

Water Resources Committee
Regional Economic Area Partnership (REAP)
Meeting Agenda
9:30 a.m., January 10, 2011
Hughes Metropolitan Complex
Commissioner Willis Heck, Chairman



- I. Welcome and Introductions:** Chairman Heck

- II. Approval of the Minutes from Nov. 15, 2010 Meeting:** Chairman Heck (pg. 2-5)
Recommended Action: Approve or modify minutes as needed.

- III. Conservation as a Beneficial Use in State Water Rights:** Mr. Toby Dougherty and Mr. Paul Briseno, City of Hays (pg. 6-12)

- IV. REAP Water Resources Planner Scope of Work:** Mr. Dane Baxa (pg. 13)
Recommended Action: Approve the Memorandum of Understanding (MoU) with the University of Kansas for the Water Resources Planner.

- V. 2011 Work Plan and Schedule:** Chairman Heck (pg 14-16)
Input from the 2010 WRC survey, discussion at November's retreat, and REAP's strategic plan were used to craft the Committee's 2011 Work Plan and Schedule.

- VI. Report of the Technical Subcommittee:** Mr. Kurt Bookout (pg. 17)

- VII. Report of the Executive Officer:** Mr. Dane Baxa (pg. 18-21)

- VIII. Unscheduled Business Items and Updates**

- IX. Adjourn**

*The next REAP Water Resources Technical Sub-Committee meeting is **Monday, February 14th** at **10:30 a.m.** at the **Hughes Metropolitan Complex, 29th and Oliver***

*The next REAP Water Resources Committee meeting is **Monday, March 14, 2011, at 9:30 a.m.** following the full REAP Board Meeting at the **Hughes Metropolitan Complex, 29th and Oliver***

REAP Water Resources Committee
Retreat Minutes
8:30 A.M., November 15, 2010
Hughes Metropolitan Complex
Commissioner Willis Heck, Chairman

I. Welcome and Introductions

Commissioner Willis Heck, City of Newton, called the meeting to order; members, staff and guests introduced themselves.

II. Approval of the Minutes from September 13, 2010

Mayor Terry Somers, City of Mount Hope, moved (Mr. Larry Mangan, City of Wellington) to approve the minutes of the September 13, 2010 meeting of the Water Resources Committee.

III. 2010 Work Plan Review and Highlights

Mr. Dane Baxa, Executive Officer of the REAP Water Resources Committee, lead members through the objectives, strategies, and outcomes of the 2010 REAP WRC work plan. It was noted that the 2010 Work Plan and 2010 Committee Highlights could be found on pages 6-8 of the agenda packet. Members were provided with information on the four roles: serving as a regional voice, serving as a regional forum, encouraging regional collaboration, and assembling informational resources. Mr. Baxa outlined the underlying strategies of each objective and the current outcomes of these strategies. Particular attention was paid to the creation of the Rural Water District Guidelines and the submission of a letter of support for a comprehensive reevaluation of the State Water Plan under the objective of serving as a regional voice. Mr. Baxa also talked about the creation of the Water Resource Planner under the objective of assembling informational resources. Members were encouraged to provide comments on the 2010 Work Plan, but discussion moved forward to the presentation of the 2010 REAP WRC Survey Results.

IV. Presentation and Discussion of WRC Survey Results

Dr. Ed Flentje, WSU, lead members through the 2010 REAP WRC Survey Results. It was noted that a copy of the full survey results could be found on pages 9-13 of the agenda packet. Members were encouraged to elaborate and ask questions. Section one of the survey included questions on the importance of REAP's four program objectives. Dr. Flentje noted that there was an overwhelmingly positive response that the committee's current objectives were on target. Information resources provided by the committee were listed, as some members had questions on what had been provided. It was noted that the water and wastewater rate studies had been extremely important to the committee, as well as the Bureau of Reclamation Study and the Water Resources Planner. Dr. Flentje inquired what was meant by the comment that the WRC should place more emphasis on wastewater and members noted that they would like the committee to support current efforts to improve systems as well as provide information on studies and regulations. Other informational resources, such as the economic impact of agreements with RWD, were discussed and members alluded to the fact that more information on legislation and its impacts on water would be extremely beneficial. There was also a need to

establish process to introduce new committee topics as well as a need to identify issues all parties had in common rather than separate, member-specific, issues.

This section also sparked a discussion on providing more information on a current KAW lawsuit which calls for the largest contributors of nitrates and phosphates in rivers (mainly the Kansas and Missouri Rivers) to clean up their mess. It was noted that this was a regional issue that should be discussed further. The topic of El Dorado Lake serving as an additional regional water supply, how to start this discussion, find if there was an interest in El Dorado becoming a regional water provider, and the education efforts necessary for the process to be successful. There was discussion of Johnson County's Water One water service provider and it was noted that the issues of long-term demand and redundancy were highly ranked in Section four of the survey.

Section two of the survey detailed ongoing WRC commitments noting that issues such as the State Water Plan Fund, water and wastewater rate surveys, and the REAP Regional Water Conference were still the top three committee priorities. All other priorities considered important by at least 58% of survey respondents. Section three of the survey discussed the importance of current partners and provided staff with support for keeping engaged with organizations such as KWA, KWO, and DWR. Finally Section four of the survey provided feedback on the importance of potential commitments, with long-term water demand, researching grant opportunities, and redundancy viewed as the most important. The results of this section clearly show that the committee does not believe that air quality is an issue that should be addressed by the WRC. It was noted that attention should be paid to conservation as a beneficial use for water rights, and looking at the affects of stormwater on sources waters, as well as education on new rules and regulations for stormwater.

V. Strategic Planning Process

Ms. Misty Bruckner, WSU, provided members with a review of the REAP Strategic Planning Retreat results and noted that it was important to align the WRC's goals with the REAP strategies of: providing a regional voice, educating stakeholders, guiding state and national policy, supporting regional planner efforts, and being proactive in identifying emerging issues. It was noted that a full REAP retreat report could be found on pages 14-15 of the agenda packet.

