

MINUTES OF THE SENATE NATURAL RESOURCES COMMITTEE

The meeting was called to order by Chairman Ralph Ostmeyer at 8:33 a.m. on February 17, 2011, in Room 159-S of the Capitol.

All members were present except:  
Senator Steve Morris, Excused

Committee staff present:  
Tamera Lawrence, Office of the Revisor of Statutes  
Jason Thompson, Office of the Revisor of Statutes  
Heather O'Hara, Kansas Legislative Research Department  
Laura Younker, Kansas Legislative Research Department  
Dana Wethington, Committee Assistant

Conferees appearing before the Committee:  
Bill Bider, Director, Bureau of Waste Management, Kansas Department of Health & Environment  
Earl Lewis, PE, Assistant Director, Kansas Water Office  
Brad Shogren, President, Lower Smoky Valley Irrigators Association  
Kent Askren, Water Resources Specialist, Kansas Farm Bureau  
John Donley, Assistant Counsel, Kansas Livestock Association

Others attending:  
See attached list.

**SB 188 - Amending the exemptions from a solid waste permit**

Chairman Ostmeyer opened the hearing on **SB 188**.

Revisor Tamera Lawrence gave an overview. **SB188** would change existing law to expand the Kansas Department of Health and Environment's (KDHE) authority to approve the disposal of the demolition waste of buildings or structures at, adjacent to, or near the site of the building or structure without requiring a solid waste permit. The bill also would add additional evaluation criteria that the Secretary of KDHE must consider when determining whether to approve a request for off-site disposal of demolition waste. The additional criteria to consider would include public safety concerns, proposed plans to redevelop the demolition site, and the disposal capacity of any nearby permitted landfills.

Bill Bider, Director, Bureau of Waste Management, Kansas Department of Health & Environment, gave testimony in support of **SB 188**. He said the bill would significantly benefit small town redevelopment and minimize small town expenditures without impacting private landfill business practices. (Attachment 1) Discussion followed.

There being no further conferees, Chairman Ostmeyer closed the hearing for **SB 188**.

Chairman Ostmeyer called for final action on **SB 188**.

Senator Teichman made a motion, seconded by Senator Abrams to pass out favorably **SB 188**; motion carried.

**SB 124 - Concerning the Kansas Water Office; relating to water supply storage access and creating the Lower Smoky Hill water supply access program**

Chairman Ostmeyer opened hearing on **SB 124**.

Revisor Tamera Lawrence gave an overview. **SB 124** would create the Lower Smoky Hill Water Supply Access District, the Lower Smoky Hill Water Supply Access Program, the Lower Smoky Hill Special Irrigation District, and the Lower Smoky Hill Water Supply Access Fund. The bill would create the

## CONTINUATION SHEET

Minutes of the Senate Natural Resources Committee at 8:33 a.m. on February 17, 2011, in Room 159-S of the Capitol.

Lower Smoky Hill Water Supply Access Program within the Kansas Water Office. The agency, with the approval of the Kansas Water Authority, would have the authority to negotiate and enter into contracts for water supply access storage to be used for the purposes outlined in the bill. The agency also could designate all or any portion of the water held in Kanopolis Reservoir to water supply access storage to meet the needs of the Lower Smoky Hill Water Supply Access District. The bill would create the Lower Smoky Hill Water Supply Access Fund within the State Treasury, which would be administered by the Kansas Water Office. All expenditures from the Fund shall be for purposes of the provisions of the bill and made in accordance with appropriations acts. The bill would create the Lower Smoky Hill Water Supply Access District and authorize the establishment of an incorporating governing body. Prospective members of the Access District may join if they apply to the Kansas Water Office for water supply access storage, for the purposes of this act, and would apply for a water right which makes them eligible for membership under this act. The Director of the Kansas Water Office, in consultation with the Chief Engineer, would approve prospective members under certain conditions. The Access District would have authority to impose charges against members of the Access District to pay the Kansas Water Office the full annual amortized cost incurred for the operation, administration, and enforcement of the program. In addition, the Access District would have authority to impose additional charges for repayment of bonds used for certain projects or to finance the purchase of water storage in Kanopolis Reservoir and to cover district operating costs. All moneys would be remitted to the Kansas Water Office for deposit in the Lower Smoky Hill Water Supply Access Fund. The bill would authorize the Director of the Kansas Water Office to request releases of water supply access water by the federal government from the Kanopolis Reservoir and would communicate to the Chief Engineer the date and quantity of requests for releases. Each member of the Access District would adopt conservation plans and practices, which would be consistent with the guidelines maintained by the Kansas Water Office.

