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Jackie McClaskey, Secretary

Governor Sam Brownback

May 5, 2016

Orrin Feril, Manager  
Groundwater Management District #5  
P.O. Box 7 – 125 S. Main  
Stafford, KS 67578

RECEIVED

MAY 09 2016

Central Kansas Water Bank

RE: Central Kansas Water Bank Charter Approval

Dear Mr. Feril:

Please find enclosed a Findings and Order approving the revised Central Kansas Water Bank Association's Charter as received on March 8, 2016. The charter appears to be consistent with the provisions of K.S.A. 82a-761 through 773 and K.A.R. 5-17-10.

If you have any questions, please feel free to contact this office at (785) 564-6670 or Jim Bagley at (785) 564-6671.

Sincerely,

David W. Barfield, P.E.  
Chief Engineer  
Kansas Department of Agriculture  
Division of Water Resources

Cc: Earl Lewis, Kansas Water Office  
Lane Letourneau  
Jim Bagley  
Jeff Lanterman, Stafford Field Office

THE STATE



OF KANSAS

RECEIVED

MAY 09 2016

Central Kansas Water Bank  
Central Kansas Water Bank

**KANSAS DEPARTMENT OF AGRICULTURE**

Jackie McClaskey, Secretary of Agriculture

**DIVISION OF WATER RESOURCES**

David W. Barfield, Chief Engineer

IN THE MATTER OF THE  
CENTRAL KANSAS WATER BANK ASSOCIATION'S  
CHARTER

ORDER APPROVING AMENDMENT TO WATER BANK CHARTER

After due consideration, the Chief Engineer, Kansas Department of Agriculture, Division of Water Resources (hereafter referred to as the "Chief Engineer") makes the following Findings and Order regarding the charter for the Central Kansas Water Bank Association (the "CKWBA"):

FINDINGS

1. That on June 30, 2005, the Chief Engineer approved the original charter of the CKWBA pursuant to the provisions of K.S.A. 82a-761 through 82a-773 (Kansas Water Banking Act) and K.A.R. 5-17-10. The initial charter was approved for a period of seven (7) years.
2. That K.S.A. 82a-767(a) states in part that not later than five (5) years following the establishment of a water bank, the director of the Kansas Water Office shall convene a team to evaluate the operation of the bank.
3. That on January 20, 2011, the convened evaluation team presented its report entitled, "Central Kansas Water Bank Association Five Year Review and Recommendations." The report recommended that the CKWBA charter be renewed and made a permanent not-for-profit corporation. Other recommendations were made that required changes be made to the original charter approved on June, 30, 2005.
4. During the 2012 legislative session, the Kansas legislature amended K.S.A. 82a-767, allowing water banks to be chartered after their initial period of operation and a review.
5. That on March 7, 2013 the Chief Engineer received a final proposed charter of the CKWBA.
6. That on March 12, 2013 the Chief Engineer found the revised charter to be consistent with the evaluation team's recommendations and state law and on that basis ordered the revised charter approved and the bank declared as chartered pursuant to K.S.A. 82a-767.
7. That on March 25, 2015, the CKWBA forwarded proposed charter amendments approved by the board of directors related to safe deposit accounts including enhancements to the amount of water that could be deposited into such accounts.
8. That K.S.A. 82a-763(c)(9) requires "the operation of safe deposit accounts by the bank shall not result in an increase in the amount of net consumptive use of water in any hydrologic unit, computed on a long-term rolling average compared to a representative past period."

9. That the Chief Engineer found the CKWBA's proposed amendments to be consistent with the bank's purposes and state law, except that additional experience with safe deposit accounts is required to determine if the requirements of K.S.A. 82a-763(c)(9) are met with respect to such accounts under the formula proposed under the charter amendments.
10. That on October 29, 2015, the Chief Engineer approved the CKWBA's revised charter as submitted on March 25, 2015, with the provision that since K.S.A 82a-767 requires regular reviews of the water bank at intervals not less than every 5 years, that at subsequent reviews of the water bank that the performance of safe deposit accounts be specifically evaluated against the criteria of K.S.A. 82a-763(c)(9) and if this criteria is not satisfied, that the review team make recommendations to amend the charter's provisions with respect to safe deposit accounts to satisfy statutory requirements .
11. That on March 8, 2016, the CKWBA forwarded additional proposed charter amendments approved by the board of directors related to Table 5 and Figure 5 in the charter, which amendments pertain to how conservation components are computed for individuals wanting to lease water from the bank. The changes to Table 5 make relatively minor changes to the table to clarify the Bank's original intent on conservation factors. The revised Figure 5 was generated via GIS to more faithfully implement the conversation factors prescribed in Table 5. A copy of CKWBA's charter with such proposed amendments (entitled, "Charter of the Central Kansas Water Bank Association, Effective February 18, 2016") is attached hereto as **Exhibit "A"** and incorporated herein.
12. The Chief Engineer finds that proposed charter amendments submitted by CKWBA on March 8, 2016, to be consistent with the bank's purposes and state law.

### ORDER

NOW, THEREFORE it is the Order of the Chief Engineer, Kansas Department of Agriculture, Division of Water Resources, that pursuant to K.S.A. 82a-761 through 82a-773 and K.A.R. 5-17-10, the CKWBA's charter as submitted on March 8, 2016 and attached hereto as **Exhibit "A"**, is hereby approved as amended.

The Chief Engineer continues to request that at subsequent reviews of the water bank that the performance of safe deposit accounts be specifically evaluated against the criteria of K.S.A. 82a-763(c)(9) and that if this criteria is not satisfied, that the review team make recommendations to amend the charter's provisions with respect to safe deposit accounts to satisfy statutory requirements.

The Chief Engineer specifically retains jurisdiction in this matter to make such changes, additions, or deletions to this Order, as he deems necessary in the public interest and in conformity with the requirements of state law.

This is a final agency action as defined in K.S.A. 77-607(b). You may pursue judicial review of this Order as provided in the Kansas Judicial Review Act (K.S.A. 77-601 et seq.). A petition for judicial review must be filed in a Kansas court of competent jurisdiction within 30 days after service of this Order as provided in K.S.A. 77-613. The agency officer designated to receive service of a petition for judicial review on behalf of the Kansas Department of Agriculture is

Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan,  
KS 66502.

Dated at Topeka, Kansas, this 5<sup>th</sup> day of May 2016.



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David W. Barfield, P.E.  
Chief Engineer  
Kansas Department of Agriculture  
Division of Water Resources

CHARTER OF THE CENTRAL KANSAS  
WATER BANK ASSOCIATION

RECEIVED

MAY 09 2016

EFFECTIVE FEBRUARY 18, 2016

PREAMBLE

Central Kansas Water Bank

We, the water users within the Big Bend Groundwater Management District #5 (District), in order to further promote water conservation and the wise use of the groundwater resources, and to provide increased flexibility to the water users of the District, hereby establish this

**CHARTER OF THE CENTRAL KANSAS WATER BANK ASSOCIATION**

**ARTICLE I**

**NAME AND RIGHTS**

**Section 101**

**Not-For-Profit Corporation**

Central Kansas Water Bank Association (Association) constitutes a private – not-for-profit corporation that 1) leases water from water rights that have been deposited in the Association; and 2) provides savings accounts. Under this charter, the Central Kansas Water Bank Association has all rights and powers provided by this charter and the Kansas Water Banking Act authorized by K.S.A. 82a-761 through 82a-773, and amendments thereto.

**Section 102**

**Petition for Formation**

Before the chief engineer, Division of Water Resources, Kansas Department of Agriculture (Division), in the matter of the proposed Central Kansas Water Bank Association, we submit the attached petition as documentation for establishment.

**Section 103**

**Exercise of Powers**

Only a board of directors (board) or other agents, officers and employees of the Association acting under their respective authorities or under the authorities provided by this charter or the laws of this state may exercise the powers mentioned in Section 101 of this charter. In the exercise of these powers, water users representing both public and private interests located within the boundaries of the Association shall be accorded equal treatment in all matters under the jurisdiction of the Association.

**Section 104**

**Eligible Voters**

An eligible voter shall be any person who meets the definition of water user as per K.S.A. 82a-1021(k), as amended, within the boundaries of the Association. An individual can become an eligible voter by obtaining a term permit through the Association's program. Each qualified voter shall be entitled to vote for as many candidates as the number of directors are to be elected, but may cast only one vote for each director. Qualified representatives may also cast one vote

for estates, trusts, municipalities, and public corporations with water rights. Proxy voting shall not be allowed.

Unless known to or approved by the election officer, any person requesting a ballot(s) on behalf of any estate, trust, municipality, or public or private corporation will be required to furnish written proof of voter status as follows: 1) for an estate, the person must be an executor or administrator; b) for a trust, the person must be a trustee; c) for a municipality, the person must be a duly authorized representative appointed by the elected governing body, or d) for a public or private corporation, the person must be a corporate officer. In each case such approved voter authority shall be construed to be effective for that election only, and pre-arranging such voting status in advance of the voting event is highly recommended.

## **Section 105**

### **Name and Boundaries**

The corporate name is "Central Kansas Water Bank Association" and it shall be thus designated in all actions and proceedings touching its rights, powers, properties, liabilities, and duties. Its boundaries as of the effective date of this charter are described as the same boundaries prescribed for the District and shall be effective until otherwise changed in accordance with law (Figure 1). The Association boundaries do not overlap any other bank boundaries.

An Intensive Groundwater Use Control Area (IGUCA) that extends both in and out of the Association boundary shall be considered for inclusion in the Association. Inclusion of an IGUCA in the Association shall not conflict with the provisions set forth in such IGUCA order. Extension of the Association's boundary would need to be considered when evaluating an IGUCA.