Members of the Water Resources Committee provided staff with the following strategies to align the goals of the WRC with REAP's strategies:

- Providing a regional voice to support fundamental economic development
 - Research and education on supply and demand
 - Branding and defining of the mission of the WRC
 - Create a process for sharing information
- Educating Stakeholders on topics of economic interest to our region
 - Inviting elected officials to WRC meetings
 - Including relevant speakers and topics at the regional water conference
 - Engaging media at REAP meetings
 - Connecting REAP with other regional planning efforts....Visioneering
 - Presentations to member communities on committee activities
- Guiding State and National Policy Issues that impact the economic development of our region
 - Engaging stakeholders in representing the region in Topeka and at home in their districts

- State Water Plan Fund reevaluation
- Supporting regional planning efforts in issues impacting the economic environment
 - Education effort with planners and on the affects water has on planners and planners have on water
 - Education effort with areas outside cities, including counties and rural areas
 - Education of state, local, and national funding dollars and the bureaucracy of these levels of government
- Being proactive in identifying emerging issues and encouraging dialogue
 - Instituting processes that encourage dialogue at meetings
 - Identifying common themes and issues
 - Education on regional models....Johnson County

Ms. Bruckner thanked the committee for their input and noted that these strategies would be including in the continued strategic planning process.

VI. Identification of Objectives for 2011 Work Plan

Mayor Heck noted that the morning's discussion and survey results would be crafted into a work plan, and that members would have chances to weigh in on the work plan prior to the December REAP meeting.

VII. Break

VIII. Water Resources Committee Budget and Staffing

Mr. Joe Yager, Chief Executive Officer of REAP, provided members with a budget and staffing report. It was noted that a full budget report and 2011 proposed budget could be found on pages 16-18 of the agenda packet. He noted that revenues had changed with the new assessment structure and the change in the position of executive officer. He also noted that carry over funds will diminish over time, with Dr. Flentje provide input on that fact that the change in staffing would allow the carry over funds to make it to 2012. It was noted that the organization would have to think about the committee's long-term sustainability and how to identify new revenue streams. It was noted that the proposed did not include grant projections and that there was no anticipation of new members or changes in membership for the 2011 Assessments. It was also noted that more funds had been projected in program expenses due to the program nature of the committee. Ms. Deb Ary, City of Wichita, moved (Mr. Mangan) to approve the 2011 WRC Budget. The motion passed unanimously.

IX. Water Resources Committee 2011 Calendar

Members were also provided with a proposed 2011 REAP WRC meeting schedule on page 19 of the agenda packet. Meetings would continue to be bi-monthly with the technical subcommittee meeting when necessary. Members were also encouraged to attend the 2010 REAP South Central Kansas Regional Policy Summit, on December 2nd. Mr. Harold Smith, City of Bel Aire, moved (Mr. Bill McKinley, City of Maize) to approve the 2010 meeting schedule. The motion passed unanimously.

X. Water Resources Planner Scope of Work

Ms. Baker provided members with an update on Water Resources Planner, noting that if the committee agreed to fund the second phase, that the planner would be updated to ensure that there was consistent, uniform, and reliable information with good documentation. Ms. Baker noted that they were still waiting on the funding proposal from KU, but that the university was interested in continuing the project, with the same graduate assistant used previously. It was noted that the technical subcommittee meeting in December could evaluate and discuss the request and make recommendations to the full committee via email so that work could begun during the second semester.

XI. Report of the Executive Officer

Mr. Baxa provided members with a brief executive officer report, noting that a complete report, with WaterWise, could be found on pages 20-25 of the agenda packet. It was noted that the League of Kansas Municipalities had adopted the committee's request for a comprehensive reevaluation of the State Water Plan into their legislative agenda, that the stormwater bus tour was a success, and that staff would be working on reviewing the economic impact of RWD agreements prior to the technical subcommittee meeting in December.

XII. Unscheduled Business

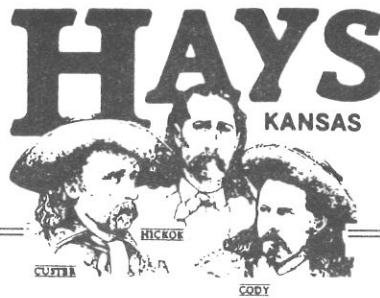
XIII. Adjourn - The next REAP WRC meeting is tentatively set for Monday, January 10, 2011, at 9:30 A.M. at the Hughes Metroplex).

Water Resources Committee Retreat Attendance for November 15, 2010	
Name	Jurisdiction
Clay Randel	City of Ark City
Harold Smith	City of Bel Aire
Kurt Bookout	City of El Dorado
Herb Llewellyn	City of El Dorado
John Carder	City of Hesston
Hoyt Hillman	MAPC
Bill McKinley	City of Maize
Doug Whitacre	City of McPherson
Terry Somers	City of Mount Hope
Willis Heck	City of Newton
John Bristor	Sumner County
Larry Mangan	City of Wellington
Dale Goter	City of Wichita
Deb Ary	City of Wichita
Deb Baker	KWO
Ed Flentje	WSU
Misty Bruckner	WSU
Joe Yager	WSU
Dane Baxa	WSU
Becky Eby	WSU
Nicole Bailey	WSU

TOBY DOUGHERTY, CPM, CITY MANAGER
PAUL BRISENO, ASSISTANT CITY MANAGER

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CITY COMMISSION
BARBARA K. WASINGER, MAYOR
TROY HICKMAN
HENRY SCHWALLER, IV
RON MELLICK
KENT STEWARD

January 4, 2011

REAP

Attn: Dane Baxa
Executive Officer – Water Resources
1845 Fairmont, Campus Box 155
Wichita, KS 67260

RE: CONSERVATION AS A BENEFICIAL USE OF WATER

Dear Dane:

I appreciate the opportunity to speak to REAP at the upcoming monthly meeting. The City of Hays is soliciting support for legislation that would include conservation as a beneficial use of water. Enclosed with this letter is an issue paper put together on the subject as well as the legislation that was introduced during the 2010 legislative session.

Current Kansas law requires that a water right be put to a “beneficial use”. The result is the current use it or lose it system that exists statewide. Including conservation as a beneficial use would allow a water right holder to enroll a perfected water right in conservation. The result would be that the water would not be pumped, but the right would not be reduced or taken away, as in the eyes of the law it is being put to a beneficial use.

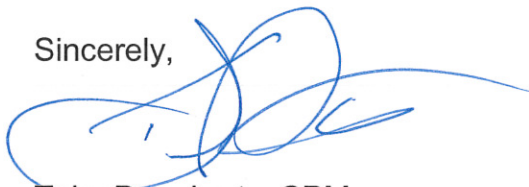
The City of Hays feels that there are many positive benefits to this legislation. First and foremost, it will stop the process of pumping water only to preserve a water right. This could have a positive impact on the State’s fragile aquifers.

