

MEETING AT A GLANCE

KANSAS WATER AUTHORITY MEETING

January 28-29, 2009

Topeka, Kansas

Wednesday, January 28, 2009 (Agenda page 3 of this mailing)

Time	Event	Location
7:30 – 8:00	KWA & BAC Chairs Legislative Pre-Meeting	Meet at the Kansas Water Office
8:00 – 12:00	KWA & BAC members meet with Legislators - Committees	Legislative offices (<i>To be assigned</i>)
10:30 – 12:00	Basin Advisory Committee Chairpersons Meeting	Holiday Inn, 605 SW Fairlawn Road
12:00 – 1:30	Lunch	on your own
1:30 – 4:30	KWA Committee of the Whole Meeting	Holiday Inn, 605 SW Fairlawn Road
5:00 – 6:30	Fox Award Presentation and Reception	Governor's Row House, 811 SW Buchanan (Cash Bar- Hor D'oeuvres)
6:45 - ?	Dinner at Annie's Place	4014 SW Gage Center Drive

Thursday, January 29, 2009 (Agenda page 17)

Time	Event	Location
8:00 – 9:00	Legislative Visits	Meet at the Kansas Water Office, Legislative offices (<i>To be assigned</i>)
9:15 – 12:00	Full Authority Meeting	Holiday Inn, 605 SW Fairlawn Road

Please note that the agenda is subject to change

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Kansas Water Plan Pre-Meeting Roundtable

Time	Event	Location
7:30 – 8:00	KWA & BAC Chairs Legislative Pre-Meeting	Meet at the Kansas Water Office
8:00 – 12:00	KWA & BAC members meet with Legislators - Committees	Legislative offices to be assigned
10:30 – 12:00	Basin Advisory Committee Chairpersons Meeting	Holiday Inn, 605 SW Fairlawn Road
12:00 – 1:30	Lunch on your own	On your own

Kansas Water Authority - Committee of the Whole Topeka, Kansas – 1:30 p.m. – January 28, 2009

Agenda

*	Agenda Item	KWA Advice	KWA Decision	Page No.
1:30	Call to Order / Introductions	--	--	--
1:45	BAC Operations			5
	BAC Chairs Report	X		
	BAC Membership – CIM Chairs Nominations		X	7
	Water & Energy Forums Report			
2:15	Kansas Water Plan			9
	Updated Kansas Water Plan		X	
	Sediment Policy		X	
	Water Plan Priority Issue Implementation	X		
3:15	Break			
3:30	Kanopolis / Smoky Hill Issue Update	X		11
4:15	KWA Public Water Supply Programs Update	X		13
	Water Assurance Update			
	Update on Hillsdale Water Marketing Negotiations			
	Update on Surplus Contracts			
4:30	Adjourn			
5:00	Social & Fox Award Presentation			
	Governor's Row House			

* The Start time indicated will be followed. All other times shown are estimates. The KWA will move through the agenda as items are completed.

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Kathleen Sebelius, Governor
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M E M O R A N D U M

DATE: January 8, 2009
TO: Kansas Water Authority
FROM: Debra Baker, Diane Coe, Susan Stover, Bobbi Wendt, Hank Ernst
SUBJECT: Basin Advisory Committee Membership

There have been no scheduled Basin Advisory Committee (BAC) meetings since the last meeting of the Kansas Water Authority (KWA) in November. The Cimarron BAC did conduct a conference call on January 6, 2009 to address their recommendations for Chair and Vice Chair of the committee. These recommendations to the KWA are included under separate cover.

In addition to these pending BAC appointments, there are currently eight vacant BAC positions statewide. These include the Cimarron (recreation), Missouri (commerce and industry, at-large/public) Kansas-Lower Republican (other public water supply), Smoky Hill-Saline (fish and wildlife), Solomon (at-large public, municipal public water supply) and Walnut (commerce and industry). These vacant BAC positions remain open for applications. Applications received prior to the February BAC meetings will be reviewed and forwarded to the KWA for action in April.

This spring, letters will be sent to nominating user groups, as described in IPM-04, Appendix A, requesting applications for about 10 BAC positions with terms expiring on June 30, 2009 along with any other vacant BAC positions. All qualifying applications will be considered at the May BAC meetings. Membership recommendations from each BAC will be provided to the KWA for action at the June meeting.

