

Southwest Kansas
Groundwater Management District No. 3
2009 E. Spruce Street
Garden City, Kansas 67846
(620) 275-7147 phone (620) 275-1431 fax
www.gmd3.org

April 10, 2013

Governor Sam Brownback
Capitol Building
Suite 241-South
300 SW 10th Street
Topeka, Kansas 66612-1590

RE: A Kansas Aqueduct and Energy Corridor

Dear Governor Brownback:

Thank you for your continued interest and passionate support for the Ogallala Aquifer management challenges. Water is important in all 105 counties in Kansas, and we believe in the idea that Kansas' future will be written in water. An old Ogallala notion that aquifer depletion will eventually make water too expensive to pump is no longer a common belief.

Irrigation agriculture has intensified and diversified the entire agribusiness complex in Kansas. The Ogallala Aquifer is a drought resistant water supply that is an economic advantage for Kansas while the water lasts. About half of our state's annual water use of 4 million acre feet is used in SW Kansas. Groundwater levels are dropping nearly 5 feet per year in recent years.

As a local Board with a job to do for Kansas, we are committed to develop and support good conservation initiatives. Our members demand it. For our area, aquifer development is done, markets are strong, investment and capital equities are strong, labor and transportation is good, energy resources are re-developing, and the water is highly valued and moving up. Even with improved conservation efforts, the correlation between water level decline and the economic health in our area may not change significantly. But, we must do what we can to work with partners to extend the water supply and sustain the economy.

With the 2011 Missouri River flood in mind, we looked at the unused Kansas interstate waters lost from Kansas in the drought of 2012. That review found several key inefficiencies in what occurred. First, there were apparent compact violations at Milford and Tuttle when US Army Corps of Engineers sent water dedicated by federal law to "beneficial consumptive use in Kansas" to uses in other states. We also looked at the significant lack of appropriation of Missouri River water for Kansas. The conclusion is that significant opportunity exists for action to secure Kansas interstate water. A priority filing should be considered for Kansas as water is still available under Kansas law while Kansas folks scope, develop and evaluate a water transfer from the Missouri River.

GMD3 is considering filing for Missouri River appropriations for Kansas to get started. With 29.5 million acre feet per year (AFY) passing White Cloud, Kansas, a discussion for 2 to 4 Million AFY diverted to Kansas, before any Missouri River compact discussions begin, should not be considered inequitable to sister states down river. This effort could be a tremendous water management strategy for Kansas that benefits state and federal interests, including national

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**Special Committee on Agriculture &
Natural Resources**
November 19, 2013
Attachment 11

agriculture exports. Our local experience in the history of the interstate compact on the Arkansas River suggests that action to establish priority is necessary and advisable immediately.

We are exploring this concept to see if opportunity exists for our future in Kansas Water. By letter of October 10, 2012, we provided scoping comments to the US Army Corps of Engineers for their "Missouri River [Municipal & Industrial] Water Storage Reallocation Study" in the upper Missouri basin. Our request to them was to preserve the management strategy of a Kansas water transfer element they developed in the 1982 High Plains Study to replace Ogallala use and assure sustainable production of food and fiber so vital to the national economy.

GMD3 dusted off the Kansas water transfer portion of the High Plains Study and presented the project and the need to appropriate water to the Senate Ag Committee, the Senate Natural Resources Committee, and the Kansas Water Authority early this year as project DNA for development. That summary presentation is posted on our GMD3 home page at www.gmd3.org. We see sister states in the central United States lacking the geographic advantages of this Kansas project setting for moving perhaps both water and energy in a common corridor.

A Kansas Aqueduct and Energy Corridor concept should be considered while water is available and while the present value demand and drought awareness is there for a collaborative discussion across the state. Securing our renewable water supply in Kansas can assure a sustainable economic growth for Kansas. Garnering participation in the development of such a cooperative project is an economic, social and political exercise that requires extensive outreach and collaboration to build working relations. We would appreciate any guidance and support available from your office to facilitate that work.

Thank you again for your passionate support for the water issues important to the future of Kansas. If you have any questions, please don't hesitate to contact myself or Mark Rude.

