

MINUTES OF THE Senate COMMITTEE ON Energy and Natural Resources

The meeting was called to order by Senator Charlie L. Angell at
Chairperson

8:00 ~~a.m.~~ p.m. on Friday, February 11, 1983 in room 123-S of the Capitol.

All members were present ~~except~~:

Committee staff present:

Ramon Powers, Research Department
Don Hayward, Revisor's Office
LaVonne Mumert, Secretary to the Committee

Conferees appearing before the committee:

Guy Gibson, Chief Engineer, Division of Water Resources
Don E. Gerard, Board of Public Utilities of the City of McPherson and Central Kansas Public
Wholesale Water District
Mary Alice Horsch, Sedgwick County Conservation District
Mary Ellen Conlee, City of Wichita
Buford M. Watson, Jr., City of Lawrence and Kansas River Alliance
William M. Henry, Kansas Engineering Society
Richard Basore, Bentley, Kansas

S.B. 62 - Interbasin transfers of water.

A statement from the Kansas Section-American Water Works Association (Attachment 1) was distributed to the Committee.

Guy E. Gibson read his written testimony (Attachment 2). He said concerns have been raised that the language in Section 2 might allow the possibility of impairing existing water rights. He suggested the following amendment: "Notwithstanding any other provision of this act, no application for an interbasin transfer shall be approved if the panel determines that such application would impair existing water rights in the basin of origin."

Don E. Gerard read his written testimony (Attachment 3). He expressed the opinion that S.B. 62 seems to be in occasional conflict and redundant in relationship to S.B. 61. Mr. Gerard said he feels the Legislature should make the final decision rather than the Kansas Water Authority in regard to interbasin transfers. He suggested at least an additional year of study on S.B. 62 and also suggested that a state water plan might be a better solution. Chairman Angell asked Mr. Gerard if the bill was amended to include legislative review of the contracts, would that remove his objections to the bill. Mr. Gerard answered that it would be a major improvement and remove a big obstacle.

Mary Alice Horsch read her written testimony (Attachment 4). She urged that a public hearing process be included as a part of consideration of interbasin transfer applications and also that the hearing panel be expanded to include two members of the Kansas Water Authority who are not bureaucrats. They feel that a year may be insufficient time to develop a state water plan and so they would urge that conservation be made a part of this bill. They propose amending S.B. 62 to include a guarantee by an applicant it is using the present sources of water efficiently and also has an implemented water conservation plan, that the applicant has attempted to extend its existing water source and that the water transferred from one basin to another will be used efficiently. Ms. Horsch said they support the concept of the bill and would be supportive of the bill if conservation language were added to it.

Mary Ellen Conlee distributed her written testimony (Attachment 5). She said they feel S.B. 62 is redundant and also feel the establishment of a new priority may conflict with the present Kansas Water Appropriation Act and are therefore opposing the bill. Senator Werts asked what her objections were to S.B. 61. Ms. Conlee replied they feel the price is too high and are concerned about the large interest charge. Senator Kerr said that Mr. Gerard had stated if legislative review was added to the bill that would go a long ways towards alleviating their concern and asked how Ms. Conlee felt about that. She replied she would agree with that.

CONTINUATION SHEET

MINUTES OF THE Senate COMMITTEE ON Energy and Natural Resources,

room 123-S, Statehouse, at 8:00 a.m. ~~XXX~~ on Friday, February 11, 1983

Buford M. Watson, Jr. read his written statement (Attachment 6). He said they oppose the bill as presently written. They would urge that a definition of "reasonably foreseeable future" be included in line 90. They feel that the receiving basin should be required to show that all other alternatives have been considered. Mr. Watson pointed out additional information will be available when the Corps of Engineers completes its study of the Kansas River basin. In response to a question from Senator Gannon, Mr. Watson said the members of the Kansas River Alliance are Manhattan, Salina, Kansas Power and Light Company, Wamego, Lawrence, Shawnee County Rural Water District, Topeka, Johnson County Water District No. 1 and the Bowersock Electric Company.

William M. Henry summarized his written testimony (Attachment 7). He said they are concerned about the lack of legislation addressing intrabasin transfers. He noted that the Kansas River basin has been divided into an upper and lower basin. Mr. Henry stressed that the bill should be clarified that current water withdrawals would not be affected by this legislation.

