
WaterOne

Water District No. 1 of Johnson County

**To: Chairman Ostmeyer
Senate Committee on Natural Resources**

Date: March 2nd, 2012

Re: Comments Regarding House Bill 2685

I am testifying on behalf of WaterOne with neutral comments regarding House Bill 2685. WaterOne recognizes the importance of addressing the concerns related to water reservoirs. We are a member of the Kansas River Water Assurance District and rely upon the operation of the reservoirs for a significant amount of our water supply.

The primary concern with House Bill 2685 is the process it proposes has not been properly vetted among the potential stakeholders in the conceptual "reservoir improvement district". The bill was presented and acted upon quickly in the House before many parties were able to digest the language in the bill and form a position. Likewise, we have had very little notice of this hearing today.

As you read through HB 2685 it is obviously proposing a relatively complex process. There are many questions that come to mind with the provisions. First, as a technical point there is question as to whether a "water right" in the traditional sense can be held in reservoir waters, therefore the bill proposes a new definition of a long-standing concept. From a more substantive perspective, ultimately the federal reservoirs are controlled by the Corps of Engineers. Any plan that might come out of the reservoir improvement district process would likely require the approval of the Corp, which may very well be denied.

The last point I would like to make is that WaterOne along with other Water Assurance District members already pay a significant amount each year into the O&M account of the reservoirs. There are also fees paid into the State Water Plan Fund which is directed to water related projects. Understandably, there are many water infrastructure projects that require funding and all agencies have experienced cut-backs. However, as we are all stakeholders in preserving and protecting water resources in the State of Kansas, we should also have adequate opportunity to provide input and comment on new laws that will impact our operations and costs.

I would respectfully urge the Committee to delay action on House Bill 2685 until such time as the parties have had a chance to discuss further the implications of the bill.

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