



Southwest Kansas
Groundwater Management District No. 3
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January 22, 2018
(Via Email)

Dr. Daniel Devlin, Kansas State University, Kansas Water Resources Institute
Tracy Streeter, Director, Kansas Water Office
Gary Harshberger, Chairman, Kansas Water Authority

RE: Vision action priorities for renewable supplies

Dear Dr. Devlin, Director Streeter and Chairman Harshberger;

This letter is to highlight to the Kansas Water Authority, the Water Research Coordination Work Group and to others some of the Water Vision priority action items addressing renewable water supplies for consideration as Kansans work to coordinate, plan and fund priority next steps implementing the Kansas Water Vision. All three focus areas of the Water Research Coordination Work Group are included within the action items, addressing Ogallala-High Plains/Groundwater Depletion, Reservoir Sedimentation/Loss of Storage and Water Quality.

At the last Water Authority meeting, Dr. Devlin presented recent work of the Water Research Coordination Work Group to set priority research projects implementing the Kansas Water Vision. The purpose of the workgroup is to promote communication; support university research studies that also benefit Kansas water issue knowledge; and provide opportunities for university researchers and participating agencies to collaborate in research efforts. The work group includes federal, state, university and non-government organizations (NGO) advisors. Groundwater Management Districts (GMDs) have demonstrated their historical participation, but were not included. In the Water Authority discussion that followed, Dan invited feedback on the draft lists before any priority list is adopted or presented to the Legislature.

At its January board meeting, the GMD3 Board of directors adopted the recommendations of the GMD3 Renewable Supplies (RS) committee for action on priority steps to secure existing sources of water and to add additional renewable sources for use, including groundwater replenishment. With the exception of Arkansas River flow recharge benefits from Colorado, groundwater supplies in Southwest Kansas are considered non-renewable.

Accordingly, please include the attached Water Vision action priorities with GMD3 adopted steps listed in boxed **red font** with your Water Vision related study priorities and water planning activities. Also, please include GMD3 representation in the studies working group as a full participant in the Kansas water supply Vision planning and actions to do what must be done with fellow Kansans across our home state.

Sincerely,

A handwritten signature in black ink, appearing to read "Kirk Heger", is positioned below the word "Sincerely,".

Kirk Heger
President

Copy; Kansas Water Authority
Water Research Coordination Work Group

Renewable Supplies Action Items of the Water Vision GMD3 - 2018

The GMD3 draft revised Management Program Document for southwest Kansas identifies activities to further manage Kansas water resources for the District and for the state and other partners. These include further securing interstate waters into the state, determining existing water rights authorizing export of water out of the state and a project governance development commitment to a process of seeking feasible projects under future dollar considerations to secure under-developed supply for Kansas and the District (Draft Revised GMD3 Management Program document, pages 44 – 45 awaiting approval of Chief Engineer).

The Kansas Water Vision document and Water Plan process assists Kansas in equitably apportioning the public costs and benefits of securing renewable water supplies and other planning needs to favorably influence the destiny of water users and economic benefits for all Kansans. This includes recommending the study and staffing resources necessary to secure what Kansas already has under the Arkansas River basin compacts with Colorado and with Oklahoma and for planning future opportunities.

The Vision document identifies the Kansas Water Plan as the implementation plan for the Water Vision (Vision page 8) and identifies the “Goals Action Plan” with a list of Priority Goals grouped as: Statewide; Reservoirs; Ogallala-High Plains Aquifer; and for each of the 14 planning regions. The Upper Arkansas planning region has existing renewable supply Planning Goals on page 125 of the Water Vision document that include: “*FIND ADDITIONAL SOURCES OF WATER AND A PLACE TO STORE WATER FOR IRRIGATION AND RECHARGE.*” The RAC action steps for this Priority Goal 1 include to “Support the exploration and investigation of surface water transportation for Kansas (Vision, page 127).

Accordingly, the GMD3 Board adopted and requests consideration of the Vision priorities relating to Kansas renewable supplies as listed below with board input boxed in red font.

GMD3 Board recommends viewing the collaborative 45 minute Documentary of 2016 - *Feast And Famine: Securing Kansas Water Needs*. See www.KansasAqueductCoalition.com

The GMD3 Board requests priority be placed on protecting existing renewable supplies while other renewable sources of supply are identified and considered for development and distribution across Kansas and GMD3.