Richard Basore read his written testimony (Attachment 8). He is a farmer and irrigator in northwest Sedgwick County. The reason he opposes S.B. 62 is because it does not address water conservation. Mr. Basore cited examples of the lack of water conservation. He said passing S.B. 62 would allow the misuse and waste of water to continue.

Answering a question from Senator Vidricksen, Mr. Gerard said the members of the Central Kansas Public Wholesale Water District are Abilene, Salina, Lindsborg, McPherson, Moundridge, Hesston, Newton, Wichita, Bel Aire, Halstead, Hutchinson, Park City, Sedgwick, Haysville and Valley Center.

Senator Werts asked about the reasoning for dividing the Kansas River basin into two parts. Mr. Gibson answered that the future possibility exists for transferring water from the lower Kansas River basin to the upper.

The meeting was adjourned at 8:55 a.m. by the Chairman.

The next meeting of the Committee will be at 8:00 a.m. on February 15, 1983.

Senate Energy & Natural Resources

Feb. 11, 1983

<u>Name</u>	<u>Organization</u>
M. Hawver	Capital Journal
Jack Alexander	City of Topeka
Mary Ellen Conlee	City of Wichita
Chris McKenzie	League of Ks. Municipal
Jim Aiken	KOHE
JOE HARKINS	KWO
Doyle D. Raher	KWA (Agra ^{to})
GILBERT RUNDRELL	KFB
Martha Masgleday	Kansas Water Authority
D. WAYNE ZIMMERMAN	THE ELECTRIC CO'S ASSOC. OF KS.
BILL PERDUE	Kansas Power & Light Co.
Lon Stanton	" " " "
George Barbee	Ks Consulting ENGRS.
JERRY CLARKE	KG&E
Roy D. Shenkel	K.C.P.L.
Bill Anderson	Water Dist #1 of Jo. Co.
John A. Henderson	KWO
Guy E. Gibson	Ks. of Biol. Agric., D.W.R.
LeLand E. Rolfs	" " " "
Rosemary G. Geary	Kansas Corporation Commission
Ruth Wilson	Soil Scouts
CR DUFFY	KWA Staff
Mary Fund	Ks. Rural Center
Richard Basore	Farmer - Bentley Ks
Bobbie Keltner	Sierra Club
M C Clark	KEPCO
JOE HAMMAN	KEPCO
DALE BAJEMA	KGS
DIANA COLEMAN	KANSAS GEOLOGICAL SURVEY

Name

Keely R. Wedel

Sharad Bhatia

Lyle H. Drescher

Organization

Kansas Natural Resource Council

KPL

City Manager, Wamego



Kansas Section-American Water Works Association

2449 Arkansas
Lawrence, Kansas 66044
February 8, 1983

The Honorable Charlie Angel
Chairman
Senate Committee on Energy & Natural Resources
State House
Topeka, Kansas 66612

Dear Senator Angel:

Enclosed is testimony on behalf of the Kansas Section, American Water Works Association on S.B. 62. We have enclosed sufficient copies for the members of your committee.

We regret our inability to present this in person, but a series of occurrences prevent this.

Please consider our deep concern with the issues set forth in our statement. While we do not oppose the regulation of interbasin transfer of water, is it wise to adopt this legislation now in view of the announced policy of the Kansas Water Office to update the policy portions of the state water plan within the next 12 to 18 months?

Sincerely yours,

N. Jack Burris
Chairman
Kansas Section AWWA

NJB:lw

Board of Trustees 1982 - 1983

N. Jack Burris, Lawrence
John H. Robinson, Mission Hills
Franklin E. Withrow, Jr., Wichita
Beau Kansteiner, Leavenworth
David C. Kendrick, Lyons

Chairman
Director - Past Chairman
Chairman Elect
Vice Chairman
Trustee

Terry McKanna, Olathe
Ron Arnold, Larned
Jerry L. May, Salina
Loyal Butts, Hutchinson

Trustee
Trustee
Sec.-Treas.
Asst. Sec.-Treas.

Atch. 1



Kansas Section-American Water Works Association

TESTIMONY BEFORE
THE SENATE ENERGY AND NATURAL
RESOURCES COMMITTEE ON
SENATE BILL 62

The American Water Works Association is made up of the people who design and regulate your public water systems, and more importantly, the people who operate these systems. Our association in Kansas has a vital stake in water issues because it effects you and our customers.