## **Section 106**

### **Location**

The principal office of the Association shall be located at 125 South Main, Stafford, Kansas.

## **ARTICLE II**

## **BOARD OF DIRECTORS**

### **Section 201**

#### **Steering Committee**

A steering committee consisting of five members, representing both public and private interests was formed to carry out the organization of the Association required by the act. The following steering committee began to function in December 2001.

John Janssen, Chair	411 S Pine	Director Position #1, Public	Greensburg, Kansas
Richard Wenstrom	Rt. 1 Box 107	Director Position #2, Private	Kinsley, Kansas
Dennis Holl	Rt. 1 Box 92	Director Position #3, Private	Radium, Kansas
Curtis Tobias	1114 Grand	Director Position #4, Private	Lyons, Kansas
Vernon Hirt	12640 NW Turkey Lane	Director Position #5, Private	Sawyer, Kansas

### **Section 202**

#### **Composition and Election of Board**

In not more than ninety days after the approval of this charter, and annually thereafter, a meeting open to all eligible voters shall be held for the election of a board of directors, for the Association. A notice of the meeting shall be published in a newspaper of general circulation within the Association area.

The board shall be composed of five members. Each eligible voter shall be entitled to vote for as many candidates as the number of directors to be elected. The board shall be nominated and elected at large by the qualified eligible voters located within the entire Association boundary at an annual meeting.

### **Section 203**

#### **Powers of Board**

Except as set forth in the provisions of Section 303 and 404, all powers exercised by the Association are vested in the board. The board is responsible for the administrative enforcement of the charter, which responsibility may be delegated and the officials and employees so charged shall have the authority conferred upon them by the board.

### **Section 204**

#### **Board to Act as Body**

In all its functions and deliberations, the board shall act as a body and has no power to delegate any of those functions and duties to a smaller number of its members than by a majority of the whole. Three members shall constitute a majority of the whole.

### **Section 205**

#### **Term of Board Members**

Board positions shall be for a term of three years. The elected board shall fill any vacancy occurring on the board prior to the expirations of the term of any director by selecting a replacement from among the eligible voters of the Association to serve for the unexpired term.

**Section 206****Qualifications of Board**

A board member shall be an eligible voter within the Association's boundary and shall represent both public and private interests of water within the described boundary. At least one member must represent the public interest which includes any public body or entity that owns a water right or a representative of Big Bend Groundwater Management District. A board member must be replaced when he or she no longer meets the eligible voter criteria.

**Section 207****Compensation of Board**

Board members shall serve without compensation but shall be allowed actual and necessary expenses incurred in the performance of their official duties.

**Section 208****Special Audits**

In addition to annual audits required by state law, the board at any time may order the examination or audit of the accounts of the Association.

## **ARTICLE III**

## **ADMINISTRATIVE ORGANIZATION**

### **Section 301**

#### **Supervision and Control**

Except as otherwise provided in this charter, the board shall implement all administrative activities of the Association.

### **Section 302**

#### **Length of Charter**

The intent of the Association is to be perpetual. The initial Association was chartered for seven years. Any renewal of the charter must be approved by the chief engineer and in accordance with K.S.A. 82a-767, as amended.

### **Section 303**

#### **Amendments to Charter**

This charter may be amended by the board or upon approval by 10% of the eligible voters of the Association at any annual meeting. Any amendments to the charter must be approved by the chief engineer prior to becoming effective.

### **Section 304**

#### **Dissolution of Association**

The following procedure shall be utilized in determining how the remaining deposits and savings accounts will be distributed, if the Association should be dissolved.

- A. The Association shall meet the contractual obligation of all leases.
- B. Leases shall be limited to ten years from the date the charter is adopted or extended.
- C. Savings accounts shall be extended for up to three years after the date of dissolution.
- D. No leases or deposits shall be accepted after the date of dissolution.

If the Association is dissolved, the District shall fulfill any contract obligations with Association patrons and maintain the necessary records to fulfill the reporting requirements set forth in the K.S.A. 82a-766, as amended, of the act. An agreement shall be developed between the Association and the District to set forth procedures to accomplish this task.

### **Section 305**

#### **Reorganization**

The board shall have the authority to change the administrative organization of the Association and the number of board positions at any annual election provided notice is given by public notice prior to any such election. Approval of any changes shall require a majority of the eligible voters at such annual meeting, and be consistent with K.S.A. 82a-765(b)(3), as amended, and K.A.R. 5-17-10(a)(4).

**Section 306****Rules of Practice and Procedure**

The board shall adopt rules of practice governing its procedures. The rules of practice shall be consistent with this charter, the act, and any rules and regulations adopted by the chief engineer.

**Section 307****Appeals from Decisions of the Board**

Any party aggrieved by a decision of the board may appeal such decision to the board. All appeals shall be in writing and submitted within thirty days of a board decision. The board shall review the appeal and shall make a final decision within 30 days from the date the appeal was received. The final decision of the board shall be in writing and shall be served to all interested parties by certified mail. The time frames may be waived or extended upon written consent by all parties.

**Section 308****Budget and Finance**

The fiscal or budget year and the tax year of the Association shall be the calendar year.

**Section 309****Payment of Certain Costs  
And Contractual Agreements**

The Association is intended to be self-supporting. Any person utilizing the Association facilities shall be subject to all applicable fees. A schedule depicting a range of estimated fees shall be developed to set forth all potential costs incurred by Association participants. The fee schedule shall be subject to change when deemed necessary by the board. Table 1 reflects the potential charges necessary to cover administrative costs incurred by the Association and other participating agencies.

The Association board shall seek to develop memorandums of understanding between the District, the Division, and the Kansas Water Office to set forth the framework for related costs of the Association's program. A contract and any additional agreements will be developed between the Association and the District to set forth any contractual obligations and operational procedures in the administration of the program.

## **ARTICLE IV**

## **CONSERVATION PROGRAM**

### **Section 401**

### **Program Objectives**

The 1997 Kansas Water Plan states the following as a goal for water right banking. "Efficiently allocate water resources to achieve economic growth while protecting the public interest in such resources through encouraged conservation and management of existing water rights". The reduction in water use through the conservation elements and the careful consideration of where water would be leased will insure consistency with the provisions of the Kansas Water Plan, the Kansas Appropriation Act, rules and regulations of the chief engineer, and the Kansas Water Banking Act. This program establishes a marketplace approach to conservation while allowing flexibility to the water user.

A comprehensive water conservation program shall be developed to meet the conservation requirements set forth in the act, and the Kansas Water Plan. The conservation requirements should minimize any hydrologic impacts from the operation of the Association.

Procedures shall be developed to provide for the conservation element of groundwater through the deposit and lease program. The conservation element is a portion of a deposit that is taken out of use for the duration of the deposit and is not allowed to be withdrawn and used by subsequent users (K.S.A. 82a-762 (e)). The act requires a minimum ten percent savings in the bank, pursuant to water rights deposited in the Association, excluding groundwater located within an intensive groundwater use control area where corrective control provisions have reduced the allocation of groundwater to less than the quantity previously authorized by water rights in the area (K.S.A. 82a-765 (b) (7)).

### **Section 402**

### **Hydrologic Units**

K.A.R. 5-6-15 is hereby adopted for administrative purposes in defining the hydrologic units within the Association boundaries. (Attachment A).

Any water leased must be used within the Association boundary, in the same hydrologic unit and from the same source of supply from which the water right authorizing diversion of the water is deposited (K.S.A. 82a-762 (h)). Water right deposits and leases from multiple aquifer wells may be considered only if reviewed and approved by the board.

Several factors must be considered in each hydrologic unit including: total saturated thickness, water level changes, distance to the major stream, and sustainable yield. These factors have the greatest impact on water use in specific areas and potential impacts to existing water users from the Association's activities. These factors will also be reviewed for potential benefits to the hydrologic systems. Recognition of these hydrologic parameters will protect sensitive areas within each hydrologic unit, eliminating the need to divide the units into smaller segments.

### **Section 403**

### **Hydrologic Unit Descriptions**

The Great Bend Prairie Aquifer underlies most of the Association's boundary and is considered the principal aquifer. There are however several stream systems entering from the west and others exiting to the south and east that supports defining the hydrologic units in accordance to K.A.R. 5-6-15 for the purpose of water banking. Units where special programs have been developed are defined separately to explain the necessary conservation elements required by the Association. Steps were taken by the District in 1998 to protect baseflow to several streams within the District (K.A.R. 5-25-2(a)(2)). Many of the hydrologic units in the eastern and southern part of the Association are maintaining sustainable yield with water levels being stable. Assignment of the base flow node system continues to protect the streams in those areas. All major streams within the Association area will be protected to assure banking activities will not have any negative impacts. Table 2 sets forth requirements stipulating where the diversion of leased water will be prohibited and sets forth the legal descriptions where stream restrictions are established.

