

# Bits & Pieces

## Marion increases water rates

Water customers in the city of Marion saw an increase in their water bills effective February 1. The city made the decision to increase rates at their December 1 city council meeting.

The *Hillsboro Free Press* reports that Marion's base rate was increased from \$24 to \$28 per month. The rate allows use of 1,000 gallons of water. For every 1,000 gallons in excess of the base, the cost was increased from \$2.50 to \$3.75 per thousand gallons.

City Administrator David Mayfield reports that the cost of treatment 1,000 gallons of water is \$2.97. Marion's 2009 water department budget is estimated at \$497,600. Mayfield reported that the cost of making water available for sale is \$226,800 with the balance of \$270,700 needed for personnel, debt amortization, swimming pool, water lines, etc.

Marion spent \$1.8 million in recent upgrades to its water plant including ozone treatment and filter rehabilitation.

The city is also required to test for Cryptosporidium at an anticipated cost of \$25,000 to \$35,000.

## Wheatland Electric increases rates to Garden City

Garden City commissioners recently voted to help cover a portion of the loss Wheatland Electric's water division is seeing through operation of the reverse osmosis facility that treats some of the Garden City's water. An increase of 20 cents per thousand, from 80 cents to \$1 per thousand, was proposed and accepted by the Garden City commission in late December, according to a report in the *Garden City Telegram*.

Wheatland Electric is Garden City's sole water customer for supplying and treatment of water. Wheatland had expected Sunflower Electric Power and partners to be on board with an expansion but because of the October 2007 denial by the Kansas Department of Health and Environment of air quality permits, the expansion has not moved forward.

According to Joe Mahnken, Director of Garden City Public Utilities, Wheatland charges a monthly amortization of the cost of the facilities assigned to serve the city through the reverse osmosis plant and the wells to supply the city. This fee was increased from \$32,250 to \$57,270 a month. A variable water supply fee also is charged to the city. The cost of Wheatland-supplied and treated water will increase from .4985 cents to .58 cents. The total annual increase was estimated at \$333,000.

Garden City customers have an average annual use of 13,000 gallons per month. This varies from 8,000 to 24,000, depending on the time of year. The charge varies from \$26 to \$42 per customer per month, depending on the amount of usage.

## Chase County systems study wholesale project

The cities of Cottonwood Falls, Strong City, Elmdale and Chase County RWD 1 are considering a study to evaluate feasibility of a joint water supply project.

BG Consultants recently determined that the ratios of participation for payment of a feasibility study would be 46.4 percent for Cottonwood Falls, 32 percent for Strong City, 15.7 percent for Chase RWD 1 and 5.8 percent for Elmdale. The study is projected to cost \$36,000. A KDHE grant will pay \$12,500 of that amount. The remaining \$23,500 is to be split among the four participating systems.



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## Lawrence, Douglas RWD 5 agree on water purchase contract provisions

“We are delighted to have finally reached an agreement,” says Sharon Dwyer, Office Manager of Douglas RWD 5. The comment is in response to an agreement reached late last fall between the city of Lawrence and the RWD.

A stipulation of prior water purchase contracts that has been contentious for decades was removed by Lawrence. The issue was the limitation on how many water meters the RWD could add annually.

Larry Wray, Manager/Operator of the RWD, reported to KRWA that he had tried to get the limitations on meters removed as early as 1990. The limitation caused the RWD to have a backlog of requests for service, even though in some cases, the system had the capacity to serve those citizens.

The limitations were imposed by Lawrence as a way of controlling rural development to avoid situations for the city as it annexed into rural areas.

*The Lawrence Journal-World* reported that now, city commissioners contend that tougher building regulations passed by the county have decreased the need for capping the number of additional meters served annually by the RWD.

Lawrence is paid to treat water that is owned by the RWD that is stored in Clinton Reservoir. The new contract also

allows the city to sell water that the city owns in case the RWD’s supply is exceeded.

In another benefit of the new contract, farmers between Lawrence and Eudora are pleased. RWD 5 is a member of Public Wholesale Water Supply District (PWWSD) No. 25. That district, also consisting of Douglas RWD 2 and Osage RWD 5, sought to conduct test drilling along the Kansas

River between the two cities for a potential new water supply. PWWSD 25 applied for water rights in April 2007. Subsequently landowners encouraged state legislators to introduce various proposals to block the municipal water system from acquiring land through eminent domain to access the water rights. Bills were heard in the 2008 Session and an additional attempt is likely to be introduced in the 2009

Kansas Legislative Session. The farmers have contended that pumping water for the municipal supply would jeopardize their ability to produce specialty crops in the Kaw River Valley.