The association does not oppose the concept of regulating interbasin transfer, but, we must raise three legislative policy issues. These issues are:

- (1) SB-62 should be limited to appropriation of water under K.S.A. 82a-701 et seq.
- (2) SB-62 would seriously erode the fundamental legislative policy laid down in the Water Appropriation Act in transferring the decision on water allocation from the Chief Engineer to the Kansas Water Authority.
- (3) SB-62 needs to include legislative overview as exercised through the Legislature enactment of the State Water Plan.

Board of Trustees 1982 - 1983

N. Jack Burris, Lawrence
John H. Robinson, Mission Hills
Franklin E. Withrow, Jr., Wichita
Beau Kansteiner, Leavenworth
David C. Kendrick, Lyons

Chairman
Director - Past Chairman
Chairman Elect
Vice Chairman
Trustee

Terry McKanna, Olathe
Ron Arnold, Larned
Jerry L. May, Salina
Loyal Butts, Hutchinson

Trustee
Trustee
Sec.-Treas.
Asst. Sec.-Treas.

Senate Bill 62 should be re-drafted to be consistent with the Water Appropriation Act (K.S.A. 82a-701 et seq) and the State Water Plan (K.S.A. 82a-901 et seq). In this regard we offer the following conceptual framework for draft legislation.

1. All applications to appropriate water shall be submitted to the Chief Engineer, Division of Water Resources.
2. Whenever any interbasin transfer of water is in excess of 0.5 mgd and would be conveyed more than 20 miles through a pipeline from point of diversion to the place of use the Chief Engineer shall request the Interbasin Transfer Panel to hear and review the plans of the applicant and submit its findings to him.
3. The Chief Engineer shall submit the findings of the panel to the Kansas Water Authority for determination if the proposal is in conflict with the State Water Plan as enacted by the State Legislature under the provisions of K.S.A. 82a-908.
4. The Chief Engineer shall consider the recommendations of the panel and the Authority before issuing or denying the application to appropriate water. An appeal of the Chief Engineer's decision would follow the provisions of K.S.A. 82-701 et seq.

Finally we suggest the definition of "Interbasin transfers" mean the diversion or withdrawal of water in excess of 0.5 mgd and the transportation of such water through a pipeline 20 miles or more from the point of diversion or withdrawal to the place of use. This definition is significantly different than the one proposed by the Kansas Water Authority. This definition would broaden interbasin transfers to include both surface and groundwater. Most important though, it requires significant transfers of water a short distance to meet the public interest criteria.

These proposals made by the Kansas Section, AWWA do two things:

- (1) They maintain the integrity of the basic law of water appropriation in this state, and
- (2) They recognize the significance of major withdrawals or diversions of water and moving these waters from one place to another may adversely effect the hydrologic water balance and must meet the public interest criteria.



KANSAS STATE BOARD OF AGRICULTURE

DIVISION OF WATER RESOURCES

GUY E. GIBSON, Chief Engineer—Director
109 SW Ninth Street
TOPEKA, KANSAS 66612-1283
(913) 296-3717

HARLAND E. PRIDDLE
Secretary

February 3, 1983

Honorable Charlie Angell
State Senator
Chairman, Senate Committee on Energy
and Natural Resources
Room 355-E, Capitol Building
Topeka, Kansas 66612

Dear Senator Angell:

I have received several calls concerning the intent of Senate Bill No. 62, with particular reference to lines 36 through 46.

Section 2, lines 36 et. seq., provides in part,

"No interbasin transfer of water shall be approved which would reduce the amount of water required to meet the present or reasonably foreseeable future beneficial uses of water within the basin of origin unless..." (emphasis supplied)

Several persons have expressed concern that this language, and the language that follows, would allow approvals of interbasin transfers of water which might impair present existing water rights in the basin of origin if the hearing panel and the Water Authority and the Legislature found such approval to be in the public interest.

This agency questions whether that was the intent of Senate Bill No. 62. This issue was raised by this agency in a Kansas Water Authority Subcommittee meeting in Garden City last fall and it was our understanding that a specific proviso had been added into Senate Bill No. 62 explicitly foreclosing the possibility of approving an interbasin transfer which would impair existing water rights. For whatever reason this proviso seems to have been omitted from this draft of Senate Bill No. 62.

If it is the intent of Senate Bill No. 62 that existing property rights in the form of current water rights not be impaired by approval of interbasin transfers, then a specific proviso could be added to Senate Bill No. 62 to make that clear.

