



## **Lower Smoky Valley Irrigators Association**

447 North Harrison, Lindsborg, Kansas 67456

Brad Shogren, President, telephone: (620) 242-7733

Karl Esping, Vice-President, telephone: (785) 452-1519

Tom Toll, Treasurer, telephone: (785) 826-7863

---

March 10, 2011

The proposed legislation we are discussing today, Senate Bill 124, is the culmination of many years of serious study of the Smoky Hill River system below Kanopolis Reservoir in the Smoky Valley. We would like to thank the Kansas Water Office (KWO), the Kansas Water Authority and this legislative body for working to develop a plan to address this resource concern.

The stakeholders in the basin and the KWO began discussions shortly after the KWO proposed a deviation from the release schedule of the Kanopolis Reservoir after a drought reduced water levels to almost seven feet below conservation levels. These stakeholders included the cities of Salina and Lindsborg, Post Rock Water District and irrigators in the Smoky Valley. The stakeholders have throughout showed unity in insuring that the current water users who have made investments developing this water resource be addressed and insured continued use of this water resource.

I am, Brad Shogren, and I represent the irrigators of the Smoky Valley who have formed an association, Lower Smoky Valley Irrigators Association, of which I serve as president and we are here to support this legislation. I brought some members of our association also to support this legislation.

The purpose for this legislation is because the State of Kansas has acquired the available water storage in Kanopolis Reservoir and would like to modify the release schedule of the reservoir to enhance the storage in the reservoir. The Corps of Engineers follows a standard release schedule to make discharges from Kanopolis. Any changes to the current release schedule could impact the current surface water appropriations, including irrigation, in the valley. Present state law only allows for industrial and municipal water users to participate in long term state stored water programs. This excludes the irrigators from participating in any long term water supply programs the state currently offers. This legislation proposes to create a Smoky Hill River special irrigation district within a Lower Smoky Valley water supply access program allowing agriculture access to stored water from Kanopolis Reservoir.

With this legislation a portion of the stored water releases could be used to supplement water appropriations and help insure a reliable supply of water for all water users. This legislation could also reduce the chances for costly water administration to protect stored water releases.

A basin management plan will be developed with input from all interested stakeholders to enhance the release schedule to maximize storage in the reservoir.

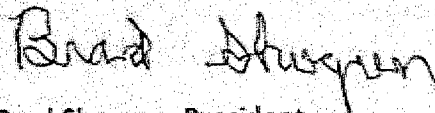
The current state water storage program was designed for and implemented in the eastern portion of the state that did not have existing appropriations on those water resources. Kanopolis Reservoir is the first reservoir to have these demands and appropriations on the releases below the reservoir.

We support this legislation and view it as a piece of a larger process which we hope will preserve the present water demands and create a system to address future needs.

I have included a narrative with this oral testimony that contains a description of the Smoky Valley and the activities of the stakeholders from the time of the deviation hearing.

Once again I thank you for consideration of this legislation.

Respectfully submitted,



Brad Shogren, President  
Lower Smoky Valley Irrigators Association

### *Narrative of Smoky Hill River and Kanopolis Reservoir*

The Smoky Hill River Valley has changed since the Kanopolis Reservoir was built in the 1950's. The water resources of the valley were developed into a water supply for the City of Salina and local farmers who diverted flows to irrigate their crops. These water rights were appropriated by the Chief Engineer of the Kansas Department of Agriculture Division of Water Resources (DWR). The economic benefits and productivity from developing this resource have benefited the producer and the local community.

The irrigation community has developed over 90 irrigation water rights which provide water for over 8000 acres of farmland. The development of these water rights required a substantial investment in equipment and land preparation costs. This investment could be negated if the irrigation community cannot be assured a reliable consistent water supply.

An irrigation district was formed during the construction of the reservoir but never developed. It was later dissolved about twenty years ago. The original plans for the district included a series of canals to deliver water which proved to be too costly. Soon after the dissolution of the irrigation district the State of Kansas acquired the entire storage of Kanopolis and began a marketing program for the water supply.