Earl Lewis, PE, Assistant Director, Kansas Water Office, provided testimony in support of **SB 124**. (Attachment 2) He stated it would allow the Kansas Water Office to provide access to water storage owned by the state in Kanopolis Reservoir to downstream users. The bill is the result of on-going discussion and review by stakeholders in the area since 2006. The bill would allow downstream surface water right holders to voluntarily form a special district for the purpose of purchasing storage in Kanopolis Reservoir.

Brad Shogren, President, Lower Smoky Valley Irrigators Association, provided testimony in support of **SB 124**. (Attachment 3) He said it would preserve the present water demands and create a system to address future needs.

Kent Askren, Water Resources Specialist, Kansas Farm Bureau, provided testimony in support of **SB 124**. (Attachment 4) He said irrigation water rights enhance agriculture production and provide consistency during years when water is in short supply.

John Donley, Assistant Counsel, Kansas Livestock Association, provided testimony in support of **SB 124**. (Attachment 5) He said the bill will allow water users below Kanopolis Reservoir to have an opportunity to purchase part of the storage capacity of the water that is owned by the state, providing users with the ability to meet water needs.

City of Salina: Jason Gage, City Manager; Martha Tasker, Director of Utilities provided written testimony in support of **SB 124**. (Attachment 6) The testimony said it would help Salina meet water demands during drought conditions.

Discussion followed.

There being no further conferees, Chairman Ostmeyer closed the hearing for **SB 124**.

Chairman Ostmeyer announced the next meeting is scheduled for February 18, 2011.

The meeting was adjourned at 9:30 a.m.

# SENATE NATURAL RESOURCES COMMITTEE

Guest Roster  
Feb. 17, 2011

Name	Representing
John Mitchell	KDHE
Kent Askren	KFB
Kim Christensen	KWO
Earl Lewis	KWO
Paul Johnson	Ks. Rural Center
Sean Mulca	CAPITOL STRATEGIES
Paul Graves	KDA
LANE LETOURNEAU	KDA
JOHN BOTTENBERG	Duff-Bonbaugh Ind
John A. Donley	KS Lost. Ass'n.
Steve Johnson	House Dist. 108
Nathan Lindsey	Kearney + Associates
Tom Goches	KSPE
Lauren DeMott	Kansas Farmers Union
Mary Jane Stankiewicz	KARA



## **Testimony on Senate Bill 188**

**Presented to  
Senate Committee on Natural Resources**

**By  
Bill Bider  
Director, Bureau of Waste Management  
Kansas Department of Health and Environment**

**February 17, 2011**

Chairman Ostmeyer and members of the committee, my name is Bill Bider. I am the director of KDHE's Bureau of Waste Management. We appreciate this opportunity to provide testimony in support of Senate Bill 188, which will authorize our department to approve of certain solid waste disposal activities without a permit issued by the department. More specifically, the change proposed to K.S.A. 65-3407c will allow KDHE to approve of the disposal of building demolition waste at locations "adjacent to or near" the building demolition site. Existing law already allows the department to approve of disposal at the demolition site if certain conditions are satisfied.

Why is this change to the law needed? Over the past two years, several small communities in western Kansas have contacted KDHE requesting permission to dispose of inert building demolition waste at sites located just outside of town. The buildings to be demolished have included condemned structures that present safety and aesthetic concerns. Some requests have more generally related to a city's goal to improve and redevelop their downtown area. Our existing authority to approve of the on-site burial of waste is not practical because of space limitations and redevelopment plans. Also, disposal in existing permitted landfills has been impractical due to various reasons including the distance to the landfills, the capacity of the landfills, and the cost of disposal. Despite these factors, KDHE has had to deny the requests because existing law requires disposal of such waste in a permitted landfill unless the waste is buried at the demolition site.

The existing section of law identifies seven sources of waste that are eligible for disposal without a permit and the factors that KDHE should consider when reviewing such requests. The building demolition category is proposed for modification to add the authorization to bury the waste some reasonable distance away from the demolition site. Also, some additional evaluation criteria are added to ensure that this new authority is not abused. Additional factors to be considered by KDHE when reviewing requests include: (1) public safety concerns, (2) proposed plans to redevelop the demolition site, and (3) the disposal capacity of any nearby landfills. The existing criteria already allow KDHE to consider the cost of alternative disposal methods.

