

MINUTES OF THE HOUSE COMMITTEE ON ENERGY AND NATURAL RESOURCES

The meeting was called to order by Vice Chairman Jim Patterson at
Chairperson

3:30 ~~xxx~~ p.m. on February 19, 1985 in room 313-S of the Capitol.

All members were present except:

Representative Holmes (excused)
Representative Ott (excused)

Committee staff present:

Ramon Powers, Legislative Research
Theresa Kiernan, Revisor of Statutes' Office
Betty Ellison, Committee Secretary

Conferees appearing before the committee:

Representative Vern Williams
Denny Burgess, Kansas Wildlife Federation
Darrell Montei, Kansas Fish and Game Commission
Jeff Russell, Governmental Affairs Director,
United Telephone Company of Kansas
Wilbur G. Leonard, Executive Vice President,
Kansas Telephone Association
Bill Ewing, Public Affairs Manager,
Southwestern Bell Telephone Company
Brian J. Moline, General Counsel, Kansas Corporation Commission
Representative Ginger Barr
Joe Zinn, Water well contractor, Lost Springs, Kansas
Francis Cox, Water well contractor, Clifton, Kansas
Jerome Weninger, Water well contractor, Colwich, Kansas
Robert L. Vincent, Geologist, Wichita, Kansas
Howard O'Connor, Senior Geologist, Kansas Geological Survey,
Lawrence, Kansas
Larry Crick, Water well contractor, Cimarron, Kansas
Richard L. Henkle, Water well contractor, Garden City, Kansas
Barbara J. Sabol, Secretary of Health and Environment
Marsha Marshall, Kansas Natural Resource Council
Donald P. Schnacke, Kansas Independent Oil and Gas Association
Helen Stephens, League of Women Voters

Representative Vern Williams, a sponsor of House Bill 2217, testified in favor of the bill. He cited an example of a handicapped constituent who was unable to handle a longbow or a compound bow, but was an excellent shot with a crossbow. He noted that the bill would do three things:

1. Authorize anyone with a permanent disability which prevents the use of a conventional longbow the use of a crossbow to hunt deer and antelope in Kansas.
2. Require certification of the handicap by a licensed physician.
3. Provide that the Fish and Game Commission would establish the "how and when" for hunting and the minimum standards for the crossbow usage.

Representative Williams named ten states which presently allow the use of a crossbow, most of them under certain restricted conditions.
(Attachment 1)

Mr. Denny Burgess, representing Kansas Wildlife Federation, testified in favor of House Bill 2217. He noted that his organization favored any means of increasing opportunities for sportsmen.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON ENERGY AND NATURAL RESOURCES,

room 313-S, Statehouse, at 3:30 ~~am~~/p.m. on February 19, 1985.

Mr. Darrell Montei testified on behalf of the Fish and Game Commission. It was his belief that House Bill 2217 was not needed because current law would allow hunting with a crossbow. He said that no one had as yet applied to hunt with a crossbow.

This ended the hearing on House Bill 2217.

To begin the hearing on Senate Bill 49, Mr. Jeff Russell, representing United Telephone Company, spoke in support of the bill. He said that the "breaking out" of utility companies into four separate categories would not affect the degree of regulation exercised by the Kansas Corporation Commission, but would enable the Legislature and Commission to address a specific utility industry without having to analyze the effect on other utility industries for which the legislation or regulatory ruling was not intended. (Attachment 2)

Mr. Wilbur G. Leonard testified on behalf of the Kansas Telephone Association. He stated that all of the member companies of his association were in support of the passage of Senate Bill 49, as outlined by Mr. Russell. (Attachment 3)

Mr. Bill Ewing of Southwestern Bell Telephone Company testified in support of Senate Bill 49. He noted that the categories established would be :

1. Telephone and telegraph
2. Electrics
3. Radio Common Carriers
4. Miscellaneous (This category would include all regulated utilities not covered in categories 1, 2, and 3.)

(Attachment 4)

Mr. Brian Moline of the Kansas Corporation Commission said that the Commission had reviewed Senate Bill 49 and was not opposed to the passage of this legislation. He noted that the Commission could not find any way that this legislation would weaken the state regulatory scheme; it merely breaks the utilities into four separate statutory entities.

This concluded the hearing on Senate Bill 49.

Representative Barr explained House Bill 2256 which concerned ground-water exploration and protection and proposed a 10-member advisory committee. She noted that the bill would provide access by those who are being regulated to those who regulate, and that it would not cost additional funds because there was no provision for payment of the committee members. (Attachment 5)

Mr. Joseph A. Zinn, a water well contractor and President of the Kansas Water Well Association, testified in support of House Bill 2256. He felt that the bill would benefit everyone by allowing all agencies to work together with an insight of what the other agencies were accomplishing. (Attachment 6)

Mr. Francis Cox, a water well contractor, past president of the Kansas Water Well Association and member of the Environmental Awareness Council, urged endorsement of House Bill 2256. He felt that the sharing of knowledge between the water well contractors, Kansas Geological Survey, Kansas Department of Health and Environment, and the Division of Water Resources through the advisory committee would be helpful to all. (Attachment 7)

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON ENERGY AND NATURAL RESOURCES,

room 313-S, Statehouse, at 3:30 ~~xxx~~/p.m. on February 19, 1985.

Mr. Jerome Weninger, a water well contractor from Colwich, Kansas, testified in favor of House Bill 2256. He noted that the advisory committee would make it possible for the water well contractors to have some input into the rules and regulations which affect them.

Mr. Robert L. Vincent, a groundwater geologist from Wichita, Kansas, spoke in support of House Bill 2256. He stated that he had been involved with the subjects of groundwater, water wells, contamination, and pollution for many years. He felt that an advisory committee could create a forum for agency representatives and contractors to discuss problems and arrive at solutions for them, or at least an understanding of the need for a particular action. (Attachment 8)

Mr. Howard O'Connor, Senior Geologist in the Geohydrology Section of the Kansas Geological Survey at the University of Kansas, testified in support of House Bill 2256. He told the committee there was a need to discuss, research, and revise the rules and regulations for grouting, well plugging, well construction requirements, well siting, water wastage, and co-mingling of groundwaters of differing head or quality to provide better protection to ground-water resources. Mr. O'Connor also noted a need for educational and technical support to the water well contractors, and felt that through a statutory advisory committee, these problems could be addressed. (Attachment 9)

Mr. Larry Crick, a water well contractor from Cimarron, Kansas, spoke in favor of House Bill 2256. He felt that the advisory committee would be beneficial in dealing with abandoned wells, pollution, and related problems.

Mr. Richard Henkle, a water well contractor from Garden City, Kansas, and Vice President of the National Water Well Association, supported House Bill 2256. He noted that several other states had similar committees and felt that the composition of this proposed committee had been well considered.

Barbara Sabol, Secretary of Health and Environment, testified that she was in support of the concept of House Bill 2256. Her written testimony listed the strengths of the establishment of an advisory committee on page one, and some proposed changes on page two. (Attachment 10)

Marsha Marshall, representing the Kansas Natural Resource Council, supported House Bill 2256. She noted that the greatest service of the advisory committee would be improved communication between the people involved with water well drilling activities and the Kansas Department of Health and Environment, the agency which regulates those activities. (Attachment 11)

Mr. Donald Schnacke represented the Kansas Independent Oil and Gas Association. He noted that his association did not necessarily support or oppose House Bill 2256. He called attention to an advisory committee formed in 1982 on the regulation of oil and gas activities which included a representative of the groundwater management districts, and had resulted in improved communication between the two groups. His written testimony included a copy of KSA 55-153 (1982) which set up this committee. (Attachment 12)

Helen Stephens testified as a representative of the League of Women Voters of Kansas. She stated that her organization supported the concept of House Bill 2256 as well as the recommendations made earlier by Secretary Sabol. (Attachment 13)

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON ENERGY AND NATURAL RESOURCES,
room 313-S, Statehouse, at 3:30 ~~am~~/p.m. on February 19, 1985

Representative Sughrue made a motion to have a committee bill drafted which would deal with utilization of three-wheelers in hunting. The motion was seconded by Representative Charlton. Discussion followed. The motion carried.

Representative Patterson called attention to copies of a speech given by Keith Farrar to the Seward County Soil Conservation Annual Meeting. He also announced that the Energy Subcommittee would meet on Thursday, February 21 at 3:30 p.m. in Room 313-S. (Attachment 14)

The meeting was adjourned at 5:10 p.m.

The next meeting of the House Committee on Energy and Natural Resources will be held on February 20, 1985 at 3:30 p.m. in Room 313-S.

Date: Feb. 19

GUEST REGISTER

HOUSE

COMMITTEE ON ENERGY AND NATURAL RESOURCES

| NAME | ORGANIZATION | ADDRESS | PHONE |
|-------------------|---------------------------------------|----------------------------------|-------------------------|
| JEFF RUSSELL | UNITED TELE. Co. of KS | TOPEKA | 352-5826 |
| Wilbur Leonard | Kansas Tel. Assn. | ✓ | 234-9016 |
| Larry Knoche | KDHE | Topeka | 862-9360 |
| Helen Stephens | League of Women Voters ^{KS.} | PL | 381-9826 |
| Don Schumck | KIOGA | Topeka | 232-7772 |
| Denny Bungess | KWF | Wamego | 456-2051 |
| DARRELL MONTEI | KS. FISH & GAME Comm. | PRATT | 316-672-5911 |
| Bud Champney | REVISOR'S OFFICE | Topeka | 2321 |
| Howard O'Connor | KANS GEOL SURVEY | LAWRENCE (913) | 864-3965 |
| Pamela K. Chattee | Kansas Geological Survey | Lawrence, KS. (913) | 864-3965 |
| Larry Crick | Jolis Well Service | Cimarron KS. | 314-855-3917 |
| John Gamm | K 77 well Service | Lost Springs ^{KS} | 66859 913-983-4420 |
| Gene Weinger | Weninger Valley ^{KWVA} | Colwich KS | 316-7960161 455-3543 |
| Francis Cox | Cox-Beswick Drilling Service | Clifton Kansas | 913 455-3302 |
| Richard Humpf | NATIONAL WATER WELL ASSN. | Box 639 GARDEN CITY, KS 67846 | 316/277-2389 |
| Kent Weatherby | KPL | Topeka | 296 6429 |
| Ch. Campbell | Water Dist. Johnson County | Missio- | 782-3000 |
| Gene F. Lyle | DWIR, WBA | Topeka | 296-3717 |
| Gyula F. Kovach | KDHE | Topeka | 862-9360 |
| Joseph A. Zinn | Zinn Water Well Dring | Lost Springs KS | 983-4498 |
| | | | |

TO : Members, House Committee on Energy and Natural Resources

FROM: Representative Vern Williams, 91st District, Wichita.