Members of the PWWSD 5 serve a total of 3068 customers. Douglas RWD 5 has 1,130; Douglas RWD 2 has 455 and Osage RWD 5 has 1,483.

The limitations were imposed by Lawrence as a way of controlling rural development to avoid situations for the city as it annexed into rural areas.

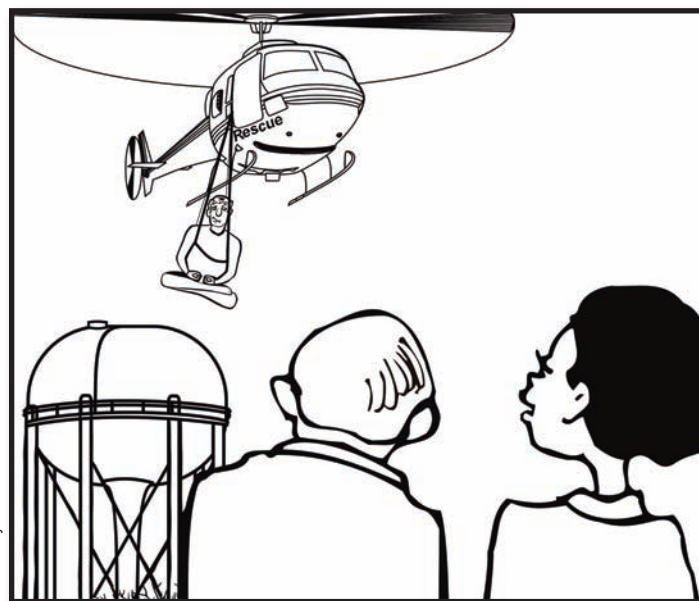
### Groundwater levels increase

Heavier than normal rainfall has resulted in an increase in the level of groundwater in central Kansas. That’s according to Tim Boese, manager of the Equus Beds Groundwater Management District in a report released in late 2008.

Each January, Equus Beds staff take readings from 600 wells in the district to check for changes in the water level from the prior year. A recent report by the Mount Hope Clarion noted that the district however monitors six wells more often. The report noted that a well near Mount Hope, located between Hutchinson and Wichita, has had an increase of one foot. Three wells closely monitored in Reno County increased from three inches to 3.5 feet. A well in northwestern Harvey County is up 3.9 feet from January 2008. Wells in McPherson County have not shown such dramatic changes because of heavier soils.

“We don’t look at year to year. We look at an average. It doesn’t really change how we operate, but we look at it as a good thing.”

Rains during the summer of 2008 also reduced irrigation needs.



Cartoon by Linda Windler

He says it’s a great place to meditate. I guess he stayed in the lotus position a little too long!

## CREP, WTAP – federal and state goal to retire water rights

The State of Kansas participates in two conservation programs, one of which supplements the federal programs available in Kansas. The first of these is the Conservation Reserve Enhancement Program or CREP. The purpose is to enroll irrigated acres into 14 to 15-year contracts, and to plant those acres in native grass for the duration of the contract. It is a voluntary program under the federal Conservation Reserve Program (CRP). The goal of the program is to permanently retire water rights along the Arkansas River corridor from the Colorado state line to the Pawnee / Barton County line, to help increase the streamflow and improve the water quality in the River. The Arkansas River below Garden City is often dry and it's generally agreed that irrigation wells have significantly contributed to this condition.

CREP was approved to enroll 20,000 acres in the corridor, with each county in the area limited to 25% of this total. In some counties, the maximum was reached in a very short time. However, an approximate number of only 9,000 acres have been enrolled in the whole CREP corridor. Higher grain prices during the enrollment period in 2008 probably contributed to the lower number of acres entered into the program. State officials hope that the program may be viewed more favorably now that grain prices have come down and input prices have remained high. The State Conservation Commission views the past results as favorable, as approximately 60 center pivot

irrigation systems have been retired through this program through 2008. An estimate of over 16,000 acre-feet of water, a quantity greater than the annual needs of Garden City and Dodge City, has been retired.