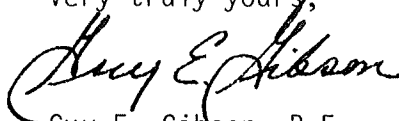
Such a proviso might read as follows,

"Notwithstanding any other provision of this act, no application for an interbasin transfer shall be approved if the panel determines that such application would impair existing water rights in the basin of origin."

I think that such a proviso might lay to rest any concerns that water right holders in the basin of origin might have.

If you have any questions concerning this matter, please feel free to contact me.

Very truly yours,

A handwritten signature in cursive script that reads "Guy E. Gibson".

Guy E. Gibson, P.E.
Chief Engineer-Director

GEG:LER:dw

cc: Harland E. Priddle
Leland E. Rolfs
David L. Pope

BOARD OF PUBLIC UTILITIES

City of McPherson, Kansas - 67460

Box 1008 Phone 316-241-0661

CARLOS V. CRABB, CHAIRMAN
DALE E. RENBERGER, VICE CHAIRMAN
JOHN E. REIMER, MEMBER
CYN. ROTH, UTILITIES COMM., EX-OFFICIO

DON E. GERARD, P. E., GEN. MGR.
KENNARD D. BOLDT, P. E., ASS'T. GEN. MGR.
LAURENCE R. SWENSON, CPA, SEC'Y-COMPTROLLER

February
11
1983

Senate Energy and Natural Resources Committee
Kansas State Legislature
Session of 1983

Honorable Charlie L. Angell, Chairman

In Opposition to Senate Bill 62
and relating to interbasin transfers of water

Dear Chairman Angell:

The interbasin transfer bill as proposed here seems to be in occasional conflict and redundant to the stipulations and requirements of Senate Bill 61 as amended. If the essential purpose of this legislation is to determine the overall beneficial use of applying water to one geographic section of the state versus some other neighboring community in the state, I believe SB-61 spells out most of those requirements.

New "Section 10", sub paragraph (b) of SB-61 deals entirely with the sale of water and the determination as to the benefits of the people of the State of Kansas. Of the ten subsections to sub paragraph (b) all but two deal with the impairment of the basin of the reservoir or the needs of the area of the applicant.

Senate Bill 61 as amended by the Senate Committee stipulates the involvement of the Director of the State Water Office, the State Water Authority and the Chief Engineer of the Division of Water Resources. Senate Bill 61 does not imply the use of the courts to settle issues of disagreement. It does refer water contracts to the legislative body however, and perhaps that would offer a more responsive audience for an open debate in order to arrive at the best decision for the health, safety and general welfare of the people of Kansas.

Interbasin transfers certainly has an interesting ring and can lead one's thoughts to ominous levels. Consider however, the test of such statutory regulation to the act of an entity purchasing major quantities of water from a given basin reservoir and piping this water downstream to the point of use that essentially by-passes one or more major communities. Senate Bill 61 would address this issue as it would inter-basin transfers.

AL-4.3

Senator Charlie L. Angell
February 11, 1983
Page 2

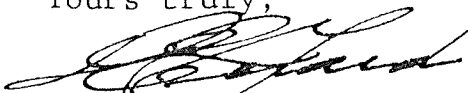
I would suggest that an updated state water plan might be the actual key to successful and practical control of our water resources in the State of Kansas.

If our proposed project, which is known as the Central Kansas Public Wholesale Water District, is causing concern that some legislation is urgently needed at this time, I assure you that we still have many months of preparation ahead of us.

Gentlemen, I would urge you to refer this particular piece of legislation into a study committee for at least one year. I believe that our people who are responsible for planning of our water requirements will bring forth some sound recommendations for this type of legislation.

Once again Senator Angell, I appreciate the opportunity to address a vital piece of state legislation.

Yours truly,



Don E. Gerard, General Manager
Board of Public Utilities

Chairman, Central Kansas Public Wholesale
Water District

DEG/cjp

SENATE ENERGY AND NATURAL RESOURCES COMMITTEE

By the Sedgwick County Conservation District
4100 Maple, Wichita, Kansas 67209
Mary Alice Horsch, Executive Secretary to the Board

The Sedgwick County Conservation District appreciates the opportunity to address the issue of Senate Bill #62. Please be assured that the Conservation District supports the concept of interbasin transfer of water and appreciates the complexities encountered when establishing legislation to do this in a just manner.