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M E M O R A N D U M

DATE: January 13, 2009
TO: Kansas Water Authority
FROM: Susan Stover
SUBJECT: Cimarron Basin Advisory Committee Nominations for Chair, Vice Chair

The Cimarron Basin Advisory Committee teleconferenced on January 6th, 2009, to nominate a new Chair and Vice-Chair. The current chair, J.D. Neufeld, has obligations that require him to step down as chair, but he will remain on the Committee. Eight of the 10 committee members were in attendance.

A nomination was made for Judy Adams to serve as Chair. A motion for the nominations to cease was made by Larry Swan and seconded by Ellen Verell. All in attendance voted to nominate Judy Adams as Chair of the Cimarron BAC.

A nomination was made for Ellen Verell to serve as Vice Chair. A motion for the nominations to cease was made by Bill Barby and seconded by Gene Pflughoft. All in attendance voted to nominate Ellen Verell as Vice Chair of the Cimarron BAC.

The Chair and Vice Chair nomination proposal was supported by the KWA BAC membership committee.

The Kansas Water Office recommends the appointment of Judy Adams as Chair and Ellen Verell as Vice Chair of the Cimarron Basin Advisory Committee.

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M E M O R A N D U M

DATE: January 14, 2009
TO: Kansas Water Authority
FROM: Susan Metzger and Susan Stover
SUBJECT: 2009 Kansas Water Plan – Final Draft

The Kansas Water Office is proud to present the final draft of the 2009 *Kansas Water Plan* for consideration of approval by the Kansas Water Authority. For 25 years, the *Kansas Water Plan* has been the tool that has allowed citizen groups and water professionals from state, federal and local levels to coordinate to identify the water problems and issues that our state must address.

The major focus of this five year update is the water resource needs in the state's 12 river basins. Members of the state's 12 Basin Advisory Committees (BAC) helped identify and frame the priority issues in their basins. The various priorities reflect the basins' climatic, physiographic and demographic conditions.

The 2009 *Kansas Water Plan* is electronic, with links to supporting maps, databases, other websites and reference materials. The Kansas Water Plan is posted on the KWO web site www.kwo.org. For your convenience, we have included the Water Plan on the CD, enclosed in this mailing. The CD is organized into three volumes:

Volume one overviews the water planning process and purpose and highlights a history of water planning and provides a physiographic characterization of Kansas. There are no recommendations in volume one.

Volume two covers statewide water management, objectives, and policies, including the "Enhanced Stream Corridor and Wetland Management to Address Reservoir Sedimentation" policy section. This policy proposal has been discussed in detail with the Authority and BACs throughout 2008. Other than this new policy issue, no new recommendations are included in Volume two. The recommendations from the previous Water Plan are included and highlighted in yellow boxes.

Volume three of the *Kansas Water Plan* includes the 12 basin sections with the basin priority issues, as well as additional water management concerns that require attention. The 44 basin priority issues have recommended actions. All recommendations in the Kansas Water Plan are highlighted in yellow boxes, and once approved, will not be changed without a formal planning process.

Basin Priority Issues:

Cimarron Basin

Arkansas River Shiner
Bioenergy & Water
Management of the Ogallala High Plains Aquifer
Salt Cedar and Other Non-Native Phreatophyte Control

Lower Arkansas Basin

Rattlesnake Creek Subbasin
Bioenergy & Water
The Role of Reuse in Water Conservation
Long Term Public Water Supply
Watershed Restoration and Protection

Upper Arkansas Basin

Salt Cedar and other non-native Phreatophyte Control
Management of the Ogallala High Plains Aquifer
Interstate Cooperation to Address Water Quality
Bioenergy & Water
Middle Arkansas Subbasin
Watershed Restoration and Protection

Smoky Hill Saline Basin

Lower Smoky Hill River
Water Supply
Lower Smoky Hill River Water Management

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Solomon Basin

Ogallala High Plains Aquifer Declines
Minimum Water Levels in Webster Reservoir
Subbasin Water Management

Kansas- Lower Republican Basin

Kansas River Bed Degradation
Water Supply Management and Conservation
Watershed Restoration and Protection