Water Vision document (pages 23 and 24)

IMPROVE INTERSTATE COOPERATION SO THAT KANSANS’ WATER NEEDS ARE MET AND PROTECTED

A. STATEWIDE ACTION ITEMS – PHASE I - Management

1. *Develop a long term strategy for representing Kansas in interstate water issues that best serves Kansas and its citizens*

- Improve opportunities for local stakeholders to engage in and provide input on interstate water issues
- Host regularly scheduled public meetings to connect stakeholders with policy makers and those involved with advising and making interstate decisions

GMD3 Board will host a river resource meeting in each of the two basins in 2018 involving interstate compacts that cover portions of the District to further implement this Vision action item and will request attendance of state policy makers and those involved with advising and making interstate supply decisions.

2. *Ensure Kansas interstate water compacts are monitored and enforced and build upon existing working relationships with other compact states.*

GMD3 Board requests added state staff and study funding resources to address this Vision priority action item.

River flow at the Garden City river gage is a point of contention with Colorado given that all major surface water diversions occur above Garden City. The Colorado allegation that when river flow occurs at Garden City, water deliveries into Kansas exceed Colorado compact delivery obligations. The GMD3 Board will work with Kansas partners to provide a Kansas compact supply position statement establishing criteria for such conditions to avoided unnecessary confusion (e.g. Kansas practice of continuous flow to the Dodge City gage and at least 200 CFS at the Garden City gage and an added AF/A of diversion by the Kansas Associated Ditches system in the District).

3. *Host a Governor's Summit among the Ogallala Aquifer states to develop a regional vision with a focus on cooperative efforts and common goals across the states (Planning initiated in Phase I, to be held in Phase II)*

A summit is scheduled for April, 2018 in Garden City.

4. *Work with other states to address federal water related policy proposals that have negative impacts on the region.*

GMD3 Board will address this Vision goal with continued participation in existing and proposed federal related issues through collaborative activities of water management districts in Kansas and in other states, working through partner organizations like the Groundwater Management Districts Association and the National Water Resources Association.

Management - PHASE II

1. *Develop additional agreements with other states to support interstate cooperation on water Management*

GMD3 recognizes the role of both state staff and local stakeholders in the development of enduring equitable benefits from interstate agreements and requests that GMD3 be fully briefed prior to the conclusion of such negotiated agreements where applicable.

OTHER REGIONS ACTION ITEMS - PHASE II

1. *Consider hosting a Governor's level discussion with neighboring states targeted at developing viable solutions to interstate debates and common issues if needed*

GMD3 Board requests that the ongoing issues of the floodplain above Garden City filling with sand and the pollution of the Ogallala/High Plains Aquifer from poor quality Arkansas River water from Colorado be considered priority action items. As the largest reservoir in the state, the Ogallala/High Plains Aquifer receives many tons of Uranium and other harmful dissolved solids carried in with river flow from Colorado into Kansas. This daily occurrence is reducing District groundwater usability and is an issue of common concern with Colorado that requires as much attention as algal blooms in other Kansas Reservoirs. A significantly higher priority of study is needed under Vision implementation and state water planning.

2. *Consider the options for identifying existing funds to be earmarked for interstate litigation*

GMD3 Board requests that significant support be provided for the Kansas Legislature to restore seed funds to the Interstate Water Litigation Fund created by law and funded under K.S.A. 82a-1801 prior to past legislative sweeps. Public funding "as needed" to resolve interstate issues in a timely fashion does not work. History has demonstrated this creates significant impediments to completing critical interstate investigations and research. Consider creating legislative match from a funded Interstate Water Litigation Fund to be applied with local match funds as a grant available for interstate work as modeled by the operations of the GMD3 Western Water Conservation Projects Fund and stakeholder advisory committee.

STATEWIDE ACTION ITEMS 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.*

Note: the following recommendation focuses on the second half for identifying policy impediments.

GMD3 Board requests adding these three Priority Action steps to the statewide Water Plan Priority Projects list:

- (a) Study to identify existing incentives and disincentives for water transportation across Kansas as a future source of supply, and provide suggested solutions to enhance incentives that overcome the disincentives.
- (b) Identify policies that unnecessarily limit transfers, including water appropriation rules and procedures and the use of unreasonable application process deadlines.
 - (i.) Transfer project requirements must include time and water appropriation assurances in order to develop and fund efficient and beneficial new transfers. A process path is not provided in present appropriation policies as implemented by KDA. Sen Sub HB 2059 from 2016 session was proposed to make a path for transfer project appropriation of water otherwise leaving the state annually.
 - (ii) Proposed Study. See Water Office FY18-19 budget testimony - Waters Leaving the State funding project. The Board recommends the project lead be a water law expert that is independent and outside of state institutions.
- (c) Study and Develop water transport infrastructure financing options, public/private partnerships and other tools needed to facilitate future project feasibility as is occurring in other states.

