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February 2, 2024

Via Electronic Mail

Mr. Earl Lewis
Chief Engineer
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive, 3rd Floor
Manhattan, KS 66502
Earl.Lewis@ks.gov

Re: Follow-up to January 19, 2024, Quivira Working Group Meeting

Dear Mr. Lewis:

On behalf of Big Bend Groundwater Management District No. 5 (the "District"), thank you for convening the Quivira Working Group meeting in Salina on January 19, 2024, and for sharing the Kansas Department of Agriculture—Division of Water Resources' ("KDA-DWR") Draft Administration Plan. We understand that KDA-DWR's draft plan to administer water in the region is the agency's proposed plan if the working group does not make measurable progress towards a solution this calendar year.

To that end, the District continues to work diligently and quickly with state and federal agencies to finalize a durable solution. We appreciate you giving us the opportunity to develop a solution before issuing a final order, and request KDA-DWR's clarity on several items in the meantime.

- **Measurable Progress:** KDA-DWR has indicated that it might not implement its draft Administration Plan in 2025 if "measurable progress" towards resolution is made by the working group in 2024. The District requests that KDA-DWR define more definitive milestones regarding how it will determine measurable progress this year. Clarifying the criteria for measuring progress is necessary since stakeholders continue to invest significant time and resources (the District's investment totaling greater than \$5.5 million to date) to address the impairment without the issuance of an administrative order. Now that KDA-DWR is aware of several viable projects/programs to help address the impairment, it's important to define timeframes and milestones to make sure efforts are not wasted.
- **Water Transfers:** With respect to moving water out of the high-impact area, the District respectfully requests additional information regarding where the District can transfer water outside of the Rattlesnake Creek Subbasin (the "Subbasin") per K.S.A. 82a-1501. This assistance will contribute significantly to the District being able to facilitate movement of water from these sensitive areas.

- **Augmentation:** The District requests additional insight into the pilot augmentation referred to in the Salina Working Group meeting. As you are aware, the District has been interested in pursuing an augmentation project in the region and would like to know how KDA-DWR would envision a pilot project functioning. Key items of interest would include but not be limited to permitting, well site acquisition, operational controls, monitoring requirements, and the scale of the project. The District is seeking additional clarity from the Natural Resources Conservation Service regarding potential impacts to the ongoing Watershed Plan-Environmental Impact Statement work with such a pilot project.
- **Credit for Acre-Feet Previously Retired:** The District asks KDA-DWR to clarify, in its final Administration Plan, how the agency will account for the 3,359 acre-feet of water rights the District has previously retired or transferred outside the Subbasin to address the impairment.

Finally, the District requests to meet with KDA-DWR to discuss the Division's permitting requirements (as well as the information the agency will require to be included in a potential permit application) if the augmentation alternative is selected. Since time is of the essence, we're preparing to move forward immediately in the event an augmentation alternative is selected.

The District will continue to be an active advocate for the proper management of groundwater in the Subbasin and remains motivated to develop a durable solution to the impairment in 2024. Thank you for facilitating the Quivira Working Group. We look forward to additional discussions in the near term.

Sincerely,



Orrin Feril
District Manager
Big Bend Groundwater Management District No. 5

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