Missouri Basin

Missouri River Bed Degradation and Impacts
Increased Water Recreation Use and Access
Watershed Restoration and Protection

Neosho Basin

Management of the Ozark Plateau Aquifer System and
the Spring River
Watershed Restoration and Protection
Water Supply Management and Conservation

Upper Republican Basin

Ogallala High Plains Aquifer Declines
Republican River Management:
Compact Compliance and Damages

Marais des Cygnes Basin

Comprehensive Flood Assessment
Water Supply Management and Conservation
Watershed Restoration and Protection

Verdigris Basin

Comprehensive Flood Assessment
Protecting and Enhancing Instream Flows
Watershed Restoration and Protection
Water Supply Management and Conservation

Walnut Basin

Recreational Use of the Walnut River
Regional Planning for Urbanization
Watershed Restoration and Protection
Watershed Restoration and Protection
Comprehensive Flood Assessment

Public hearings were held in Topeka, Wichita and Hays to accept comments on the *Kansas Water Plan* and policy section. In addition, public comments were accepted through the KWO website.

While work on all aspects of water resource management is ongoing, certain projects because of the urgency and opportunities available move to the forefront. This year, overall focus continues to be on steps to reduce sedimentation in the federal reservoirs and on the conservation of the High Plains aquifer. The basin priority issues in the *Kansas Water Plan* have recommended actions, some of which are underway and some of which need to be initiated. Eventually, all priority issues will have specific action plans.

Implementation of some of the recommendations in the *Enhanced Stream Corridor* policy section will begin in 2009. These recommendations include actions to better protect riparian and wetland resources through enhanced use of conservation easements, as well as, actions to better focus stream stabilization projects in priority watersheds. Legislative changes proposed in the policy section such as establishment of a conservation easement initiative fund and revision of the SCC Stream Rehabilitation Program will not be proposed during the 2009 Legislative Session, but may be appropriate for introduction in 2010. We will continue to explore the most effective and feasible use of tax incentives through additional public input to determine the highest probability of success of an incentive program.

The 2009 *Kansas Water Plan* is the product of a collaborative process that brought together all the water agencies represented on the Authority, along with BAC members and other interested stakeholders. The result is a plan that includes the very best ideas for meeting our water challenges. The next *Kansas Water Plan* update is scheduled for 2013; however, issues and policy recommendations can and will be addressed as the need arises.

Recommended Action #1:

The Kansas Water Office recommends approval of the final draft of the Enhanced Stream Corridor and Wetland Management to Address Reservoir Sedimentation Policy Section of the *Kansas Water Plan*.

Recommended Action #2:

The Kansas Water Office recommends approval of the final draft of the 2009 *Kansas Water Plan*.



Kathleen Sebelius, Governor
Tracy Streater, Director

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M E M O R A N D U M

DATE: January 12, 2009
TO: Kansas Water Authority
FROM: Margaret Fast
SUBJECT: Kanopolis/Smoky Hill Issue Update

The Smoky Hill Saline Basin priority issue of the “Lower Smoky Hill River Water Resources Management” will be highlighted at the January meeting. This report will serve as an update on the issue, an example of Water Plan implementation, as well as an update on the Surface Water Management policy proposal issue that is still under discussion.

One of the drivers for the issue is the state purchase of storage in Kanopolis in 2002. This is a lake originally authorized for flood control, irrigation and recreation in 1946. While irrigation storage is no longer an authorized purpose of the lake, there is significant surface and alluvial ground water irrigation occurring in the area.

During the summer of 2006, the lake was 7 feet below conservation, or normal, level and the water quality pool which supports the minimum release was nearly depleted. The Kansas Water Office considered submitting a request to the Corps of Engineers for a deviation from the lake’s minimum releases to save water quality storage in the case of continued dry conditions. The concern about the impact the reduced releases may have had on the downstream irrigation community led to discussions about access to storage for users other than municipal and industrial, one of the key components of the Surface Water Management policy proposal.

