

GMD3 Renewable Supplies Committee

Recommended Additional Sources of Supply priority Kansas Water Vision activity for inclusion in the Kansas Water Plan five-year update.

The GMD3 Renewable Supplies Committee is recommending action steps for groundwater sustainability from renewable high flow supplies are key Water Vision activities recommended for inclusion in the Kansas Water Plan five-year update in the hope that the Kansas Water Vision/ Water Plan implementation process will support the Management Program activities and alternative water sources for southwest Kansas. The GMD3 Management Program Document identifies activities for addressing Kansas appropriations that export groundwater out of the district and seek planning and study for economically feasible projects under future dollars for importing additional water supply.

The Kansas Water Vision document identifies the Kansas Water Plan as the implementation plan for the Kansas Water Vision (Vision page 8) and identifies a Goals Action Plan and lists Priority Goals grouped by: statewide; reservoirs; Ogallala-High Plains Aquifer; and for each of the 14 planning regions. Action items with relevance to GMD3 occur in many of the action areas of the Kansas Water Vision document. The southwest Kansas state planning region of the Upper Arkansas has Planning Goals on Vision page 125 that include:

Priority Goal 1 – ... to “FIND ADDITIONAL SOURCES OF WATER AND A PLACE TO STORE WATER FOR IRRIGATION AND RECHARGE.” The RAC action steps for Priority Goal 1 include to “Support the exploration and investigation of surface water transportation for Kansas (Vision, page 127).

The 2021 Priority Goal #1: Establish a diversified, usable water supply by 2030, to motivate a vibrant growing economy with conservation-minded stewardship focused on increasing the life of the aquifer, reestablishing streamflow in the Arkansas River, and accelerating recharge; benefiting: economic prosperity, wildlife, habitat, recreation, and all water users while protecting property rights and providing safe drinking water.

Action Steps:

I. Develop alternative sources of supply by 2030.

GMD3 Recommends Viewing the 45-minute Documentary - *Feast And Famine: Securing Kansas Water Needs*. See www.KansasAqueductCoalition.com

Vision Theme - ADDITIONAL SOURCES OF SUPPLY.

Vision Strategy - ALLOW FOR THE TRANSFER OF WATER SUPPLIES BETWEEN BASINS WHERE FEASIBLE AND COST EFFECTIVE (pages 35 – 36).

Vision Actions -

A. STATEWIDE ACTION ITEMS - PHASE I

1. *Eliminate statutory prohibition to use drinking water State Revolving Loan Fund (SRF) funds for water transfers and identify other state policies which unnecessarily limit transfers.*

GMD3 requests that this action step be kept in the Vision/Plan in support of the need to finance all water projects necessary to improve water supply to all Kansans. See 2019 session SB 171.

- (a) A technical memorandum is needed to identify existing incentives and disincentives for water transportation for additional supply with solutions to enhance the incentives that overcome disincentives.
- (b) A Review of policies that unnecessarily limit transfers should include water appropriation policy, rules and procedures, including the use of application processing deadline procedures.
 - (i.) A path forward. Transfer project requirements include timelines for engineering and water appropriation development to provide for the capitalization of transfer development. A process path is not provided in present appropriation law as implemented by KDA. Sen Sub HB 2059 from 2016 session proposed to make a path for transfer project appropriations of excess water otherwise wasted out of the state.

2. *Review opportunities to increase utilization of the Missouri River to meet Kansas' needs while recognizing and protecting the existing users.*

GMD3 requests keeping this Vision activity in the five-year update of the Kansas Water Plan. GMD3 is undertaking small step water transfer POC projects to develop interest and partner opportunities to increase utilization of the Missouri River as a rescue source for the Ogallala Aquifer.

- (i) Note: Roughly 10 times the annual Kansas water use is water that leaves state access annually as river flow.
- (ii) Note: Existing Federal Authority - Arkansas River Basin Compact with Oklahoma already authorizes 2.6 million acre feet per year for new conservation storage or water transfers.
- (iii) Note: See Water Office FY18-19 budget testimony - Waters Leaving the State funding project.

3. *Communicate and collaborate with neighboring states on potential water transfers.*

GMD3 requests keeping this goal in the Kansas Water Plan Update. GMD3 is undertaking small step water transfer POC projects with partners in other states to develop interest and partner opportunities to increase utilization of the Missouri River as an additional source of water for the west. Project feasibility may benefit from combining energy storage and water transportation benefits, ecological and aquifer replenishment benefits and added supply to multiple interstate partner interests.

