



Tracy Streeter, Director

Sam Brownback, Governor

**Before the
House Vision 2020 Committee
Testimony on HB 2096
Earl Lewis, Assistant Director, Kansas Water Office
January 11, 2012**

Chairman Sloan and members of the Committee, I am Earl Lewis, Assistant Director of the Kansas Water Office. I am pleased to appear today in support of HB 2096.

The changes as outlined in HB 2096 would improve our ability to secure, protect and restore our state's reservoir infrastructure. These changes are the result of several years of discussions about insuring we can provide municipal and industrial water supply to our citizens into the future.

In 2010, the Kansas Water Authority delivered proposed statutory changes necessary to protect our reservoirs to this committee as requested. Included in those recommendations were proposals contained within HB 2096 including:

- Allowing for 100% state responsibility in the coordination, planning and implementation of systematic stream stabilization projects in targeted areas. This recommendation is covered in Section 1 of HB 2096.
- Elimination of the requirement that a contractual commitment be made by a user before additional federal reservoir water storage is brought into service. This recommendation is covered in Section 2 of HB 2096.
- Removal of the requirement that flood control be included in development of small multipurpose lakes in which the state cooperates. This recommendation is covered in sections 4 and 5 of HB 2096.

The Water Authority report also recommended better coordination of water related data as well as collection of additional data.

The Kansas Water Authority reiterated these recommendations to the Joint Energy and Environmental Policy Committee in November of 2011 by indicating a need to support fully funding streambank projects and removing the requirement for flood control from multipurpose small lakes.

There are a few other changes as proposed in the balloon language in sections 5 through 8 relative to the Multipurpose Small Lakes act that I would like to touch on.

First and most simply, is a proposed change evaluating a need for future public water supply from a 20 year time period to 50 years. This change would align the planning for small lakes with overall project design life and more closely with typical public water supply financing.

The markup language for sections 6 through 8 also includes a change that the water supply storage would be covered under a water reservation right rather than a water appropriation right. This storage will then be

managed more clearly under the State Water Plan Storage Act and operate by the state's Water Marketing Program. Striking the language in sections 6 (d), 7 (e), and 8 (d) follows this same overall change in storage management by placing cost recovery within the water marketing program and rate. This change allows for a broader range of uses of the storage and removes the need for a local user to seek additional financing to secure access to the water supply.

In 2010 the State of Kansas and the City of Horton finished the pilot dredging project at Mission Lake in Northeast Kansas. We learned a great deal from that project, including the fact that many of the benefits of a dredging project are not related solely public water supply. Existing infrastructure around the lake, avoided environmental costs of development of a new reservoir and recreational benefits are all key factors to be considered. The current language in the Multipurpose Small Lakes Act limits the evaluation of whether a dredging project is appropriate to the bottom line cost of the water supply storage alone. This can, in effect, cause a higher overall cost alternative to be selected. Striking the language as shown in sections 6 (c), 7 (d) and 8 (c) allows for a more complete evaluation of whether dredging, or another alternative, is the appropriate option.

Insuring that we have an adequate water supply for our citizens will continue to take a significant amount of effort and further discussions about other policy changes that need to be made. Passage of HB 2096 is a step in the right direction and will improve our ability to work with local landowners and units of government to develop and protect our reservoir infrastructure.

Thank you for the opportunity to appear before the committee. I will be glad to respond to questions at the appropriate time.