Prompted by dry conditions and local planning, six applications for water from Kanopolis through the Water Marketing program were submitted to the Kansas Water Office for a total amount that exceeded the yield. In November, 2006 the KWA identified specific information needed before negotiating any additional water marketing contracts from storage in Kanopolis Lake: updated yield, a stream/aquifer/reservoir model of Kanopolis and Smoky Hill River and assessment of the impact of minimum releases, both in-lake and downstream. These items have been incorporated into the basin issue. Additional action specific work plans are needed in some cases, as the KWO, other water agencies and the BACs focus on implementation of the Plan through action items such as:

1. Kansas Geological Survey will deliver the final model.
2. KWO will work with the Corps of Engineers to modify the minimum release schedule at Kanopolis Lake.
3. Hold public stakeholder meetings as needed.
4. KWO work with local stakeholders to evaluate options for irrigation access to storage.

At the January meeting, implementation action underway will be highlighted in presentations by KWO and KGS staff. This will include a detailing of the yield, impact of minimum releases and a review of the stream/aquifer model. The implications for the Surface Water Management Policy proposal will be included.

This is for information only. No action is required.

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M E M O R A N D U M

DATE: January 9, 2009
TO: Kansas Water Authority
FROM: Margaret Fast, Andy Ensz and Cheryl Battenhoff
SUBJECT: Public Water Supply Programs Update

Water Assurance District Program Update

The Kansas Water Authority has the responsibility to approve negotiations and contracts entered into by the Kansas Water Office (KWO) for storage in federal reservoirs to be used for assurance storage. The Marais des Cygnes River Water Assurance District No. 2 (MRWAD) formed in 1990. The KWO entered into contracts with the US Army of Corps of Engineers for storage in Melvern and Pomona in 1994 and 1995, respectively. Assurance storage purchase contracts in Melvern and Pomona, as well as an initial operations agreement were signed by the MRWAD and the state in 1995.

The KWO is in the process of contracting with the MRWAD for the purchase of an additional 5,400 acre-feet of assurance storage from Melvern and Pomona reservoirs (2,700 acre-feet from each reservoir) for a total cost of approximately \$1,020,000. Purchase of storage was prompted by the application for a water right by the Marais des Cygnes Public Utility Authority which led to the subsequent review of storage capacity for the MRWAD. Of the 5,400 acre-feet, the MRWAD will purchase 4,400 acre-feet with a lump sum payment in 2009 and the remaining 1,000 acre-feet will be purchased over a period of three years beginning in 2010. After the purchase, the MRWAD will own a total of 20,800 acre-feet of assurance storage (divided equally between Melvern and Pomona reservoirs), of which 9,800 acre-feet is for use by municipal members and 11,000 acre-feet is for use by Kansas City Power & Light.

The KWO has also been working with the MRWAD and the Division of Water Resources (DWR) to negotiate a renewal of the operations agreement. The operations agreement is a document that reflects how the KWO, MRWAD, DWR, and Corps of Engineers operate the rivers and reservoirs in the basin to benefit the parties of the agreement, and is renewed every five years. It is anticipated that the operations agreement with the MRWAD will be signed in the near future.

The KWO renewed the operations agreement with the Kansas River Water Assurance District No. 1 on October 21, 2008 and has recently begun negotiations for renewal of the operations agreement with the Cottonwood & Neosho River Basins Water Assurance District No. 3.

This is for information only. No KWA action is required at the time.

Negotiations for Water Marketing Contracts at Hillsdale

At the November meeting, the Authority authorized the KWO to begin negotiations for water supply from Hillsdale Lake through the Water Marketing program with Franklin County Rural Water District No. 1, Douglas County Rural Water District No. 4, and the City of Wellsville. The KWA had previously approved negotiations with the City of Gardner and Miami County Rural Water District No. 4 for water supply from Hillsdale.

As reported at the November meeting, there is interest in forming a public wholesale water supply district (PWWSD) in the Hillsdale Lake area that would endeavor to meet the needs of the existing contract holders as well as the interests of the new applicants. This effort continues to be headed by several local entities with contracts and/or applications for a public water supply in the lake. The KWO supports this concept. A second informational meeting on the PWWSD has been scheduled for January 21, 2009.

After the November meeting, the applicants were notified that permission for negotiations had been obtained. The letter also included a reminder of the local initiative investigating the formation of a public wholesale water supply district and the KWO's support for the effort. The letter to the applicants stated it is the agency's intent to let this initiative play out, but time constraints for some of the applicants will be respected. The letter also asked the applicants to contact the KWO to schedule negotiation sessions.