The legislation would also provide a valuable planning tool for cities, water districts and industrial users. Currently, a city is prohibited from adequately planning for the future by simply acquiring additional water sources. With the current requirements that the water be put to a beneficial use, it is very difficult for some cities to acquire the necessary water sources to adequately plan for the future. This has led to a situation where cities wait until the last minute to address serious water supply problems.

Principal supporters of the issue are the City of Hays and the Kansas Department of Agriculture's Division of Water Resources. Other supporters include the Cities of Garden City, Dodge City, Hutchinson, Ottawa, Lenexa, the Kansas Water Office, the Kansas Cooperative Council, the Kansas Water Congress, the Kansas Livestock Association and Groundwater Management Districts 1, 2, 3, 4 and 5.

I look forward to discussing this issue in more detail at the meeting on Monday. Please feel free to call me if you have any questions prior to that time.

Sincerely,



Toby Dougherty, CPM
City Manager

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Enclosure

Conservation as a beneficial use of water

Issue

The City of Hays is advocating legislation that would include “conservation” as a beneficial use of water. This would allow holders of a perfected water right to enroll that right in conservation. The water would not be pumped while in conservation. This would protect the right holder from the “use it or lose it” provisions of the current law as the Division of Water Resources could not reduce or eliminate a right that is enrolled in conservation. The new law would benefit all water right holders. Cities and other water suppliers, as well as farmers, utilities, and industrial users would benefit tremendously from this legislation as it would allow for more adequate planning for future water needs.

The legislation

The general premise of this potential legislation is to establish a new beneficial use of water to be defined as “conservation use.” This issue was brought to the forefront when the Department of Agriculture introduced SB 510 during the 2010 legislative session. This concept would allow the owner of a valid and perfected water right to place it in conservation, protecting the right for future use. It is anticipated similar legislation will be introduced during the 2011 Legislative Session.

Brief History of Water Law in Kansas

Kansas water law has been relatively stable since the passage of the Water Appropriation Act in 1945. The basic function of the law is that the water is dedicated to the use of the people of the state and that water rights are available to persons if they put the water to a beneficial use. There are 14 separate “beneficial uses” of water which include irrigation, domestic, stockwatering, municipal, industrial, etc. Under the current law, water rights can be forfeited if they are not used for five consecutive years without good reason. This rule is known as “use it or lose it.” When conflicts between water rights arise the state law is based on first in time, first in right. That is, the priority of use is based on the age of the right. Older, or “senior” water rights have priority over newer, or “junior” rights in times of shortages allowing the owner of the senior right full benefit of the limited resource.

History of the “Conservation Use” Issue

During the 2010 legislative session two bills were introduced that dealt with the general concept of non-use of water. HB 2565 was limited in scope and will be discussed in more detail later on. SB 510, heard in the Senate Natural Resources committee, contemplated adding a new beneficial use of water to be defined as a “conservation use.” This bill was modeled on similar statutes in other western states, such as Texas, Colorado, Utah and California. It would allow an existing irrigation right, for example, to be changed to a conservation use. Once this change was approved the irrigator would no longer have to pump water to avoid the abandonment of his right. In fact, diversion of water would be prohibited from a conservation use water right. Nothing in SB 510 would prevent a conservation use right from

being changed to a different beneficial use but it would still be subject to the normal change procedures in KSA 82a-708b.

Benefits of Change

The fundamental benefit of adopting a conservation use is that it would allow the water right owners, who are pumping simply to avoid abandonment, another method to preserve their valuable property right. Cities and other public water suppliers can purchase quality water rights as they come available, allowing them to more adequately plan for future needs without being forced to put the water into immediate service. Additionally it should result in more flexibility in future planning for individuals, energy and industrial users. Individuals will be able to pass rights to their heirs with less concern over abandonment.

If water users could participate in conservation where active pumping is not required it could preserve the long term viability of the state's depleted aquifers, potentially rejuvenate stream flow in certain areas, and reestablish riparian habitat.

Who would benefit from this legislation?

Anyone who owns a water right could potentially benefit from this legislation. This includes farmers, ranchers, cities, water suppliers, utilities, and industrial users.

Who supports this legislation?

In addition to many cities, this legislation is supported by the Kansas Water Office the Kansas Department of Agriculture and the Division of Water Resources.

Frequently Asked Questions

- *If water rights can be enrolled in conservation for a long period of time what would keep someone from hoarding water?*
 - o If someone wanted to hoard water, they could do so at this time as there is nothing in the current Statutes that would prohibit it.
 - o In the current environment where most individuals own only a few water rights, it would be difficult if not impossible to hoard enough water to seriously impact the available supply. Without broad collaboration it would be difficult to tie up enough water to seriously impact the price.
 - o If a person owned an extremely large number of water rights it would be possible to hoard a local supply for an extended time period. However in order to make this possible you'd have to assume that the value of water will escalate enough to outgrow both the net present value of money, as well as inflation, by a significant margin in order to return a

- future profit. This was a consideration in recent years in Texas where an individual attempted to obtain enough water supplies to sell water to D/FW, San Antonio or El Paso. Even with such large population bases it has not proven to be a profitable endeavor. In Kansas, such an effort would be further complicated by the Kansas Water Transfer Act (KSA 82a-1501 et seq.) which limits the movement of large quantities of water over a long distance (more than 35 miles).
- *What impact might this have on persons trying to obtain water rights?*
 - o It is likely this legislation would have very little impact on those seeking new water rights. In open areas a person simply needs to locate an available source of supply and apply for a new right. In a closed area the abandonment of an existing water right could make water available, but in reality most closed areas are significantly overappropriated, and abandoning a few water rights would not bring the available water back above the safe yield formula.
 - o For those seeking to purchase existing rights it would give them more flexibility in how/when to purchase water. They wouldn't be forced to purchase at the time of need, but rather could obtain water rights when they came available and save them for future use/planning without being forced to put them to active use in the interim period.

 - *Will DWR reduce my rights if I place it in conservation?*
 - o No.

 - *What would stop a city or water district from condemning my water and then placing it into conservation for decades?*
 - o In general condemnation proceedings are used as a last resort due to the inherent conflict and expense. As a result it is unlikely that a city would resort to such an action for planning decades down the road. Some entities can clearly condemn water rights, while others cannot. SB 510 would not change that. That said, a city or water district would face a more difficult burden to show, in a condemnation proceeding, that it was necessary to condemn water rights that it planned to put into conservation use only, while not consuming that water for decades.

 - o The proposed legislation allows for better planning. It is more likely that a city or water district would have to resort to condemnation in order to obtain water rights under the current laws.