SUBJ: Testimony on HB 2217

DATE: February 19, 1985

Mr. Chairman and members of the Committee, I appreciate the opportunity to appear before you today in support of HB 2217.

I introduced this bill on behalf of a 26-year-old male constituent who is an avid hunter and fisherman. Max Seelig is paralyzed from the neck down due to injuries received in an automobile accident July, 1983. He does have full use of both arms. While he cannot handle a longbow or a compound bow, he is an excellent shot with a crossbow.

Great strides have been made in the manufacture of crossbows in just the last few years. Max owns a Barnett International Incorporated's "Commando" crossbow (\$300.00 retail). This crossbow is very powerful and highly accurate. It has a patented, unique, cocking system. The crossbow breaks, like a shotgun, exposing two levers which engage the string and draw it back into the trigger mechanism. This precise action ensures exact string alignment each time, eliminating the possibility of setting the string off center. With 175 pound pull, it has a maximum effective range of 35 yards with good penetration. This company makes a stronger crossbow with fifty yards effective range with good penetration.

This is a short and simple bill. I know you've heard that before and had cause to doubt it. In this case you can believe.

HB 2217 will do three things:

- (1) It will authorize certain handicapped persons (anyone with a permanent disability which prevents the use of a conventional longbow) the use of a crossbow to hunt deer and antelope in Kansas;
- (2) it will require certification of the handicap by a licensed physician; and
- (3) it provides that the Fish and Game Commission will establish the "how and when" for hunting and the minimum standards for the crossbow usage.

All I am attempting to do by the bill is change the law to allow a restricted use of the crossbow. All the rules and regulations I want to leave to the experts on the Fish and Game Commission. They can and should be the ones to do that. Since they have the know-how, they can make it work.

At present there are ten states which allow the use of a crossbow, most of them under certain restricted conditions. Those ten states are:

1. Alaska - are not considered bows.
2. Arkansas - minimum 125 pound pull.
3. Idaho - may not be used on archery only hunts.
4. Kentucky - details not known.
5. Louisiana - makes exceptions for certain amputees.
6. Missouri - treats same as a rifle except for turkeys and migratory birds.
7. Montana - allowed during regular archery season.
8. North Dakota - allowed for physically handicapped or otherwise medically disabled/restricted person. Crossbow license issued only by commissioner to applicant upon receipt and approval of affidavit from physician.
9. Wisconsin - limited to disabled persons with special permit.
10. Wyoming - allowed with restrictions.

HOUSE COMMITTEE ON
ENERGY AND NATURAL RESOURCES

SB 49

FEBRUARY 19, 1985

GOOD AFTERNOON MR. CHAIRMAN AND COMMITTEE MEMBERS. I AM JEFF RUSSELL, GOVERNMENTAL AFFAIRS DIRECTOR FOR THE UNITED TELEPHONE COMPANY OF KANSAS. WE SERVE APPROXIMATELY 65,000 CUSTOMERS IN 109 COMMUNITIES THROUGHOUT KANSAS.

I AM HERE TODAY IN SUPPORT OF SENATE BILL 49.

THE BILL RECOGNIZES THAT THE WORD "UTILITY" NO LONGER ADEQUATELY DESCRIBES ALL OF THE COMPANIES AND THEIR FUNCTIONS REGULATED BY THE KANSAS CORPORATION COMMISSION. THE "BREAKING OUT" OF COMPANIES INTO FOUR SEPARATE SETS OR CLASSES WILL NOT AFFECT THE DEGREE OF REGULATION EXERCISED BY THE COMMISSION.

IT WILL, HOWEVER, ENABLE THE LEGISLATURE AND COMMISSION TO ADDRESS A SPECIFIC UTILITY INDUSTRY WITHOUT HAVING TO ANALYZE THE EFFECT ON THE OTHER UTILITY INDUSTRIES FOR WHICH THE LEGISLATION OR REGULATORY RULING WAS NOT INTENDED.

THE UNITED TELEPHONE COMPANY OF KANSAS RESPECTFULLY REQUESTS THAT THE COMMITTEE REPORT FAVORABLY ON SB 49.

THANK YOU FOR THE OPPORTUNITY TO ADDRESS YOU TODAY; AND I WILL BE HAPPY TO ANSWER ANY QUESTIONS.

BEFORE THE HOUSE ENERGY AND NATURAL RESOURCES COMMITTEE
STATEMENT OF KANSAS TELEPHONE ASSOCIATION
IN SUPPORT OF SENATE BILL 49

I am Wilbur G. Leonard, Executive Vice President, of the Kansas Telephone Association, which is a trade association representing 30 telephone companies, which provide approximately 97% of the telephone service in Kansas. You have heard from two of our members, and I appear to add the support of all of our member companies to the passage of Senate Bill 49.

We don't wish to take on the problems and responsibilities of the electric utilities or the gas companies. Neither do we expect them to assume ours. We generally have no interest in fuel, energy sources, and situs problems, while the other utilities are not concerned about bypass, duplication of service or competition to the extent that we are. We are trying to eliminate all aerial lines and to bury cable wherever possible, while the electric companies are forced to maintain high power lines.

We are not seeking, by this bill, to change regulatory requirements, but to update statutory provisions with respect to regulation and to provide a better vehicle with which to supervise the various types of utilities.

We appreciate the opportunity of appearing before the committee and urge the passage of Senate Bill 49.

Respectfully submitted,

Wilbur G. Leonard
Executive Vice President
Kansas Telephone Association

SB 49

FEBRUARY 19, 1985

HOUSE ENERGY AND NATURAL RESOURCES

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE. MY NAME IS BILL EWING AND MY JOB IS PUBLIC AFFAIRS MANAGER FOR THE SOUTHWESTERN BELL TELEPHONE COMPANY WITH OFFICES HERE IN TOPEKA.

MY PURPOSE FOR BEING HERE TODAY IS TO EXPLAIN WHAT SB 49 DOES AND WHY IT IS IMPORTANT FOR US TO HAVE THIS BILL BECOME LAW.

FOR A NUMBER OF YEARS, WE IN THE TELECOMMUNICATIONS BUSINESS (BOTH BELL AND INDEPENDENTS) HAVE CHANGED THE WAY WE RUN OUR BUSINESSES. THESE CHANGES HAVE BEEN BROUGHT ABOUT BY CHANGES IN THE MARKET PLACE, AS WELL AS JUDICIAL CHANGES.

SOME OF YOU WILL RECALL THE TELECOMMUNICATIONS INDUSTRY IN RECENT LEGISLATIVE SESSIONS HAS BEEN DRAWN INTO LEGISLATION THAT WAS REALLY DESIGNED FOR ENERGY UTILITIES.

WE, THEREFORE, ARE RECOMMENDING SB 49 WHICH WOULD ESTABLISH THREE CATEGORIES OF UTILITIES.

1. TELEPHONE AND TELEGRAPH
2. ELECTRICS
3. RADIO COMMON CARRIERS
4. MISCELLANEOUS

NOTE: MISCELLANEOUS CATEGORY WOULD INCLUDE ALL REGULATED UTILITIES NOT COVERED IN CATEGORIES 1, 2 AND 3.

LET ME EMPHASIZE THIS LEGISLATION DOES NOT CHANGE IN ANY WAY THE AUTHORITY OF THE K.C.C.!

IN CLOSING, PRESENTLY ARKANSAS, OKLAHOMA, AND MISSOURI HAVE SEPARATED UTILITIES VERY SIMILAR TO WHAT IS BEING PROPOSED IN SB 49. I WOULD WELCOME YOUR SUPPORT IN SEPARATING UTILITIES IN KANSAS.

BILL EWING
PUBLIC AFFAIRS MANAGER

As all of you know, I am a great defender of our water resources in Kansas. I do not want to see our water resources hurt either through over use (depletion) or by being made unuseable (contamination).

I have taken this position, not because it is a critical problem in my district, but because I am an outdoors person who appreciates the land and water we take for granted in our everyday lives. I believe that we are stewards of our land and water resources; those resources are not ours to do with as we please. They belong to all of us for all time. We are merely stewards in the present who recieved those resources from our forefathers (and mothers), and we must eventually turn those resources over to our children.

The big question is, in what condition will we leave our land and water for future generations?

To me, the State Water Plan is one of the ways that we can oversee how we are using our water resources and how we will continue to manage those resources in the future. The Plan, however, does not speak to every water problem or every water issue in the state. It targets the big issues and the big problems.

This past summer I was made aware of a little problem involving water that I thought worthy of our consideration.

There appears to be problems in the water well drilling area. In talking with the water well drillers and staff of the Kansas Geological Survey, I became aware of problems that need to be addressed.

At the present, we regulate the drilling of water wells under the "Kansas Groundwater Exploration and Protection Act", which provides for the licensing and regulation of water well contractors. K.S.A. 82a-1202 contains the declaration of purpose of the Act:

82a-1202. Declaration of purpose. It is the purpose of this act to provide for the exploration and protection of groundwater through the licensing and regulation of water well contractors in Kansas to protect the health and general welfare of the citizens of this state; to protect groundwater resources from waste and potential pollution by requiring proper description of the location, drilling and well construction, and proper plugging of abandoned water wells and test holes; and to provide data on potential water supplies through well logs, well pumping tests and water quality tests which will permit the economic and efficient utilization and management of the water resources of this state.