1. Middle-Arkansas River Unit – The Middle Arkansas unit covers approximately 713,000 acres (28.53%) of the Association area. Conservation efforts to reduce water use are currently being addressed in a special plan for this unit by a group of local representatives. Additional savings through the banking programs will enhance these efforts. Due to concerns regarding stream flow in this unit, no water shall be leased within two miles of the river up to the Rice County line and within ¼ mile of the river for the remaining area within the bank.
2. Rattlesnake Creek Unit – The Rattlesnake Creek unit covers approximately 688,600 acres (27.56%) of the Association area. A special plan was developed for this unit calling for a reduction of water use in order to increase stream flow and stabilize water levels. The chief engineer, Division of Water Resources has declared the aquifer in this unit to be in need of recovery as per K.S.A. 2-1915 (a) (2) (A). No water will be leased within two miles of the stream.
3. Pawnee River Unit – The Pawnee River unit covers 85,800 acres (3.43%) and is in an intensive groundwater use control area (IGUCA). The order is being reviewed to include a drought contingency plan being developed by a local group of representatives. Banking activities in this unit shall not conflict with any revised IGUCA order. No water shall be leased within one mile of the river.
4. Walnut Creek Unit – The Walnut Creek unit covers approximately 67,600 acres (2.71%) and is in an intensive groundwater use control area. That order has reduced groundwater rights but allows temporary transfers of up to ten miles within the unit. Due to the nature of this IGUCA order, no banking activities can take place in this unit. Water users may however, utilize the bulletin board for posting temporary transfers.
5. North Fork Ninnescah River Unit – This unit covers approximately 407,600 acres (16.31%) of the Association area. Water levels have remained stable in the eastern portions of this unit. Quarter-mile spacing from the stream restrictions are set for the North Fork Ninnescah and Goose Creek.

6. South Fork Ninnescah River Unit – This unit covers approximately 184,000 acres (7.38%) where water levels have also remained stable. Stream nodes have been established on the South Fork and a major tributary named Painter Creek. The quarter mile spacing from the stream restrictions will apply to both streams.
7. Cow Creek Unit – The unit encompasses over 200,000 acres (8.01%) of the Association area. There will be quarter-mile spacing from the restriction set on that part of the stream in Rice County. There are no streamflow restrictions for that part of the Cow Creek unit in Barton County.
8. Chikaskia River Unit – This unit encompasses approximately 51,000 acres (2.05%) of the Association area. Quarter mile spacing from the stream restrictions are set for both the Chikaskia River and Sand Creek.
9. Medicine Lodge River Unit – This hydrologic unit covers approximately 100,000 acres (4.01%) of the Association area. Although the Medicine Lodge River itself is located outside the Association boundaries, there are several tributaries within the Association that are protected. Tributaries Turkey Creek West, Turkey Creek East, the main stem of Turkey Creek, Elm Creek West, Elm Creek North, Spring Creek, Soldier Creek and the Thompson Creek will all have quarter-mile spacing from the stream restrictions set.

#### **Section 404**

#### **Bankable Water Rights**

Water rights must be vested or have a certificate of appropriation issued and must be in good standing and not abandoned, based on past water use and compliance with the terms of the holder's permit (K.S.A. 82a-764, as amended). All conditions, limitations, on each water right shall be adhered to in determining amount of water to be considered bankable.

The base period of 1987 through 1996 shall be used as the representative past period. The amount determined to be bankable for all deposits shall be the average individual water use for the base period. The Association shall review all water rights proposed for deposit to determine the individual's use for the representative period. Water rights not permitted during the entire representative past period may select a different representative past period, but the bankable portion shall be the lesser of either of the following:

- a) the annual quantity of water perfected
- b) the average percentage of water lawfully used under water rights determined to be bankable for all water rights in that hydrologic unit that were permitted during the representative period.

Table 3 reflects preliminary information on average water use in each hydrologic unit for years 1987 through 1996.

Table 4 reflects potential for water banking participation.

If a portion of a water right is deposited, an agreement that the quantity of water pumped under the portion of the water right that is not deposited shall not exceed the difference between the bankable portion of the water right and the amount deposited (K.A.R. 5-17-3).

#### **Section 405**

#### **Conservation Requirements**

Due to the variability in the hydrologic conditions within each hydrologic unit, it is difficult to apply the same conservation requirements in all areas. Each unit shall have programs designed to minimize any effects of the Association on stream flow and area groundwater level fluctuations.

Figure 5 sets the determination of the conservation components required on all proposed leases within each hydrologic unit. This map is derived using the parameters defined in Table 5.

The requirements outlined in Tables 2 and 5 for each hydrologic unit may be amended by the board or at the request of a minimum of 10% of the eligible voters of any hydrologic unit if presented at an annual meeting. Any amendments to the charter would be subject to approval by the chief engineer.

Average saturated thickness and water level change figures will be assigned to the center of each one-mile section within the Association boundary. These figures will be derived from ArcGIS analysis techniques that utilize the most current data on bedrock elevations and pre-development and current water level changes. Maps and databases will be generated and updated periodically to depict aquifer conditions and will be used in the determination of the conservation components. Sustainable yield calculations shall be determined following K.A.R. 5-25-4.

#### **Section 406**

#### **Not in active use**

Section 406 was removed from the charter on July 12, 2012.

#### **Section 407**

#### **Donation of Water Rights**

In order to optimize conservation efforts, water users may want to deposit all or a portion of a water right for placement into the Association as a donation. No payment shall be made for the donated water and the water saved through the donation shall not be leased out or calculated in the minimum annual 10% conservation component. Donation of a water right that is bankable pursuant to K.S.A. 82a-764, as amended, into the Association shall constitute due and sufficient cause for non-use.

#### **Section 408**

#### **Protection of Water Quality**

Areas with known water quality problems shall be evaluated to determine effects of potential changes in water use. Wells known to be producing water with over 300 mg/l chlorides

shall not be authorized to participate in the lease program. However, deposits from these wells should be encouraged.

Water samples may be required if necessary to determine the quality of water proposed in a lease application. K.A.R. 5-25-7, 5-25-10, and 5-25-16 of the District's regulations shall be used in governing leases of water through the Association.

## **ARTICLE V**

## **PROGRAMS**

### **Section 501**

#### **Deposits, Leases, and Savings Accounts**

Each hydrologic unit within the boundaries of the Association has been analyzed separately to reflect the authorized quantities and water use in acre-feet (Tables 3 and 4). Actual water use from the approved past representative period is to be used to calculate savings, and to determine bankable water for deposits. The hydrologic unit calculated average for the past representative period or certified amount, whichever is less, shall be used for all wells not permitted during the entire representative period.

Each lease will be independently evaluated to determine the required conservation element and associated requirements as outlined in Table 2 and Figure 1. All applications for a contract for deposit, permit for lease, and savings account shall use the guidelines set forth in each of the following sections.

All well spacing regulations adopted and in effect for the District shall be followed in the review of applications for leases. Well logs may be required in the determination of the source of supply for both deposits and leases.

A procedure shall be developed to process the contracts for deposit, applications for term to lease, and contracts for savings accounts in a timely manner based upon date received.

### **Section 502**

#### **Water Use Reporting**

Any water user who has entered into a contract to open a savings account, an approved contract to deposit water, or a term permit to lease water shall file annual water use reports with the Association for the duration of the contract or permit.

### **Section 503**

#### **Deposits**

The Association shall allow for deposits of water rights in the bank in exchange for financial compensation. The Association shall accept for deposit only a water right, or portion of a water right, that has been determined to be a bankable water right as defined by K.S.A. 82a-764, as amended, and Article IV, Section 404 of this charter.

The depositor sets the price for a deposit, and will only receive compensation for such deposit when the water is leased from the Association. The deposit will be posted on the Association's bulletin board when all fees required with the deposit are paid in full to the Association. Annual deposits posted to the bulletin board and not contracted for lease at the end of the calendar year shall only be extended when appropriate fees are paid in full.

### **Section 504**

#### **Rules for Depositors**

The deposit shall be for a period of not more than five years.

The deposit must be posted on the bulletin board on or before April 1, of the first calendar year that the deposit will be made. All deposits must be for increments of full calendar years.

The proposed deposit is from: 1) a certified water right or vested right 2) is bankable 3) is from a hydrologic unit designated by the Association and 4) within the Association's boundary.

A contract between the Association and the depositor shall be required that sets forth all penalty provisions for breach of any contract conditions.

The deposit shall be subject to such terms and conditions as provided by rules and regulations of the chief engineer.

The depositor shall complete an application for contract to deposit on a form prescribed by the Association and approved by the chief engineer. The application shall include, but not be limited, to the following:

- A. The water right file number and hydrologic unit
- B. Calendar years that the water right will be on deposit not to exceed five years
- C. Whether the water right is a vested right or certified right
- D. Any CRP contracts or WRCP contracts that were in effect any part of the representative period
- E. Any violations of the water right within the last five years.
- F. Quantity of water proposed for deposit
- G. If partial deposit, amount remaining under bankable portion of original water right.
- H. Accurate water use, purpose of use, and acres irrigated (if for irrigation) during the last two years preceding the date the application is filed
- I. Terms of payment
- J. Source of supply
- K. Amount of water right that is bankable (average water use in past representative period)

All contracts for partial deposits shall set forth conditions limiting the total quantity of water pumped remaining under the right and the amount deposited to the bankable amount.

## **Section 505**

## **Leases**

The Association shall be authorized to lease water that has been deposited into the bank in exchange for a fee. The Association shall only lease out that portion of deposits available after all conservation elements and other limitations have been applied. The Association shall not lease more than 90% of all deposited water in any calendar year. The Association shall certify to the chief engineer for each lease that sufficient deposits exist within the hydrologic unit where leased water will be used. The proposed use of water shall not be used to determine approval of a lease as per (K.S.A. 82a-763 (b) (5), as amended).

## Section 506

## Rules for Leases

The proposed lease is from water rights on deposit from the same hydrologic unit designated by the Association and within the Association's boundary.

The lease shall be subject to such terms and conditions, and such approval by the chief engineer, as provided by rules and regulations of the chief engineer.