The Sedgwick County Conservation District would like to encourage your committee to establish a public hearing process whereby the Kansas Water Authority or any group responsible for granting interbasin transfer of water be accessible to the public. We believe that any group making water decisions with such far-reaching implications should not be shielded from direct testimony by the public that has to live with those decisions and the expense dictated by those decisions. Therefore, it is our recommendation that the prescribed panel to conduct public hearings be expanded to include two members of the Kansas Water Authority who are not bureaucrats.

The Conservation District's greatest concern, however, is the lack of language addressing wise use and management of water in the proposed law. We definitely agree with the Kansas Water Authority's recommendation that conservation should be dealt with in a State-wide plan. We also praise Governor Carlin's directive that such a plan be prepared within one year. However, in view of the many facets which must be considered, we feel that the time frame may be too optimistic. In fact, it may be 2, 5, or even 10 years before a realistic plan can be implemented. In the meantime, are we prudent to allow our present wasteful attitude to prevail? Isn't it likely that cities now disregarding water conservation will be the first in line for water from other basins? Can we afford to go on

Atch. 4

making the same mistakes we have made in the past by not giving communities the gentle or firm push they need to implement their own conservation program?

Isn't it also likely that cities refusing to conserve water from their present sources will refuse to conserve water from another basin? Aren't we assuming too much when we assume that water conservation will not escape the review panel?

We urge you not to exclude conservation language now from this legislation just because it may be dealt with later in a more comprehensive plan. How many major decisions might be made on interbasin transfer of water in the meantime? We hereby recommend that conservation be included IN LIEU OF A STATE-WIDE WATER POLICY and that (1) strong language be included to guarantee that the applicant is using it's present source of water efficiently and that it has a viable, implemented residential and industrial or agricultural water conservation plan; (2) ~~to include~~ *language be included to assure* sufficient proof by the applicant that it has ~~made every effort~~ to extend it's existing water source through technical practices such as recycling of waste water; and, (3) language be included to insure that water transferred from one basin to another will also be used efficiently by the applicant.

Mr. Chairman, Committee Members, you have in your power, by inclusion of such requirements in this legislation, a tool to stop the age-old attitude that a *or individual* city needs more "water to waste".

Thank you.

RECOMMENDATIONS ON THE
INTERBASIN TRANSFER ACT
SENATE BILL #62

BY

MARY ELLEN CONLEE, CITY OF WICHITA
PUBLIC AFFAIRS DIRECTOR - LEGISLATIVE
ACTIVITIES COORDINATOR

Chairman Angell and Committee Members, I appear before you this morning on behalf of the City of Wichita in opposition to Senate Bill 62. We are of the opinion that S.B. 62 is excessive legislation and could just as easily, if deemed necessary, be addressed as an administrative regulation of the Kansas Water Authority.

In support of our position we wish you to consider the following:

1) The proposed bill is redundant. Senate Bill 61, which already has Committee approval, requires the applicant to provide the Authority with the same information as the proposed S.B. 62. Questions such as present beneficial use, future beneficial use, adverse impacts, economic, environmental and public health benefits, alternative sources, and consistency with the state water plans are all required in S. B. 61.

2) The establishment of a new priority (basin of origin) may be in conflict with the present Kansas Water Appropriation Act which is essentially a doctrine of first in time, first in use.

Thank you for your consideration.

M.E.C. 5



City of Lawrence KANSAS

BUFORD M. WATSON, JR., CITY MANAGER

CITY OFFICES 6 EAST 6th
BOX 708 66044 913-841-7722

CITY COMMISSION

MAYOR

MARCI FRANCISCO

COMMISSIONERS

DONALD BINNS

BARKLEY CLARK

TOM GLEASON

NANCY SHONTZ

February 11, 1983

Chairman Charlie L. Angell
Senate Energy and Natural Resources Committee
Kansas State Capitol
Topeka, Kansas

RE: Opposition to Senate Bill 62

Mr. Chairman:

My name is Buford M. Watson, Jr., and I am City Manager of Lawrence, speaking on behalf of the Kansas River Alliance and the City of Lawrence. I appreciate the opportunity to speak to this committee in opposition of Senate Bill 62 as presently written. For several years we have talked about the need for the state to complete basin studies before enacting water policies. The Corps of Engineer's study of the Kansas River basin needs to be completed to assist in enacting policies.