Douglas County Rural Water District No. 4 (District) met with the KWO in December. A number of water supply issues and options were discussed. The KWO suggested that the District make a concerted effort to negotiate a new treatment contract with the City of Lawrence, using water under their current contracts from Clinton Lake. The potential of pursuing a water right on the Kansas River was also discussed. The District currently has a connection with Johnson County Rural Water District No. 6 and the City of Baldwin; they have had discussions with Johnson County Rural Water District No. 7 regarding transportation of water from Hillsdale Lake. The District expressed a desire to remain involved in the PWWSD discussions for the time being.

The City of Wellsville called and informed the KWO they were proceeding with negotiations for a continuing water supply from the City of Baldwin, but that they were interested in a backup supply from Hillsdale Lake through the proposed PWWSD.

As of this time, Franklin County Rural Water District No. 1 has not requested to begin negotiations but is participating in the PWWSD discussions.

The KWO is currently in negotiations with the City of Gardner and Miami County Rural Water District No. 4. Staff members met with City representatives in December. The City provided the Office with a copy of their engineering report; the estimated projected need for the next 40 years is now less than the quantity requested in their application. In this meeting, they also indicated the City would support a PWWSD and will continue to participate in the discussions.

No other negotiation sessions have been held with Miami County Rural Water District No. 4; however, they are participating in the PWWSD discussions.

This is for information only. No KWA action is required at the time.

Jost Surplus Water Contracts

At the November meeting, the KWA approved the 2009 Surplus Water Report. The Memorandum of Internal Policy No. 12 (IPM-12) which was adopted by the Authority in April, 2006, authorizes the Director of the Kansas Water Office to dispose of water which has been determined to be surplus by the Authority in November of the preceding year.

On January 6, 2009, the KWO received applications from Jost Farms for two surplus water supply contracts out of Marion Lake. The Report approved by the KWA identifies that there is surplus water in Marion Lake. It is under this authorization that the Director will proceed to consider two contracts for Jost Farms from Marion Lake. Other considerations for the Director, as identified in the report, are other applications that may be active and drought status. Based on those considerations, it appears that the contracts could be approved.

This is for information only. No KWA action is required at the time.

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**Kansas Water Authority – Full Authority
Topeka, Kansas – 9:15 a.m. – January 29, 2009**

Agenda

*			KWA Advice	KWA Decision
9:15	-	Call to Order / Introductions – <i>KWA Chairman, Steve Irsik</i>		
9:20	-	Approval of Meeting Minutes		
		November 7, 2008 Regular Meeting		X
9:30	-	Consent Agenda		
		BAC Membership		X
		Updated 2009 Kansas Water Plan		X
		Sediment Policy		X
9:45	-	Basin Update- Kansas Lower Republican	X	
11:00	-	Director's Report	X	
11:45	-	New Business		
12:00	-	Announcements – Upcoming meetings: April 16-17, 2009 – Ulysses, June 11-12, 2009 - El Dorado; August 13-14, 2009 – Salina		
		Adjournment		

* Times shown are estimates. The KWA will move through the agenda as items are completed.

Please note that the agenda is subject to change
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Minutes

November 7, 2008

KANSAS WATER AUTHORITY
Pittsburg, KS

Regular Meeting

Call to Order: Chairman Steve Irsik called the November 7, 2008, Kansas Water Authority meeting to order at 8:30 a.m. in the Lamplighter Inn and Suites, Pittsburg, Kansas.

Members Present: Steve Irsik, Chairman; Gary Baker; David Barfield; David Corliss; Betty Criss; Lisa French; Mike Hayden; Kirk Larson; Edward Martinko; Karma Mason; Adrian Polansky; Ben Rogers; Gordon Schmidt; Dennis F. Schwartz; Tracy Streeter.

Members Absent: Fred Cholick; Greg Foley; Lon Frahm; Jay Garetson; William Harrison; David Kerr; John Mitchell; Don Paxson; Tom Wright.