In order to achieve these objectives, this act requires licensing of water well contractors; provides for the establishment of standards for well construction, reconstruction, treatment and plugging; requires each licensed water well contractor to keep and transmit to the state, upon request, a copy of the log of the well, pump test data if available, and water quality samples; and maintains within the state geological survey of Kansas a record system of well logs and water quality data which will be available to the public.

History: K.S.A. 82a-1202; L. 1979, ch. 334, § 1; July 1.

The present statutes appear to give the Secretary of the Department of Health and Environment, whose Department administrates the Act, sufficient power and authority to regulate the program. However, one important ingredient is the healthy regulation of an industry seems to be lacking. That is the voice of those being regulated.

Water well contractors, I am told, are an independent and proud group of people. They are the people who do the actual work of digging the well and making certain that the well is properly constructed so that groundwater does not become contaminated.

The well drillers need a place where as a group they can discuss the issues of regulations that affect them.

As you will note in reviewing the bill, we are proposing a 10-member advisory committee:

1. The Secretary of KDHE will designate the chairperson.
2. Four water well contractors would be appointed by the Governor from recommendations submitted by the Kansas Water Well Association.
3. One member appointed by the Governor who is a toxicologist or public health official on staff at the University of Kansas Medical Center.
4. One member appointed by the Chief Engineer of the Division of Water Resources.
5. One member appointed by the chairperson of the State Corporation Commission.
6. One member appointed by the State Geologist.
7. One member appointed by the Water Systems Council.

The committee would meet at least once every quarter calendar year and on call of the chairperson. The committee would review and make recommendations on groundwater activities, including licensing, setting of fees, establishing well standards, promulgating rules and regulations, and all other matters pertaining to the protection of groundwater of the state.

An important role of the committee is set out in subsection (B). Before rules and regulations concerning groundwater exploration and protection are adopted by the Secretary, the Secretary would be required to submit the proposed rules and regulations to the advisory committee for review.

The bill does not require the advisory committee to approve the

rules and regulations, it merely gives them the opportunity to review those rules and regulations.

Finally, the bill does not have any fiscal impact because there is no provision for the payment of the committee members. Aside from the water well contractors, most of the other members are state officials and employees.

I believe that the bill is a good bill because it merely provides access by those who are being regulated to those who regulate. Second, it will not cost us any additional funds. Finally, by bringing together water well contractors and those who regulate them, we are, I believe providing the basis for the best regulation of those activities that can affect the quality of one of our most precious resources--our groundwater.

I have explained the bill and presented to you the general reasons for its enactment. For more specific reasons for the need for this bill, I have asked water well contractors to present their views on this bill. I have also asked Howard O'Connor of the State Geological Survey to present his views.

Zinn Water Well Drilling
Lost Springs, Kansas 66859

To: Committee Hearing

From: Joseph A Zinn

Subject: Testify in support of Bill by Rep. Ginger Barr - **HB 2256**

To me as a water well contractor and president of the Kansas Water Well association, this bill is the best thing that has ever been presented for the protection and preservation of our ground water.

Each member of the council, due to their expertise in their field, will be able to present their view as to the impact, that changes or additions to the regulations of the protection of ground water could creat.

The bill would put all agencies working together on a common goal and with an insight of what other agencies are attempting to accomplish in their seperate ways.

It takes more than one person to decide on the fate of our ground water, which is the most needed resource in the world. Without water we don't need any of the other resources of the world.

Water well contractors could site examples where well construction regulations may be in error due to the different geological structures and bring forward techniques which may make a much better well

A person from the geological survey with their years of study on geology and ground water could help prevent harmful construction practices

A person from the corporation commission could help in getting all bore holes penetrating our potable waters regulated in the same manner.

The council would help prevent the friction between the different agencies and the contractors.

With water well contractors on the council, the council will also receive, indirectly, the views, ideas and support of another 176 licensed contractors.

A council could very well come up with a solution for getting abandoned bore holes plugged.

Thank You

Joseph A. Zinn
Joseph A. Zinn

COX-BESWICK IRRIGATION SERVICE, INC.

CLIFTON, KANSAS 66937

I am Francis Cox from Clifton, Kansas. My son-in-law, Arnie Beswick, and I own and operate Cox-Beswick Irrigation Service, Inc. We drill domestic, irrigation, municipal, and monitoring wells. I have been in the water well drilling business for over 40 years. I was president of the Kansas Water Well Association last year and am currently one of the directors of the Kansas Water Well Association. I have attended numerous meetings of the Water Authority Board and I am a member of the Environmental Awareness Council. I have a great interest in the development, conservation, and protection of our valuable ground water. I mentioned these facts because I am only one of many drillers in Kansas with these interests.

Protection of our valuable ground water is one of the most important issues today. There is a lot of progress being made and we have a long way to go. Being a water well driller with years of experience, I know the drillers have a lot of valuable experience and knowledge to offer to reach the goals of protecting our ground water.

Working closely together with the different state departments, I feel we will have a lot to gain with the proposed advisory committee.

A lot of changes have been made in the last few years of the "rules and regulations" and more will need to be made to keep up with the changing times.

We, the directors of the Kansas Water Well Association, are making attempts to better educate our drillers and pump installers to keep up with changes being made in the rules and regulations, to better understand the geology in our area, and have the Kansas Geological Survey, Kansas Department of Health and Environment, and the Division of Water Resources personnel share with us their knowledge of continuous field work. Valuable progress is being made by these departments, some with the help of the drillers.

Advisory committees are popular in the state departments, such as in 85498 with the oil and gas business. This has been successful and is very similar to this bill #2256. We, the water well contractors, are asking for your endorsement of this bill. We are eager and willing to devote our time and expense to serve on this advisory committee.

Francis Cox

A STATEMENT CONCERNING
HOUSE BILL 2256

Statement presented to: Rep. Ron Fox, Chairman
House Committee on Energy & Natural Resources
Topeka, Kansas
February 19, 1985

Statement presented by: Robert L. Vincent, Geologist
Layne-Western Company, Inc.
Wichita, Kansas

I am a groundwater geologist and I have spent 23 of the past 28 years helping to develop groundwater resources throughout the State of Kansas. My employment with a major drilling contractor has allowed me to be involved with water supply projects concerning both quantity and quality of water in all areas of Kansas. It is my observation that most of the water quality problems we have today in Kansas are a direct result of man's activities. Therefore, I support the enactment of legislation which will establish an advisory committee on regulation of groundwater activities. I believe this committee could provide a better means of communication between the drilling contractors and the state agencies dealing with the regulation of groundwater exploration and protection.

I am in no way intimating that the water well drilling contractors have been responsible for our water quality problems, but in some cases, we or at least some of the contractors, have been a part of the problem. Past practices in industry and agriculture, many of which have been sanctioned by state agencies, have been the primary causes of our water quality problems. And little talked about are the many practices of thousands of individuals who have contributed their small, but significant, contaminants.

What can this Advisory Committee do to alleviate some of the problems? First, it can create a forum where agency representatives and contractors are obligated to discuss the problems and to make all parties aware of them. Surprisingly, in this day of enlightenment, a lot of people involved with groundwater do not fully understand the ramifications of their actions or regulations. Secondly, possible solutions may be arrived at which will have the support of all parties involved, or at least an understanding of the need for a particular action.

Drilling contractors are in all areas of the state and many times they are the only source of information for a potential water user that the user is aware of. And, the contractor has equipment to accomplish what the user wants to do. Therefore, knowledgeable and informed drilling contractors can be very instrumental in avoiding new problems and alleviating existing ones. I believe that the Advisory Committee can be helpful in accomplishing this goal. Additionally, the free exchange of thoughts concerning the practical aspects of proposed regulations on groundwater activities will be beneficial to all parties. Regulations should accomplish some worthwhile goal in the field, rather than serving simply as obstructions to progress.

Your consideration of my thoughts concerning this matter is appreciated.



KANSAS GEOLOGICAL SURVEY

1930 Constant Avenue, Campus West
The University of Kansas
Lawrence, Kansas 66044-3896
913-864-5672

February 19, 1985

Statement in Support of H.B. 2256

Representative Ron Fox and other members of the House Committee on Energy and Natural Resources.

My name is Howard G. O'Connor and I am Senior Geologist in the Geohydrology Section of the Kansas Geological Survey at the University of Kansas, Lawrence, Kansas. I have worked with Kansas geology and water resources for the past 38 years. The effective use and protection of the State's water is one of my major professional and personal concerns. I have worked and exchanged information with many well drillers during this time. I have been a member of the Kansas Water Well Association (KWWA) for more than 30 years and have served several terms on the KWWA Board of Directors as a Technical Division member.

I recognize similarities of the Advisory Committee described in HB 2256 to the statutory Advisory Committee described in "New Section 4 of SSB 498 of the 1982 Legislative Session---An Act Concerning Oil and Gas; relating to surface and groundwater pollution." I have represented the Kansas Geological Survey on the SSB 498 Advisory Committee. In my opinion, issues have been raised, discussed, researched and acted upon by this Committee that have been very beneficial to the Kansas Corporation Commission and the Kansas Department of Health and Environment who jointly administer the program.

I would like to quote from the KCC-KDH&E annual report to the 1985 Legislature, p. 4 as follows:

KSA 55-153 (Section 4), Oil and Gas Advisory Committee: "During 1984 the Oil and Gas Advisory Committee met four times. The Committee continues to provide both a forum for discussion and valuable guidance for the joint program. Subcommittees continue to be used to obtain recommendations for specific technical problems." The following topics were researched and acted upon in 1984: 1) Casing standards for eastern Kansas, 2) fiberglass casing, 3) Dakota Sandstone water quality, 4) alternative cementing materials, 5) Seward-Meade County high chloride areas, and 6) Table I, surface pipe requirements.