The lessee shall complete an application for contract to lease water on a form prescribed by the Association and approved by the chief engineer. The application shall be filed with the Association and shall include the following:

- A. The hydrologic unit designation of leased water
- B. Calendar years that water is proposed to be leased
- C. Number of acre-feet proposed for lease, and the purpose of use
- D. Location where leased water will be used, including point of diversion, place of use, acres (if irrigation) current authorized rate (if existing well – proposed rate if new well)
- E. A current water level measurement
- F. Aquifer unit (source of supply)
- G. File numbers of all other water rights that authorize use of water from that point of diversion

Each approved contract shall set forth penalty provisions for breach of contract conditions.

In order to prevent an increase in consumptive use, applications to lease water for a use other than the authorized use of the deposited water proposed for lease shall comply with K.A.R. 5-5-9 and 5-5-10.

## Section 507

## Savings Accounts

The Association is authorized to enter into contracts with water users for the establishment of savings accounts. A savings account program allows a water user to place unused water from a water right into an account for use at a later date. A water right must be deemed bankable as per K.S.A. 2001 Supp. 82a-764, as amended before it is considered eligible for a savings account. The operation of savings accounts within the Association shall not increase the amount of net consumptive use of water in any hydrologic unit. The amount of a water right that can be deposited in any savings account shall be calculated using the following formula.

$$(WR - WU) * .25 = \text{Amount of water that can be deposited.}$$

where WR = certified quantity on water right

where WU = actual annual water use

where .25 = percent of quantity between WU and WR

Table 6 gives an example of a savings account.

## **Section 508**

### **Rules for Savings Accounts**

Water users wishing to utilize the savings account program shall enter into a contract with the Association by December 1<sup>st</sup> of the year preceding the first year the water user wishes to make a deposit. An application for term permit shall be required prior to withdrawal of any water over and above the certified amount on a water right or vested right. The application for term permit shall be filed with the Division.

Only water that was unused in the past immediate year can be deposited into a savings account and it must be less than the amount authorized by the water right. Water shall be deposited in the account no later than March 1 of the year following the calendar year in which the water was not used.

Only water from one water right shall be placed in a savings account. Linked water rights that have common points of diversion or place of use may be placed in one account.

A ten percent conservation element shall be subtracted from the amount remaining in the account at the end of each year.

The total amount of water accumulated in a savings account shall not exceed the maximum annual quantity authorized to be diverted under the water right or the aggregate maximum quantity authorized to be diverted under all linked water rights from which water is deposited in the account (K.S.A. 82a-763(c)(5)).

The deadline to sign up for the savings program shall be by December 1 of the year preceding the first year the owner desires to make a deposit in the savings account.

## **Section 509**

### **Bulletin Board**

The Association shall create a bulletin board system to facilitate postings of water right deposits for lease. The bulletin board system shall provide proper methods of communication to all water users in the Association to insure a fair and impartial process. Water that has been contracted for deposit shall be posted to the bulletin board on the date the contract has been approved. Payments for contracted water shall be made when a contract to lease water is approved. Table 7 gives an example of how the bulletin board might function.

## ARTICLE VI

## ACCOUNTING PROCESSES

### Section 601

### Water Right Accounting

1987 through 1996 shall be used as the past representative period pursuant to water rights deposited to measure the savings in water use resulting from the Association's activities.

The Association shall maintain an accounting system designed to fulfill the annual reporting requirements outlined in the act. The system shall be designed to assure that all deposits and leases are tracked effectively relative to each hydrologic unit. Accurate accounting of all savings box accounts shall be required. All accounting programs shall document amount and length of both deposits and leases; the hydrologic unit and associated conservation elements to ensure the minimum conservation component has been applied. The aggregate of all deposits shall equal or exceed the aggregate of both leases and conservation components for each hydrologic unit annually. The accounting system developed shall comply with K.S.A. 82a-765.

As established, the charter will ensure that the total amount of groundwater leased each year from each hydrologic unit does not exceed 90% of the historic average annual amount collectively diverted pursuant to all deposited water rights or portions of water rights from such unit for a representative past period (K.S.A. 82a-765(b)(10)).

An annual analysis of all deposits and leases to determine savings in consumptive use shall be conducted in each hydrologic unit by comparing 85% of the annual water use of all deposits and leases to the authorized past representative period of such deposits and leases. A ten percent savings must be achieved. Tables 8a, 8b, and 8c represent examples of the annual reporting method that will be used by the Association.

The required ten percent savings shall be achieved by utilizing the Association's conservation map. The conservation map mandates that all leases shall be required to have at least a 10.00% conservation component, and a maximum conservation component of 16.00%. This will ensure that any successful deposit/lease transaction will have conservation in water of at least ten percent each calendar year.

For all deposits and leases on record during a calendar year, the Association shall maintain a database that includes the following but not be limited to:

1. Water right file number
2. Amount authorized
3. Type of use
4. Hydrologic unit
5. Current year's use
6. Current acres irrigated (if irrigation)
7. Previous two years' use, type of use, acres irrigated (if irrigation) prior to deposit or lease agreements
8. Amount of deposit or lease
9. Associated conservation element
10. Aquifer unit
11. Water use and past representative period
12. Crop type

## **ARTICLE VII**

## **HYDROLOGIC REVIEW**

### **Section 701**

### **Hydrologic Review Criteria**

Climatic conditions and water use can have an impact on water levels within each hydrologic unit.

Water level measurements shall be taken on an annual basis and utilized to document changes in the water levels. There are approximately 138 wells within the Association's boundary where water level measurements are taken either monthly, quarterly or annually (Figure 2). There are approximately 229 state wells measured annually (Figure 3). A total of 367 well sites will be used to monitor water levels. A representative number of such wells will be measured as necessary to reliably determine water levels and water level changes.

Precipitation records from the District's ten weather station network shall be used to determine precipitation trends (Figure 4). Data from state monitored precipitation sites will also be used.

An annual review and analyses of any changes in water levels shall be made to determine any impact from the Association's activities. Water level change maps will be generated and compared to locations where deposits and leases were made.

All water use in each hydrologic unit must be analyzed to determine if water users not participating in the program increased their use over the hydrologic unit average and if that water use had any impact on the change in water levels.

Consideration must be given to development after the approved past representative period in respect to any hydrological impacts of the Association. Water rights that were enrolled in the Conservation Reserve Program or other conservation programs during the past representative period and brought back into production should also be considered when reviewing any hydrologic impacts of the Association.

## **ARTICLE VIII**

## **COMPLIANCE AND ENFORCEMENT**

### **Section 801**

### **Procedure for Non-Compliance**

The Association's board or manager, any eligible voter or any person 18 years or older residing within the Association may file a written complaint with the Association alleging a violation of the Water Banking Act, charter and any amendments. The written complaint shall be filed at the Association office.

Within 30 days following the filing of the complaint, a representative of the Association designated by the board shall investigate the complaint. If the representative of the Association finds that a violation exists or did exist, the representative shall file a written report with the board with a recommendation on a resolution to resolve the complaint.

If a violator fails to come into compliance with an approved resolution, the board may seek the assistance of the attorney general's office to bring the violator into compliance.

### **Section 802**

### **Third Party Impacts**

Although, the Association is structured to prevent any impact to a third party, a procedure shall be developed to address the issue. Current rules and regulations of the District and the Division should also be used to address third party impacts. Water users within one-half mile shall be notified of all leases requesting more than 50% annually of the water users current appropriated amount. Leases and associated term permits for a new point of diversion shall also require notification of all water users within one-half mile.

## **ARTICLE IX**

## **PENALTY PROVISIONS**

### **Section 901**

### **Breach of Contracts**

Failure of any water user to abide by all contract provisions shall result in forfeiture to participate in any future Association activities. All violations of the act, charter, and any applicable rules and regulations may be processed through Section 801 of this charter, and K.A.R. 5-17-13.

Table 1 (Potential Fee Schedule)

<b>POTENTIAL FEE SCHEDULE</b>				
	DEPOSITS	LEASES	SAFE DEPOSIT	
Preliminary Evaluation	* \$150	\$150		
Application	\$100	\$100		
Contract	\$100	\$100	\$200	
** Findings & Order - DWR	\$400			
Monitoring ***				
Full Deposit	\$100	\$100 /yr	\$ 75 /yr	
Partial Deposit	\$100 /yr			
Modifications to Contract	\$50			
Withdrawal of Deposit	\$150			

\* Refunded if applicant completes Contract for Deposit

\*\* As of the date of this revised charter this fee is not being collected by DWR

\*\*\* Payable at time of contract signing

Examples:

Water User : John Doe

	Full Deposit for 3 Yrs	Lease for 6 Yrs		Safe Deposit Account
	Total for 3 Yrs	Per Year	Total for 6 Yrs	Total for 6 Yrs
Preliminary Evaluation	\$ 150	\$ 150	\$ 150	
Application	\$ 100	\$ 100	\$ 100	
Contract	\$ 100	\$ 100	\$ 100	\$ 200
Monitoring	\$ 100	\$ 100	\$ 600	\$ 450
<b>Total Cost (CKWBA)</b>	<b>\$ 450</b>		<b>\$ 950</b>	
Findings & Order - DWR	\$ 400			
Term Permit - DWR		Varies		Varies
<b>Total Cost (CKWBA + DWR)</b>	<b>\$ 850</b>		<b>\$ 950</b>	<b>\$ 650</b>

Table 2 (Stream Restrictions for Hydrologic Units)