Sincerely,



Kent Dunn
GMD3 Board President

pc: Tracy Streeter, Kansas Water Office
Gary Harshberger, Chairman, Kansas Water Authority
Dale Rodman, Secretary of Agriculture
David Barfield, Chief Engineer
Chairman Garrett Love, Senate Committee on Agriculture
Chairman Larry Powell, Senate Committee on Natural Resources
Kirk Heger, President of the South West Kansas Irrigation Association

901 S. Kansas Avenue
Topeka, KS 66612



Phone: (785)-296-3185

Fax: (785)-296-0878

www.kwo.org

Gary Harshberger, Chair

Sam Brownback, Governor

May 22, 2013

Mr. Kent Dunn, President
Southwest Kansas Groundwater Management District No. 3
2009 E Spruce Street
Garden City, KS 67846

Dear Kent:

At the May 16, 2013 Kansas Water Authority (KWA) meeting, the KWA took action in support of initiating a scope of study related to updating the water transfer portion of the 1982 United States Army Corps of Engineers Study that serves as the basis of the Kansas Aqueduct Proposal promoted by Southwest Kansas Groundwater Management District No. 3 (Proposal). As you know, there are many aspects of the Proposal that require extensive consideration by a variety of water stakeholders across Kansas, who could benefit or be negatively impacted by the Proposal, including the Kansas Legislature.

With the KWA action, the Kansas Water Office (KWO) will serve as the primary point of contact for all issues related to the Proposal. The KWO will develop a scope of services and plan of study to evaluate the technical, legal, political, financial and other aspects related to the feasibility of the Proposal. The results of that study will be presented to the KWA at a future meeting. This open process ensures that all stakeholders are included and regulatory issues are handled within the broader context of the Proposal.

During the 2013 Legislative Session, briefings were provided to various committees regarding the Proposal. In those briefings, it was also indicated the need to file for a water right and establish a priority for diverting approximately 4,000,000 acre feet of water from the Missouri River in Northeast Kansas. It is our understanding that GMD3 may request to include the Proposal as a study topic for a joint Agriculture/Natural Resources interim committee later this year. We believe this study topic to be appropriate, as the KWA establishes a process to update the 1982 study, including the development of an expanded stakeholder advisory committee. However, we strongly recommend that GMD3 take no formal action on any aspect of the study, including filing for any water rights, until the interim committee and the KWA, together with our agencies, have completed a thorough examination of the Proposal. Until that time, such a filing would likely be both premature and speculative.

We appreciate the vision for enhancing the economic opportunity Kansas can derive from the thoughtful use of its water resources, and look forward to your district's full participation and input in the process.

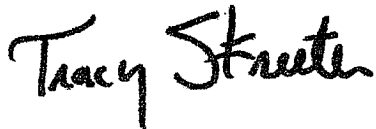
Sincerely,



Gary Harshberger
Chairman, Kansas Water Authority

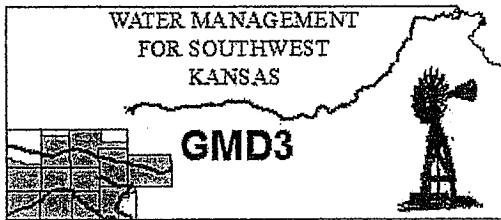


Dale Rodman
Secretary, Kansas Department of Agriculture



Tracy Streeter
Director, Kansas Water Office

cc: Senator Larry Powell
Senator Garrett Love
Senator Ralph Ostmeyer
Representative Sharon Schwartz
Kansas Water Authority
Southwest Kansas Groundwater Management District No. 3, Board of Directors
Mark Rude, Executive Director



Southwest Kansas
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June 21, 2013

Gary Harshberger, Chairman, Kansas Water Authority
Tracy Streeter, Director, Kansas Water Office
Dale Rodman, Secretary, Kansas Department of Agriculture

RE: The Kansas Aqueduct Project

Gentlemen:

Thank you for the letter indicating support for the Kansas Aqueduct Project (KAP) study. KAP can solve the long-standing problem of the vast gap between the renewable part of the groundwater supply and the rate of consumption of the groundwater supply existing for many areas of Kansas, particularly within the Southwest Kansas Groundwater Management District.