There are many problems and areas of concern that need to be described, discussed, researched, and acted upon concerning groundwater exploration and protection. If HB 2256 is approved, we will have a formal statutory means of enabling leaders from the water well industry (well drilling contractors), representatives of other state water agencies (KCC, DWR, KGS) and the Water Systems Council (manufacturers and suppliers of well and pump equipment), and a toxicologist or public health official to work with the Department of Health and Environment to improve the regulations concerning groundwater exploration and protection.

A non-statutory Advisory Council to advise KDH&E was initiated by KDH&E in January 1983 and scheduled to meet twice each year, but has not been effective in accomplishing any needed changes or improvements in the basic law or in the Rules and Regulations. A subcommittee chaired by Mr. Francis Cox submitted a series of recommendations to KDH&E on September 9, 1983, but there has been no action on the recommendations, no report back to the Advisory Council, no report to the 1984 or 1985 Kansas Water Well Association, and there have been no further Council meetings during the subsequent 18 months. Both the recommendations and the non-statutory Advisory Council have died. We need a Statutory Advisory Committee that annually reports back to the Legislature in order to be effective.

I would like to draw your attention to how the State works differently with various segments of the water industry. The water well drillers are a licensed, professional State-regulated industry intended to provide 1) structures (water wells) that are sited and constructed properly so they will provide safe water for the users, and 2) provide data on water supplies through well logs, pumping tests and water quality analyses to permit the economic and efficient utilization and management of the water resources of the State. The water well contractors are the only water-related industry that is charged or must pay to provide water information to the State. In addition to their licensing and drilling rig fees, they are charged \$5.00 for each water well they construct, reconstruct, modify, or plug. Plumbers and pump installers who modify construction features and sanitation features of a properly constructed well are not licensed, nor do they pay any fees. The plumbers sometimes destroy the sanitary protection features of the well constructed by the licensed driller. I understand there is consideration by the Legislature to license and regulate plumbers who modify features of wells properly constructed by the drillers. A KDH&E Advisory Committee could help cite problems like this and recommend solutions.

In contrast to its work with the water well drillers the State works closely with ground-water management districts, cities and towns and rural water districts providing State funds and much technical and educational help to them. For example, the State has provided \$100,000 in funds to ground-water management districts for recharge studies. Several state water agencies provide technical help, and there are several cooperatively-funded projects active each year.

Much State assistance is provided to cities, towns, and rural water districts through grant funds, technical assistance in the siting and engineering of water supply wells, operation of water and sewage treatment plants and training their operators, and in laboratory analyses. A considerable number of State-financed staff and State money are expended in training and education programs for their operators. There are no State-sponsored educational or technical support programs for the licensed water well contractors and they are charged for providing information to the State.

Based on my own experience and research in ground-water exploration and protection, I believe there are serious deficiencies in how the State operates the Groundwater Exploration and Protection program and in the regulations. There is a need to discuss, research, and revise the rules and regulations for grouting, well plugging, well construction requirements, well siting, water wastage, and co-mingling of groundwaters of differing head or quality to provide better protection to ground-water resources. This should be done by the State water agencies in cooperation with and input from the water well contractors. There is a need to provide educational and technical support to the water well contractors.

In conclusion, I believe that through a statutory Advisory Committee, working cooperatively with the Kansas Department of Health and Environment, and including the expertise of leaders from the water well industry, all of the above cited problems can be addressed.

I fully support HB 2256.

KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT

TESTIMONY ON HB 2256

PRESENTED TO _____, 1985

This is the official position taken by the Kansas Department of Health and Environment on HB 2256.

BACKGROUND INFORMATION:

House Bill 2256 proposes establishment of an advisory committee on regulation of groundwater activities composed of ten members and making the Secretary of KDHE or Secretary's designee chairperson of the committee. The representation on the committee ranges from appointees from the various state water agencies to four water well contractors recommended by the Kansas Water Well Association and appointed by the Governor. A toxicologist or public health official is also included. The committee shall meet at least quarterly and duties and responsibilities range from making recommendations on groundwater activities, establishing well standards and reviewing KDHE rules and regulations pertaining to protection of groundwater.

STRENGTHS:

The establishment of an advisory committee pertaining to water well construction standards, plugging methods, current techniques and the review of water well construction regulations would aid KDHE in obtaining the following objectives:

- (1) To foster better communications between KDHE and the water well industry,
- (2) To provide technical advise to KDHE on new drilling and well completion techniques and the type of material used in well construction, and
- (3) To provide a forum for discussion of possible changes in the regulations and to aid the Department by recommending changes in rules, regulations and construction standards.

DEPARTMENT'S POSITION:

Support the concept of a Water Well Contractors Advisory Committee, but suggest wording as shown below:

- (1) Change line 18 and 19 to read as follows: "establishing an advisory committee on matters pertaining to water well construction and contractor licensing." The regulation of groundwater activities is already covered by a series of statutes in Chapters 55, 65, and 82 and are the responsibility of KDHE, KCC and DWR.
- (2) Change line 22 to conform to suggested wording for lines 18-19, and delete the words "regulation of groundwater activities."
- (3) Recommend the KWWA recommendations (lines 25-27) be more specific to include large and small volume business members plus one manufacturer supplier. Change line 25 as follows: "four" to "three" water well contractors. Add the following after association on line 27: "One independent licensed water well contractor" (not a member of KWWA who only represents 40% of the licensed contractors).
- (4) Delete lines 27-30 and replace with "a local or county sanitarian or environmental director."
- (5) Lines 34-35 - Delete "one member who shall be appointed by the water systems council and replace with a "member of the Groundwater Management Districts Managers Association."
- (6) Lines 38-41 - Change suggested to "Recommendations on water well construction standards and materials, licensing, setting of fees, proposed rules and regulations, and other matters

Kansas Natural Resource Council

Testimony
before the
House Energy and Natural Resources Committee
on
HB 2256, establishing a groundwater advisory committee
presented by
Marsha Marshall
February 19, 1985

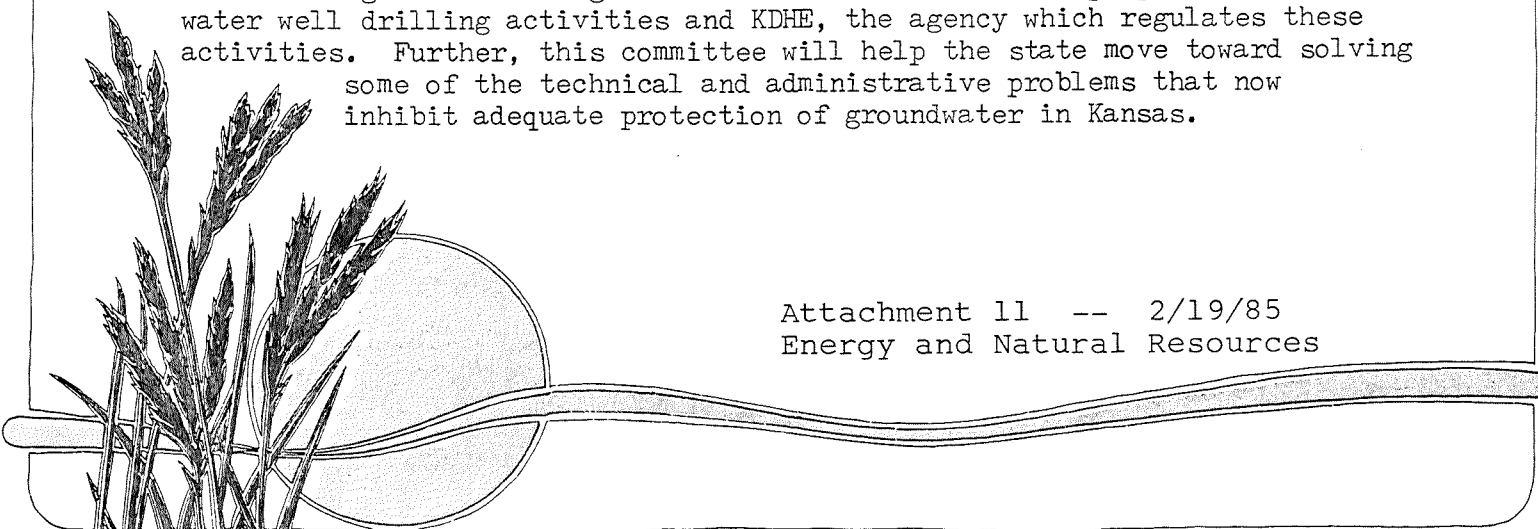
My name is Marsha Marshall, and I represent KNRC, a non-profit public interest organization which promotes sustainable natural resource policies.

We support the establishment of a groundwater advisory committee to review and make recommendations for groundwater protection. The Kansas Department of Health and Environment has estimated that over 80% of Kansans depend upon groundwater as their source of supply, the largest percentage of dependence in the nation. As a result, enormous numbers of wells have been drilled in the state. Many of these wells have been abandoned, improperly plugged and even used for trash disposal.

I became aware of the extent of these problems and resulting groundwater contamination when I participated in a two day field trip coordinated by the Kansas Geological Survey in Marion County last June. The KGS had studied this area since 1982 and estimated that over 5000 wells in the county alone allow for upward or downward flow of water. Such a large number of problem wells shows how vulnerable to contamination groundwater is in this area.

In 1982 the legislature provided for improved protection of groundwater pollution with passage of Sub. for S.B. 498. That act, however, only deals with pollution resulting from oil and gas activities. We believe that the advisory committee created in this bill would provide necessary review of water well activities as well.

Perhaps the greatest service that this advisory committee will provide is facilitating and enhancing needed communication between people involved with water well drilling activities and KDHE, the agency which regulates these activities. Further, this committee will help the state move toward solving some of the technical and administrative problems that now inhibit adequate protection of groundwater in Kansas.



