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Mike Beam, Secretary

Laura Kelly, Governor

April 23, 2024

RECEIVED

Apr 24 2024

Central Kansas Water
Bank Association

VANESSA MARKS
CENTRAL KANSAS WATER BANK ASSOCIATION
125 S MAIN ST
STAFFORD KS 67578

RE: CKWBA Charter Amendments

Dear Ms. Marks:

Enclosed is a Findings and Order approving the CKWBA Board of Directors' request for amendments to the water bank charter, specifically in Sections 201, 205, 302, 305, 307, 401, 402, 403, 404, 405, 501, 502, 503, 504, 505, 506, 507, 508, 509, 601, 701, 901, Tables 3 and 4, and attached maps, as received in this office on April 16, 2024. A copy of the approved charter is attached.

If you have any questions, please feel free to contact me.

Sincerely,



Earl D. Lewis Jr., P.E.
Chief Engineer

pc: Stafford Field Office
Big Bend GMD No. 5

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
Earl D. Lewis Jr., Chief Engineer

IN THE MATTER OF THE PROPOSED AMENDMENTS TO THE CENTRAL KANSAS WATER BANK ASSOCIATION CHARTER

After due consideration, the Chief Engineer, Kansas Department of Agriculture, Division of Water Resources (hereinafter referred to as the "Chief Engineer") makes the following Findings and Order:

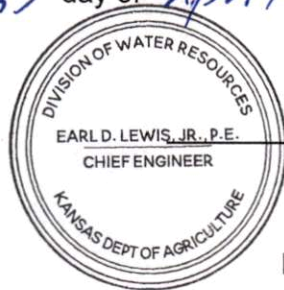
FINDINGS

1. That on June 30, 2005, the Chief Engineer authorized the establishment of the Central Kansas Water Bank Association (CKWBA) with approval of an initial water bank charter pursuant to the provisions of K.S.A. 82a-761 through K.S.A. 82a-773 (Kansas Water Banking Act) and regulations adopted pursuant thereto, including K.A.R. 5-17-10.
2. That on March 25, 2015, after evaluation of the performance of the CKWBA, and after review of an amended final water bank charter received on March 7, 2013, the Chief Engineer declared the bank to be fully chartered, in accordance with K.S.A. 82a-767.
3. That K.S.A. 82a-765(d) requires that any amendment to the charter of a water bank be submitted for review and approval by the Chief Engineer prior to adoption of the amendment.
4. That on October 29, 2019, and September 28, 2023, the Chief Engineer reviewed and approved proposed amendments to the CKWBA charter.
5. That on April 16, 2024, the Chief Engineer received proposed charter amendments from the CKWBA Board of Directors pertaining to Sections 201, 205, 302, 305, 307, 401, 402, 403, 404, 405, 501, 502, 503, 504, 505, 506, 507, 508, 509, 601, 701, and 901, Tables 3 and 4, and attached maps.
6. That the Chief Engineer finds that the proposed charter amendments are consistent with the CKWBA's purpose and with state law.
7. That K.S.A. 82a-767 requires regular reviews of the water bank at intervals not greater than every 5 years, which will provide an opportunity to review the performance of the proposed amendments, and any subsequent amendments, which must also be reviewed by the Chief Engineer prior to adoption.

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 K.S.A. 82a-773 and regulations adopted pursuant thereto, including K.A.R. 5-17-10, the proposed amendments to the Central Kansas Water Bank Association's Charter, contained in Sections 201, 205, 302, 305, 307, 401, 402, 403, 404, 405, 501, 502, 503, 504, 505, 506, 507, 508, 509, 601, 701, and 901, Tables 3 and 4, and attached maps, as submitted on April 16, 2024, are hereby approved.

It is so ordered this 23rd day of April, 2024, in Manhattan, Riley County, Kansas.

