

901 S. Kansas Avenue
Topeka, KS 66612



Phone: (785)-296-3185
Fax: (785)-296-0878
www.kwo.org

Gary Harshberger, Chair

Sam Brownback, Governor

**Before the
Senate Committee on Natural Resources**

**Kansas Water Authority
Testimony for HB 2051**

**Tracy Streeter, Chairman, Kansas Water Authority
March 14, 2013**

Chairman Powell and members of the Committee, I am Tracy Streeter, Secretary of the Kansas Water Authority (KWA). I appear before you today to present the Kansas Water Authority's position in support of the Substitute for HB 2051.

In January the KWA conducted a meeting and took action in support for HB 2051. Tracy Streeter, Secretary of the KWA, provided testimony on our behalf to the House Committee of Agriculture and Natural Resources in February. The support was based on a recommendation from the Ogallala Aquifer Advisory Committee (OAAC), an ad hoc committee of Ogallala Aquifer stakeholders formed last year to advise the KWA on water issues. Two of the proposed changes offered in this bill build on the important water management and conservation tools enacted through the water policy legislation passed during the 2012 Legislative Session. A third tenant of the bill will assist in the implementation of policy adopted by the Kansas Water Authority in 2005 relative to dam safety.

Section 1 authorizes the limited transfer of water rights for other uses and provides for rules and regulations to ensure the transfer does not increase the consumptive use of water within the same local source of supply. In many areas of the state, we are dealing with drought conditions and/or declining source of supply. As we work to conserve and extend the useful life of our water resources and allow water right holders the opportunity to seek the highest value use of the water, it is imperative that we do not place further stress on the supply and potentially impair the rights of other water users.

Section 2 and 3 of the bill modifies the definition of a dam to exempt certain smaller structures with limited storage from the regulatory requirements contained in 82a-301 et seq. As previously mentioned, the Kansas Water Authority adopted policy to address concerns raised by small dam owners in 2005. There was much discussion relative to the risk evaluation of small dams subject to regulation. However, the policy recommendations focused mainly on preventing development below low hazard dams resulting in hazard classification upgrades, and assistance to repair unsafe dams and upgrade existing dams already impacted by hazard classification changes. The amendments proposed in Sub HB 2051 are consistent with the intent of the KWA's Dam Safety and Rehabilitation Policy by exempting the smallest of the low hazard dams from the state's regulated dam inventory. The amendment will allow for limited resources to be focused on those structures with the highest likelihood of impacting life and property in the event of dam failure.

The final component of Sub HB 2051 supported by the KWA is the carry-forward provisions proposed in Section 5 for multi-year flex accounts. By allowing unused water remaining at the end of the flex account period as defined in the amendment, this provision will eliminate yet another form of "use it or lose it", and will incentivize the conservation of water.

Thank you again for the opportunity to present the position of the Kansas Water Authority in support of the Substitute for HB 2051. I will be happy to respond to questions at the appropriate time.

SEN. NATURAL RESOURCES
Date 3-14-13
Attachment # 3