Attachment 11 -- 2/19/85
Energy and Natural Resources



KANSAS INDEPENDENT OIL & GAS ASSOCIATION

500 BROADWAY PLAZA • WICHITA, KANSAS 67202 • (316) 263-7297

February 19, 1985

TO: House Energy & Natural Resource
Committee

RE: HB 2256

KIOGA does not necessarily support or oppose HB 2256. If you find it necessary to establish an advisory committee to regulate groundwater activities, we would like to suggest that representatives of the oil and gas producing industry be represented.

The Legislature did form an advisory committee in 1982 on the regulation of oil and gas activities. It included a member representing the groundwater management districts. This has proven to be helpful and has improved communication between groundwater management activities and oil and gas activities.

We enclose a copy of KSA 55-153 (1982) which set this up.

Donald P. Schnacke

DPS:pp
Encl

Attachment 12 -- 2/19/85
Energy and Natural Resources

tion as required by the commission and shall be on a form prescribed by the commission. No change in the use of a well shall be made without express approval of the commission. No fee shall be required to accompany any application of intent to drill a well for the sole purpose of obtaining geologic information by taking cores or through seismic operations or for any application for change in use of a well. No drilling shall be commenced until the authorized agents of the commission and secretary have approved the application. The secretary's agent, in giving approval, shall determine that the proposed construction of the well will protect all usable waters. Such approval of the commission shall include the amount of pipe necessary to protect all usable water, plugging requirements upon abandonment and such other requirements deemed appropriate by the commission. On and after July 1, 1983, the requirement that the application of intent to drill be accompanied by a fee of \$40 shall expire and no such fee shall be collected on and after such date. The commission may refuse to process any application submitted pursuant to this section unless the applicant has been in compliance with all rules and regulations adopted pursuant to this act.

History: L. 1982, ch. 228, § 2; July 1.

55-152. Rules and regulations; recommendations of advisory committee; annual review of drilling methods. (a) The commission, by November 1, 1982, shall adopt such rules and regulations necessary for the implementation of this act including provisions for the construction, operation and abandonment of any well and the protection of the usable water of this state from any actual or potential pollution from any well. No rules and regulations promulgated pursuant to this section shall be adopted by the commission until recommendations have been received from the advisory committee established by K.S.A. 55-153. In the event the secretary finds that such rules and regulations are not in accordance with the secretary's recommendations, the secretary shall submit to the joint committee on administrative rules and regulations a report specifying therein the differences between such rules and regulations and such recommendations.

(b) The commission annually shall re-

view current drilling methods, geologic formation standards, plugging techniques and casing and cementing standards and materials. Based on such review, the commission shall, if necessary, amend its rules and regulations to reflect any changes to be made in such methods, standards, techniques and materials from the previous year.

History: L. 1982, ch. 228, § 3; July 1.

Law Review and Bar Journal References:

"The Safe Drinking Water Act and the Petroleum Industry: An Overview of the Kansas Underground Injection Control Program," Rosemary O'Leary and Kathy Stover, 51 J.K.B.A. 218, 222 (1982).

55-153. Establishment of advisory committee; membership; duties. There is hereby established the advisory committee on regulation of oil and gas activities to be composed of ten members. One member shall be appointed by each of the following associations; Mid-continent oil and gas association, Kansas independent oil and gas association and eastern Kansas oil and gas association. One member shall be appointed by the governor from the general public. One member shall represent groundwater management districts and shall be appointed jointly by the presidents of each groundwater management district. All such appointees shall serve at the pleasure of the appointing authority. The following state agencies shall designate a person as a member of such committee: The commission, the department of health and environment, the Kansas geological survey, the Kansas water office and the division of water resources of the state board of agriculture. The designated person of the commission shall be the chairperson of the advisory committee. The committee shall meet at least once each quarter calendar year and upon the call of the chairperson. The committee shall review and make recommendations on oil and gas activities, including but not limited to current drilling methods, geologic formation standards, plugging techniques, casing and cementing standards and materials and all matters pertaining to the protection of waters of the state from pollution relating to oil and gas activities.

History: L. 1982, ch. 228, § 4; July 1.

55-154. Certification of compliance with statutes and rules and regulations. The operator or the operator's designated agent shall certify in writing to the commission

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History

LWVK LEAGUE OF WOMEN VOTERS OF KANSAS

909 Topeka Boulevard-Annex

913/354-7478

Topeka, Kansas 66612

TESTIMONY BEFORE ENERGY AND NATURAL RESOURCES
FEBRUARY 19, 1985

Re: House Bill 2256

My name is Helen Stephens, representing the League of Women Voters of Kansas.

We support the concept of 2256 as a necessary tool to further protect the groundwater quality in Kansas.

We also support the recommendations made by Secretary Sabol a few minutes earlier.

Thank you for the opportunity to speak .

Attachment 13 -- 2/19/85
Energy and Natural Resources

THE STATE  OF KANSAS

BOARD OF TAX APPEALS

1030-S, STATE OFFICE BUILDING

Telephone 296-2388 AC-913

TOPEKA, KANSAS 66612

Fred L. Weaver, *Chairman*

Dallas E. Crable, *Member*

John P. Bennett, *Member*

Robert C. Henry, *Member*

Keith Farrar, *Member*

February 12, 1985

TO: Members of the Natural
Resources Committee

FROM: Keith Farrar

Most of you are aware of my background and interest in the proposed State Water Plan. I am taking the liberty of sending you a copy of a speech I gave at Liberal, Kansas, February 2nd to the Seward County Soil Conservation Annual Meeting. I had been requested to talk on large scale water importation plans to transfer additional water into the High Plains, specifically Western Kansas. I would be pleased to provide you with specifics on the plan if you have the interest.

I would like to see in the final version of the State Water Plan more emphasis placed on exploring the options available to Kansas and the United States as a whole before the Ogallala Aquifer is depleted.

For your information, I understand the Governor's of the states surrounding the Great Lakes, signed an agreement Monday to refuse the transfer of their water into the High Plains States. To me this further demonstrates why I believe the only politically feasible method of water importation into the High Plains must come from Canada and Alaska. I also would like to see the Legislature provide funding for the Dakota Aquifer Study, plus a strong statement, backed with the funding needed, to protect our underground water supply, especially in regard to disposal wells.

Thank you for your time and good luck in your deliberations on the proposed State Water Plan.

Keith Farrar

FEBRUARY 2ND, 1985

1985 SEWARD COUNTY CONSERVATION DISTRICT MEETING

I APPRECIATE THE OPPORTUNITY TO VISIT WITH YOU, ON THE WATER ISSUES FACING KANSAS, AND SPECIFICALLY WESTERN KANSAS.

SPEAKING AS A FARMER IN RELATION TO THE PROPOSED STATE WATER PLAN. I SAY, KEEP YOUR COTTON PICKING HANDS OFF OF MY WATER, I PAID FOR DEVELOPING IRRIGATION ON MY LAND, AND THE STATE HAS BEEN RECEIVING 1½ MILLS OF THAT INCREASE IN VALUATION EACH YEAR, NOT COUNTING THE INCREASED LOCAL COUNTY TAXES. IN MY HOME COUNTY (STEVENS) IRRIGATION REPRESENTS APPROXIMATELY 20 MILLION DOLLARS VALUATION FOR JUST UNDER 100,000 ACRES OF IRRIGATED LAND. WITH HIGH FUEL COSTS, AND LOW PRICES FOR HIS PRODUCT, THE AVERAGE IRRIGATION FARMER HAS TO CONSERVE WATER, WITHOUT THE STATE OR FEDERAL GOVERNMENT MANDATING THROUGH A BUREAUCRACY, WHEN AND HOW MUCH WATER HE CAN PUMP TO HIS CROPS. LET ME USE THE WATER AS I SEE FIT.

SPEAKING AS A FORMER LEGISLATOR I HAD A LITTLE DIFFERENT POINT OF VIEW. BECAUSE OF THE ECONOMIC IMPACT TO MY LEGISLATIVE DISTRICT AND THE STATE OF KANSAS. I FELT, AND STILL DO, THAT THE ELECTED STATE OFFICIALS, AND THOSE CHARGED WITH PLANNING FOR, AND PROTECTING THE QUANTITY AND QUALITY OF WATER AVAILABLE FOR FUTURE KANSANS, SHOULD DO EVERYTHING POSSIBLE TO EXTEND THE LIFE OF THE OGALLALA AQUIFER.

IN DOING SO, IT WILL BECOME MORE DIFFICULT TO BALANCE THE RIGHTS OF THE LANDOWNER, AND THE NEEDS OF THE MAJORITY, AS THE UNDERGROUND AQUIFER CONTINUES TO DECLINE.

IN KANSAS WHEN YOU HAVE NORMAL RAINFALL THAT VARIES FROM AROUND 15" IN THE WEST TO OVER 40" IN THE SOUTHEAST, YOU NOT ONLY HAVE CONCERNS ABOUT VOLUME OF WATER (NOT ENOUGH, OR SOMETIMES TOO MUCH) YOU ALSO HAVE POLLUTION PROBLEMS, MAN MADE AND NATURAL. EACH CAN BE ADDRESSED THROUGH LEGISLATION. THIS MEANS SOME BUSINESS, INDUSTRY, CITY OR INDIVIDUAL, WILL BE AFFECTED BY NEW RULES, REGULATIONS, TAXES OR SOME COMBINATION. WE ALL WANT AN ABUNDANCE OF CLEAR, CLEAN, DRINKABLE WATER. WE ALSO WANT TO PROVIDE FOOD ON OUR TABLE. THAT TAKES INCOME, MEETING BOTH THOSE GOALS FOR THE PRESENT, AND FOR OUR CHILDRENS FUTURE, TO ME, IS WHAT WATER PLANNING IS ALL ABOUT.