Restrictions For Individual Hydrologic Units				
Hydrologic Unit	Tributary Name	Legal Description of Stream Beginning in Bank	Legal Description of Stream Ending in Bank	* Distance to Stream (miles)
Arkansas		WS SW S31 T26S R20W	SE SE SE S13 T20S R11W	2
Arkansas 2		NW NW NW S19 T20S R10W	NC SS S32 T21S R08W	0.25
Rattlesnake		SE SW SE S35 T26S R17W	WS SW S33 T22S R11W	2
Pawnee		SW SW SW S30 T21S R20W	SW SW NW S04 T22S R16W	1
**Walnut				
Cow		WS NW NW S12 T20S R09W	SE SE SE S25 T21S R07W	0.25
Nf Ninnescah		NE NW NE S27 T25S R12W	NE NE NE S25 T24S R09W	0.25
Nf Ninnescah	Silver Creek	SW SW SE S33 T26S R10W	SE NE NE S25 T25S R09W	0.25
Nf Ninnescah	Goose Creek	SE SW SW S35 T26S R09W	SE NE SE S24 T26S R09W	0.25
Sf Ninnescah		NE NW NE S31 T27S R13W	SE NE SE S25 T27S R11W	0.25
Sf Ninnescah	Painter Creek	NW SE SW S23 T28S R12W	CE SE NE S24 T28S R11W	0.25
Medicine Lodge	Turkey Creek Main	NE SW NW S15 T29S R15W	SW SW SW S35 T29S R15W	0.25
Medicine Lodge	Turkey Creek West	SE NE SW S17 T28S R15W	NE SW NW S15 T29S R15W	0.25
Medicine Lodge	Turkey Creek East	NC S15 T28S R15W	NE SW NW S15 T29S R15W	0.25
Medicine Lodge	Elm Creek West	NW SE SW S08 T29S R14W	SW SE SE S34 T29S R14W	0.25
Medicine Lodge	Elm Creek North	NW NW NE S09 T29S R13W	SW SW SW S35 T29S R13W	0.25
Medicine Lodge	Spring Creek	NE NW SW S15 T28S R16W	SE SW SW S34 T28S R16W	0.25
Medicine Lodge	Soldier Creek	SE SW NE S14 T28S R16W	SE SE SE S35 T28S R16W	0.25
Medicine Lodge	Thompson Creek	NW NE SE S20 T28S R17W	SW SE SE S33 T28S R17W	0.25
Chikaskia		NC S18 T29S R11W	NE NE NE S24 T29S R11W	0.25
Chikaskia	Sand Creek	SW NW SW S04 T29S R12W	SW SW SE S35 T29S R12W	0.25
Leased water will not be allowed into areas with less than 40' saturated thickness and / or water level declines of over 20'				
*Requirements relating to the distance from a stream where leased water is prohibited				
** No banking activities allowed				

Table 3 (Past Representative Period Water Use)

1987 - 1996 Yearly Water Use Totals by Hydrologic Unit within Central Kansas Water Bank Association											
Hydrologic Unit											
Arkansas River	Auth Quant	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996
Yearly Totals (AF)	230,855	122,645	177,982	166,447	179,374	198,799	108,260	88,229	187,113	153,601	125,726
% by Yr - Water Use/Auth. Water		53.1 %	77.1 %	72.1 %	77.7 %	86.1 %	46.9 %	38.2 %	81.1 %	66.5 %	54.5 %
10 Yr Water Use (AF)	1,508,176										
10 Yr Auth Water (AF)	2,308,551										
10 Yr % - Water Use/Auth. Water	65.3 %										
Chikaskia River	Auth Quant	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996
Yearly Totals (AF)	11,194	5,784	8,845	7,404	10,116	9,625	6,293	7,279	9,982	6,769	5,967
% by Yr - Water Use/Auth. Water		51.7 %	79.0 %	66.1 %	90.4 %	86.0 %	56.2 %	65.0 %	89.2 %	60.5 %	53.3 %
10 Yr Water Use (AF)	78,063										
10 Yr Auth Water (AF)	111,940										
10 Yr % - Water Use/Auth. Water	69.7 %										
Cow Creek	Auth Quant	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996
Yearly Totals (AF)	29,589	13,512	20,917	19,710	22,803	24,425	11,939	11,428	22,895	17,228	18,939
% by Yr - Water Use/Auth. Water		45.7 %	70.7 %	66.6 %	77.1 %	82.5 %	40.3 %	38.6 %	77.4 %	58.2 %	64.0 %
10 Yr Water Use (AF)	183,796										
10 Yr Auth Water (AF)	295,893										
10 Yr % - Water Use/Auth. Water	62.1 %										
Medicine Lodge River	Auth Quant	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996
Yearly Totals (AF)	13,074	8,501	11,555	10,535	13,721	14,121	8,691	9,759	13,625	11,981	8,976
% by Yr - Water Use/Auth. Water		65.0 %	88.4 %	80.6 %	104.9 %	108.0 %	66.5 %	74.6 %	104.2 %	91.6 %	68.7 %
10 Yr Water Use (AF)	111,466										
10 Yr Auth Water (AF)	130,741										
10 Yr % - Water Use/Auth. Water	85.3 %										
North Fork Ninescah River	Auth Quant	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996
Yearly Totals (AF)	97,787	53,510	76,796	63,877	81,749	80,997	49,256	51,495	82,542	64,511	59,591
% by Yr - Water Use/Auth. Water		54.7 %	78.5 %	65.3 %	83.6 %	82.8 %	50.4 %	52.7 %	84.4 %	66.0 %	60.9 %
10 Yr Water Use (AF)	664,324										
10 Yr Auth Water (AF)	977,865										
10 Yr % - Water Use/Auth. Water	67.9 %										
Pawnee River	Auth Quant	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996
Yearly Totals (AF)	39,321	20,103	33,614	30,246	27,710	39,023	12,017	6,608	27,777	21,536	15,677
% by Yr - Water Use/Auth. Water		51.1 %	85.5 %	76.9 %	70.5 %	99.2 %	30.6 %	16.8 %	70.6 %	54.8 %	39.9 %
10 Yr Water Use (AF)	234,310										
10 Yr Auth Water (AF)	393,210										
10 Yr % - Water Use/Auth. Water	59.6 %										
Rattlesnake Creek	Auth Quant	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996
Yearly Totals (AF)	236,309	141,133	198,324	169,376	204,969	210,313	127,513	125,192	195,624	161,127	126,369
% by Yr - Water Use/Auth. Water		59.7 %	83.9 %	71.7 %	86.7 %	89.0 %	54.0 %	53.0 %	82.8 %	68.2 %	53.5 %
10 Yr Water Use (AF)	1,659,940										
10 Yr Auth Water (AF)	2,363,089										
10 Yr % - Water Use/Auth. Water	70.2 %										
South Fork Ninescah River	Auth Quant	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996
Yearly Totals (AF)	43,297	21,820	30,272	27,066	35,962	34,193	21,643	23,876	35,251	28,568	25,082
% by Yr - Water Use/Auth. Water		50.4 %	69.9 %	62.5 %	83.1 %	79.0 %	50.0 %	55.1 %	81.4 %	66.0 %	57.9 %
10 Yr Water Use (AF)	283,734										
10 Yr Auth Water (AF)	432,974										
10 Yr % - Water Use/Auth. Water	65.5 %										
Walnut Creek	Auth Quant	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996
Yearly Totals (AF)	21,286	10,136	12,615	12,822	10,160	13,704	4,939	4,980	10,734	8,967	8,719
% by Yr - Water Use/Auth. Water		47.6 %	59.3 %	60.2 %	47.7 %	64.4 %	23.2 %	23.4 %	50.4 %	42.1 %	41.0 %
10 Yr Water Use (AF)	97,776										
10 Yr Auth Water (AF)	212,858										
10 Yr % - Water Use/Auth. Water	45.9 %										

Table 4 (Hydrologic Unit Designation)

Hydrologic Unit Information							
Basin name	Sq mi	Acres	% of Assoc.	AF Auth	Auth Irr Acres	Active WR	Active PD
Arkansas River	1,113.939	712,920.99	28.53%	241,408.30	187,373.80	1,525	1,904
Chikaskia River	80.016	51,210.13	2.05%	12,934.75	10,478.58	77	71
Cow Creek	312.828	200,210.14	8.01%	34,987.72	20,449.17	219	255
Medicine Lodge River	156.558	100,196.88	4.01%	17,192.75	12,410.13	97	102
N F Ninnescah River	636.838	407,576.19	16.31%	105,156.53	81,914.39	614	654
Pawnee River	134.038	85,784.32	3.43%	38,095.22	28,919.95	258	257
Rattlesnake Creek	1,075.970	688,621.11	27.56%	221,067.00	188,948.76	1,325	1,394
S F Ninnescah River	288.048	184,350.50	7.38%	50,534.83	35,337.70	279	310
Walnut Creek	105.647	67,614.24	2.71%	24,274.16	11,475.27	146	172
Totals	3,903.882	2,498,484.49	100.00%	745,651.26	577,307.75	4,540	5,119

Table 5 (Conservation Component Point System)