Currently the state has one customer, Post Rock Water District, which is purchasing stored water from Kanopolis Reservoir. There are numerous applications pending for the remaining stored water resources. During the winter of 2005, a drought ensued and the water level of the reservoir were not replenishing. Post Rock initiated with the Kansas Water Office (KWO) an effort to deviate from the release manual to maintain water levels in the reservoir and to protect water quality releases from the reservoir. A hearing for the deviation request was announced in February of 2006 and the KWO held a hearing in March at Lindsborg.

The valley stakeholders met prior the 2006 hearing to discuss the impacts that the deviation would have on them. They were really concerned about the protection of water quality releases. The city of Salina and irrigators testified at a hearing addressing some their concerns. At the hearing the KWO announced that water administration to protect the water quality releases would be requested for both ground and surface rights. A substantial March thunderstorm filled the reservoir to conservation level. KWO postponed the deviation request.

The history of water administration for this resource has been rare on the river and impacted only surface right holders. When administration was performed it was to satisfy the surface water right of the City of Salina and effected all but about of a dozen vested surface water right holders. This administration occurred during periods of drought and late in the irrigation season. The last administration occurred in the summer of 2005.

Understanding the complexities of Kansas water laws and policies is a monumental task for an individual. The irrigation community received assistance from the Kansas Farm Bureau (KFB) and Kansas Livestock Association staff to guide and educate them through the process.

A dialogue began between the KWO and local stakeholders addressing concerns about current appropriations and how the releases from the reservoir impacted them.

The stakeholders became active in Smoky Hill Basin Advisory Committee (BAC) to communicate concerns with membership on committee and the Kansas Water Authority (KWA). The stakeholders have also attended and presented information at KWA meetings.

An area meeting for the local stakeholders was held with the KWO, DWR, Corp of Engineers (COE) and KFB making presentations.

The KWO consented to a water model development to determine the correlation between surface and ground water in the valley to determine the scope of water rights that may be impacted by a protection of water quality releases. Kansas Geologic Survey (KGS) was given a contract and development for the water model began with agency and stakeholders participating. Five scenarios were originally discussed.

The first scenario was completed and additional work done on findings by KWO to analyze releases and reservoir levels. No additional scenarios were scheduled to run. The model and analysis was displayed at a BAC meeting, at a local stakeholders meeting and to the KWA.

For over a year the discussion continues but is stagnated until irrigators form an association and ask the Chief Engineer for an interpretation of the water model and the surface ground water correlation. They also ask for a clarification of whether the KWO could request a deviation from the reservoir release schedule and impound water that has been previously appropriated for beneficial use.

The Chief Engineer responded to the letter and addressed stakeholder meetings to clarify his opinion. Based on the water model results, the chief determines that the Smoky Hill is a gaining stream therefore he would not administer ground water to protect stored or protected water quality releases. His response states that the KWO can request a deviation from the release schedule to enhance the amount of stored water in the reservoir. The current water appropriations are only entitled to natural flows or unprotected releases from the reservoir.

A drought exercise is discussed, planned and held with all stakeholders, KWO and KGS involved. The results were reviewed after time was allowed for additional input and analysis.

The KWO prepared a draft of a water basin management plan and working meeting of stakeholders and agency staffs discuss options. The reoccurring theme of each meeting is how to include the irrigation community in any existing programs.

The irrigators meet with DWR, Scott Ross, to discuss what role the association could have in management of river. Different options emerge. The association could represent a collection of water rights to make a collective call for inflows through the reservoir. The association could micromanage the irrigation pumping by scheduling different pumping periods. The association could acquire stored water and distributes it among irrigators.

The irrigators met with KWO to address concerns about the pace that the entire process is taking without any solutions for participation by the irrigation community. These delays are hard for lay people to keep their attention focused to the complexities of water laws and processes.

The KWO and the irrigation association met, explored and initiated action to develop legislation enabling the participation of irrigation in a new water supply access program. The concept had several revisions before the concept was presented to other stakeholders. The stakeholders adopted the concept and encouraged the presentation to the KWA for a recommendation to the legislature.

The legislation enabling the creation of a Smoky Hill River Irrigation Special District within a Lower Smoky Hill water supply access program is introduced. The stakeholders present supporting testimony.