 - Was there legislation passed last year that allowed for non-use of a right in closed areas?
 - o HB 2565 (ultimately H Sub for SB 316) addressed non use in areas closed to new appropriations. In this case, any water right that is located in an area that is closed to new appropriations shall be deemed to have due and sufficient cause for non-use. As long as means of diversion are available to put the water to use if necessary the water right shall not be subject to abandonment. This bill ultimately passed as House Substitute for SB 316 and was signed into law.

- While this legislation does benefit water right holders in closed areas, it is not the optimal solution. The areas in question are closed because they are over appropriated or periodically there is not enough sustainable yield to satisfy all of the right in the area. In most cases, the water right owners is not pumping simply because there is not water available to pump. While it is true that a right holder can not have the right taken away for non use, the holder must keep the means of diversion in place to put the water to use. This could prohibit cities and other public water suppliers from purchasing rights for future use.
- *Isn't there a program that allows water holders to set them aside for five or ten years?*
 - The WRCP program which was introduced in 1992 did allow for this, but the program was eliminated last year due to budget constraints. A similar federal program EQIP is still recognized as a reason for non-use but is more limited in scope and individuals must apply and be accepted to participate. Both programs rely on federal dollars as water right owners are compensated for non-use.
- *Is it possible to limit the applicability of conservation use?*
 - *Areas close to new appropriation:* Areas can be “closed to new appropriation” in two ways: 1) by rule of the chief engineer; or 2) by being fully appropriated. Under the new law (H Sub SB 316), groundwater rights within areas closed by rule cannot be abandoned due to non-use as long as their point of diversion can divert water within a reasonable timeframe. Conservation use would not require the diversion works to be maintained. Fully appropriated areas not closed by rule do not have this protection.
 - *Caps on water quantity or time enrolled in conservation use:* While this may address the concern of individuals/entities hoarding water, it may seriously limit the ability of a municipality or others to plan far into the future. For example, the ability to secure and preserve a significant quantity of water for future use may be very beneficial to certain municipalities. In a declining aquifer, some water right holders may change water rights to conservation to slow the decline near their better wells. In areas of water quality concerns, water right holders may change water rights to conservation to better control the migration of poor quality or contaminated water.
 - *Limit conservation use only to right owned by municipalities:* We believe conservation of water is an important policy goal and should be available to citizens statewide. The current use it or lose it philosophy contributes to less efficient water use in many cases.

Session of 2010

SENATE BILL No. 510

By Committee on Agriculture

2-2

9 AN ACT concerning water; relating to the beneficial use of water.
10
11 *Be it enacted by the Legislature of the State of Kansas:*
12 Section 1. (a) As used in this section, "conservation use" means the
13 maintenance of a water right for future use.
14 (b) Conservation use shall be a distinct beneficial use of water. Diver-
15 sion under a conservation use water right shall be prohibited.
16 (c) A vested or certified water right which has not been deemed aban-
17 doned pursuant to K.S.A. 82a-718, and amendments thereto, may be
18 changed to a conservation use pursuant to K.S.A. 82a-708b, and amend-
19 ments thereto, and any rules and regulations as promulgated by the chief
20 engineer.
21 (d) A conservation use water right may be changed pursuant to K.S.A.
22 2009 Supp. 82a-708b, and amendments thereto, and any rules and reg-
23 ulations promulgated by the chief engineer.
24 Sec. 2. This act shall take effect and be in force from and after its
25 publication in the statute book.

REAP WATER RESOURCES PLANNER ONLINE MAPPING TOOL DATABASE REFINEMENT AND EXPANSION TASKS

Background:

In 2009, the Regional Economic Area Partnership Water Resources Committee (REAP-WRC) has partnered with the Kansas Biological Survey (KBS) and the Kansas Water Office (KWO) to develop an online Water Resources Planner (<http://www.kars.ku.edu/maps/wrp/>). The Planner provides a valuable informational foundation for land use and development decisions in the region by allowing users to overlay data sets of information related to the natural resources in the region to have a better understanding of the impacts of land use decisions. Some of the layers available include public water supply (PWS) facilities, PWS source points, wells, stream flow stations, confinement ponds, dry and abandoned oil and gas wells, floodplains, soil conditions, landfills, and quarries.

Initial development of geospatial databases was carried out by the students enrolled in EVRN 410, Geospatial Techniques in Environmental Studies course at the University of Kansas during fall 2009.

Continued development and launch of the Water Resource Planner was accomplished during spring 2010 by an undergraduate student intern at KBS under joint funding from REAP-WRC and KWO. Feedback from potential users was solicited by REAP-WRC and KWO during spring and summer 2010, leading to a series of recommendations for additions and improvements to the Planner.

Tasks:

With additional proposed funding from REAP-WRC, an undergraduate student intern at KBS will, under the supervision of Dr. Mark Jakubauskas, with assistance and input from Mr. Dane Baxa (REAP-WRC) and Ms. Debra Baker (KWO), carry out specific geodatabase refinement and expansion tasks identified by REAP, KWO, and KBS, including but not limited to:

- Complete current layers to ensure accuracy and coverage for all 9 counties. i.e. ensure all solid waste facilities are included and not just some of them;
- Complete data entry for each point in a given layer i.e. identify the permit number, description, information source, etc. for each point when available;
- Develop a legend to identify the information origin for each layer;
- After current layers are complete, with input from the REAP WRC and regional planners, identify additional information that could be available and useful to add to the tool.
- **Due to security concerns, remove water supply, treatment, or distribution facilities from the Water Resources Planner.**

Timeframe:

Work will begin January 15, 2011, continuing until May 15, 2011 (KU spring semester 2011), or until no further modifications/refinements/additions to the database can be identified by REAP/KWO/KBS.

Staff:

KBS Student intern: Ms. Beth Valdiva (She also was the abovementioned intern during spring 2010).
KBS supervisor: Dr. Mark Jakubauskas, Kansas Biological Survey.

Funding Required: The proposed funding of \$3000 will be used solely to appoint Ms. Valdiva as an undergraduate student intern at KBS for spring semester 2011 for 10 hours/week, January 15-May 15, 2011.

Draft of the REAP Water Resources Committee (WRC) 2011 Work Plan

Mission: *To guide state and national actions that affect economic development in the region, and to adopt joint actions among member governments that enhance the regional economy.*

- 1) **Provide a unified voice** to promote regional economic development.
 - a) Collaborate with private, non-profit, and public sector stakeholders on regional economic issues.
 - i) Partner with private, non-profit, and public sector on water quality and quantity issues that are supported or that could potentially be supported by the WRC.
 - b) Strengthen relationships with existing partners.
 - i) Disseminate the mission of the WRC to regional, state, and national partners by attending or presenting information at special meetings.
 - c) Encourage dialogue on regional economic development.
 - i) Facilitate discussion on the value of water resources in regional economic development.
 - d) Instill regional identity through coordinated branding.