We believe this change to the law will significantly benefit small town redevelopment and minimize small town expenditures without impacting private landfill business practices.

Thank you for the opportunity to provide testimony. I would be happy to answer any questions.

**Senate Natural Resources  
2-17-11  
Attachment 1**

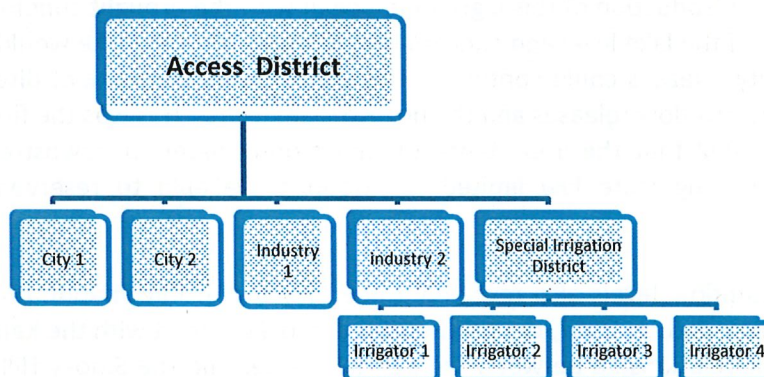
**Before the  
Senate Natural Resources Committee  
Testimony on SB 124  
Earl Lewis, Assistant Director, Kansas Water Office  
February 17, 2011**

Chairman Ostmeyer and members of the Committee, I am Earl Lewis, Assistant Director of the Kansas Water Office, and I am pleased to appear today in support of SB 124.

SB 124 would create a new entity, an "Access District," to allow the Kansas Water Office to provide access to water storage owned by the state in Kanopolis Reservoir to downstream users. Membership in the Access District is voluntary and may include municipal, industrial, recreation and irrigation users in the reach of the Smoky Hill River below Kanopolis Reservoir to the confluence of the Smoky Hill and Solomon Rivers.

The legislation also creates a special irrigation district in the area for purposes of membership in the Access District. *See sections 16-23.* Current Irrigation district law is too broad for the membership purposes of this organization. The stakeholder group determined that creating a special, limited irrigation entity for membership purposes would be preferable to other options.

The following diagram illustrates the structure of the proposed Access District.



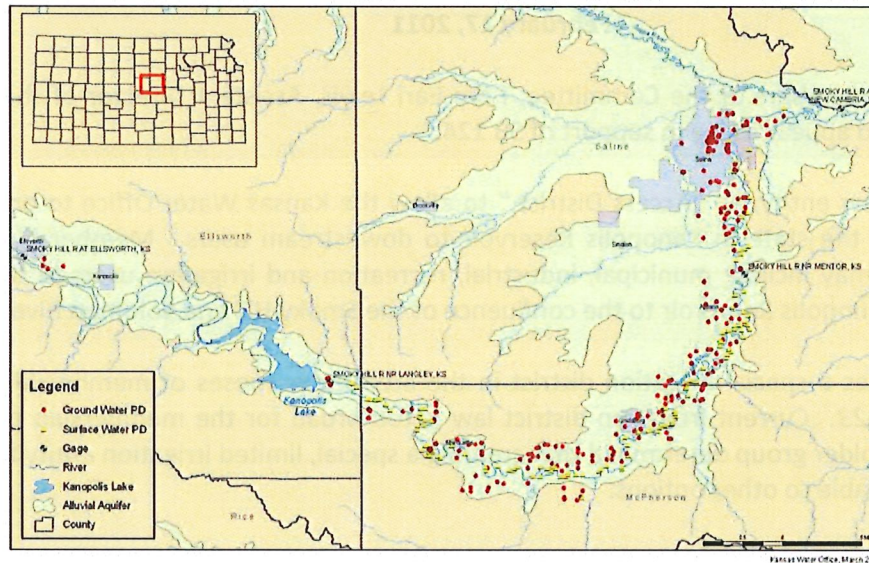
The legislation before you is the on-going discussion and review by stakeholders in the area since 2006. It implements the Kansas Water Plan policy, *Access to Water Releases From Kanopolis Reservoir*, approved in November 2010. That policy was a result of several years of review of reservoir and river management and discussions with interested area residents about operation of the reservoir and the needs of the stakeholders in the area. Some of the stakeholders are represented here today. Creation of the Access District allows the State and the stakeholders to manage better the resources of the Reservoir and the river below the reservoir.