THE FIRST DRAFT OF A STATE WATER PLAN RAN INTO OPPOSITION, USUALLY FOR A DIFFERENT REASON IN EACH GEOGRAPHICAL AREA OF THE STATE. FOR INSTANCE IN THE PRELIMINARY DRAFT THE IRRIGATORS IN THE STATE, ESPECIALLY LOCATED IN THE WESTERN THIRD OF KANSAS WHO ARE MINING THE OGALLALA AQUIFER, WERE ASKED TO CONTRIBUTE TO A "WATER CONSERVATION AND DEVELOPMENT FUND", AN AVERAGE OF \$100.00 A WATER RIGHT PERMIT FOR A TOTAL OF \$2,500,000 EACH YEAR. ONE OF THE MAJOR PROBLEMS CREATED BY THIS SUGGESTION WAS ONLY A SMALL PORTION OF THE AMOUNT RAISED WOULD BE USED TO BENEFIT THE IRRIGATOR, AND I USE THE WORD BENEFIT LOOSELY.

SINCE IRRIGATORS WOULD HAVE RECEIVED A "TECHNICAL ASSISTANCE PROGRAM FOR IMPROVED IRRIGATION EFFICIENCIES AND CONVERSION TO DRY LAND FARMING." MOST OF US HERE TONIGHT REALIZE THAT TYPE OF INFORMATION IS AVAILABLE RIGHT NOW FROM K-STATE AND OUR LOCAL GROUNDWATER MANAGEMENT DISTRICT.

THEN TO ADD INSULT TO INJURY, THE DEVELOPMENT FUND WOULD BE USED TO "FINANCE RESERVOIR REALLOCATIONS", BONDING GUARANTEES FOR PUBLIC WATER SUPPLY SYSTEMS, FINANCE NEW WATER SUPPLY PROJECTS, SUCH AS PIPELINES-- EXCEPT TO WESTERN KANSAS I MIGHT ADD, AND FINALLY TO FUND MINERAL INTRUSION STUDY PROJECTS. WE CAN DO BETTER.

I CERTAINLY DON'T MEAN THE PROPOSED WATER PLAN WAS ALL WRONG, FAR FROM THAT, IT WAS A BEGINNING OF THE DIALOUGE NEEDED TO HAMMER OUT A WORKABLE STATE WATER PLAN. ANYONE, CAN FIND FAULT WITH A PROPOSED PLAN. WHAT WE NEED TO DO AS CONCERNED CITIZENS OF THE STATE, IS NOT ONLY TO POINT OUT WHAT WE THINK IS OBJECTIONABLE, BUT MORE IMPORTANTLY TO OFFER CONSTRUCTIVE ALTERNATIVES, AND REALIZE IT IS OUR RESPONSIBILITY TO HELP CONSERVE, AND PROTECT THE WATERS OF THE STATE, FOR NOW, AND FOR THE FUTURE.

THE PROPOSED STATE WATER PLAN THIS YEAR IS A FAR DIFFERENT PROPOSAL THAN LAST YEAR; HOWEVER, IT STILL NEEDS TO BE LOOKED AT IN DETAIL, AND NO MATTER WHAT PORTION, IF ANY, THAT WILL BE ADOPTED BY THE LEGISLATURE YOU SHOULD BE CONCERNED ENOUGH TO FOLLOW PROPOSED CHANGES THAT MAY HAVE AN IMPACT ON THE FUTURE OF WESTERN KANSAS, AND CONVEY YOUR CONCERNS TO YOUR LEGISLATORS.

REMEMBER TO CHANGE A LAW, THE PROPOSAL HAS TO HAVE THE SUPPORT OF AT LEAST 63 MEMBERS IN THE KANSAS HOUSE OF REPRESENTATIVES AND 21 MEMBERS OF THE STATE SENATE.

I WOULD OFFER THESE QUESTIONS FOR YOU TO THINK ABOUT. SHOULD THE STATE PROVIDE TAX INCENTIVES FOR IMPROVING THE EFFICIENCY OF IRRIGATION SYSTEMS, ESPECIALLY IN THE AREA OF "TRICKLE IRRIGATION"? SHOULD THE STATE REDUCE EACH WATER PERMIT TO WITHDRAW WATER, A FEW ACRE FT EACH YEAR, OR RELY ON A VOLUNTARY APPROACH TO BETTER WATER MANAGEMENT? WOULD MANDATING THE USE OF WATER METERS BE OF ENOUGH BENEFIT TO OFFSET THE COST TO AGRICULTURE? SHOULD A REVIEW OF THE RULES AND REGULATIONS PERTAINING TO WATER RIGHTS BE UNDERTAKEN? REMEMBER A WATER RIGHT IS THE SAME AS A MINERAL RIGHT, IT CAN BE SEVERED FROM THE LAND. IN OTHER WORDS, ARE KANSAS WATER LAWS ADQUATE TO DEAL WITH TODAYS PROBLEMS IN AN ORDERLY AND TIMELY FASHION? THE PRESENT WATER

LAWS WERE DESIGNED TO PROMOTE THE DEVELOPMENT OF OUR WATER RESOURCES.

IN THE FIRST DRAFT OF A STATE WATER PLAN ONE SHORT PARAGRAPH WAS DEVOTED TO MAINTAINING THE WATER SUPPLY IN THE AREA SERVED BY THE OGALLALA AQUIFER. IT PROPOSED ARTIFICIAL RECHARGE, CLOUDSEEDING, IMPORTATION OF WATER ETC. THE LAST SENTENCE READ "RESEARCH IN THESE AREAS SHOULD BE CONTINUED BUT EMPHASIS SHOULD NOT BE PLACED ON THESE SOURCES OF SUPPLY." THE LATEST PROPOSAL IS NOT MUCH BETTER, HOWEVER, IT AT LEAST RECOMMENDS "THE ESTABLISHMENT OF AN ORGANIZED RESEARCH EFFORT TO EVALUATE NEW OR ALTERNATE SOURCES OF SUPPLY."

I WOULD PREFER A STATEMENT OF POLICY THAT WOULD PLACE THE STATE OF KANSAS AS A LEADER, WORKING WITH OUR SURROUNDING STATES, AND THE FEDERAL GOVERNMENT TO EXPLORE FULLY, THE POSSIBILITIES OF WATER IMPORTATION INTO THE OGALLALA AQUIFER. WHY AM I CONCERNED ABOUT WATER TRANSFER POSSIBILITIES? I AM AFRAID THAT IN MANY CASES THE POLITICIANS RESPOND ONLY TO A CRISIS SITUATION, OR THOSE PROBLEMS THAT CAN BE SOLVED WITH A BAND-AID APPROACH THAT HOPEFULLY WILL LAST UNTIL HE OR SHE IS OUT OF OFFICE, NOT TRULY LONG TERM SOLUTIONS.

IT HAS BEEN ESTIMATED THAT IRRIGATION CONTRIBUTES ABOUT 3 BILLION DOLLARS INTO THE KANSAS ECONOMY EACH YEAR. NO MATTER HOW GOOD A JOB OF CONSERVATION IS ACCOMPLISHED BY THE IRRIGATOR IN WESTERN KANSAS WE WILL CONTINUE TO WITHDRAW GROUNDWATER AT A FASTER RATE THAN IT IS BEING REPLENISHED. THE ECONOMICS OF IRRIGATION WORK TOWARD EXTENDING THE LIFE OF THE AQUIFER, HOWEVER IT WILL NOT LAST FOREVER, AND LARGE SCALE WATER IMPORTATION PLANNING WILL REQUIRE A GREAT DEAL OF TIME.

I SERVED AS ONE OF THREE MEMBERS FROM KANSAS ON THE HIGH PLAINS STUDY COUNCIL. THIS WAS A SIX MILLION DOLLAR STUDY AUTHORIZED BY CONGRESS TO LOOK AT THE DEPLETION OF THE NATURAL RESOURCES OF THOSE

PORTIONS OF SIX HIGH PLAINS STATES THAT OVERLIE THE OGALLALA AQUIFER.

QUOTING FROM THE FEDERAL GUIDELINES EXPLAINING THE REASON FOR THE STUDY. "TO ASSURE AN ADEQUATE SUPPLY OF FOOD TO THE NATION, AND TO PROMOTE THE ECONOMIC VITALITY OF THE REGION."

FURTHER, QUOTING FROM OUR REPORT TO CONGRESS IN DECEMBER, 1982. "PRESENTLY THE REGION HAS ONE PERCENT OF THE NATIONS POPULATION, LIVING ON SIX PERCENT OF THE NATIONS LAND AREA, PRODUCING OVER 15 PERCENT OF THE TOTAL VALUE OF WHEAT, CORN, SORGUM, AND COTTON AND 38 PERCENT OF THE TOTAL VALUE OF LIVESTOCK PRODUCED IN THE NATION."

THE PROJECTIONS OF WATER LEFT IN THE AQUIFER FOR KANSAS BY THE YEAR 2020 WOULD STILL BE 75% OF WHAT WAS THERE IN 1977. THAT DOESN'T SOUND TO BAD UNTIL YOU REALIZE THAT THE PROJECTION IS BASED ON OVER 2 MILLION ACRES BEING IRRIGATED IN 1977 AND THE PROJECTED REDUCTION TO 580,000 ACRES IN 2020 WITHOUT SUBSTANTIAL SOURCES OF NEW WATER TO MAINTAIN THE IRRIGATION ECONOMY. YOU CAN SEE THE PROBLEM IS MUCH WORSE FOR THOSE IRRIGATORS WHO DID NOT HAVE MUCH WATER TO BEGIN WITH. IN OTHER WORDS, IF YOU ONLY HAD 100 FT. OF WATER TABLE AND THE AQUIFER DROPPED 50 FT YOU HAVE MORE OF A DISASTER THAN A 50 FT DROP WHEN YOU HAVE 400 FT OF WATER TABLE TO DRAW FROM.