- 2) **Guide state and national policies** that impact regional economic development.
 - a) Engage local leadership to represent the region at the state and national level.
 - i) Identify water issues with legislative implication and allocate funds when appropriate.
 - ii) Coordinate REAP membership when appropriate to engage in the state legislation process on WRC supported issues.
 - b) Develop relationships with state and federal governmental officials.
 - i) Monitor activities of federal, state, and local agencies affecting water supply and quality in the region and advise members advised of relevant issues and partnership opportunities.
 - ii) Advise members on legislation regarding water conservation as a beneficial use in state water rights policy.
 - iii) Invite state and federal officials to REAP WRC meetings.
 - c) Establish a process to identify policies affecting specific industries.
 - d) Coordinate a unified agenda for regional economic development.
 - i) Support the League of Kansas Municipalities and their legislative priority to re-evaluate the State Water Plan Fund and the Kansas Water Authority
 - ii) Support the State Water Plan Fund be fully appropriated by attending Kansas Water Authority meetings and educating legislators on the issue.

- 3) **Engage stakeholders** on issues shaping our regional economy.
 - a) Provide regional forums that connect REAP membership with private, non-profit, and public sector stakeholders.
 - i) Provide an open forum to discuss regional water issues and invite stakeholders from the private, non-profit, and public sector to sponsor or present information.
 - ii) Conduct meetings with the Technical Sub-Committee and establish special committees as needed.
 - iii) Conduct an annual regional water conference that includes relevant speakers and topics.
 - iv) Develop a communication plan with media contacts to attend WRC meetings and to disseminate information to WRC communities.
 - v) Assemble and disseminate informational resources related to water quality and supply issues including:
 - (1) Annual regional survey of water and wastewater rate information.
 - (2) Financial review of water service territory agreements.
 - (3) Information on the Friends of the Kaw lawsuit with the Environmental Protection Agency.
 - (4) Information on water re-use and conservation initiatives

- (5) Research regional expenditures on water and waste water.
 - (6) Develop a local government's guide to water related agency tasks and responsibilities in Kansas.
 - b) Conduct outreach on the purpose and accomplishments of REAP.
 - i) Send out meetings reviews following all WRC meetings.
 - ii) Disseminate "WaterWise," bi-monthly newsletter and include regional, state, and national municipal water related articles.
 - c) Involve REAP membership in educational opportunities.
- 4) **Support inter-jurisdictional planning** on issues affecting economic development.
- a) Promote the benefits of a sustainable regional economy.
 - i) Review and discuss interconnection for meeting long-term water supply needs in our region.
 - ii) Discuss interconnection for redundancy in water supply for regional water providers.
 - iii) Research and disseminate information on our regional water supply and demand.
 - iv) Review and assess models of interconnection and consolidation of water supplies.
 - b) Determine REAP's role in regional planning.
 - c) Engage professional staff in multiple jurisdictions for sustainable planning.
 - i) Facilitate educational forums with local jurisdiction planners on regional planning initiatives.
- 5) **Lead the region** in addressing future economic needs.
- a) Create a vision for regional economic development through REAP.
 - b) Determine the organizational capacity to support the future structure and needs of REAP.
 - c) Be proactive in identifying and discussing emerging issues.
 - i) Solicit REAP WRC members for agenda item ideas before WRC meetings.
 - ii) Facilitate speakers and WRC members to discuss and report on issues at meetings.
 - iii) Respond to research requests on regional or state water issues.

REAP Water Resources Committee Meeting Schedule for 2011

Regular bi-monthly meetings in 2011 will generally be conducted on the second Monday of the month, following the REAP meeting, at 9:30 a.m. Meetings will be held in the Sudermann Room at the Wichita State Hughes Metropolitan Complex located at 5015. E. 29th St. North unless otherwise noted.

- **January 10**
- **March 14**
- **May 26*** (REAP Regional Water Conference)
- **July 11**
- **September 12**
- **November 7**

*The Water Conference date has been the 4th Thursday of May, pending the availability of the site. The site location is to be determined.

Water Resources Technical Sub-Committee Meeting Schedule for 2011

Bi-monthly meetings will be on the off months of the full Water Resources Committee meetings and will generally be conducted on the second Monday of the month, following the REAP meeting, at 9:30 a.m. Meetings will be held in the Sudermann Room at the Wichita State Hughes Metropolitan Complex located at 5015. E. 29th St. North unless otherwise noted.

- **February 14**
- **April 11**
- **June 6**
- **October 3**
- **December 12**

**REAP Water Resources Technical Sub-committee
Meeting Summary
10:30 a.m., December 13, 2010
National Center for Aviation Training
Mayor Willis Heck, Chairman**

I. REAP Water Resources Planner Scope of Work

Members recommended the Water Resources Planner proposal to the full Water Resources Committee for approval, pending additional information on the inclusion of point source protection regions and site security. They discussed managing the planner over time, and acknowledged that KU would keep the tool functional, but that there needed to be future discussion on the cost of updates. The group felt this project fit into the work plan as supporting regional planning and noted that the committee may want to bring local planners together to talk about additional layers.

II. Financial Review of Service Territory Agreements

Committee members were updated on staff's financial review of service territory agreements. Members were provided with a one-page summary of the review's scope of work (see attached), and noted that all agreements varied significantly. The review will focus on the long-term, short-term, and any legal costs, and be able to provide the total costs per benefit-unit (customer) gained or lost in the agreements. The names of the agreements will not be included in the final product and that positive agreements and best practices will also be looked into. If any members have positive relationships/agreements with rural water districts, please send information to WRC staff at their earliest convenience.

III. Water Technical Sub-committee Role for 2011

The committee reviewed the tentative work plan and provided input about their role for 2011. The committee members stated that bi-monthly meetings would be beneficial especially for issue identification and the planning of the water conference. Themes for the WRC meetings were also discussed, and it was recommended that conservation as a beneficial use be January's theme.

A grant opportunity from KDHE will be discussed with Kathy Tucker at our next Technical Sub-Committee meeting about funding regional water planning efforts.

(Next Water Resources Technical Sub-Committee Meeting is February 14, 2011, 9:30 am, Wichita State's Hughes Metropolitan Complex.)

