

KANSAS WATER CONGRESS



WATERWAY

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2007 SUMMER CONFERENCE

Enclosed you will find a brief summary of the 2007 Summer Meeting of the Kansas Water Congress. For the full calendar of events please refer to the Kansas Water Congress website at www.kswatercongress.org. We owe a special thanks to Dr. Donald Beggs and Wichita State University for providing facilities and hosting our annual conference. We are also very excited to announce that we have developed a password protected "Members Only" section of the Congress website and have posted the materials that were presented at the conference on this webpage. Every Kansas Water Congress member should be receiving the login information in the near future.

As announced during the conference, Kent Lamb, Chairman of the State Affairs Committee of the Congress will appoint subcommittees to research and begin the discussion process related to IGUCAs, "Public Interest", and reservoir sedimentation. The IGUCA subcommittee has already been appointed and their initial organizational meeting was Thursday, August 30. Wayne Bossert, Manager of GMD #4 was selected as the subcommittee chairman. The committee will continue to meet and will keep their finger on the pulse of the interim hearings of the Kansas Legislature addressing IGUCAs.

Membership for the "Public Interest" and reservoir sedimentation committees will come from the membership of the State Affairs Committee. These key issues will be a constant topic of conversation in the coming years and these committees will allow us to help address critical concerns and assist in developing sound public policy for the citizens of Kansas. We are proud of our past success and look forward to other comprehensive objective studies and forums on the issues in the future.

Finally, the Winter Meeting of the Kansas Water Congress will be held January 14, 2008, the opening day of the Kansas Legislative Session in Topeka, KS. We will end the meeting with a legislative luncheon, leaving ample time for you to visit with your elected representatives. Mark your calendars now, more details will follow as we approach the conference.

Sincerely,

A handwritten signature in black ink, appearing to read "David A. Brenn", is written over a horizontal line.

David A. Brenn, President
Kansas Water Congress



2007 Summer Conference Recap

We would like to thank all of our conference attendees and participants for making the 2007 conference a tremendous success!! This is not a full recap of the conference. For a full agenda, please visit www.kswatercongress.org

Water Litigation and Interstate Compacts



Conference Participants

David Barfield, Acting Chief Engineer, Division of Water Resources

David Pope, Executive Director, Missouri River Association of States & Tribes

Randy Hayzlett, Ark River Water Conservation Projects Coordinator

David Barfield gave a brief description of Kansas' four interstate compact agreements and then a detailed history of the Republican River Compact with Colorado and Nebraska. This compact was developed as a result of the extreme weather in the 1930's. As the groundwater resources were developed and wells were established (18,000 in Nebraska alone) Kansas became concerned about the future water supplies in the Republican River basin. Ultimately this led to a 1998 lawsuit and a settlement approved by the Supreme Court in 2003. As we approach the first accounting period, Mr. Barfield announced that Nebraska is expected to be out of compliance.

David Pope recounted his past experience with the Kansas interstate compacts and explained his new position with the Missouri River Association of States and Tribes. Mr Pope further stated that despite his new position he would continue to assist the Division of Water Resources in ongoing interstate compliance. Randy Hayzlett then described several of the Ark River conservation projects that were in feasibility studies, highlighting the Lake McKinney project.



David Barfield

“Public Interest” Overview & Panel Discussion

Professor John Peck, University of Kansas School of Law

Professor John Peck addressed the attendees and provided a full overview of the “public interest” references currently found within the Kansas Statutes. Prof. Peck also discussed how other western water law states had interpreted their individual public interest statutes and regulations. Ultimately it appears that there is a great amount of variability in how the term “public interest” is

interpreted across the various states. This issue, and the importance attached to it promises to see significant discussion on future years.

Panel: David Barfield, Acting Chief Engineer, Division of Water Resources

Robin Jennison, Kansas Outdoors/Former State Legislator

Ward Loyd, Attorney/Former State Legislator

Lee Rolfs, Attorney, Kansas Department of Agriculture

The amount of experience and the personal insights provided by our Public Interest panel were outstanding. The discussion was long and varied but one common theme was that the ‘public interest’ would invariably be different depending on your personal and financial considerations. In other words, what is in the best public interest of local ag producers might not be in the best public interest of a local municipality. The true problem lies in that conflict. Whose interest best represents the “public?” The discussion was fascinating and the questions and comments of the attendees were well thought out. Public Interest is certain to be an issue that we will continue to address in future Kansas Water Congress conferences.



Left to Right: Ward Loyd, Lee Rolfs, Robin Jennison & Dave Barfield

Lunch & Keynote Address - David Pope, Executive Director, Missouri River Association of States & Tribes

Former Chief Engineer David Pope was kind enough to address the conference and provide frank and humorous insight into his lifetime involvement in Kansas water issues. At the end of the luncheon, Mr. Pope was presented with the initial Kansas Water Congress Distinguished Service Award.

Local Issues



Equus Beds Aquifer Recharge Project, Jerry Blain, City of Wichita

Groundwater Pit Study, Sen. Carolyn McGinn

Flood & Stormwater Control, M.S. Mitchell, Flood Plains Mgmt. & Land Development

Jerry Blain highlighted the Equus Beds Aquifer Recharge Project, located in southern Harvey County. This project allows high flows from the Ark River to be diverted and stored underground in the Equus Beds Aquifer. This project allows for storage of 65 million acre-feet of water and only consumes 400 surface acres. By comparison, Cheney Reservoir stores approximately the same volume of water but occupies 30,000 surface acres. Mr. Blain subsequently offered a tour of the recharge project.