Kanopolis Reservoir is one of 13 reservoirs in Kansas developed by the Corps of Engineers in which the state owns water supply storage. Access to water from water supply storage is currently obtained through Water



Marketing Program contracts or storage ownership through the Water Assurance Program and is limited to municipal and industrial uses only.

There are water rights totaling 37,267 acre-feet per year from surface and alluvial groundwater sources in the 101 miles of river below Kanopolis Dam to the confluence of the Smoky Hill and Saline rivers, as you can see on the following map. The majority are appropriations for irrigation and municipal use, including the City of Salina. Currently, no water is released from state owned water supply storage in Kanopolis Reservoir to meet those downstream needs. The Corps of Engineers makes releases from federally owned storage for instream water quality purposes.

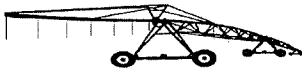


Discussions that lead to the introduction of this legislation began with the drought conditions in 2006. Drought conditions caused lowering of the lake level and concern that releases from the lake would need to be limited in 2007 to insure water quality releases could continue. This concern and subsequent discussion demonstrated the connection between the low flow releases and the downstream users. This was the first time since the state had purchased storage in 2002 that the importance of that stored water to downstream users became so evident. Unfortunately, existing state law limited the options available to reservoir storage to existing downstream users.

The low reservoir and streamflow levels also revealed a need for better information on how the stream and aquifer below Kanopolis interacted. In 2007, the KWO entered into a contract with the Kansas Geological Survey to determine the hydrologic relationship between the alluvial aquifer and the Smoky Hill River. The modeling was completed in 2009. Discussions with the irrigation community; cities of Salina and Lindsborg; and Post Rock Rural Water District were initiated during the development of the model and have been an integral part of the process to understand the system and to develop an improved management plan for the releases from Kanopolis Reservoir. Post Rock is currently the only customer of state owned storage at Kanopolis and obtains their water directly from the reservoir.

In summary, several years of stakeholder input and discussion led to the legislation before you. The bill allows the downstream surface water right holders voluntarily to form a special district for the purpose of purchasing storage in Kanopolis Reservoir. We believe this cooperative effort will lead to improved management of the water resources in the Kanopolis region.

I appreciate the opportunity to appear today and will stand for questions at the appropriate time.



## **Lower Smoky Valley Irrigators Association**

447 North Harrison, Lindsborg, Kansas 67456

Brad Shogren, President, telephone: (620) 242-7733

Karl Esping, Vice-President, telephone: (785) 452-1519

Tom Toll, Treasurer, telephone: (785) 826-7863

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February 17, 2011

The proposed legislation we are discussing today, Senate Bill 124, is the culmination of many years of serious study of the Smoky Hill River system below Kanopolis Reservoir in the Smoky Valley. We would like to thank the Kansas Water Office (KWO), the Kansas Water Authority and this legislative body for working to develop a plan to address this resource concern.

The stakeholders in the basin and the KWO began discussions shortly after the KWO proposed a deviation from the release schedule of the Kanopolis Reservoir after a drought reduced water levels to almost seven feet below conservation levels. These stakeholders included the cities of Salina and Lindsborg, Post Rock Water District and irrigators in the Smoky Valley. The stakeholders have throughout showed unity in insuring that the current water users who have made investments developing this water resource be addressed and insured continued use of this water resource.

I am, Brad Shogren, and I represent the irrigators of the Smoky Valley who have formed an association, Lower Smoky Valley Irrigators Association, of which I serve as president and we are here to support this legislation. I brought some members of our association also to support this legislation.

The purpose for this legislation is because the State of Kansas has acquired the available water storage in Kanopolis Reservoir and would like to modify the release schedule of the reservoir to enhance the storage in the reservoir. The Corps of Engineers follows a standard release schedule to make discharges from Kanopolis. Any changes to the current release schedule could impact the current surface water appropriations, including irrigation, in the valley. Present state law only allows for industrial and municipal water users to participate in long term state stored water programs. This excludes the irrigators from participating in any long term water supply programs the state currently offers. This legislation proposes to create a Smoky Hill River special irrigation district within a Lower Smoky Valley water supply access program allowing agriculture access to stored water from Kanopolis Reservoir.