Report of the Executive Officer

Kansas Water Authority Meeting

The Kansas Water Authority held a special meeting on December 15, 2010 in Salina Kansas. The subject was the review of 4 draft legislation and concepts that the Authority would introduce and/or support during the 2011 session of the Kansas legislature.

Legislation 1) Create a Lower Smoky Special Water Supply District

This legislation is part of the efforts to enact the Kansas Water Authority policy on Access to Water Releases from Kanopolis Reservoir. The legislation would create an “access district” that could purchase water supply storage in Kanopolis Reservoir from the Kansas Water Office to benefit downstream uses in a defined reach of the Smoky Hill River below the Kanopolis dam. Membership could include municipal, industrial recreational and irrigation surface water right holders.

Legislation 2) State Easement Authority on Navigable Streams

The state of Kansas is the owner of property in and along the three navigable rivers in the state- the Arkansas, Missouri and Kansas. The state owns the property up to the “ordinary high water mark” along the banks of each river. If the process of securing an easement for any purposes requires approval by the Kansas legislature, that process can take some time. The draft legislation would allow the Kansas Water Office, in consultation with other state agencies, to grant easements for projects that would protect and restore the rivers, including streambank stabilization projects. This would enable those projects to utilize federal program funds and allow the state to react in a more expedient manner.

Legislation 3) Remove the "sunset" language from the Water TAP Program

The Water Transition Assistance Program (WaterTAP) has been a successful, voluntary incentive program to retire water rights in targeted areas. Water TAP, however, was designed as a pilot program. The authorizing legislation, however, required the program to “sunset” after five years. The State Conservation Commission proposes to remove the sunset language, allowing the program to continue as a resource for water conservation for years to come.

Legislation 4) Create a Dam Rehabilitation Program

The State Conservation Commission has proposed a new program to assist private dam owners for repair, upgrade or other rehabilitation projects that would bring dams up to current standards. Kansas has over 6,000 permitted dams. The legislation would help those private dam owners who face an increased hazard class change rehabilitate their dam to ensure the safety of those below the dam.

The concepts for all the legislation were approved by the Kansas Water Authority. The legislation will now be finalized for introduction, including additional definitions and explanations as discussed during the meeting will be added to individual pieces of legislation prior to introductions.

For complete information on the 4 draft legislations and concepts, please contact the Kansas Water Office at 785.296.3185 or visit the KWO website at <http://www.kwo.org/> and click on the “KWA 2011 Annual Report to the Governor and Legislature,” on the right side of the screen.

Brownback Reappoints Streeter as Director of the Kansas Water Office

Governor-Elect Sam Brownback announced the reappointment of Tracy Streeter as Director of the Kansas Water Office on December 31st. Intending to be actively involved in water issues Governor-Elect Brownback noted that Streeter brought great experience and vision to his position as Director of the KWO and that he looked forward to Streeter's continued leadership. Streeter has served as Director of the KWO for the past 6 years and prior to his appointment worked for 19 years at the State Conservation Commission. Streeter's appointment requires confirmation by the Kansas Legislature, which is set to convene in January.

EPA Releases Control and Drinking Water Losses in Distribution System Guidance Document

The EPA has released the Control and Mitigation of Drinking Water Losses in Distribution Systems guidance document. This document provides information on flexible tools and techniques that can help public water systems create a program to meet its water loss prevention needs. This document also provides information on how public water systems can maintain its infrastructure and deliver clean, safe drinking water to customers. By creating a successful water loss prevention program, public water systems can balance the use of their resources to address the financial and personal demands of economic restrictions, water availability, population and climate changes, regulatory requirements, operational costs, and public and environmental stewardship. An electronic version of the guidance document can be found on the EPA's website at:

http://water.epa.gov/type/drink/pws/smallsystems/technical_help.cfm

Upcoming Conferences and Training Opportunities

Rural Water Supply Program Programmatic and Technical Assistance Meetings

The Bureau of Reclamation's Nebraska-Kansas Area Office will be hosting two programmatic overview and technical assistance meetings for entities interested in pursuing funding under Reclamation's Rural Water Supply Program. These meetings will be held on January 12 at two locations. The Lincoln, NE meeting will begin at 9:00 AM at the Holiday Inn Southwest (2500 Tamarin Ridge Rd.) and the Topeka, KS meeting will begin at 5:00 PM at the Ramada Convention Center (420 SE 6th Ave). To RSVP or receive more information on these meetings please contact Clinton Powell at ClintonPowell@usbr.gov. For more information on the Rural Water Supply Program and information on submitting a Statement of Interest please visit: <http://www.usbr.gov/ruralwater/>.

State Association of Kansas Watersheds Annual Meeting

The State Association of Kansas Watersheds Annual Meeting will take place on January 20-21 at the Holiday Inn West in Topeka. For more information on registration and the meeting's program please visit: <http://www.sakw.org/index.asp?DocumentID=935>.

Kansas Natural Resources Conference

The 2011 Kansas Natural Resources Conference will be held in Wichita, Kansas, on January 20-21 at the Airport Hilton. This year's conference is titled Through the Haze – The Role of Fire on the Prairie. For more information on the conference and the call for papers please visit: <http://www.kaws.org/whats-new>.

Kansas Ground Water Association Annual Convention and Trade Show

The 2011 Kansas Ground Water Association Annual Convention and Trade Show will be held in Hutchinson, Kansas, on January 21-22 at the Grand Prairie Hotel & Convention Center. Conference participants will have the chance to meet and see other business and individuals in the water well

industry, enjoy conference seminars and workshops, and obtain the 8 hours of Continuing Education units required for a licensed contractor each year. For more information on the conference please email haysemgt@havalandtelco.com.

Resourceful Kansas: A Sustainable Energy and Economic Development Blueprint for Communities Across Kansas

Resourceful Kansas is an energy efficiency program funded through the U.S. Department of Energy. Seminars scheduled for January 26, 2011 and April 27, 2011 will be held at the Riley County Public Works Facility in Manhattan Kansas. Due to limited seating interested individuals must apply online at: www.resourcefulkansas.org or contact Rod Meredith at 785.539.2981.

2011 Regional Energy and Sustainability Summit & Fair

The City of Wichita and its partners will host the third annual Regional Energy and Sustainability Summit & Fair on January 28-29 at the WSU Hughes Metroplex. Friday's events include a Business Energy and Sustainability Summit with Saturday's events including a Community Energy and Sustainability Fair. To register, sponsor, or find out about exhibitor opportunities please visit www.greenwichita.org and look for the conference links. Individuals can also register by phone at 316.978.6493.