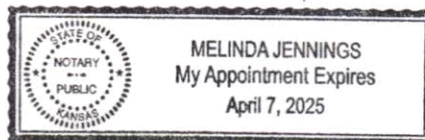


Earl D. Lewis Jr.
Earl D. Lewis Jr., P.E.
Chief Engineer
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 23 day of April, 2024, by Earl D. Lewis Jr., P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

Melinda Jennings
Notary Public



RIGHT TO PETITION FOR REVIEW UNDER THE KANSAS JUDICIAL REVIEW ACT

This is a final agency action. If you choose to appeal this decision or any finding or part thereof, you must do so by filing a petition for review in a district court of competent jurisdiction and otherwise in the manner prescribed by the Kansas Act for Judicial Review and Civil Enforcement of Agency Actions (K.S.A. 77-601 et seq.) within 30 days of service of this order. The Chief Legal Counsel for the Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, is the agency officer to receive service of a petition for judicial review on behalf of the Kansas Department of Agriculture, Division of Water Resources.

CERTIFICATE OF SERVICE

On this 23 day of April, 2024, I hereby certify that the attached Findings and Order, dated 23 April, 2024, was mailed postage prepaid, First-Class Mail to the following:

CENTRAL KANSAS WATER BANK ASSOCIATION
125 S MAIN ST
STAFFORD KS 67578

With a photocopy to:

KDA-DWR Stafford Field Office

Big Bend GMD No. 5



Staff

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

EFFECTIVE XXXXXX XX, XXXX

PREAMBLE

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

The following elected directors currently operate the water bank as of
February 15, 2024

Bradon Bortz
20110 SE 110th Ave
Cunningham, KS 67035

John Janssen
PO Box 207
Kinsley, KS 67547-0207

Greg Ebert
PO Box 242
Kinsley, KS 67547

Andrew Vosburgh
1137 W Highway 50
Macksville, KS 67557

Vernon Hirt
12640 NW Turkey Ln Rd
Sawyer, KS 67134

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 expiration of the term of any director by selecting a replacement from among the eligible voters of the Association to serve for remainder of 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. Not less than every five years, the operations of the water bank shall be subject to review by a team convened in accordance with K.S.A 82a-767. The charter shall remain in place unless revised by a subsequent charter or if operation of the bank is determined by the chief engineer to be inconsistent with statute or regulation.

Section 303

Amendments to Charter

This charter may be amended by the board at any regular meeting or upon approval by a majority of the eligible voters of the Association that are present at an annual meeting. Any amendments to the charter must be approved by the chief engineer prior to becoming effective. Upon adoption of changes to the Association, all participants with the Association will be required to accept the updated changes.

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

Approval of any changes to the administrative organization of the board, including but not limited to the number of board positions, shall require approval by a majority of the eligible voters present

at the annual meeting and shall be consistent with K.S.A. 82a-765(b)(3), as amended, and K.A.R. 5-17-10(a)(4), provided public notice is given prior to any such election.

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 30 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 at the reasonable discretion of the board.

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 program objective is to 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 Association, 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

The Great Bend Prairie aquifer within the association boundaries is hereby adopted as the hydrologic unit for the purpose of defining the area from which water rights authorizing diversion of water may be deposited and from which water may be leased.

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 determining permissible leasing operations 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 eliminating the need to divide the hydrologic unit into smaller segments.

Section 403

Natural Watercourses within the Association

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. Special programs have been developed and 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)). 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– The Middle Arkansas region covers approximately 713,000 acres (28.53%) of the Association area. Due to concerns regarding streamflow, no leased water shall be utilized 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 Association.
2. Rattlesnake Creek– The Rattlesnake Creek region covers approximately 688,600 acres (27.56%) of the Association area. The chief engineer, Division of Water Resources has declared the aquifer in this region to be in need of recovery as per K.S.A. 2-1915 (a) (2) (A). No leased water will be utilized within two miles of the stream.
3. Pawnee River– The Pawnee River region covers 85,800 acres (3.43%) of the Association area and is in an intensive groundwater use control area (IGUCA). Banking activities in this region shall not conflict with any revised IGUCA order. No leased water shall be utilized within one mile of the river.
4. Walnut Creek– The Walnut Creek region covers approximately 67,600 acres (2.71%) of the Association area 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 region. Due to the nature of this IGUCA order, no banking activities can take place in this region. Water users may, however, utilize the bulletin board for posting temporary transfers.
5. North Fork Ninnescah River– The North Fork Ninnescah River region covers approximately 407,600 acres (16.31%) of the Association area. Water levels have remained stable in the eastern portions of this region. Quarter mile spacing from the stream restrictions are set for the North Fork Ninnescah and Goose Creek.
6. South Fork Ninnescah River– The South Fork Ninnescah River region covers approximately 184,000 acres (7.38%) of the Association 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– The Cow Creek region 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 region in Barton County.