With this legislation a portion of the stored water releases could be used to supplement water appropriations and help insure a reliable supply of water for all water users. This legislation could also reduce the chances for costly water administration to protect stored water releases.

A basin management plan will be developed with input from all interested stakeholders to enhance the release schedule to maximize storage in the reservoir.

The current state water storage program was designed for and implemented in the eastern portion of the state that did not have existing appropriations on those water resources. Kanopolis Reservoir is the first reservoir to have these demands and appropriations on the releases below the reservoir.

We support this legislation and view it as a piece of a larger process which we hope will preserve the present water demands and create a system to address future needs.

I have included a narrative with this oral testimony that contains a description of the Smoky Valley and the activities of the stakeholders from the time of the deviation hearing.

Once again I thank you for consideration of this legislation.

Respectfully submitted,

Brad Shogren, President  
Lower Smoky Valley Irrigators Association



### ***Narrative of Smoky Hill River and Kanopolis Reservoir***

The Smoky Hill River Valley has changed since the Kanopolis Reservoir was built in the 1950's. The water resources of the valley were developed into a water supply for the City of Salina and local farmers who diverted flows to irrigate their crops. These water rights were appropriated by the Chief Engineer of the Kansas Department of Agriculture Division of Water Resources (DWR). The economic benefits and productivity from developing this resource have benefited the local community and economy.

The irrigation community has developed over 90 irrigation water rights which provide water for over 8000 acres of farmland. The development of these water rights required a substantial investment in equipment and land preparation costs. This investment could be negated if the irrigation community cannot be assured a reliable consistent water supply.

An irrigation district was formed during the construction of the reservoir but never developed. It was later dissolved about twenty years ago. The original plans for the district included a series of canals to deliver water which proved to be too costly. Soon after the dissolution of the irrigation district the State of Kansas acquired the entire storage of Kanopolis and began a marketing program for the water supply.

Currently the state has one customer, Post Rock Water District, which is purchasing stored water from Kanopolis Reservoir. There are numerous applications pending for the remaining stored water resources. During the winter of 2005, a drought ensued and the water level of the reservoir were not replenishing. Post Rock initiated with the Kansas Water Office (KWO) an effort to deviate from the release manual to maintain water levels in the reservoir and to protect water quality releases from the reservoir. A hearing for the deviation request was announced in February of 2006 and the KWO held a hearing in March at Lindsborg.

The valley stakeholders met prior the 2006 hearing to discuss the impacts that the deviation would have on them. They were really concerned about the protection of water quality releases. The city of Salina and irrigators testified at the hearing addressing some their concerns. At the hearing the KWO announced that water administration to protect the water quality releases would be requested for both ground and surface rights. A substantial March thunderstorm filled the reservoir to conservation level. KWO postponed the deviation request.

The history of water administration for this resource has been rare on the river and impacted only surface right holders. When administration was performed it was to satisfy the surface water right of the City of Salina and effected all but about of a dozen vested surface water right holders. This administration occurred during periods of drought and late in the irrigation season. The last administration occurred in the summer of 2005.

Understanding the complexities of Kansas water laws and policies is a monumental task for an individual. The irrigation community received assistance from the Kansas Farm Bureau (KFB) and Kansas Livestock Association staff to guide and educate them through the process.

A dialogue began between the KWO and local stakeholders addressing concerns about current appropriations and how the releases from the reservoir impacted them.

The stakeholders became active in Smoky Hill Basin Advisory Committee (BAC) to communicate concerns with membership on committee and the Kansas Water Authority (KWA). The stakeholders have also attended and presented information at KWA meetings.

An area meeting for the local stakeholders was held with the KWO, DWR, Corp of Engineers (COE) and KFB making presentations.

The KWO consented to a water model development to determine the correlation between surface and ground water in the valley to determine the scope of water rights that may be impacted by a protection of water quality releases. Kansas Geologic Survey (KGS) was given a contract and development for the water model began with agency and stakeholders participating. Five scenarios were originally discussed.

The first scenario was completed and additional work done on findings by KWO to analyze releases and reservoir levels. No additional scenarios were scheduled to run. The model and analysis was displayed at a BAC meeting, at a local stakeholders meeting and to the KWA.

For over a year the discussion continues but is stagnated until irrigators form an association and ask the Chief Engineer for an interpretation of the water model and the surface ground water correlation. They also ask for a clarification of whether the KWO could request a deviation from the reservoir release schedule and impound water that has been previously appropriated for beneficial use.