Many years ago good, creative, local problem-solving folks saw that unregulated groundwater use was hastening the decline of local groundwater supplies. They insisted on the adoption of mandatory standards for water rights, use limits and IGUCA's in their interest for protecting the health and welfare of Kansans. And, good state and local action followed. Even with the significant progress realized in water conservation and efficient use, individual well yields and the number of irrigated fields have declined dramatically in many areas. Reduced pumping rates and unproductive wells are no longer topics of futuristic, academic discussion; these conditions are real and current events in an increasing area of western Kansas. Reduced pumping rates also indiscriminately and adversely impact livestock feeding operations, dairies, ethanol plants, and municipal and industrial users, making it more difficult for them to meet demands for water. The exodus of investment capital has already begun from similar depleting areas in the southern high plains of Texas and New Mexico.

Recently, other good, creative, local problem-solving folks concluded the time is ripe to pursue the KAP. Their reasoning flows from groundwater modeling of southwest Kansas aquifers, the result of which indicates a grim water supply future unless southwest Kansas gains access to a sustainable water supply. Very low natural aquifer recharge rates are a given fact. Modeling indicates only nine percent of the two million acre feet used annually in southwest Kansas is sustainable from natural recharge.

The same local folks see no useful purpose in delaying action until either the unyielding laws of hydrology naturally reduce water use, or the legal principles of priority and administrative water regulation artificially reduce water use, to achieve a balance in supply. In the end, the wait will seem relatively short, and the inevitable result will be reduced water use that will wither the numbers of farms and substantially reduce the production of farm commodities. Consequent decimation of local western Kansas economies and communities will follow, which in turn will have a similar adverse impact on the Kansas economy, and beyond. The significant value of water will have its cost effect on Kansas, whether as a lost economic

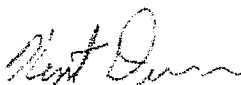


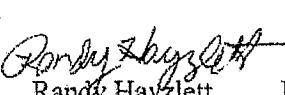

opportunity cost or as an investment cost to secure a sustainable supply. The KAP must be pursued while production income, property values and the economic system are in place to support the project. The challenge of bringing the KAP to fruition may be daunting, but the project is no more economically, hydrologically, legally or politically speculative at this initial application stage than the initial challenge that confronted others elsewhere prior to construction of existing water transfer projects that now transfer water for agricultural, municipal, industrial, waterpower and aquifer recharge uses.

Southwest Kansas is not alone in its concern. Other local areas across Kansas have recently experienced water supply warnings; adding to the current need for the project. Water users across this state see the need to make every drop of Kansas water count. As local water use limits are being discussed, it only makes sense that significant steps to reduce groundwater use will be viewed more favorably when the purpose for reduced use is bridging the time needed to establish a sustainable transfer of available water across Kansas. Our Kansas farm families and communities need the KAP to conserve and make good use of that fraction of the waters of Kansas flowing in the Missouri River that are unused or have negative value. Developing an infinitely renewable water supply is as important for Kansas as it is a factor in sustaining our nation's ability to feed and fuel its people, especially during times of widespread national drought.

Kansas grows where water flows. The work of the KAP is simply doing what must be done to grow and sustain future generations of Kansans. It should "cotton well" that good, creative, local problem-solving folks are willing to pursue a system to move Kansas water from low value to high value in their interest for protecting the health and welfare of Kansans. Formal action to establish a priority of appropriation while unappropriated Kansas water is available should not be considered pre-mature, given the imminent need for the project. Kansas water law dedicates Kansas water to Kansans, and dictates that first in time is first in right. We encourage you to view an act by Kansans to formally seek available Kansas water to meet existing Kansas needs as an appropriate and necessary action under Kansas law.

The thoughtful work of the Kansas Water Authority, the Kansas Water Office and the Kansas Department of Agriculture to update the 1982 transfer study and to form an expanded stakeholder advisory committee for that work is good action for Kansas. Please consider us as a full participant in the Kansas water supply planning process to do what must be done with fellow Kansans across our home state.

For the Board,

				
Kent Dunn President	Nathan Kells Vice President	Mike O'Brate Treasurer	Randy Hayzlett Secretary	Mark Rude Exec. Director

pc: David Barfield, Chief Engineer, KDA/Division of Water Resources
Chairman Garrett Love, Senate Committee on Agriculture
Chairman Larry Powell, Senate Committee on Natural Resources
Chairman Ralph Ostmeyer, Senate Committee on Federal and State Affairs
Chairwoman Sharon Schwartz, House Committee on Agriculture and Natural Resources
Kansas Water Authority