Point System To Determine Conservation Component																	
WITHDRAWAL Calculation to determine the conservation component for individual wanting to lease water from the bank																	
[a] Saturated thickness			[b] Sustainable yield			[c] Change in water level			[d1] Feet from stream (0.25m)			[d2] Feet from stream (1m)			[d3] Feet from stream (2m)		
from	to	points	from	to	points	from	to	points	from	to	points	from	to	points	from	to	points
148	200	10.00	0	500	10.00	2.5+		10.00	10560+		5.00	15841+		5.00	31681+		5.00
136	147	9.00	501	1,000	9.00	-0.01	2.50	9.00	8,504	10,559	4.00	14,521	15,840	4.00	29,041	31,680	4.00
124	135	8.00	1,001	1,500	9.00	-0.02	-2.52	9.00	7,478	8,503	4.00	13,201	14,520	4.00	26,401	29,040	4.00
112	123	7.00	1,501	2,250	8.00	-2.53	-5.03	8.00	6,452	7,477	4.00	11,881	13,200	4.00	23,761	26,400	4.00
100	111	6.00	2,251	3,000	7.00	-5.04	-7.53	6.00	5,426	6,451	4.00	10,561	11,880	4.00	21,121	23,760	4.00
88	99	5.00	3,001	3,750	5.00	-7.54	-10.04	5.00	4,400	5,425	4.00	9,241	10,560	4.00	18,481	21,120	4.00
76	87	3.00	3,751	4,500	4.00	-10.05	-12.55	3.00	3,374	4,399	4.00	7,921	9,240	4.00	15,841	18,480	4.00
64	75	2.00	4,501	5,250	2.00	-12.56	-15.06	2.00	2,348	3,373	3.00	6,601	7,920	3.00	13,201	15,840	3.00
41	63	1.00	6,000	10,000	1.00	-15.07	-20.00	1.00	1,321	2,347	2.00	5,281	6,600	2.00	10,561	13,200	2.00
*40	0						*20.00		0	*1320		0	*5280		0	*10560	

\*See table 2 for additional requirements

Conservation component based on App. Avg. Points		
from	to	Percent
9.00	8.01	10%
8.00	7.01	11%
7.00	6.01	12%
6.00	5.01	13%
5.00	4.01	14%
4.00	3.01	15%
3.00	2.01	16%

Table 6 (Savings Account Example)

Tracking Number		Account Number		Legal Description		Certified Acre-Feet		Hydrologic Unit:			Data Valid as of:	
EXAMPLE		EXAMPLE		NC SW 17-22S-11W		195 AF		Rattlesnake Creek			3/20/2021	
Meter Information												
Meter ID	Manufacturer		Model Number		Serial Number	Units	Multiplier	Installation		Overlapping Water Right File No(s)		
01	McCrometer		MO308			Acre-Foot	0.001	Compliant				
Year of Water Use	Beginning Totalizer	Ending Totalizer	Water Use (AF)	Auth AF	Authorized AF - Water Use	Annual Deposit	Year Beg Acct Balance	SDA Withdrawal	Annual Cons 10% (Leak)	Account Balance	Deposit Status	Deposit Date
2013	200137	354503	154.37	195.00	40.63	10.16	0.00		1.02	9.14 AF	Eligible	2/27/2014
2014	354503	476433	121.93	195.00	73.07	18.27	9.14		2.74	24.67 AF	Eligible	2/25/2015
2015	476433	651654	175.22	195.00	19.78	4.94	24.67		2.96	26.65 AF	Eligible	1/15/2016
2016	651654	840658	189.00	195.00	6.00	1.50	26.65		2.82	25.34 AF	Eligible	2/2/2017
2017	840658	882156	41.50	195.00	153.50	38.38	25.34		6.37	57.34 AF	Eligible	2/6/2018
2018	882156	078756	196.60	195.00	0.00	0.00	57.34		5.73	51.61 AF	Ineligible	3/2/2019
2019	078756	323654	244.90	195.00	0.00	0.00	51.61	50.00	0.16	1.45 AF	Ineligible	1/5/2020
2020	323654	476952	153.30	195.00	41.70	10.43	1.45			11.87 AF	Eligible	2/25/2021

Table 7 (Bulletin Board Posting Example)

Example					
Bulletin Board Postings					
As of 06-11-04 and 07-14-04					
Acre Feet Postings As of 6-11-04			Acre Feet Postings As of 7-14-04		
Date Posted	AF Posted	Cost of Water / AF	Date Posted	AF Posted	Cost of Water / AF
1/14/2004	95.00	\$26.32	2/18/2004	71.04	\$52.79
2/18/2004	71.04	\$52.79	3/18/2004	69.43	\$32.16
3/12/2004	139.50	\$32.16	3/24/2004	13.74	\$54.59
3/18/2004	23.41	\$16.02	1/14/2004	112.29	\$50.09
3/20/2004	32.46	\$10.78	5/30/2004	70.04	\$39.98
3/21/2004	13.74	\$54.59	7/11/2004	88.00	\$68.75
3/24/2004	112.29	\$50.09			
3/25/2004	70.04	\$39.98			
5/30/2004	71.73	\$17.77			
6/11/2004	88.00	\$68.75			
Total Amount Available on Deposit As of 06-11-04			Total Amount Available on Deposit As of 07-14-04		
	717.21	AF		424.54	AF

Table 8a (Annual Reporting Example)

ANNUAL REPORTING METHOD

WATER BANK DEPOSITS AND LEASES

ANNUAL REPORT

POSTINGS

FILE #	HYDRO UNIT	DATE	AUTH AC/FT	BANK. AC/FT	AC/FT POSTED	TERM YEAR(S)	TOTAL DEPOSIT	PRICE PER AC/FT	TOTAL PRICE
99991	33	01/05/04	160.00	136.00	136.00	5	680.00	\$25.00	\$17,000.00
99992	47	05/12/04	129.00	109.65	109.65	5	548.25	\$15.00	\$8,223.75
99993	48	02/06/04	170.00	144.50	144.50	3	433.50	\$30.00	\$13,005.00
99993	53	06/25/04	195.00	165.75	165.75	1	165.75	\$20.00	\$3,315.00
99995	54	05/05/04	125.00	106.25	106.25	2	212.50	\$25.00	\$5,312.50
99996	56	03/07/04	195.00	165.75	165.75	2	331.50	\$45.00	\$14,917.50
99997	57	04/16/04	80.00	68.00	68.00	3	204.00	\$30.00	\$6,120.00
99998	58	09/23/04	125.00	106.25	106.25	2	212.50	\$28.00	\$5,950.00
99999	59	11/09/04	125.00	106.25	106.25	3	318.75	\$15.00	\$4,781.25
YEARLY TOTALS:			1304.00	1108.40	1108.40		3106.75		\$78,625.00

LEASES

PERMIT #	HYDRO UNIT LEASED	HYDRO UNIT DIVERTED	DATE	AC/FT REQUEST	TERM YEAR(S)	TOTAL REQUEST	TOTAL AVAILABLE	CONS COMP	CONS AMT	AC/FT TO PURCHASE	HYDRO UNIT	NET ANN QUANT LEASED AC/FT	NET ANN QUANT DEPOS AC/FT	UNLEASED DEPOS TOTAL	CONS AMT	CONS %
88881	33	33	7/14/2004	125.00	3	375.00	420.00	12.00%	45.00	420.00	33	420.00	680.00	260.00	45.00	12.00%
88882	47	47	6/26/2004	200.00	3	600.00	493.43	10.00%	49.34	542.77	47	542.77	548.25	5.48	49.34	10.00%
88883	48	48	7/30/2004	105.00	4	420.00	387.05	12.00%	46.45	433.50	48	433.50	433.50	0.00	46.45	12.00%
88884	53	53	7/11/2004	195.00	1	195.00	144.20	13.00%	18.75	162.95	53	162.95	165.75	2.80	18.75	13.00%
88885	54	54	8/9/2004	85.00	2	170.00	193.80	14.00%	23.80	193.80	54	193.80	212.50	18.70	23.80	14.00%
88886	56	56	10/13/2004	125.00	4	500.00	285.09	14.00%	39.91	325.00	56	325.00	331.50	6.50	39.91	14.00%
88887	57	57	8/15/2004	195.00	1	195.00	180.53	13.00%	23.47	204.00	57	204.00	204.00	0.00	23.47	13.00%
88888	58	58	09/06/04	100.00	4	400.00	187.00	12.00%	22.44	209.44	58	209.44	212.50	3.06	22.44	12.00%
88889	59	59	10/09/04	95.00	3	285.00	313.50	10.00%	28.50	313.50	59	313.50	318.75	5.25	28.50	10.00%
YEARLY TOTALS:				1225.00		3140.00	2604.60		297.66	2804.96	TOTAL:	2804.96	3106.75	301.79	297.66	9.58%

NET BANK BALANCE: 301.79

TOTAL CONS AMT: 297.66

TOTAL CONS %: 9.58%

Table 8b (Annual Reporting Example)

SAFE DEPOSIT ACCOUNTS																		
ANNUAL REPORT																		
Water Right Number	Hydrologic Unit	Auth. AF	SDA Balance	Annual Deposit	Annual SDA Used	Year-End SDA Balance (-10%)	Quant Diverted (Last 3 Yrs)	Type of Use	Acres Irr			Number of Acres Per Crop (Last 3 Yrs)						Contract Breach
									2000	2001	2002	1	2	8	15	16	17	
###02	48	177	3.59	9.00	0.00	11.33	490.68	IRR	80	80	80				80	80	80	No
###77	56	198	46.00	0.00	0.00	41.40	375.91	IRR	125	125	125	375						No
###44	57	198	54.36	0.00	0.00	48.92	441.80	IRR	123	123	123	369						No
###25	47	140	5.36	0.00	0.00	4.82	306.75	IRR	128	128	128	128		128			128	No
###14	57	111	0.00	0.00	0.00	0.00	312.31	IRR	130	130	130		130		130	130		No
YEARLY TOTALS									586	586	586	128	874	128	210	210	208	

Table 8c (Consumptive Use Comparison Example)