The Chief Engineer responded to the letter and addressed stakeholder meetings to clarify his opinion. Based on the water model results, the chief determines that the Smoky Hill is a gaining stream therefore he would not administer ground water to protect stored or protected water quality releases. His response states that the KWO can request a deviation from the release schedule to enhance the amount of stored water in the reservoir. The current water appropriations are only entitled to natural flows or unprotected releases from the reservoir.

A drought exercise is discussed, planned and held with all stakeholders, KWO and KGS involved. The results were reviewed after time was allowed for additional input and analysis.

The KWO prepared a draft of a water basin management plan and working meeting of stakeholders and agency staffs discuss options. The reoccurring theme of each meeting is how to include the irrigation community in any existing programs.

The irrigators meet with DWR, Scott Ross, to discuss what role the association could have in management of river. Different options emerge. The association could represent a collection of water rights to make a collective call for inflows through the reservoir. The association could micromanage the irrigation pumping by scheduling different pumping periods. The association could acquire stored water and distributes it among irrigators.

The irrigators met with KWO to address concerns about the pace that the entire process is taking without any solutions for participation by the irrigation community. These delays are hard for lay people to keep their attention focused to the complexities of water laws and processes.

The KWO and the irrigation association met, explored and initiated action to develop legislation enabling the participation of irrigation in a new water supply access program. The concept had several revisions before the concept was presented to other stakeholders. The stakeholders adopted the concept and encouraged the presentation to the KWA for a recommendation to the legislature.

The legislation enabling the creation of a Smoky Hill River Irrigation Special District within a Lower Smoky Hill water supply access program is introduced. The stakeholders present supporting testimony.



***Kansas Farm Bureau  
Policy Statement***

**Senate Natural Resources Committee  
SB 124; An act concerning water**

February 17, 2011  
Submitted by:  
Kent Askren  
Water Resources Specialist  
KFB Natural Resources Division

Chairman Ostmeyer and members of the committee, thank you for this opportunity to provide testimony on Senate Bill 124 relating to water supply access storage and creating the Lower Smoky Hill Water Supply Access program. I am Kent Askren, Water Resources Specialist for the Kansas Farm Bureau. As written, KFB stands in support of SB 124.

In early 2007, following an extended dry period, Kanopolis Reservoir water levels were seven feet below conservation pool which resulted in the Kansas Water Office proposing more aggressive management including a **proposal to alter the longstanding standard water release schedule** followed by the Corps of Engineers.

For **decades water released from Kanopolis has been treated as natural flows of the Smoky Hill River** therefore making it eligible for appropriation by authority of the Chief Engineer of the Division of Water Resources. Downstream of Kanopolis Reservoir to the confluence with the Saline River there are over **90 irrigation water rights** that have been developed and depend upon the natural flows of the Smoky Hill River.

Irrigation water rights enhance agriculture production and provide consistency during water short years. Increased input costs, such as fertilizer and seed, associated with irrigated agriculture generally result in more dollars being spent locally and greater yield potential which helps the local/regional economies.

Recognizing that **changing the standard release schedule has potentially negative impacts** on agriculture, public water supplies and other beneficial uses of water, efforts by stakeholders, farm organizations, public water suppliers and agency staff have been

ongoing to explore the potential to access water stored in Kanopolis Reservoir to help offset the impacts of more aggressive water management.

Under current state programs, irrigation use is not eligible for access to state owned storage except for seasonal surplus contracts. The Kansas Water Authority has approved moving forward with legislation proposing to grant access to stored water by creating the **Lower Smoky Hill water supply access program** and granting agriculture access to storage through the creation of the **Smoky Hill River irrigation special district**.

If efforts to modify the standard release schedule from Kanopolis move forward to improve the overall efficiencies of the system, we believe the longstanding water rights which were developed using water releases from Kanopolis must be protected by allowing them to access the state controlled stored water in Kanopolis Reservoir. Without such a program, the **potential for catastrophic crop failure** and the subsequent **economic loss to individual, local and regional economies will be devastating**.

I appreciate the opportunity to provide comment and would be happy to address questions at the appropriate time.