We understand the State of Kansas has responsibility for the management of the Water Resources. The State of Kansas also should negotiate interstate agreements if necessary to insure an adequate water supply. We recognize the problem of absolute protection of the basin where the water originates and the conflict with the Water Appropriations Act. Having said that, we believe Senate Bill 62 should require the applicant in the "basin of receipt" to prove not only the unavailability of existing sources of water in their basin, but also that alternate sources cannot be made available.

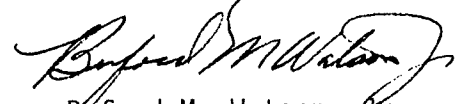
The bill should also define "reasonably foreseeable future" in line 90. We recommend this foreseeable future to be 40 to 50 years with an accounting of both growth in population and per capita consumption.

Atch. 6

Chairman Charlie L. Angell
Topeka, Kansas
February 10, 1983
Page 2

We urge you to vote against Senate Bill 62 unless these suggested changes are made. I appreciate the opportunity of speaking to your committee on behalf of the Kansas River Alliance and the City of Lawrence.

Respectfully,



Buford M. Watson, Jr.
City Manager

Kansas Engineering Society, Inc.

216 West Seventh
P.O. Box 477
Topeka, Kansas 66601
913-233-1867

BOARD OF DIRECTORS

EXECUTIVE COMMITTEE

President
Forrest Kirkpatrick, P.E.
Prairie Village

President-Elect
Barry C. Rist, Jr., P.E.
Shawnee

First Vice President
William M. Lackey, P.E.
Topeka

Second Vice President
William Johnson, P.E.
Manhattan

Secretary/Treasurer
Larry Emig, P.E.
Topeka

Past President
Ronald Wells, P.E.
Hutchinson

STATE DIRECTORS

Eastern
Carl Reed, P.E.
Kansas City

Golden Belt
Larry Thompson, P.E.
Ellinwood

Hutchinson
Gale Maddy, P.E.
Hutchinson

Northwest
Tom McCormick, P.E.
Hays

Smoky Valley
Maurice Bowersox, P.E.
Assaria

Southeastern
Michael Conduff, P.E.
Pittsburg

Southwestern
Robert Johnson, P.E.
Liberal

Topeka
Gary Shofner, P.E.
Topeka

Tri Valley
Stanley Clark, P.E.
Manhattan

Wichita
Mike Schomaker, P.E.
Wichita

PRACTICE SECTION
CHAIRMEN

Construction
Don School, P.E.
Salina

Education
William Douglas, P.E.
Lawrence

Government
Monroe Funk, P.E.
Wichita

Industry
Jack Hinton, P.E.
Topeka

Consulting Engineers
William Delich, P.E.
Olathe

NATIONAL DIRECTORS

Ted Farmer, P.E.
El Dorado

Ronald Wells, P.E.
Hutchinson

Executive Vice President

Senate Energy and Natural Resources Committee Testimony
February 11, 1983

RE: Senate Bill 62

Mr. Chairman, members of the committee, I am Bill Henry, Executive Vice President of the Kansas Engineering Society, appearing today on behalf of the Society.

Although you have designated today as the opportunity for the opponents to Senate Bill 62 to appear I would like to make clear for the record that we have taken a neutral position on this particular piece of legislation and indeed find considerably fewer problems with S.B. 62 than we presented to you earlier on S.B. 61.

We were privileged to have the opportunity to look at S.B. 62 in its draft form through the courtesy of the State Water Authority who asked us to review this document last fall and critique the proposed legislation considering interbasin transfer. Our Environmental Resources Committee carefully reviewed the proposed legislation and we would now present to the committee certain of our comments based upon that review.

Our basic concern, is that we believe the proposals presented within this legislation basically discriminate against interbasin transfer as compared to intrabasin transfer. Movement of water down stream, be it within the basin, by a very large pipeline conveying water considerable distances, could be as upsetting to the economics and the environment of the State of Kansas as would the moving of large quantities of waters out of the basin. We are not certain the utilization of the review process as proposed in S.B. 62—that is it only covers interbasin transfers—will adequately protect the users or protect the citizens of Kansas. Therefore, if review of large transfers of water is to be done on an interbasin proposal, the same should be conducted for an intrabasin transfer. The concept might be that all proposed transfers intrabasin, as well as interbasin above 100 million gallons per year or the 307-acre-feet per year proposal in this bill, be reviewed by the proposed panel made up of the Chief Engineer of the Division of Water Resources, the Director of the Kansas Water Office and the Director of the Division of Environment. As a result this panel would then be charged with insuring that all proposed large water transfers would be in conformance with the state water plan.