Senator Carolyn McGinn recapped the results of the recent Groundwater Pit Study. The purpose of the study was to determine what, if any, effect the water flowing into and stored in aggregate pits had on local water quality. The hope is that the study will be funded for one additional year, but the preliminary results show that groundwater pits had a negligible effect on water quality. Studies indicated an elevated chloride level, but this is a common naturally occurring phenomenon and does not appear to be a result of the open groundwater pits.

M.S. Mitchell provided an interesting historical perspective of the floodwater control measures employed by the City of Wichita. Mr. Mitchell's presentation included newspaper articles and historical photographs from the construction of Wichita's famed 'Big Ditch.'

Balancing Rural & Urban Resources

David Warren, Director of Utilities, City of Wichita

Kirk Larson, Producer, Reno County

David Warren and Kirk Larson took the floor and discussed the water conflicts and opportunities unique to the greater Wichita area. Mr. Warren gave some background of Wichita's attempts to procure water to supply the needs of the city, including the abandoned attempt to purchase storage in Milford Reservoir to provide water for numerous municipalities from Salina south to Wichita. Ultimately Wichita opted to develop the Aquifer Recharge Project and adopt an aggressive pricing model where prices actual increase as total volume used increases. Mr. Larson described the development of the recharge project as somewhat contentious. From the rural perspective many of the landowners overlying the Equus Beds felt like they owned the water and there was a general feeling of resentment watching this water being transferred south to the City of Wichita. Ultimately there was some agreement on the recharge project because it was capturing high flows that would ultimately pass to Oklahoma if they were not captured and stored underground for future use. Mr. Larson further stated that rural producers were continuing to adopt conservation practices to more efficiently utilize the water available for irrigation and stock watering.



David Warren

Details & Implementation of the Kansas CREP - Tracy Streeter, Director, Kansas Water Office

Tracy Streeter addressed the conference outlining the most current details of the Kansas CREP. This proposal has the opportunity to conserve 29,750 acre-feet of water per year. The sign-up period in the target area is anticipated to begin in early November and just like traditional CRP programs, the program will be administered through the local Farm Services Agency offices. The program may be impacted by future versions of the federal Farm Bill. Draft provisions currently being considered by Congress might allow for dryland farming on CREP enrolled acreage. This is not allowed under the current program.

Ethanol & Biofuels

Sec. Adrian Polansky, Secretary, Kansas Department of Agriculture

Teresa Delano, ICM, Inc.

Clare Gustin, Sunflower Electric Power Corp.

Sec. Adrian Polansky began the discussion with an announcement that the "future is in our fields." With the production capacity of the State of Kansas, he believes that we have a unique opportunity to reduce the national dependency on foreign energy supplies and grow our local economies while maximizing the utility of our available water resources.

Teresa Delano outlined the ethanol production process as well as the permitting and water use required throughout the production cycle. Clare Gustin outlined the pending Sunflower



Left to Right: Pat Murphy &

Herb Graves

Integrated Bioenergy Center in Holcomb, Kansas. This project is attempting to take advantage of the inherent efficiencies of integrated bioenergy systems. By incorporating ethanol, biodiesel, dairy and other operations into the Holcomb power plant, Sunflower can reduce many of the waste products typically associated with these individual operations. This leads to greater efficiency in production and water use.



Both Ms. Delano and Ms. Gustin developed amazing presentations that will be available to Kansas Water Congress members on the password protected member page at www.kswatercongress.org.

Legislative Panel

Sen. Marci Francisco

Rep. Dennis McKinney

Sen. Carolyn McGinn

Rep. Sharon Schwartz

Sen. Mark Taddiken



Kansas Legislative Panel

Your elected legislators were very generous with their time, traveling to Wichita in order to address the ongoing water concerns in the State of Kansas. Our panelists represented both rural and urban constituencies which provided our attendees with unique perspectives regarding the issues facing Kansas. Of particular interest to the panelists was the pending CREP enrollment and how it would affect both water conservation and the economic situation in the target area. All of our panelists expressed support for the potential to allow dryland farming on enrolled program acreage as a measure of mitigating the negative economic impact of decreased production. Many of our panelists will be participating in the interim hearings addressing IGUCAs. This is an issue that the Kansas Water Congress will be monitoring throughout the fall. Finally, the legislators stressed the importance of the hiring process to replace David Pope as Chief Engineer of the Division of Water Resources. This is certainly an issue that bears watching.

Interim IGUCA Hearings

Chairman Wayne Bossert and the members of the IGUCA Subcommittee met in Topeka, KS on Thursday, August 30. Members of the Kansas Dept. of Agriculture and Division of Water Resources presented some historical background on IGUCAs as well as more specific details of each of the individual IGUCAs currently in existence. The purpose of this meeting was to gain background information on the IGUCA process, review HB 2070 (the bill that provided the impetus for the legislative interim hearings), and determine the process for future action.

The interim legislative agenda is still being developed but it appears that the Interim Energy, Natural Resources & Environment Committee will address the IGUCA issue in mid-October.

Kansas Water Congress - Member Only Webpage

In a continuing effort to provide our membership with additional information and greater benefits, the Kansas Water Congress has developed a password protected member only page of our website. This webpage will provide our membership with easy access to detailed presentations previously available only to the attendees of KWC Conferences. As our website continues to develop we will add new and varied content to this webpage. This page will also be utilized during the legislative session to provide timely updates on pressing water issues as they proceed through the halls of the Capitol.

Kansas Water Congress members will receive their username and password in the very near future. To preserve the integrity of our organization and membership we ask that you keep your username and password private and do not share it with non-members.

If you have suggestions or requests of additional information that should be included on this member page, please contact Sean Miller (seanmiller98@gmail.com). For non-members that would like to join the Kansas Water Congress, please contact David Brenn at dbrenn@gcnet.com or 620-287-4541.

Save the Date

Kansas Water Congress Winter Conference

Monday, January 14, 2008!