8. Chikaskia River– Chikaskia River region 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– The Medicine Lodge River region 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

The base period of 2002 through 2021 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. For water rights not permitted during the entire representative past period the Association 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, or
- b) the average percentage of water lawfully used under water rights determined to be bankable for all water rights in that county that were permitted during the representative period.

Table 3 reflects preliminary information on average water use in each county for years 2002 through 2021.

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 county, it is difficult to apply the same conservation requirements in all areas. Each county 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 county. This map is derived using the parameters defined in Table 5.

The requirements outlined in Tables 2 and 5 for each county may be amended by the board or at the request of a minimum of 10% of the eligible voters of any county 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 utilizing the most up-to-date revision to the hydrologic model developed by the District (BBGMDMOD).

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 county 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 county 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

All Association participants shall file a copy of the water use reports with the Association for the duration of the contract or permit on or before March 1 annually.

Section 503

Deposits

The Association shall allow for public and private 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 public deposit and will only receive compensation for such public deposit when the water is leased from the Association and lease term permits are approved by KDA-DWR. The public deposit will be posted on the Association's bulletin board when all fees required with the public deposit are paid in full to the Association. Annual public 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 public 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) 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 a contract to deposit on a form prescribed by the Association and approved by the chief engineer. The contract shall include, but not be limited, to the following:

- A. The water right file number
- B. The hydrologic unit designation
- C. Designation of public vs private deposit
- D. Calendar years that the water right will be on deposit not to exceed five years
- E. Whether the water right is a vested right or certified right
- F. Any CRP contracts or WRCP contracts that were in effect any part of the representative period
- G. Any violations of the water right within the last five years
- H. Quantity of water proposed for deposit
- I. If partial deposit, amount remaining under bankable portion of original water right.
- J. Terms of payment
- K. Source of supply
- L. Amount of water right that is bankable (average water use in past representative period)

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 Association 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 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 county. 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 1st of the year preceding the first year the water user wishes to make a deposit.

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, or in instances where water rights were perfected together, place of use limitations are applied, overlapped water rights that have a common point of diversion or place of use may be placed in one account and can be reviewed on a case-by-case basis.

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)).

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 ensure a fair and impartial process. Water that has been contracted for public 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

2002 through 2021 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 county. Accurate accounting of all savings 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 county 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 the Association boundaries does not exceed 90% of the historic average annual amount collectively diverted pursuant to all deposited water rights or portions of water rights 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 the Association 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.

ARTICLE VII

HYDROLOGIC REVIEW

Section 701

Hydrologic Review Criteria

Climatic conditions and water use can have an impact on water levels within the Association.

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 twelve 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 analysis 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 county must be analyzed to determine if water users not participating in the program increased their use over the county 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

All participants are required to abide by all provisions of the associated water right permit, contracts, and applicable rules and regulations. All violations shall be processed through Section 902 of this charter, and K.A.R. 5-17-13. The board reserves the right to review or modify the application of the resolution in Section 902.

Section 902

Compliance Table

Account Type	Compliance Issue	Offense	Resolution *
All Accounts	CP (Meter Tampering)	1	5-year suspension
All Accounts	CP (Water Use Report Falsification)	1	5-year suspension
Savings Account	WUR submitted to Association after March 1	1 – 2**	Deposit ineligible
Savings Account	WUR submitted to Association after March 1	3**	Account closure
Savings Account	Failure to provide verifiable records for unmetered usage by April 1	1 – 2**	Deposit ineligible
Savings Account	Failure to provide verifiable records for unmetered usage by April 1	3**	Account closure
Savings Account	CP (Exceed Authorized Quantity)	1 - 2	3-year suspension
Savings Account	CP (Exceed Authorized Quantity)	3	Account closure
Deposit or Lease Contract	CP (Exceed Authorized Quantity)	1 - 2	3-year suspension
Deposit or Lease Contract	CP (Exceed Authorized Quantity)	3	Participation ineligible