Comparison of Net Consumptive Use for Water Rights											
Consumptive Use By Right By Year During Bank Operations											
Year of Bank Operation	Water Right 1-24	Water Right 2-82	Water Right 3-28	Water Right 4-73	Water Right 5-92	Water Right 6-85	Water Right 7-89	Water Right 8-91	Water Right 9-01	Water Right 10-56	Sum By Year
1997	83.4	0	0	0	0	76	173	149.2	79	78.4	639.00
1998	159.2	191.1	0	0	0	206	224	187	162	51.2	1180.50
1999	160.8	243.6	113.8	0	0	173	200	197	196.3	61	1345.50
2000	175.2	194.3	43.2	168	0	185.3	219	167.3	55	188	1395.30
2001	164.3	195	120.1	196	237	215	231.1	179	189.4	187	1913.90
Water Right Avg 97-01	148.58	206.00	92.37	182.00	237.00	171.06	209.42	175.90	136.34	113.12	<b>1671.79</b>
Net Consumptive Use	126.29	175.10	78.51	154.70	201.45	145.40	178.01	149.52	115.89	96.15	<b>1421.02</b>
Consumptive Use Rolling Average											
97-99 Years Average	134.47	217.35	113.80	0.00	0.00	151.67	199.00	177.73	145.77	63.53	Sum of Avgs 1203.32
97-00 Years Average	144.65	157.25	78.50	168.00	0.00	160.08	204.00	175.13	123.08	94.65	1305.33
97-01 Years Average	148.58	206.00	92.37	182.00	237.00	171.06	209.42	175.90	136.34	113.12	<b>1671.79</b>
Net Consumptive Use	126.29	175.10	78.51	154.70	201.45	145.40	178.01	149.52	115.89	96.15	<b>1421.02</b>
Total Avg 1987-1996	145.41	156.20	120.84	124.29	162.03	134.95	151.71	209.11	92.37	149.12	<b>1446.03</b>
Net Consumptive Use (85% of 1987-96 WU)	123.60	132.77	102.71	105.65	137.73	114.71	128.95	177.74	78.52	126.75	<b>1229.13</b>

Attachment A

**K.A.R. 5-6-15. Drainage basin boundaries.** (a) The following electronic data files, all dated February 14, 2002, prepared by the division of water resources, Kansas department of agriculture, using data developed by the United States geological survey and the natural resource conservation service, are hereby adopted by reference by the chief engineer for the purpose of defining the boundaries of the 62 drainage basins in Kansas:

- (1) dwrbasins.dbf;
- (2) dwrbasins.sbn;
- (3) dwrbasins.sbx;
- (4) dwrbasins.shp; and
- (5) dwrbasins.shx.

(b) The electronic data files described in subsection (a) shall be used in all situations in which determination of the basin boundaries is necessary.

(c) The boundaries shown in the electronic data files shall be used unless the applicant provides, or the chief engineer has available, better or more site-specific data concerning the actual drainage basin boundaries. (Authorized by K.S.A. 82a-706a; implementing K.S.A. 82a-706 and K.S.A. 82a-706a; effective Sept. 22, 2000; amended Oct. 24, 2003.)

# KDA-DWR Administrative Basin Boundaries

(defined by 14-digit Hydrologic Unit Codes)



February 14, 2002

30 0 30 60 Miles

Kansas Department of Agriculture  
Division of Water Resources  
109 SW Ninth St., 2nd Fl.  
Topeka, KS 66612-1283

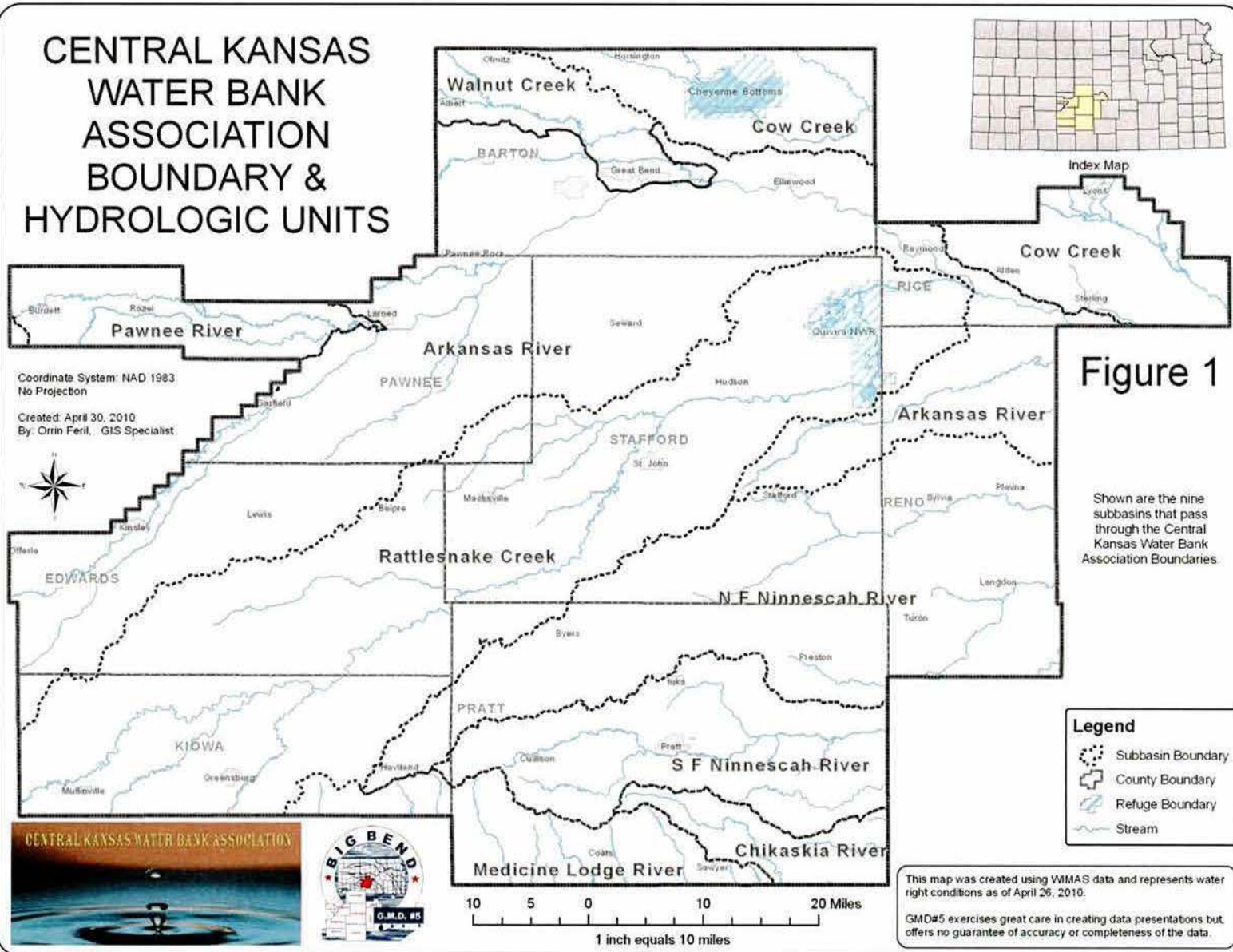
DWR administrative basin boundaries  
 Streams  
 County boundaries

This map is a depiction of the drainage basin boundaries for the state of Kansas and generally reflects the following electronic files, adopted by reference in K.A.R. 5-6-15(a) (1) - (5):

dwrbasin.dbf  
dwrbasin.sbn  
dwrbasin.sbx  
dwrbasin.shp  
dwrbasin.shx

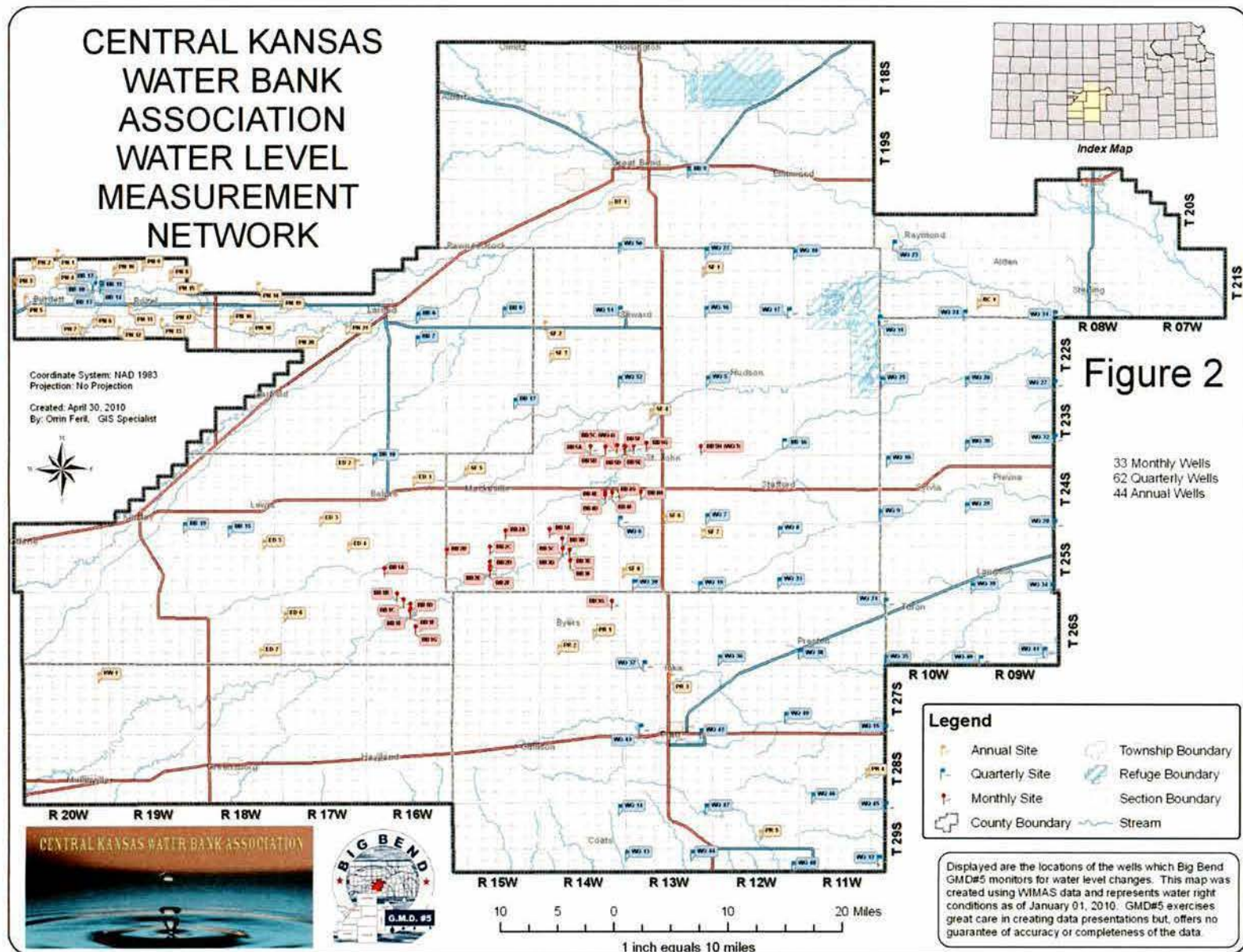
The electronic files, contained on CD, can be obtained from the chief engineer.