Kansas Water Congress Winter Meeting

The Kansas Water Congress will hold their winter meeting on January 31, 2011 at the Hayden Office Building in Topeka, KS. The meeting will begin at 9:00 AM and adjourn at noon followed by a lunch with legislators. Tentative topics include: an update and report on KDWR, reports from the KWO and S.C.C., surface water policy issues, proposed legislative initiatives, and comments from legislators. More details will be provided at a later date. For more information please contact David Bren at wkgmd1@wbsnet.org or 620.287.4541.

Kansas Water Issues Forum: Kansas in Transition

The Kansas Water Office is now taking registrations for their Kansas in Transition water forum. The forum will be held at two separate locations: Tuesday, February 22nd in Wichita, and Wednesday, February 23rd in Hays. Meetings are open to the first 150 registrants at each location. To register please visit, www.kwo.org and click on the Kansas Water Issues Forum button located on the right side of the screen.

2011 Kansas Rural Water Association Conference

The 2011 Kansas Rural Water Association Annual Conference will take place on March 29-31 in Wichita. Conference updates can be found at <http://www.krwa.net/conference>.

Upcoming meetings

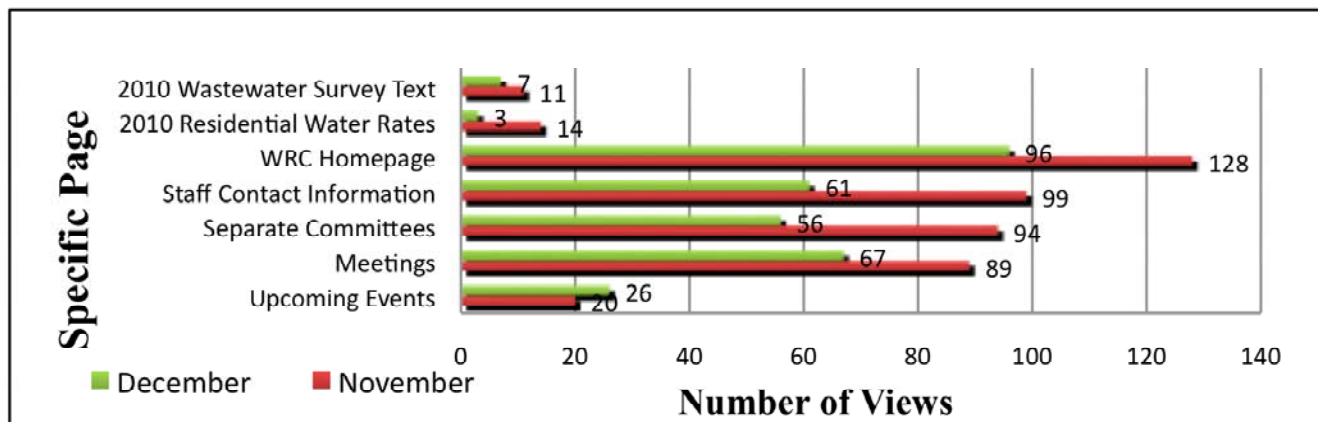
- *GMD # 2 Regular Board Meeting*: January 11, Halstead, KS (3:00 PM)
- *GMD # 2 Annual Meeting*: January 11, Halstead, KS (7:00 PM)
- *Kansas Water Authority Meeting*: January 26 & 27, Topeka, KS
- *REAP and REAP Water Resources Technical Sub-Committee Meeting*: February 14, Wichita State Hughes Metropolitan Complex (8:00 AM, 9:30 AM)
- *Lower Arkansas Basin Advisory Committee Meeting*: March 30, Cheney, KS (9:00 AM)
- *Walnut Basin Advisory Committee Meeting*: March 30, Winfield, KS (6:30 PM)

REAP Water Resources Website Activity Update

For the months of November and December, there were 45 and 316 visits, respectively, to pages on the REAP website that contained information about the Water Resources Committee. November and December numbers show an increase, followed by a decrease, in visits from October's 333 visits. In December, 106 of the 316 visits were to WRC specific pages such as the WRC Homepage, 2010 Wastewater Survey Text, and 2010 Residential Water Rates. The average time spent by visitors on the REAP website decreased from 293 seconds in October, to 208 seconds in November, and then decreased to 100 seconds in December.

Specific Page	Number of Views (November)	Number of Views (December)
List of Upcoming Events	20	26
List of Meetings	89	67
Outline of Separate Committees	94	56
Staff Contact Information	99	61
WRC Homepage	128	96
2010 REAP Wastewater Survey Text	11	3
2010 Residential Water Rates	14	7
Total WRC Related Page Views	455	316

Views by Page and Month





WaterWise

From the REAP Water Resources Committee



Looking Ahead

January 10
8:00 AM & 9:30 AM
REAP and REAP WRC
Meetings
Wichita State Metroplex

January 11
3:00 PM
GMD #2 Regular Board
Meeting
Halstead, KS

7:00 PM
GMD #2 Annual Meeting
Halstead, KS

January 26 & 27
Kansas Water Authority
Meeting
Topeka, KS

February 14
8:00 AM & 9:30 AM
REAP and WRC
Meetings
Wichita State Metroplex

Kansas Water Issues
Forum
February 22 & 23
Wichita, KS & Hays, KS

Local Governments Take the Lead in Water Conservation Efforts

Results of a recent survey shows that one-third of local government respondents are taking action to improve and protect water. This survey was developed and conducted by ICMA's Center for Sustainable Communities and ASU's Global Institute of Sustainability. Out of the 2,176 responding local governments 33.5% conserve the quantity of water from aquifers, 16.3% use grey water or reclaimed water systems, 30.3% set limits on impervious surfaces, 33% use pricing structures to encourage conservation, and 27.6% use other incentives to encourage conservation behaviors. Leading the way are California and Florida, where 76 of the responding communities implement all five actions. Ten communities in Texas have also reported using all five initiatives. For more information please visit: www.icma.org/icma/newsroom.

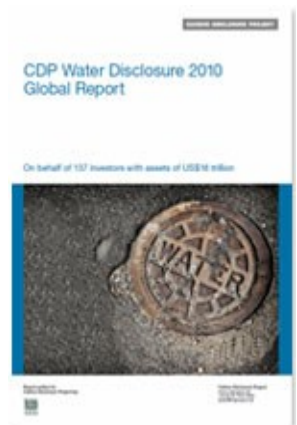
95% of Americans Rate Water as Top Service Concern

Based on a nationwide poll, conducted by ITT, 95% of Americans rate water as "extremely important", and two-thirds are willing to pay more to ensure long-term access to clean water. The survey also reported that businesses and agriculture rank water as number two in importance, behind electricity. ITT's report, "Value of Water Survey," was based on a nationwide pool of registered voters and industrial and agricultural businesses. The report's goal was to measure how the public and businesses value water and their level of awareness of the nation's aging water infrastructure. The survey found that 68% of businesses and one in four Americans are "very concerned" with the nation's water infrastructure. A full article and copy of ITT's report can be found at: www.environmentalleader.com.