AS FAR AS WESTERN KANSAS GOES, I THINK WE WILL HAVE TO GIVE SERIOUS CONSIDERATION TO SUPPORTING AT THE FEDERAL LEVEL, A NATIONAL WATER PLAN WITH THE SCOPE OF THE OLD "NAWAPA" PLAN. (THE ACRONYM STANDING FOR "THE NORTH AMERICA WATER AND POWER ALLIANCE.")

I WILL SPEND THE REST OF MY TIME POINTING OUT WHY I FEEL IT, OR A PLAN OF SIMILAR MAGNITUDE, IS THE ONLY POLITICALLY FEASIBLE METHOD OF MAINTAINING THE IRRIGATION ECONOMY OF THE HIGH PLAINS.

IN DOING SO, I WILL USE PART OF THE INFORMATION I PRESENTED TO THE HIGH PLAINS COUNCIL IN DALLAS ON MARCH 3, 1982 WHICH I

BELIEVE HELPED PLACE THE RECOMMENDATION IN THE FINAL REPORT TO CONGRESS FROM THE HIGH PLAINS COUNCIL, THE FOLLOWING PHRASE.

"FURTHER INVESTIGATIONS OF POTENTIAL INTERBASIN TRANSFERS FROM AREAS NOT IMMEDIATELY ADJACENT TO THE HIGH PLAINS REGION ARE DESIREABLE, NOT ONLY FOR HIGH PLAINS AGRICULTURE, BUT TO THE DOMESTIC, MUNICIPAL AND INDUSTRIAL WATER NEEDS OF THE WESTERN UNITED STATES. SUCH INVESTIGATION SHOULD BE INTERNATIONAL AS WELL AS NATIONAL IN SCOPE."

THE MATERIAL I PRESENTED TO THE COUNCIL, I BELIEVE SHOULD BE CONSIDERED IN LONG RANGE RECOMMENDATIONS FOR WATER PLANNING IN KANSAS. THE FOLLOWING IS PART OF MY PRESENTATION.

THE PORTION OF THE HIGH PLAINS STUDY DEALING WITH TRANSFER OF WATER WAS ASSIGNED TO THE U.S. CORPS OF ENGINEERS. THE CORPS WAS DESIGNATED BY LAW TO LOOK FOR WATER WITHIN OR ADJACENT TO THE STUDY AREA. I FEEL THIS WAS A MISTAKE. LACK OF WATER AVAILABLE, ENERGY NEEDED TO MOVE THE WATER UPHILL, AND DISAGREEMENT OVER WHAT IS SURPLUS WATER. FOR INSTANCE, THE SO-CALLED SUPPLUS WATER AVAILABLE DURING FLOODING, ACTUALLY IS NEEDED FOR PRODUCTION OF SHRIMP ETC. WHEN THIS FRESH WATER EVENTUALLY FLOWS INTO THE GULF.

QUOTING FROM CORPS OF ENGINEERS REPORT, JAN. 82: "CONSTRUCTION OF CANAL SYSTEMS CAPABLE OF TRANSPORTING UP TO 9 MILLION ACRE-FEET OF WATER FROM ADJACENT AREAS IS FEASIBLE FROM AN ENGINEERING STANDPOINT.

THE FIRST COST OF SUCH SYSTEMS RANGES FROM \$3.6 BILLION FOR A SYSTEM TO DELIVER 1.6 MILLION ACRE-FEET PER YEAR TO WESTERN KANSAS, TO \$22.6 BILLION TO DELIVER 6 MILLION ACRE-FEET PER YEAR TO THE NORTHERN PANHANDLE OF TEXAS, AND THE PANHANDLE OF OKLAHOMA. THE COSTS ARE IN 1977 DOLLARS AND THE CONSTRUCTION PERIOD IS ASSUMED TO BE 15 YEARS.

THE COSTS IN THE CORPS REPORT DO NOT INCLUDE A DISTRIBUTION SYSTEM BEYOND THE TERMINAL RESERVIORS. I WOULD INSERT HERE THAT THE ESTIMATED AVERAGE COST OF \$2,150 A/F WOULD NEED TO BE INVESTED TO DELIVER THE WATER TO THE FARMERS LAND.

MASSIVE AMOUNTS OF ENERGY WOULD BE REQUIRED TO OPERATE ANY OF THE SYSTEMS. FROM 4 TO NEARLY 50 BILLION KILOWATT HOURS PER YEAR OF ELECTRICAL ENERGY WOULD BE REQUIRED TO OPERATE ANY ONE SYSTEM. THE ANNUAL COST OF THAT ENERGY IN 1977 DOLLARS WOULD RANGE FROM \$140 MILLION TO \$1.1 BILLION.

WATER SOURCES EXIST IN AREAS ADJACENT TO THE HIGH PLAINS WITH SUFFICIENT FLOW TO PROVIDE UP TO 8.7 MILLION ACRE-FEET PER YEAR OF WATER FOR TRANSFER TO THE HIGH PLAINS. HOWEVER, NONE OF THAT WATER HAS BEEN IDENTIFIED AS SURPLUS TO THE NEEDS OF THE BASIN OF ORIGIN. YOU CAN BARELY IMAGINE THE FIGHT THAT WOULD BREAK OUT AMONG THE STATES INVOLVED, IF THEY THOUGHT WE MIGHT TAKE WATER THEY MIGHT NEED. THE CORPS PLAN REPRESENTS TREMENDOUS ENERGY CONSUMPTION, WHEN OTHER ALTERNATIVES WOULD BE ENERGY PRODUCING.

QUOTING FROM THE CORPS OF ENGINEERS REPORT BACK IN OCTOBER, 77 WHEN WE FIRST STARTED THE STUDY, CANADIAN IMPORT PLANS - "SEVERAL PLANS HAVE BEEN PROMULGATED FOR SHARING SURPLUS CANADIAN WATER WITH THE UNITED STATES. SUCH PLANS DEVELOPED DUE TO THE FACT THAT CANADA HAS AN ESTIMATED 40 PERCENT OF THE WORLD'S SUPPLY OF FRESH WATER, MOST OF WHICH FLOWS UNUSED THROUGH THE SPARSELY POPULATED NORTHERN

BRITISH COLUMBIA AND YUKON AREAS AND THEN INTO THE OCEAN. THE CANADIAN IMPORT PROPOSALS SHOULD CERTAINLY BE CONSIDERED BEFORE ANY DECISION IS MADE CONCERNING WATER TRANSFER INTO THE HIGH PLAINS AREA. HOWEVER, ANALYSES OF THESE PLANS ARE NOT WITHIN THE SCOPE OF THIS STUDY WHICH WAS DEFINED IN THE CONGRESSIONAL AUTHORIZATION AS " . . . THE TRANSFER OF WATER FROM ADJACENT AREAS . . .".

I AM SATISFIED WE MUST LOOK FOR ALTERNATIVES.

REPEATING, I FEEL THE TIME HAS ARRIVED FOR THE U.S., CANADA, AND MEXICO TO GIVE A LONG HARD LOOK AT - THE NORTH AMERICAN WATER AND POWER ALLIANCE PROPOSED BY THE RALPH M. PARSONS CO. OF CALIFORNIA. MUCH OF THE MATERIAL IN THE FOLLOWING WAS INCLUDED IN A REPORT ISSUED BY THE PARSONS CO. IN 1980.

THIS PLAN WOULD DIVERT 36 TRILLION GALLONS OF WATER ANNUALLY FROM ALASKA AND CANADA TO 36 U.S. STATES, SEVEN CANADIAN PROVINCES, AND THREE MEXICAN STATES. ROUGHLY 80 MAF TO THE U.S., 60 MAF TO CANADA, AND 20 MAF TO MEXICO.

THIS QUANTITY OF WATER COULD BE ADJUSTED FROM A TOTAL OF 110 MAF TO 250 MAF A YEAR DEPENDING ON NEED.

HYDRO ELECTRIC PRODUCTION, FOR SALE, COULD BE AS LOW AS 60 MILLION KILOWATTS TO MORE THAN 180 MILLION KILOWATTS A YEAR. EQUIVALENT TO 40 TO 50% OF PRESENT ANNUAL AVERAGE POWER GENERATED IN THE U.S. AND EQUIVALENT TO USING 10 MILLION BARRELS A DAY OF OIL. THE LEVEL OF THE GREAT LAKES COULD BE STABILIZED. PROVIDE A CANAL ACROSS THE NORTHERN PLAINS TO THE U.S. AND CANADA. IT WILL ALSO PROVIDE WATER TO MANY SUNBELT STATES WITH THEIR INCREASING POPULATION GROWTH. No DOUBT, THIS WILL REQUIRE A GREAT INVESTMENT - ESTIMATED AT OVER \$200 BILLION IN 1980. HOWEVER, CONSIDER THE COST TO THE COUNTRY AT THE TIME THE ERIE CANAL WAS BUILT, AND HOW THIS CONTRIBUTED TO THE

GROWTH OF THE COUNTRY. REMEMBER THERE IS A GREAT DIFFERENCE BETWEEN BUILDING, FOR INSTANCE, AN MX SYSTEM THAT CONTINUALLY CREATES A DRAIN ON THE TAXPAYER, AND NAWAPA WHICH WILL CREATE WEALTH. DON'T INTERPRET THIS STATEMENT AS BEING AGAINST THE MX SYSTEM.

FEDERAL ASSISTANCE TO BUILD RECLAMATION PROJECTS SINCE 1902 TO THE START OF 1980 TOTALS SOME 8.8 BILLION DOLLARS. IN ONLY 38 YEARS OF THAT TIME SPAN - 1940 THROUGH 1978 - THESE PROJECTS GENERATED 25.6 BILLION IN FEDERAL TAX REVENUES.