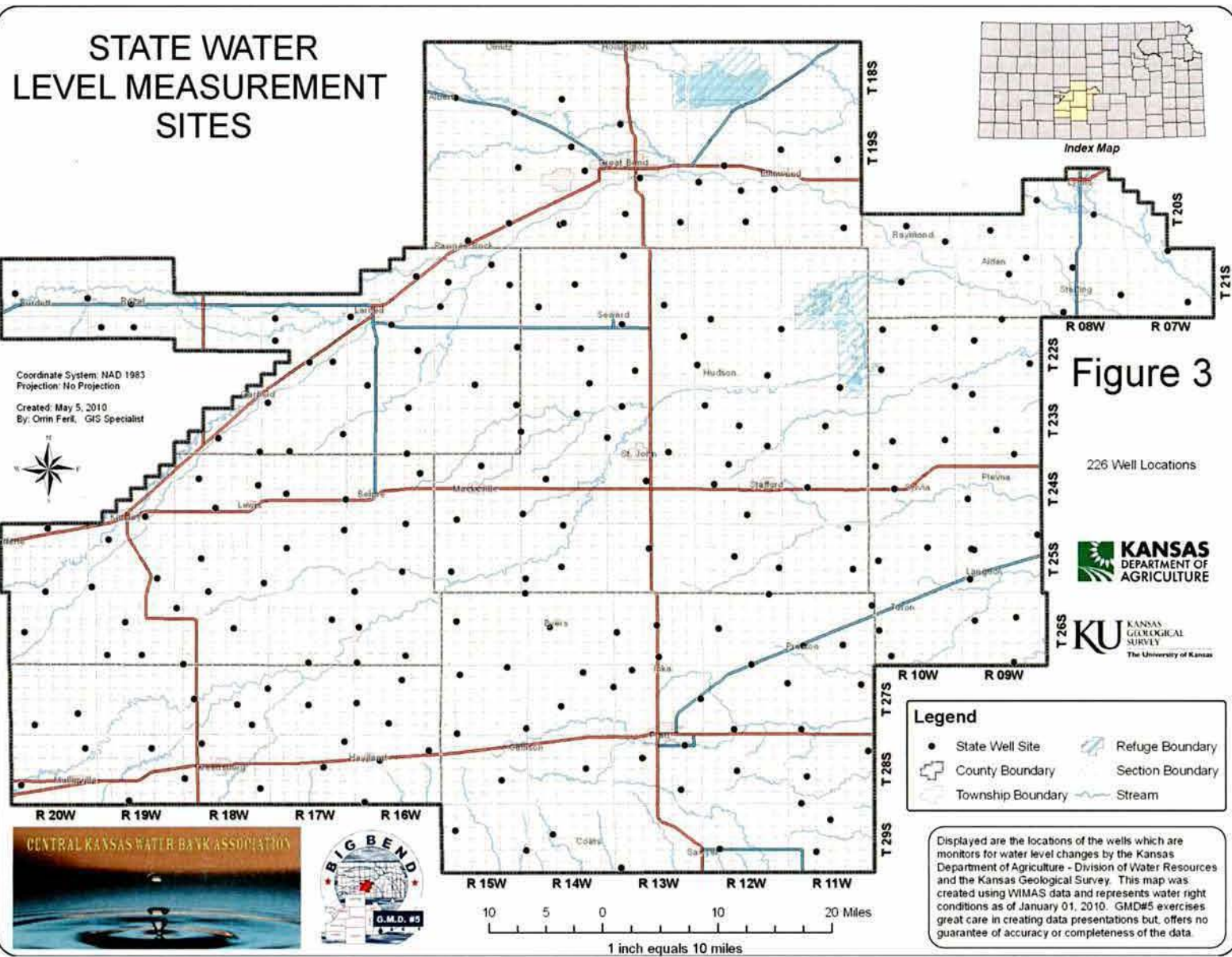
# CENTRAL KANSAS WATER BANK ASSOCIATION BOUNDARY & HYDROLOGIC UNITS



This map was created using WIMAS data and represents water right conditions as of April 26, 2010.

GMD#5 exercises great care in creating data presentations but offers no guarantee of accuracy or completeness of the data.





# CENTRAL KANSAS WATER BANK ASSOCIATION WEATHER STATION NETWORK

Coordinate System: NAD 1983  
Projection: No Projection  
Created: May 5, 2010  
By: Orrin Feril, GIS Specialist

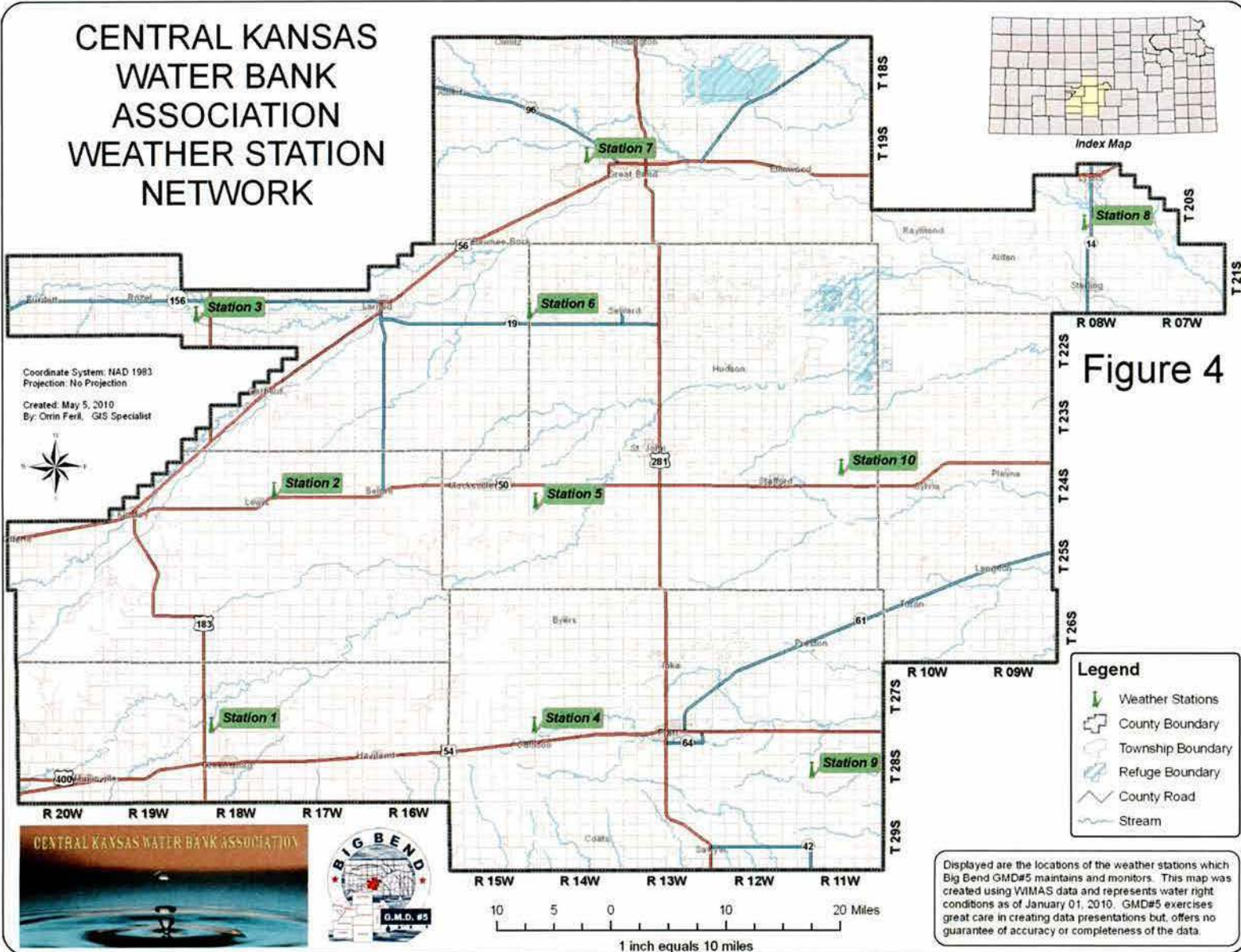


Figure 4

**FIGURE 5**  
**2016 CONSERVATION COMPONENTS**