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

GMD3 Board requests that all river basins in Kansas be included in an ongoing collaborative evaluation and development process.

- (i) Note that roughly 10 times the annual Kansas water use is water that leaves the state annually as river flow (KWO).
- (ii) Note that there is 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 that is not used.
- (iii) Note the Water Office FY18-19 budget testimony - Waters Leaving the State funding project. The Board recommends the project lead be a water law expert that is independent and outside of state institutions.

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

GMD3 Board requests support for ongoing interstate meetings with potential water transfer partners seeking interstate water management and transfer benefits.

- (i) Action Option 1 - Local Government Organizations (LGOs) in Kansas communicating to sister state LGOs may be one avenue to develop partnerships for discussion, study and feasibility funding.
- (ii) Action Option 2 - Water management associations, farm organizations, commodity cooperatives and other NGOs may support meetings and efforts to provide a path for joint cooperative funding and study to develop possible projects.
- (iii) Action Option 3- 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.*

GMD3 Board requests the development of a project governance model with input from multiple local government representatives to facilitate a multi-jurisdictional Kansas transfer project authority tool for developing large water transfer and distribution projects.

2. *Review use of right-of-ways (ROW) for use by water transfer infrastructure*

GMD3 Board requests these Priority Action Plan Projects of the Vision:

- (a) Investigate use of Railroad ROW as used in a California water transfer case.
- (b) Investigate partnerships and/or use of utility pipelines and/or ROWs.

C. VISION - STATEWIDE ACTION ITEMS - PHASE III

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

GMD3 Board requests this study work be conducted and that the District (Upper Arkansas and Cimarron Regional Planning Areas) be considered suitable areas of need for transfer water based on big projected future water deficits and projected economic crisis in meeting existing and future demands from a depleting groundwater supply.

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 Board requests the development of an interconnected water storage computer model that includes aquifer storage to benefit statewide planning priorities as an additional source of supply for water deficit planning regions, including southwest Kansas.

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 Board requests this priority project to increase overall potential yield of rivers, reservoirs and aquifers and assist in evaluating feasibility of transfers to water deficit planning regions, including the southwest Kansas.

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 Board requests this Vision action to increase overall potential yield of surface water and groundwater reservoirs, and to increase supply and feasibility of transfers to water deficit planning regions, including southwest Kansas.

F. VISION - OGALLALA-HIGH PLAINS AQUIFER ACTION ITEMS - PHASE I

1. *Encourage research on the rate and volume of water moving from playas to the Ogallala- High Plains Aquifer; quantify the levels of restoration needed and enumerate the average amount of water deposited annually in playas.*

GMD3 Board requests these Action Plan Projects of the Vision:

- (a) Research potential enhancements to playas and other land structures to increase water recharge amounts into the Ogallala-High Plains Aquifer.
- (b) Seek Farm Bill provisions to allow research and demonstrations to occur with safeguards for cooperating Kansas landowner protection against losing federal farm program payments. See present Farm Bill reference language below.

Useful Farm Bill language in the 2008 Law is included below for reference. This section was referenced in the subsequent Farm Bill and can be recommended for revision to add Kansas or simply reference "...in a High Plains state." Consider dropping "1-time."

Subtitle J, Miscellaneous Conservation Provisions of the 2008 law:

SEC. 2901. HIGH PLAINS WATER STUDY.

Notwithstanding any other provision of this Act, no person shall become ineligible for any program benefits under this Act or an amendment made by this Act solely as a result of participating in a 1-time study of recharge potential for the Ogallala Aquifer in the High Plains of the State of Texas.

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 Board requests as a Priority Goal that the Water Office not conduct any reservoir reallocation activities that give away state control and Kansas water management opportunity from storage easements in federal reservoirs to federal agencies as a state office cost savings measure until such time the completion of Vision reservoir system linking and yield modeling studies and Vision water transfer priority goal projects statewide are evaluated by both state staff and local managers.