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Mike Beam, Secretary

Laura Kelly, Governor

June 28, 2024

RE: Proposed Alternative Plan to Address Impairment at
Quivira National Wildlife Refuge

Dear Sir or Madam:

This letter is a follow up to my previous letters regarding the U.S. Fish and Wildlife Service's (USFWS) request to secure its Water Right, File No. 7571, for Quivira National Wildlife Refuge. A working group convened by DWR has met with USFWS throughout the first half of this year to develop a plan to avoid the direct administration of water rights in 2025. The plan includes utilizing a Compensated Allocation Management Program (CAMP) designed by the Central Kansas Water Bank as well as a Water Conservation Area (WCA) designed by several industry groups. The goal of this plan is to use the water bank program to achieve water conservation and to use the WCA to provide management flexibility for the water that is retained for use and not deposited in the water bank through CAMP. There will likely be the opportunity to use these two tools either independently or in conjunction with each other.

CAMP will involve the deposit of all or a portion of a water right into the Central Kansas Water Bank, subject to an agreement that the deposited water not be used for an agreed-to term. In exchange for depositing water in the Central Kansas Water Bank, CAMP participants will receive KDA Division of Conservation incentive funds at a rate comparable to recent Conservation Reserve Enhancement Program (CREP) rental rates. The bankable portion of a water right that is not deposited in the water bank through the CAMP may then be eligible to enroll in the WCA to facilitate management flexibility for that remaining water. There may also be the opportunity for water rights that do not enroll in CAMP to utilize the WCA, but those rights would be entitled only to the water use flexibility afforded in a WCA and not to the compensation provided through CAMP. This plan is part of a larger three-part approach that also includes water right purchases by Big Bend GMD No. 5 and a pilot streamflow augmentation project. The purpose of this letter is to provide notice of this opportunity and to encourage you to commit to participating in the water bank's CAMP and the WCA.

As mentioned in my previous letters, although the USFWS paused its request for administrative action in 2024, USFWS has also submitted a contingent request to secure water effective January 1, 2025, if alternatives are not developed and achieved in a timely manner. USFWS has indicated that it will evaluate the level of participation in the alternative plan outlined in this letter to determine whether it will enforce its request to secure water during 2025 and that it intends to make such determination by the end of July 2024. Absent significant participation in the CAMP and the WCA, it is likely that administration of water rights will occur in 2025.

I therefore strongly encourage you to learn more about the CAMP and the WCA by contacting the Central Kansas Water Bank Association at (620) 234-5352 and to commit to participating by **July 26, 2024**.

Sincerely,

A handwritten signature in blue ink that reads "Earl D. Lewis Jr." with a stylized flourish at the end.

Earl D. Lewis Jr., P.E.
Chief Engineer
Division of Water Resources

cc: Central Kansas Water Bank Association
Big Bend GMD No. 5
Mike Beam, Secretary of Agriculture
Jeff Lanterman, KDA-DWR Stafford Field Office Water Commissioner