



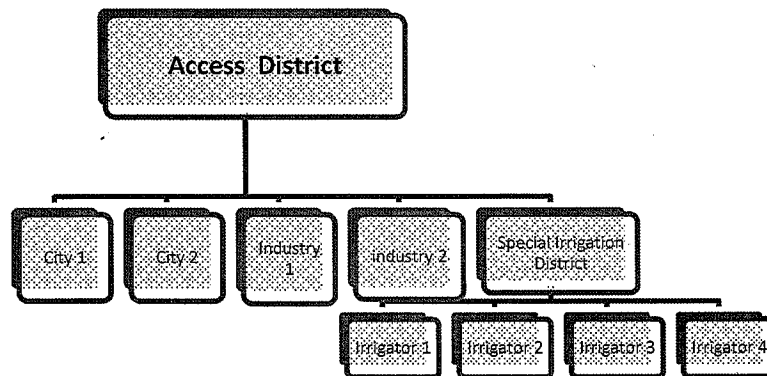
Before the
House Committee on Agriculture and Natural Resources
Testimony on SB 124
Earl Lewis, Assistant Director, Kansas Water Office
March 9, 2011

Chairman Powell 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.

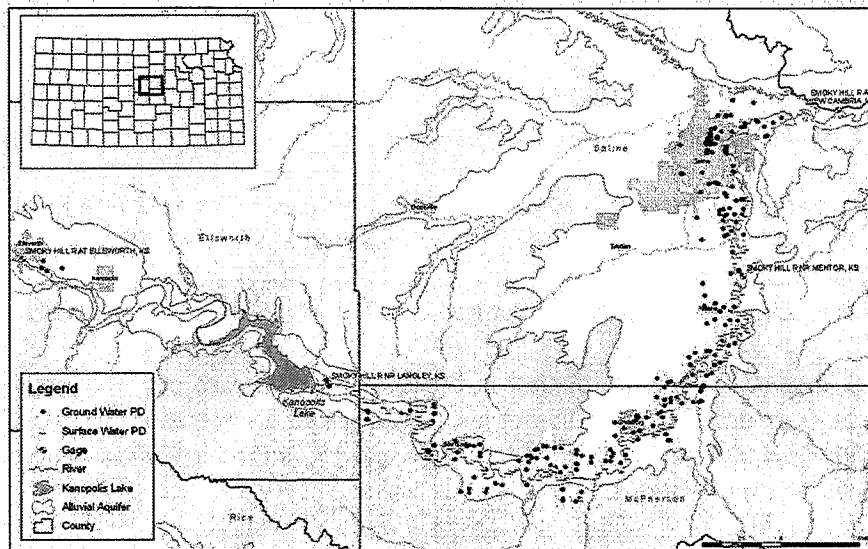


The legislation before you is the on-going discussion and review by stakeholders in the area since 2006. It implements the Kansas Water Plan policy, *Access to Water Releases From Kanopolis Reservoir*, approved in November 2010. That policy was a result of several years of review of reservoir and river 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.