WUR – Water Use Report

KDA–DWR – Kansas Department of Agriculture – Division of Water Resources

CP – Civil Penalty Order

* Time based on date of offense

** Consecutive offense

Table 1 (Potential Fee Schedule)

POTENTIAL FEE SCHEDULE				
	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
Total Cost (CKWBA)	\$ 450		\$ 950	
Findings & Order - DWR	\$ 400			
Term Permit - DWR		Varies		Varies
Total Cost (CKWBA + DWR)	\$ 850		\$ 950	\$ 650

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)

2002 - 2021 Yearly Water Use Totals by County within																					
Central Kansas Water Bank Association																					
Barton County	Auth Quant	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Yearly Totals (AF)	112,316	54,062	51,360	40,785	48,286	46,684	46,389	24,633	39,880	72,223	55,842	46,761	32,642	30,839	40,949	47,650	40,303	40,225	31,518	43,926	36,827
% by Yr - Water Use/Auth. Water		48.1%	45.7%	36.3%	43.9%	41.6%	41.3%	21.9%	35.5%	64.3%	49.7%	41.6%	28.1%	27.5%	36.5%	42.4%	35.9%	35.8%	28.1%	39.1%	32.8%
20 Yr Water Use (AF)	872,783																				
20 Yr Auth Water (AF)	2,446,320																				
20 Yr % - Water Use/Auth. Water	38.9%																				
Edwards County	Auth Quant	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Yearly Totals (AF)	153,522	118,437	112,955	85,777	92,963	103,137	78,784	94,947	89,953	97,034	125,876	112,442	91,775	94,456	101,500	88,341	109,167	82,897	90,907	88,483	96,501
% by Yr - Water Use/Auth. Water		77.1%	73.6%	55.9%	60.6%	67.2%	51.3%	61.8%	58.6%	63.2%	82.0%	73.2%	59.8%	61.5%	66.1%	57.5%	71.1%	54.0%	59.2%	57.6%	62.9%
20 Yr Water Use (AF)	1,956,332																				
20 Yr Auth Water (AF)	3,070,443																				
20 Yr % - Water Use/Auth. Water	63.7%																				
Nowata County	Auth Quant	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Yearly Totals (AF)	78,341	58,825	57,724	51,789	47,601	57,969	44,671	51,719	49,988	55,472	70,201	59,965	52,765	52,143	57,966	50,978	59,671	47,270	54,266	54,425	58,786
% by Yr - Water Use/Auth. Water		75.1%	73.7%	66.1%	60.3%	74.0%	57.0%	66.0%	63.8%	70.8%	89.6%	76.6%	67.4%	66.6%	74.0%	65.1%	76.2%	60.3%	69.3%	69.5%	75.0%
20 Yr Water Use (AF)	1,094,221																				
20 Yr Auth Water (AF)	1,366,829																				
20 Yr % - Water Use/Auth. Water	69.8%																				
Pawnee County	Auth Quant	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Yearly Totals (AF)	116,630	86,272	78,246	56,263	67,802	64,780	52,018	53,599	56,770	68,988	88,391	79,815	63,985	66,737	62,830	48,708	69,613	53,990	54,998	60,779	64,815
% by Yr - Water Use/Auth. Water		74.0%	67.1%	48.2%	58.1%	55.5%	44.6%	46.0%	48.7%	59.2%	75.8%	68.4%	54.9%	57.2%	53.9%	41.8%	59.7%	46.3%	47.2%	52.1%	55.6%
20 Yr Water Use (AF)	1,299,400																				
20 Yr Auth Water (AF)	2,332,599																				
20 Yr % - Water Use/Auth. Water	55.7%																				
Pratt County	Auth Quant	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Yearly Totals (AF)	138,476	97,350	106,929	69,827	81,159	97,614	65,413	85,215	91,486	93,600	130,286	106,349	82,345	81,006	91,060	84,881	96,745	74,682	86,762	86,585	100,687
% by Yr - Water Use/Auth. Water		70.3%	77.2%	50.4%	58.6%	66.2%	47.2%	61.5%	66.1%	67.6%	94.1%	76.8%	59.5%	58.5%	65.8%	61.3%	69.3%	53.9%	62.7%	62.5%	72.7%
20 Yr Water Use (AF)	1,804,022																				
20 Yr Auth Water (AF)	2,769,511																				
20 Yr % - Water Use/Auth. Water	65.1%																				
Reno County	Auth Quant	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Yearly Totals (AF)	20,088	13,369	14,884	9,269	11,844	13,046	10,483	9,720	12,240	14,090	17,490	15,521	10,257	12,310	13,516	9,640	12,303	10,447	11,371	11,324	13,395
% by Yr - Water Use/Auth. Water		66.5%	74.1%	46.1%	59.0%	64.9%	52.2%	48.4%	60.9%	70.1%	87.1%	77.3%	55.1%	61.3%	67.3%	48.0%	61.2%	52.0%	56.6%	56.4%	66.2%
20 Yr Water Use (AF)	246,422																				
20 Yr Auth Water (AF)	401,765																				
20 Yr % - Water Use/Auth. Water	61.3%																				
Rice County	Auth Quant	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Yearly Totals (AF)	35,013	19,704	23,977	16,080	18,604	21,363	13,307	10,994	13,075	17,325	25,366	23,160	15,275	16,812	18,936	13,681	17,283	15,310	14,607	16,809	18,782
% by Yr - Water Use/Auth. Water		56.3%	68.5%	45.8%	53.1%	61.0%	38.0%	31.4%	37.3%	48.5%	72.4%	66.1%	43.6%	48.0%	54.1%	39.1%	49.4%	43.7%	41.7%	48.0%	53.6%
20 Yr Water Use (AF)	350,389																				
20 Yr Auth Water (AF)	700,268																				
20 Yr % - Water Use/Auth. Water	50.0%																				
Stafford County	Auth Quant	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Yearly Totals (AF)	143,524	102,263	102,129	67,648	81,338	92,493	69,651	71,639	75,433	99,510	126,606	106,232	77,604	81,433	96,259	75,109	90,267	81,965	82,081	89,735	95,732
% by Yr - Water Use/Auth. Water		71.3%	71.2%	47.1%	57.1%	64.4%	48.5%	49.9%	52.6%	69.3%	88.2%	74.0%	54.1%	56.7%	67.1%	52.3%	62.3%	57.1%	57.2%	56.3%	66.7%
20 Yr Water Use (AF)	1,756,760																				
20 Yr Auth Water (AF)	2,870,487																				
20 Yr % - Water Use/Auth. Water	61.2%																				