Water Problems Affect 39% of World's Businesses

Released in a report by the Carbon Disclosure Project, a nonprofit organization based in England, disruptions in water distribution impact four out of 10 businesses worldwide. Top concerns for companies include: flooding, droughts, and rising prices, and many companies now employ an individual to handle these water-related problems. The CDP Water Disclosure 2010 Global Report noted that companies most at risk are in the food and drink, tobacco, and metals and

mining sectors. The report also listed companies exhibiting best practices in water management, which included Ford, US utility PG&E, and GE. For more information and the CDP's full report please visit: www.ksda.gov/dwr.

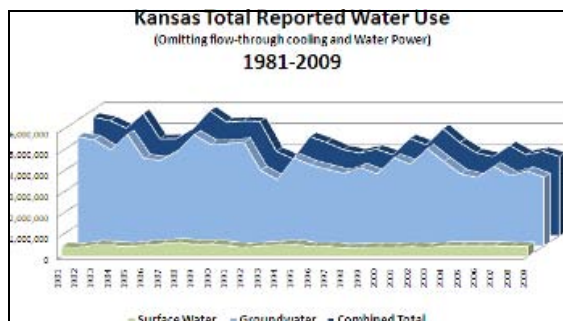


2009 Water Use Among Lowest on Record

Based on 30 years of water use data, collected by DWR since the 1980s, the total reported volume of water diverted in Kansas in 2009 was near the lowest on record. According to DWR's Water Rights Information System database, total water diverted in 2009, which does not include flow-through water power and flow-through cooling, was 3,764,365 acre-feet. This total was similar to the total in 2005 and shows the

least amount of water diverted in Kansas since the 1993 flood.

Reasons for lower reported use in



2009 may included reduced irrigation needs due to timely

precipitation, reduced industrial use, and reduced public water supply needs. While drought conditions were experienced in 2009, the driest times were before the growing season, resulting reduced irrigation needs. Reduced industrial use is thought to be a result of the economic recession, while plentiful rainfall and decreases in population may be the cause of reduced public water supply needs. A full report can be found at: www.ksda.gov/dwr.

Brownback Reappoints Streeter as Director of the Kansas Water Office

Governor-Elect Sam Brownback announced the reappointment of Tracy Streeter as Director of the Kansas Water Office on December 31st. Intending to be actively involved in water issues Governor-Elect Brownback noted that Streeter Brought great experience and vision to his position as Director of the KWO and that

he looked forward to Streeter's continued leadership. The Governor-Elect also noted that reliable water resources and conservation efforts were critical for the future of Kansas and that Streeter understands the many water challenges the state faces. Streeter has served as Director of the KWO for the past six years and prior to his appointment

worked for 19 years at the State Conservations Commission. Streeter's appointment requires confirmation by the Kansas Legislature, which is set to convene in January. For more information please visit: www.harvesthost.com.



January and February Bring a Variety of Water Conference Opportunities

A variety of conference and training events are set to take place in the months of January and February. Events in the month of January include two Bureau of Reclamation Rural Water Supply Program meetings, the State Association of Watershed' Annual Meeting, the Kansas Natural Resources Conference, the Kansas Ground Water Association Annual

Convention, Resourceful Kansas, the 2011 Regional Energy and Sustainability Summit, and the Kansas Water Congress Winter Meeting. February events include the KWO's Kansas Water Issues Forum, followed by March's 2011 Kansas Rural Water Association Conference. Each conference and meeting



opportunity stands to provided interested entities with a wealth of information on water issues important to the State of Kansas. A full list of these conference opportunities, with program details, can be found on the REAP Water Resources Committee website: www.reap-ks.org.

EPA Awards \$485,000 Grant to Rose Hill for Stormwater Improvements

The EPA has recently awarded the City of Rose Hill with a \$485,000 grant for stormwater improvements. The project is expected to be completed by the fall of 2011, and will correct drainage problems in the City of Rose Hill by addressing current and future flooding areas. Stormwater improvements will restore drainage areas, protect land from erosion, and reduce runoff. The city's Berlin Drive storm sewer will be enlarged and the downstream channel will be graded. A detention pond will also be constructed to reduce peak

flows and downstream flooding. The construction of 700 feet of 48-inch reinforced concrete pipe and the additional cleaning and grading of 1,850 feet of



downstream channel will also improve flows and eliminate areas of stagnant water. This grant shows the EPA's commitment to developing innovative and sustainable solutions for managing and financing infrastructure with public and private partnerships. The EPA continues to work with community leaders and the public to meet the growing needs and demands of our limited water resources. For more information on this story please visit: www.yosemite.epa.gov/.

Chief Engineer Scheduled to Speak at GMD #2's Annual Meeting

DWR Chief Engineer David Barfield is scheduled to speak at GMD #2's Board Meeting and Annual Meeting on January 11th. Barfield will provided a DWR update to the board at their regular monthly meeting, which begins at 3:00 PM, followed by a special presentation at the annual meeting, beginning at 7:00 PM. Barfield's presentation, titled "Directions in Kansas Water Management," will focus on ways DWR

is working with GMD #2 and other entities to address current challenges resulting from the variability of water supplies in Kansas. For more information please visit: www.ksda.gov/dwr.



What is the REAP Water Resources Committee?

In 2007, the Water Resources Committee was formed as a subset committee of REAP with the purpose of serving as a regional forum and informational resource for water quality and quantity issues in South Central Kansas. The Committee is currently comprised of 27 cities and counties. The WRC also serves as a regional voice on behalf of the members before federal, state and regional agencies. Interested communities can attend our meetings and contact the Committee's Executive Officer, Dane Baxa, at the information below to learn more about the Committee.

WaterWise
c/o REAP Water Resources Committee
Hugo Wall School
1845 Fairmount, Campus Box 155
Wichita, KS 67260

Feedback and topic suggestions are welcome!
Please contact Dane Baxa
Phone: (316) 978-6638
E-mail: dane.baxa@wichita.edu
Website: www.reap-ks.org