

**Public Hearing on the Ogallala –High Plains aquifer and Upper Arkansas  
Water Quality and Streamflow basin issues, Upper Arkansas Basin Section,  
*Kansas Water Plan***

Susan Stover, Kansas Water Office, served as hearing officer concerning the proposed changes to the Upper Arkansas Section, *Kansas Water Plan*. There were no comments. Comments will be accepted until end of day August 1<sup>st</sup>, 2005.

**Upper Arkansas Basin Advisory Committee  
8:30 a.m., Tuesday, July 26<sup>th</sup> 2005  
King Center, Jetmore**

**Meeting Notes**

**Attendance:**

Upper Ark BAC: Clark Rusco, Chair, Ron Allen, Steve Cottrell, Beverly Komerak

Members Absent: Dan Baffa, Roger Mohr, Ron Osterbuhr, Lynn Freese, Randy Hayzlett

Others in Attendance: Susan Stover (KWO), Mark Rude (GMD #3), Sharon Falk (GMD #1), Al Guernsey (KDHE), Mike Meyer (KDA-DWR), Bob Frisbee (KSU Extension), Amanda Becker (LEPG), James Carlson (Sunflower Electric), Diane Coe (KWO), Kent Askron (KFB), Kermit Thompson

1. Introductions: Clark Rusco welcomed people and self introductions were made.

2. Agency Updates:

KDWP: Scotty Baugh discussed the renovations on-going to the Hodgeman State Fishing Lake. A liner is being installed to control a slow leak. He also updated the activities of the KDWP/KAWS biologist who is promoting CP-23a for wetland protection, particularly enrollment of playa lakes. Only 1 has signed up, although several others have applied to FSA and are waiting for approval. KDWP also assisted with the KACEE playa lake workshop, touring the Wild Turkey playa lake.

GMD #5: Sharon Falk announced that the Central Kansas Water Bank is now chartered and open for business. The water bank allows enrollment of water to trade or bank. Sign up is due by September 31<sup>st</sup> for the next irrigation season. The bank allows for flexibility of water use, with a 10% conservation component.

KDHE: Al Guernsey announced the August 23-24<sup>th</sup> pollution prevention conference to be held in Wichita. A brochure is available.

GMD #3: Mark Rude mentioned the recent District budget hearings. The Board elected to add an “empty pot” allowing up to \$25 million, if money becomes available, to use for water right retirement. The 15 member board believes public money applied to incentive programs for water right retirement is appropriate to meet the challenge of aquifer declines.

KDA- DWR: Mike Meyer provided more information on the enforcement actions through the Blatant and Recurring Overpumpers program. There are about 12 water rights (involving 6 landowners) where conservation plans are required and become a condition of their water right, the water meters are tested for accuracy, and monthly water use reports are submitted. DWR drops by to monitor the well pumping. GMD #3 also helps with monitoring for compliance.

### **3. Kansas Water Plan Upper Arkansas Basin Section,**

- **Working draft Ogallala-High Plains Aquifer Management** Susan Stover explained the changes made to the Upper Arkansas Basin section. The high priority aquifer subunit map was moved to the companion report Description of Current Activities. Both the *Kansas Water Plan*, and the Current Activities report are available on the website: [www.kwo.org](http://www.kwo.org). Changes to the water plan requires a formal planning process, including public meetings and hearings. This move allows the water plan to lay out the goals and intents, and the current activities to be more frequently updated to keep people informed. In addition to the map move, two reference maps were put into the basin section, water plan.

**Motion:** The Upper Arkansas Committee recommends the changes made be adopted as written. Motion made by Bev Komarik, seconded by Steve Cottrell, passed unanimously.

- **Working draft Upper Arkansas Water Quality and Streamflow.** Updates to this basin priority issue were reviewed.

**Motion:** The Upper Arkansas Committee recommends that the changes be approved as written.

**Amended Motion:** Approve the basin issue as written with the addition of the words: “Ground water contamination by the saline river water is causing water quality problems for all uses, including domestic and public water supplies.” (4<sup>th</sup> paragraph, 1<sup>st</sup> sentence) Motion and amended motion made by Bev Komarik, seconded by Steve Cottrell, passed unanimously.

**4. Arkansas River Compact Settlement Update:** Mark Rude and Diane Coe Mark discussed the status and expectations for future compliance (resource needs). The settlement money has been divided into three funds: the litigation fund, a Water Conservation Projects Fund (WCPF), and the State Water Plan

Fund for conservation projects. The upper Arkansas working committee consisting of representatives for the 6 active ditches, and a compact commissioner, as well as attended by DWR, GMD #3, and KWO have compiled a list of possible projects to be funded through the WCPF. The GMD #3 has hired Wright Water Engineering and Spronk Water Engineering to do a reconnaissance level report on the preliminary list of possible conservation projects. Diane explained the role of the KWO, which is responsible for administering the WCPF. All projects will be reviewed and approved for funding by the Director, KWO, and the Chief Engineer, KDA-DWR. The legislature will approve all final funding requests. Diane also explained the existing conditions: the statutes 82a-1801-1803, the upper Arkansas River IGUCA, State Water Plan objectives, and other recommendations. The state will want to review the proposed projects, and develop a strategic plan that promotes the complimentary interactions of the various projects. Mark also reviewed the basis on which the litigation dollars were established. He noted that local people who believe their water rights are impaired cannot sue someone in Colorado; it must be a state to state lawsuit. Damages were determined by the economic loss from crops and higher lift costs for pumping.