Table 4 (Potential for Water Banking Participation)

County	Total PUSE Sq. Miles	Total PUSE Acres	% of County within Association Boundary	Total AF Authorized	Total Active Water Rights	Total Active Points of Diversion
Barton	198.7	127164.0	59.9	112508.1	504	518
Edwards	374.7	239792.2	79.2	153518.0	843	902
Kiowa	221.6	141797.9	50.4	78341.5	403	415
Pawnee	295.9	189358.9	56.0	116629.9	764	742
Pratt	455.1	291235.4	100.0	138475.6	794	752
Reno	83.8	53647.6	28.7	20088.3	157	147
Rice	111.5	71352.4	32.3	35013.4	244	245
Stafford	429.3	274759.5	100.0	143524.3	795	784

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		MC308				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	7/1/2004	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				109.312	9.00	0.00	106.48	1927.44		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	1671.79
Net Consumptive Use	126.29	175.10	78.51	154.70	201.45	145.40	178.01	149.52	115.89	96.15	1421.02
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	1671.79
Net Consumptive Use	126.29	175.10	78.51	154.70	201.45	145.40	178.01	149.52	115.89	96.15	1421.02
Total Avg 1987-1996	145.41	156.20	120.84	124.29	162.03	134.95	151.71	209.11	92.37	149.12	1446.03
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	1229.13