B. VISION - STATEWIDE ACTION ITEMS - PHASE II

1. *Complete evaluation of large water transfers including legal, environmental, economic and technical issues.*
2. *Review use of right-of-ways (ROW) for use by water transfer infrastructure*

GMD3 requests that the Water Office keep these goals in the Kansas Water Plan update as GMD3 hopes to further develop preferred large water transfer options.

C. VISION - STATEWIDE ACTION ITEMS - PHASE III

1. *Identify suitable areas and ability to transfer water to areas of need.*

GMD3 requests that the Upper Arkansas and Cimarron Regions be considered a suitable area of need identified in the Water Plan update, based on existing data on water deficits for meeting existing and future demand from a declining supply. A suggested example for developing alternative supply with many stakeholders is the Columbia Basin Development League.

D. VISION - RESERVOIR ACTION ITEMS - PHASE I

1. *Develop interconnected water storage computer model for all eastern Kansas basins with federal water supply reservoirs.*

GMD3 recommends this goal for the Water Plan update to develop an interconnected water storage computer model to benefit statewide planning priorities as additional sources of supply for deficit regions in Kansas, including the Upper Arkansas and Cimarron regions.

E. VISION - RESERVOIR ACTION ITEMS - PHASE III

1. *Update mid 1980s Kansas Water Office plan to interconnect reservoirs across multiple basins to move water to higher demand and increase overall yield.*

GMD3 recommends this project in the Water Plan update to increase overall potential yield of rivers and reservoirs from waters leaving the state, and include aquifer storage to assist in evaluating feasibility of transfers to deficit planning regions, including the Upper Arkansas and Cimarron regions.

2. *Evaluate opportunities to connect reservoirs to improve overall management and serve as a hydrologic conduit and where appropriate implement system to transfer high flows to increase system yield.*

GMD3 requests this action be included in the Water Plan five year update to increase overall potential yield of surface water and groundwater reservoirs, and to increase feasibility of transfers to deficit supply planning regions, including Upper Arkansas and Cimarron.

Vision Strategy - SECURE ALL AVAILABLE STORAGE AT FEDERAL RESERVOIRS INCLUDING REALLOCATING STORAGE WHERE SUCH ACTIONS ARE POSSIBLE (page 37).

VISION - RESERVOIR ACTION ITEMS - PHASE I

5. *Reallocate future use water supply storage to water quality storage at Milford and Perry Reservoirs and initiate calling remaining portion of future use storage into service.*

GMD3 requests that the Water Office not conduct any reservoir reallocation activities that may give away state control of storage easements in any Federal reservoirs to federal agencies as a cost savings measure to the state until after the completion of reservoir system linking and yield modeling studies and Vision water transfer priority goal projects statewide are completed and evaluated.

PART

SENATE BILL No. 171

By Committee on Utilities

2-13

1 AN ACT concerning the department of health and environment; relating to
2 public water supply systems; loan program requirements; installation or
3 repair, lead levels; amending K.S.A. 65-163d, 65-163i, 65-170d and
4 65-171r and repealing the existing sections.
5

6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. K.S.A. 65-163d is hereby amended to read as follows: 65-
8 163d. As used in K.S.A. 65-163d through 65-163u, and amendments
9 thereto:

10 (a) "Fund" means the public water supply loan fund established by
11 K.S.A. 65-163e, and amendments thereto.

12 (b) "Municipality" means: (1) Any political or taxing subdivision
13 authorized by law to construct, operate and maintain a public water supply
14 system, including water districts; (2) two or more such subdivisions jointly
15 constructing, operating or maintaining a public water supply system; or (3)
16 the Kansas rural water finance authority.

17 (c) "Project" means any acquisition, construction, reconstruction,
18 improvement, equipping, rehabilitation or extension of all or any part of a
19 public water supply system. ~~"Project" does not include any project related~~
20 ~~to the diversion or transportation of water acquired through a water~~
21 ~~transfer, as defined by K.S.A. 82a-1501 and amendments thereto.~~

22 (d) "Project costs" means all costs or expenses which are necessary or
23 incident to a project and which are directly attributable thereto.

24 (e) "Public water supply system" has the meaning provided by K.S.A.
25 65-162a, and amendments thereto.

26 (f) "Secretary" means the secretary of health and environment.

27 Sec. 2. K.S.A. 65-163i is hereby amended to read as follows: 65-163i.

28 (a) Municipalities which desire the provision of a loan under this act shall
29 submit an application therefor to the secretary. Applications shall be in
30 such form and shall include such information as the secretary shall require
31 and shall be submitted in a manner and at a time to be determined by the
32 secretary.

33 (b) The secretary may enter into agreements with any municipality
34 for the provision of a loan thereto for payment of all or a part of project
35 costs and any municipality may enter into such an agreement and may
36 accept such loan when so authorized by the municipal governing body.