There was discussion on the extensive efforts ongoing in Colorado to keep as much water as possible, and the need for Kansas to protect our interests.

**Message to the KWA: Motion:** “The Upper Arkansas Basin Advisory Committee strongly recommends the Kansas Water Authority safeguard the litigation damages funds from the Kansas v. Colorado lawsuit, which should be dedicated to conservation and allow time to develop the best use of the funds”  
Motion made by Steve Cottrell, seconded by Bev Komarek, passed unananimously.

The committee asked that Diane and Mark create a one-page bulleted list of the water issues related to this fund. This page would serve as talking points for the BAC and the KWA to summarize the core issues.

**5. Horsethief Reservoir** Ron Allen reviewed the history of the funding for Horsethief Reservoir with the Committee. He noted the Watershed District has signed a contract with URS, and final construction plans are due July, 2006. These will be submitted to DWR for their approval. The timeline calls for staking for construction be done by December, 2006. The District is requesting \$4.5 million State Water Plan funds, through the multipurpose small lakes program. Over the last 2 years, approximately \$1.0 million of state money has been committed. The remaining \$3.5 million could be spread out over the next 3 fiscal years. He mentioned that they are also working on a 404 permit on the mitigation requirements, with the Corps of Engineers. There is a lot needed to so to comply, but he believes that there will be sound ecological outcomes.

**Motion:** The Upper Arkansas Basin Advisory Committee recommends to the Kansas Water Authority that they make every effort to secure state funding for Horsethief Reservoir in a timely manner.” Motion made by Ron Allen, seconded by Steve Cottrell, passed unanimously.

## 6. Policy Plans

**Economic Development Around Federal Reservoirs.** Susan reviewed the development of this policy issue, as outlined in the memo sent to the committee. Comments:

- Be wary of any residential development through leasing of federal land. He is aware of problems with assumed ownership of the lakefront property, when it actually is still open to public use.

**Public Input into the Planning Process.** There was discussion as to the various options presented in the policy memo (enhanced BAC, ad hoc committees only, or a hybrid approach).

Comments:

- A standing committee provides continuity of thought. There is a history of what has occurred.
- Certain topics lend themselves to ad hoc committees.
- BAC’s provide for grass roots public input. There is value in having a standing committee.
- (non-BAC member) Believes the current basin boundaries are useful, as it crosses GMD boundaries, and doesn’t duplicate GMD boundaries. However, in west central GMD, it is split down the middle between two basins, and is so dominated by ground water.
- (non-BAC member) Surface and ground water are inter-related, as is quantity & quality issues.
- (non-BAC member) We could stimulate increased public input if meet on more local watershed or subbasin basis, with hot local issues. The Upper Arkansas Basin is so large, with significant differences from west to east. The public issues also change.

**Water Conservation.** A policy paper is being developed on the state’s role in water conservation. There are about 6 issues identified within this broad topic. Perhaps the first challenge is defining water conservation. There are a number of programs & activities under water conservation, but with different expected outcomes.

Dam Rehabilitation is also being reviewed as a policy issue. All these policy issues will be discussed with the KWA, and shared with the BAC when a preliminary draft is released.

- 5. Nomination for the BAC** Clark noted that there are currently two vacancies with the resignations of Bob Lewis, who moved out of the area, and John Zupancic, whose work has kept him too busy to serve. It was discussed moving the irrigation user that Bob had filled to Roger Mohr, who is both an irrigator and had gone through the Wet Walnut IGUCA process.

**Motion:** Appoint Roger Mohr as the irrigation representative on the committee. Motion made by Bev Komarik, seconded by Steve Cottrell, passed unanimously.

**Vote:** The committee voted unanimously to fill the two vacancies for the “open” category from the list of applicants. They nominated Mr. Kermit Thompson, from Ellinwood and Mr. Steven Hines, Coolidge. These applicants will provide a wide geographic representation from the fast west to the far east portions of the basin.

#### **Other Business**

- The Water Plan Projects Initiative and the budget for FY 2006 (which began July 1<sup>st</sup>, 2005) was reviewed with the committee, along with the goals for FY 2007. The Kansas Water Authority will be making their budget recommendations at their August 9 – 11<sup>th</sup> meeting. A primary focus will be support for projects in the High Plains aquifer.
- Watershed Restoration and Protection (WRAPS).
- Kansas Environmental Leadership Program (KELP). Ron Allen noted it is time to nominate a basin representative to the 2006 KELP class. He is a graduate, as is Dan Baffa, and Ron Ostenbuhr. If a committee member isn't able to participate, the scholarship could go to another person in the basin recommended by the BAC.
- **Next Meeting: 1:30 p.m., Monday, October 17<sup>th</sup>, King Center, Jetmore.**

Meeting adjourned at 12:30 p.m.