Approval of Minutes:
Motion No.11-07-16 It was moved by **Dennis Schwartz** and seconded by **Ben Rogers** that the August 15, 2008 Minutes for the Regular Meeting of the Kansas Water Authority be approved as presented. **Motion carried with no dissenting votes.**

Consent Agenda: **Action on the Committee of the Whole Recommendations**

Motion No. 11-07-17 It was moved by **Betty Criss** and seconded by **Lisa French** to approve the following items on the Consent Agenda. (*Recommendations from the November 6, 2008, Committee of the Whole Meeting, are in the text boxes that follow.*) **Motion carried with no dissenting votes.**

1. **KWA Responses to the BAC Messages** – To approve the KWA responses as discussed.

*It was moved by **Dennis Schwartz** and seconded by **Kirk Larson** that the BAC messages to the KWA be placed on the Consent Agenda for approval before the Full Authority. **Motion carried with no dissenting votes.***

2. **BAC Membership** – To approve the recommendations of the KWA BAC subcommittee regarding BAC membership.

*It was moved by **Don Paxson** and seconded by **Ben Rogers** that the recommendations of the KWA BAC subcommittee regarding the BAC membership be accepted as presented and placed on the Consent Agenda for approval before the Full Authority. **Motion carried with no dissenting votes.***

Consent Agenda Continued:

3. **Kansas Water Plan – Basin Priority Issues** – To release for Public Hearing.

*It was moved by **Betty Criss** and seconded by **Don Paxson** that the Kansas Water Plan – Basin Priority Issues be released for Public Hearing as presented and placed on the Consent Agenda for approval before the Full Authority. **Motion carried with no dissenting votes.***

4. **Kansas Water Plan – Reservoir Sustainability Initiative** – Surface Water Management: Access to Storage Policy – To continue discussion.

*It was moved by **Dennis Schwartz** and seconded by **Lisa French** to continue discussion on the Surface Water Management: Access to Storage Policy as presented and to place it on the Consent Agenda for approval before the Full Authority. **Motion carried with no dissenting votes.***

5. **2009 Annual Report to the Governor and Legislature** – To approve the 2009 Annual Report to the Governor and Legislature.

*It was moved by **Dennis Schwartz** and seconded by **Don Paxson** to approve the 2009 Annual Report to the Governor and Legislature as presented and to be placed on the Consent Agenda for approval before the Full Authority. **Motion carried with no dissenting votes.***

6. **EPA Wetland Program Development Grant Contract** – To approve.

*It was moved by **Don Paxson** and seconded by **Lisa French** to approve the EPA Wetland Program Development Grant Contract as presented and to be placed on the Consent Agenda for approval before the Full Authority. **Motion carried with no dissenting votes.***

7. **2009 Surplus Water Report** – To approve.

*It was moved by **Dennis Schwartz** and seconded by **Lisa French** that the 2009 Surplus Water Report as presented be placed on the Consent Agenda for approval before the Full Authority. **Motion carried with no dissenting votes.***

Consent Agenda Continued:

- 8. **Requests for Negotiation from Hillsdale Reservoir** – To authorize the KWO Director to begin negotiations for municipal and industrial water supply purposes from Hillsdale Reservoir.

Dennis Schwartz and **David Corliss** excused themselves from the meeting on this agenda item during the discussion and voting to avoid any possibility of conflict of interest.

*It was moved by **Karma Mason** and seconded by **Kirk Larson** to authorize the Director of the KWO to begin negotiations with Douglas County RWD No. 4, Franklin County RWD No. 1 and the City of Wellsville regarding purchase of water from Hillsdale Lake for municipal and industrial water supply purposes and place it on the Consent Agenda for approval before the Full Authority. **Motion carried with no dissenting votes and two abstaining votes.***

Dennis Schwartz and **David Corliss** re-entered the meeting at this time.

Directors Report: Tracy Streeter presented the Director’s Report, providing an update on the Weather Stations Mesonet, Post Election Summary, CREP Update, and the Mission Lake Dredging Project.

Update on Ozark Aquifer and SE Kansas Water Issues

Deb Baker, John Bailey, Jim Triplett and David Barfield presented an update on the Ozark Aquifer and SE Kansas Water Issues.

New Business:

Announcements: The next meeting January 28-29, 2009, Topeka, KS

Adjournment:

Motion No.11-07-18 **Dennis Schwartz** moved to adjourn and **Karma Mason** seconded. The Kansas Water Authority meeting adjourned at 10:47 a.m. **Motion carried with no dissenting votes.**

Steve Irsik, Chairman

Tracy Streeter, Secretary