NOW BACK TO THE PROPOSED PLAN

THE VOLUME OF WATER AVAILABLE EACH YEAR WOULD BE STABLE BECAUSE OF A SIMPLE PRINCIPLE. SOLAR ENERGY IS THE MEANS BY WHICH WATER IS EVAPORATED FROM MILLIONS OF SQUARE MILES OF THE WARM PACIFIC OCEAN INTO THE ATMOSPHERE, WITH A GREAT DEAL BEING PRECIPITATED AS SNOW AND RAIN IN THE COLD HIGHER ELEVATIONS OF ALASKA AND WESTERN CANADA, AND TO THE WESTERN MOUNTAINS OF THE UNITED STATES. THE RECENT DISASTROUS DROUGHT IN CALIFORNIA, AND OTHER WESTERN STATES AS WELL, WAS CAUSED BY A HIGH PRESSURE RIDGE NEAR THE WEST COAST WHICH DIVERTED EVEN MORE WATER TO CANADA AND ALASKA. THE WESTERN UNITED STATES IS THEN SUSCEPTIBLE TO LARGE FLUCTUATIONS IN RAIN AND SNOW FALL, DEPENDING ON SLIGHT CHANGES IN PACIFIC OCEAN TEMPERATURE, AND THE DEVELOPMENT OF UNFAVORABLE PRESSURE RIDGES. ONE THING IS CERTAIN, THE SAME AMOUNT OF SOLAR ENERGY WILL CONTINUE TO FALL ON THE OCEANS, TO HEAT THE WATER, WITH THE RESULTING EVAPORATION TAKING PLACE. A LIKE AMOUNT OF WATER PRECIPITATES ON THE OCEANS, AND IN THE COOLER HIGHER ALTITUDES OF MOUNTAINS, AND HIGH PLATEAUS OF ALASKA AND CANADA. ALL THAT IS NEEDED IS THE ENGINEERING, AND CONSTRUCTION OF WATER AQUEDUCTS TO THE ARID AREAS OF THE NORTH AMERICAN CONTINENT. IN THIS WAY, A CONSTANTLY REPLENISHABLE WATER SOURCE IS AVAILABLE.

AS A FARMER, I HAVE BEEN FRUSTRATED THAT WE PRODUCE A SURPLUS OF GRAIN IN THE UNITED STATES EACH YEAR, WHICH PENALIZES THE FARMER WITH LOW PRICES WHEN HE IS EFFICIENT, YET MILLIONS OF PEOPLE ON THIS PLANET GO HUNGRY. IT IS A PROBLEM OF DISTRIBUTION AND POLITICS, KEEPING US FROM MOVING THAT SURPLUS TO WHERE IT WILL DO THE MOST GOOD. IN 1975, THE GEOLOGICAL SURVEY REPORTED 1340 MAFY* RUN-OFF WITH 575 MAFY AS A RELIABLE SUPPLY RESOURCE FOR THE LOWER 48 STATES. RUN-OFF IN ALASKA, INCLUDING THAT WHICH COMES FROM CANADA AND PASSES THROUGH ALASKA, IS ABOUT 800 MAFY. THIS IS MORE THAN HALF OF ALL THE NORMAL RUN-OFF IN THE LOWER 48 STATES AND IS AN IMPORTANT NEW SOURCE OF ABUNDANT WATER. AGAIN, WE HAVE A PROBLEM OF DISTRIBUTION AND POLITICS TO MOVE THE SURPLUS TO WHERE THE NEED IS MOST ACUTE. ALMOST ALL OF THE SO-CALLED "SUNBELT" STATES THAT HAVE HAD INCREASES IN POPULATION GROWTH ARE HAVING TO FACE THE REALITIES OF NOT ENOUGH WATER TO SUPPLY AGRICULTURE, INDUSTRY AND THEIR CITIES.

WATER IS A VERY BASIC RESOURCE, SOONER OR LATER, A DECISION TO BUILD OR NOT A PROJECT SIMILAR TO THE NAWAPA PLAN WILL HAVE TO BE MADE. THIS DECISION WILL IN PART DETERMINE THE ECONOMIC FUTURE OF NORTH AMERICA.

SLIDES

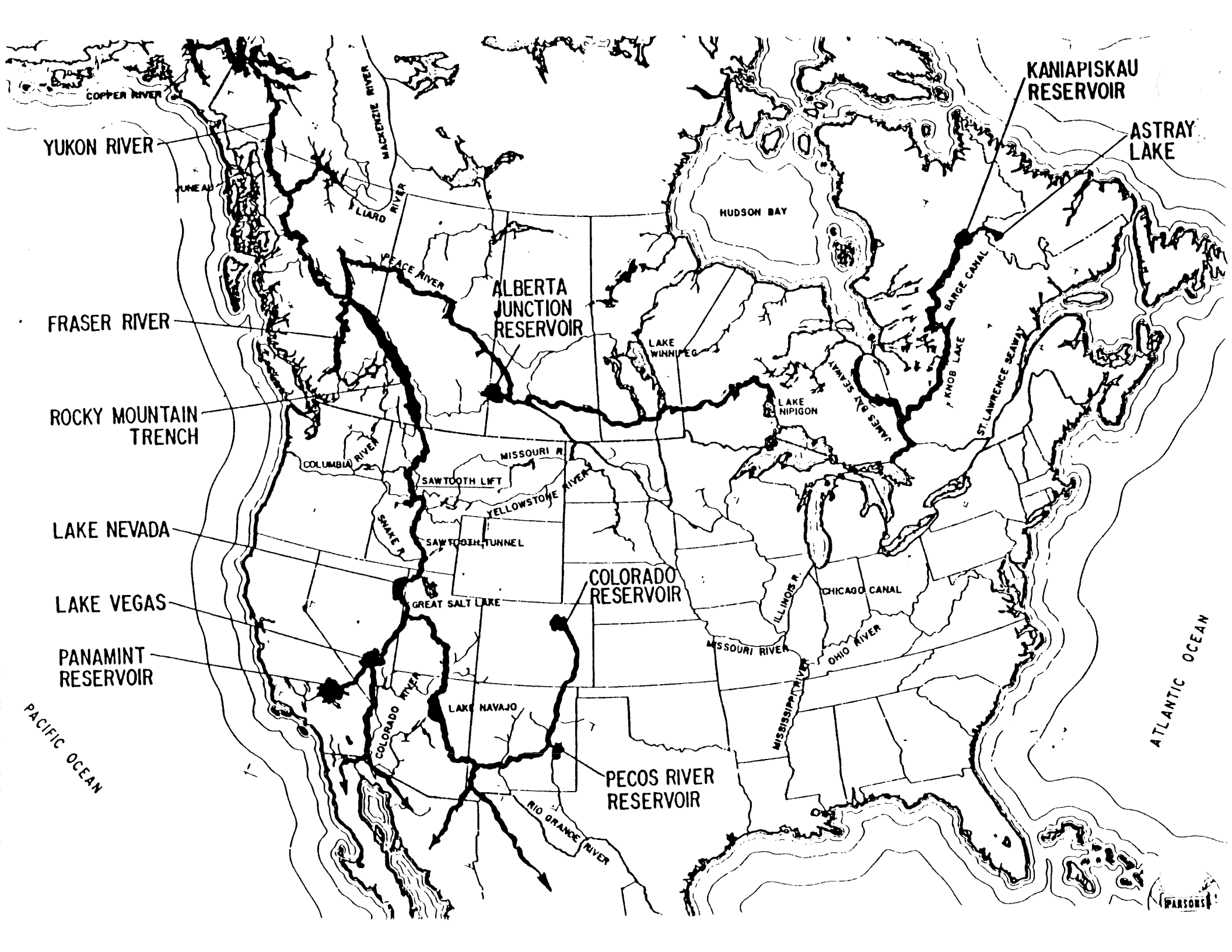
TO PROPERLY ADDRESS THE PROBLEMS OF WATER IN KANSAS, BOTH OF QUANTITY AND QUALITY, WILL COST MANY DOLLARS, DOING NOTHING WILL IN THE LONG RUN COST MUCH MORE, AND WE WILL FAIL THE FUTURE GENERATIONS OF KANSAS IF WE NEGLECT OUR RESPONSIBILITIES.

NO ONE IS GOING TO SOLVE THESE PROBLEMS FOR US, THERE IS NO WISE MAN TO GIVE US THE ANSWERS, WE WILL HAVE TO EDUCATE OURSELVES, AND USE THE EXPERTISE, KNOWLEDGE, AND CERTAINLY THE IMAGINATION OF KANSAS CITIZENS INTERESTED IN THE FUTURE OF KANSAS TO PROVIDE THE

* MAFY - MILLION ACRE FEET PER YEAR

ANSWERS. IN MOST INSTANCES WE HAVE THE TIME TO ACT, NOT SIMPLY WAIT AND REACT TO A CRISES, IF WE WILL ESTABLISH OUR PRIORITIES, AND PROVIDE THE FUNDING NEEDED, TO REACH THE GOALS WE MUST SET IN DEVELOPING A STATE WATER PLAN.

IN CLOSING I WILL LEAVE YOU WITH A LITTLE TONGUE-IN-CHEEK ARTICLE THAT WAS INCLUDED IN THE JANUARY 1981 "EQUUS BEDS GROUNDWATER NEWS BULLETIN".



KANIAPISKAU RESERVOIR

ASTRAY LAKE

YUKON RIVER

COPPER RIVER

MACKENZIE RIVER

ILIARD RIVER

PEACE RIVER

ALBERTA JUNCTION RESERVOIR

HUDSON BAY

FRASER RIVER

LAKE WINNIPEG

ROCKY MOUNTAIN TRENCH

LAKE NIPIGON

COLUMBIA RIVER

MISSOURI R.

SAWTOOTH LIFT

YELLOWSTONE RIVER

LAKE NEVADA

SHAKE R.

SAWTOOTH TUNNEL

GREAT SALT LAKE

COLORADO RESERVOIR

CHICAGO CANAL

LAKE VEGAS

PANAMINT RESERVOIR

COLORADO RIVER

LAKE NAVAJO

PECOS RIVER RESERVOIR

ILLINOIS R.

OHIO RIVER

PACIFIC OCEAN

RIO GRANDE RIVER

MISSISSIPPI RIVER

ATLANTIC OCEAN

PARSONS