*Since 1894*

## TESTIMONY

To: Senate Natural Resources Committee  
Senator Ralph Ostmeyer, Chairman

From: John Donley, Assistant Counsel, Kansas Livestock Association

Date: February 17, 2011

Re: SB 124 – Concerning water; relating to water supply storage access and creating the lower smoky water supply access program

*The Kansas Livestock Association (KLA), formed in 1894, is a trade association representing over 5,000 members on legislative and regulatory issues. KLA members are involved in many aspects of the livestock industry, including seed stock, cow-calf and stocker production, cattle feeding, dairy production, grazing land management and diversified farming operations.*

Good afternoon Mr. Chairman and members of the committee. My name is John Donley, and I am assistant counsel for the Kansas Livestock Association. I appreciate the opportunity to provide testimony as a proponent of Senate Bill 124. KLA has actively participated in the discussions that have led to the creation of Senate Bill 124.

As is always the case, water issues are complicated issues that can be challenging to address. SB 124 is again proof that many potential issues regarding the use of water can be addressed through cooperation of all the parties affected. Essentially, the bill will allow all water user below Kanopolis reservoir to have the opportunity to purchase a portion of the storage capacity of the water that is owned by the state in Kanopolis Reservoir. This bill sets up the statutory framework for such a purchase to occur.

The details of the legislation, as discussed by other conferees, have been crafted in a manner to allow all water users below the Kanopolis reservoir dam with the ability to work together to provide assurances that all participating users will have the ability to meet their water needs at the appropriate time.

Once again, KLA is supportive of SB 124 and urges the committee to vote favorably with regards to this legislation. I would be happy to stand for questions at the appropriate time.

Senate Natural Resources  
2-17-11  
Attachment 5

CITY MANAGER'S OFFICE

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City Manager

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February 16, 2011

Senator Ralph Ostmeyer, Chairman  
Senate Natural Resources Committee  
Room 225-E  
Capital

RE: Written Testimony for Senate Bill 124

Dear Chairman Ostmeyer and members of the Senate Natural Resources Committee:

The City of Salina would like to provide support for Senate Bill 124, which relates to water supply storage access and creates the Lower Smoky Hill Water Supply Access Program.

The proposed legislation is the culmination of many years of cooperation between the Kansas Water Office (KWO) and the stakeholders in the Lower Smoky Hill River Basin. The stakeholders include the cities of Salina and Lindsborg, Post Rock Water District and the irrigators. Discussions between the KWO and the stakeholders began in March of 2007.

During the winter of 2006, a drought ensued, and the water level at Kanopolis Lake continued to drop and was not replenishing. Post Rock Water District requested a reduction in the minimum lake release to aid in maintaining the lake water level. Post Rock Water District was concerned that their intake screens would be exposed and therefore, would be unable to easily supply water to the water treatment plant.

The US Army Corp of Engineers (USACE) operates Kanopolis Lake and makes minimum releases in accordance with the Lake Regulation Manual. On March 5, 2007, the KWO requested a Deviation from Minimum Release Schedule from the USACE, with an effective date of reduction in releases for May 1, 2007. On March 13, 2007, the KWO conducted a Public Meeting to receive comments from stakeholders. Written comments were accepted through March 30, 2007. Stakeholders noted concerns associated with the proposed reduced releases. Users downstream of the Kanopolis Lake have relied on the Lake Regulation Manual minimum releases as natural flow for over 60 years. Providing less than two months for implementation was not sufficient for stakeholders to modify their water usage needs. Experience has proven that the Smoky Hill River can go dry, (no water flowing) as it did in July of 2006. A March 2007 thunderstorm filled Kanopolis Lake, and April 6, 2007 the KWO announced that the Deviation from Minimum Release Schedule was withdrawn.

The stakeholders requested that the KWO complete a yield analysis for Kanopolis Lake and modeling of the Lower Smoky Hill River to better understand the operation of Kanopolis Lake and hydrologic conditions of the Lower Smoky Hill River System to meet in lake and downstream needs. This modeling was completed in 2009.

The KWO and stakeholders have worked cooperatively over the last four years to develop concepts to improve the management of the Lower Smoky Hill River Basin.

This legislation is an important component in improving the management of the Lower Smoky Hill River System, which will aid the City of Salina in meeting water demands during drought conditions in years to come.

The City of Salina would like to thank the Kansas Water Office, the Kansas Water Authority, and this legislative body for working to develop a plan to address this important resource concern.

Sincerely,

A handwritten signature in black ink, appearing to read "Jason A. Gage".  
Jason A. Gage  
City Manager

A handwritten signature in black ink, appearing to read "Martha A. Tasker".  
Martha A. Tasker  
Director of Utilities

Senate Natural Resources  
2-17-11  
Attachment 6