As a matter of comment, it seems odd that the Kansas basin has been divided into upper and lower river basin, and that the panel must review transfers from the upper basin to the lower, even though

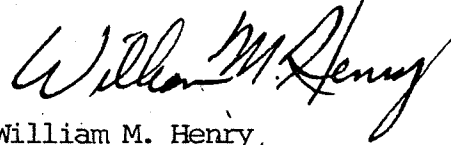


they are intrabasin. This does not seem consistent or logical, and would not be necessary if all proposed large transfers of water were reviewed whether they are interbasin or intrabasin.

Secondly, we feel that the proposed legislation, either through a statement in the bill itself, or through a statement in the minutes of this committee, should reflect the concern that Chairman Angell noted in yesterday's testimony. That is the concern that this bill may affect more individuals or users of water that are presently working on an interbasin concept than you may intend for this legislation to affect. As the chairman noted yesterday, certain communities are right on the boundaries of these lines that have been drawn to mark off the interbasin divisions. In some cases these municipalities may be located in one basin but their wells from which they draw their water supplies are located in another. We feel from the discussion that came forward yesterday that the committee does not intend to reach those current users or affect their current operations. To make this intent clear, we therefore ask for some language that expresses that intent or some definite statement in your minutes so that in the future there will be no question that it was legislative intent to not disturb any current water withdrawals and subject them to the proposed panel of review.

If the committee has further questions that it would wish to address to our Society in regards to S.B. 62 we would be happy to respond with either written or further oral testimony.

Respectfully submitted,



William M. Henry,
Executive Vice President
Kansas Engineering Society

TESTIMONY BEFORE THE SENATE ENERGY AND NATURAL RESOURCE COMMITTEE
February 11, 1983
BY RICHARD BASORE

I am a farmer and irrigator in Northwest Sedgwick County. I have a life-long concern and interest in water. I have been active in Farm Bureau and soil conservation.

I am here today not because I oppose inter-basin transfer of water as a concept or policy. It makes eminent good sense to me to utilize unappropriated water from an already existing reservoir in lieu of constructing new and costly lakes with their accompanied displacement of people and property.

However, if inter-basin transfer is an idea whose time has come, then certainly water conservation must be an idea whose time is now. Anyone wishing to appropriate water from people in another basin should at least be expected to utilize that water in a manner consistent with good stewardship. They should expect to have to prove real need for that water and a plan to insure that it is used efficiently and not wasted. To waste it is to stab in the back the people in the source area who have forfeited their need and rights to that water for their own beneficial uses.

Any consideration of inter-basin transfer legislation must recognize the fact that the prime mover of the idea at this time is the City of Wichita, and it is a perfect example, although not the only one, of why I am concerned.

Since its inception in 1975, I have watched the Equus Beds Groundwater Management District #2 adopt rules and regulations and plans and policies---all having the effect of putting the burden of controlling water use and water conservation squarely on agriculture. The District has never even discussed water conservation in a plan as it would apply to Wichita, even though Wichita is the single largest water user in the District and consumes 32% of the water pumped in the District.

On March 6, 1979, the Wichita Water Department responded to a Wichita City Commission request for proposals on water conservation. Several conservation techniques were presented. No action was ever taken to implement the report, and it has not been mentioned since.

Atch. 8

After the heavy drought and heat wave of the summer of 1980, the City rewarded its water customers for their massive increased use of water by rolling back a scheduled 12% increase in their water rates. This rewarded consumption and thus sent a clear message throughout the city not to conserve.

Wichita sits over available groundwater of sufficient quality for many industrial and commercial uses. They, also, generate millions of gallons of recoverable effluent daily. Required use of low water use plumbing fixtures can save a household of four over 36,000 gallons, of water a year, and Wichita has 100,000 households.

I believe it would be a disservice to the citizens of this State to allow the inter-basin transfer of water to begin while waiting for a Statewide water conservation plan to emerge. To do so would be to allow many chronic wasters of water to continue their malpractice, not only until a State water conservation plan becomes a reality, if and when, but with the real probabilities of "Grandfather clauses" they might never be made to comply and conserve water at all.

This is why I am concerned. Any inter-basin transfer legislation passed without the addition of a clause mandating conservation will only serve to rubber stamp the current practices of those who are misusing what in the very near future will prove to be our most valuable natural resource---water.

Thank you, Mr. Chairman.