr)			
15,XXX	W	C (2020)	168.00	221.00	76.02%	74.53%	840.00 (5yr)			
31,XXX	W	C (2020)	118.00	195.00	60.51%	38.35%	590.00 (5yr)			
37,XXX	W	C (2020)	106.00	195.00	54.36%	45.42%	530.00 (5yr)			
39,XXX	W	C (2020)	82.00	155.00	52.90%	52.80%	410.00 (5yr)	140.69	90.77%	58.28%
39,XXX	W	C (2020)	104.00	195.00	53.33%	38.69%	520.00 (5yr)	159.53	81.81%	65.19%
12,XXX	W	B (2021)	127.00	165.00	76.97%	29.38%	508.00 (4yr)	146.00	88.48%	86.99%
17,XXX	W	B (2021)	61.00	82.00	74.39%	22.40%	244.00 (4yr)	79.80	97.32%	76.44%
17,XXX	O/W	B (2021)	148.00	198.17	74.68%	26.56%	592.00 (4yr)	175.19	82.18%	89.05%
41,XXX	O/W	B (2021)	8.00	15.01	53.31%	26.56%	32.00 (4yr)			
18,XXX	W	B (2021)	164.00	221.00	74.21%	29.38%	656.00 (4yr)	176.38	79.81%	92.98%
25,XXX	W	B (2021)	202.00	307.00	65.80%	24.34%	808.00 (4yr)	274.28	89.34%	73.65%
25,XXX	W	B (2021)	128.00	195.00	65.64%	26.56%	512.00 (4yr)	160.18	82.15%	79.91%
26,XXX	O/W	B (2021)	126.00	195.00	64.62%	20.59%	504.00 (4yr)	168.44	86.38%	74.80%
26,XXX	O/W	B (2021)	101.00	158.00	63.92%	22.10%	404.00 (4yr)	125.18	79.23%	80.68%
27,XXX	O/W	B (2021)	68.00	107.99	62.97%	26.56%	272.00 (4yr)	207.29	77.05%	81.53%
27,XXX	O/W	B (2021)	101.00	161.02	62.72%	24.61%	404.00 (4yr)			
29,XXX	W	B (2021)	120.00	195.00	61.54%	26.56%	480.00 (4yr)	130.16	66.75%	92.20%
32,XXX	O/W	B (2021)	116.00	195.00	59.49%	20.09%	464.00 (4yr)	143.03	73.35%	81.10%
15,XXX	W	A (2022)	179.00	236.00	75.85%	18.19%	537 (3yr)	157.21	66.62%	113.86%

**Table 2:** Detail by Water Right.

For Administration Allocation						For WCA		For Reference		
[A] Water Right File No.	[B] Corr. Type	[C] Zone (Orders Effective)	[D] Administered Allocation, AF	[E] Authorized Quantity, AF	[F] Administered Allocation as % of Authorized	[G] Stream Response %	[H] WCA Multi-Year Allocation, AF	[I] Average Use, 2009-18	[J] Use as % of Authorized, 2009-18	[K] Administered Allocation as % of Use, 2009-18
17,XXX	O/W	A (2022)	165.00	221.00	74.66%	18.77%	495.00 (3yr)	141.85	64.19%	116.32%
18,XXX	O/W	A (2022)	144.00	195.00	73.85%	16.89%	432.00 (3yr)	141.10	72.36%	102.06%
36,XXX	W	A (2022)	104.00	195.00	53.33%	13.83%	312.00 (3yr)	157.16	80.59%	66.18%

[B] Correspondent Type: owner(O) or water use correspondent (W)