A program of the State Conservation Commission with no federal participation is the Water Transition Assistance Program which is know as WTAP or Water-TAP. This program is designed to purchase water rights to permanently retire them. This program is available in two watersheds or drainage basins; the Prairie Dog Creek Drainage Basin in Northwest Kansas and the Rattlesnake Creek in South-Central Kansas. There are 6 other smaller areas within Northwest Kansas Groundwater Management District No. 4 which have also been identified.

In the Rattlesnake Creek area, this program is intended to reduce the number of water rights to help prevent impairment of senior water rights. In Northwest Kansas, the program is intended to help Kansas maintain compliance with streamflow requirements of the Republican River Compact.

Only one Water-TAP application was approved in the 2007 enrollment period. The 2008 enrollment period resulted in 20 applications being potentially approved out of 41 applications received. While the program is set up to be competitively bid, water rights can be purchased for up to \$2,000 per acre-foot of consumptive use.

State officials hope that the program may be viewed more favorably now that grain prices have come down and input prices have remained high.



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## State doesn't have enough money to save groundwater

Kansas' attempt at a bailout program is a failure.

No, it isn't financial or insurance institutions but rather groundwater resources the state has tried to bailout, paying irrigators with taxpayer money not to pump water from the aquifer in western Kansas.

The program is a joke, really. The money that the state has allocated to buy water rights is a drop in the proverbial bucket. And even with some money on the table, irrigators haven't been interested.

The Conservation Reserve Enhancement Program managed to buy less than half the irrigated acres budgeted – just 9,000 of 20,000 on the Arkansas River corridor from the Colorado line to Rice County in the middle of the state, just to the north of Reno County.

The state can't even pay to retire water rights. And even when it tries, the capacity falls so far short of making a difference it seems completely hopeless.

Twenty thousand acres might sound like a lot, but that river basin has 571,600 acres in irrigation.

Forget it. The state can't afford to buy water rights back – and it shouldn't have to anyway. If the aquifer can't support this level of irrigation, then the water rights should be retired with or without compensation to farmers.

The problem here is dangerously depleting groundwater that eventually will leave irrigators without water anyway. Problem

is that by then the water won't be available for anything or anyone else. The fortunes of western Kansas, perilous as they are anyway, could be dashed forever.

Water folks blame the lack of participation in the buyout program on the high commodity prices the last year, which weakened farmers' interest in taking money to convert to grassland. They think that recent drops in commodity prices ought to increase interest.

Maybe. But still, Kansas doesn't have enough money to fix this problem this way.

One other problem with the program is it prohibits farmers from going to dryland farming. Why?

Dryland farming is exactly what the state should be encouraging. This is sustainable agriculture that would be in harmony with the moisture the climate provides.

The state is at fault for over-appropriating water rights when the groundwater was plentiful. It isn't fair to rescind water rights, but it is the right thing to do.

It would force farmers to look at environmentally sustainable agriculture, compel communities to achieve desperately needed economic diversification and would save water resources needed to make that possible – before it is too late.

– *The Hutchinson News*

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## Kansas Department of Commerce awards water and sewer grants

The Kansas Department of Commerce announced in mid-January that 12 Kansas communities will share a total of \$4,044,515 in federally funded water and sewer grants through the Community Development Block Grant (CDBG) program. These Kansas communities will match the CDBG funds with \$5,834,034 in other funds.

With these grant awards, the CDBG program will assist 12,930 Kansas residents – 7,389 of whom have low and moderate incomes. The recipients of water and sewer grants, and the amounts of their awards, are as follows:

<b>City of Blue Rapids</b>	<b>Water</b>	<b>\$230,425</b>
The proposed project consists of construction of an underground water storage tank. The Kansas Department of Health and Environment will contribute \$230,425 to this project.		
<b>City of Burrton</b>	<b>Sewer</b>	<b>\$400,000</b>
This grant will build an additional lagoon to the existing treatment facility. The Kansas Department of Health and Environment will contribute \$499,260 to this project.		
<b>City of Edna</b>	<b>Sewer</b>	<b>\$392,440</b>
The proposed project involves improving pump station, force mains, lagoons, and cleaning and TV inspecting lines. The Kansas Department of Health and Environment will contribute \$392,440 to this project.		
<b>City of Emmett</b>	<b>Sewer</b>	<b>\$400,000</b>
This project will involve upgrading the existing 2 cell treatment system to a 3 cell continuously discharging system and installation of a new lift station. Other sources will provide \$659,515 in matching funds.		
<b>City of Everest</b>	<b>Water</b>	<b>\$400,000</b>
The proposed project will construct a low waste Ion Exchange System with booster station and upgrade the existing water tower. Other sources will provide \$498,870 in matching funds.		
<b>City of Glade</b>	<b>Water</b>	<b>\$194,000</b>
The city will replace all transite water mains within the city limits. Other sources of funding will provide \$355,689 in matching funds.		
<b>City of Gorham</b>	<b>Sewer</b>	<b>\$212,350</b>
This project will convert the existing lagoon to a 3-cell discharging facility. The Kansas Department of Health and Environment will contribute \$212,350 to this project.		
<b>City of Humboldt</b>	<b>Water</b>	<b>\$400,000</b>
The city proposes to repair or replace approximately 15,000 LF of water lines throughout the city. Other sources will provide \$661,800 of matching funds.		
<b>Montgomery County</b>	<b>Sewer</b>	<b>\$215,300</b>
This project will entail the rehabilitation of lines for Montgomery County Sewer District #2. The county will provide \$215,300 in matching funds.		
<b>City of Ogdan</b>	<b>Sewer</b>	<b>\$400,000</b>
The city will reconstruct wastewater treatment cell #3. The Kansas Department of Health and Environment will provide matching funds of \$1,253,905 to this project.		
<b>City of Overbrook</b>	<b>Sewer</b>	<b>\$400,000</b>
The proposed project involves sewer collection and treatment system improvements which will consist of cleaning, TV inspection, and upgrade of lines. The Kansas Department of Health and Environment will provide financing of \$420,660 to this project.		
<b>City of Yates Center</b>	<b>Water</b>	<b>\$400,000</b>
The city will use the grant to upgrade the existing water treatment plant. The Kansas Department of Health and Environment will provide \$283,820 in financing to this project and the city will provide \$150,000.		

## Kansas requests \$9 million in fees in dispute with Colorado

The *Topeka Capital Journal* reported in December 2008 that more than 100 years after Colorado and Kansas first began sparring over water rights to the Arkansas River, the two states were still bickering at the Supreme Court over costs in the epic dispute. At issue was a request by Kansas for \$9 million in fees for 'expert witnesses'. Kansas Attorney General Six urged the justices to overturn a special master's ruling that limited witness fees to about \$163,000.

Colorado already has agreed to pay its neighbor to the east more than \$34 million after the high court decided in 1995 that groundwater pumping in Colorado diverted millions of gallons of upstream water that rightfully belonged to Kansas.

"I believe the expert witness fees in this case were vital to the resolution," Six was quoted by the *Capital Journal*.

At issue is whether the proceedings are covered by a federal law that allows reimbursement of just \$40 per day for expert witnesses in a typical court proceeding.

Six argued the law doesn't apply to cases involving disputes between two states, which are heard directly by the high court.

Colorado Attorney General John Suthers said the special master "found clear direction from the statute and rightly so."

Chief Justice John Roberts said he never saw a legal expert "worth being an expert" who would work for \$40 per day. Roberts asked Suthers if he thought \$40 per day for an expert witness was realistic.

"Absolutely not," Suthers said. But he pointed out "Congress has decided \$40 is what they get."

"We don't care if the witness is Albert Einstein, Steven Spielberg or the local zookeeper."

Assuming the Supreme Court has discretion to award higher witness fees on its own, Justice Anthony Kennedy asked Six why the court shouldn't decide to use the federal rule as "a good guidepost" so there is uniformity in the system.

Six acknowledged the court has the power to do just that if it chooses. But Six also stressed how critical it was for Kansas to retain highly paid experts to help it prove its case.

The proceedings involved 272 days of hearings over a 13-year period, and Kansas' experts designed a complex model to calculate the impact of

Colorado's depletion of the river's water supply.

Justice Stephen Breyer said the federal rule doesn't distinguish among the value of experts.

"We don't care if the witness is Albert Einstein, Steven Spielberg or the local zookeeper," Breyer said.

The special master in the case, Arthur Littleworth, said in his final report issued earlier this year that litigation over the Arkansas River, which began in 1902, should now come to an end.

The most recent clash came in 1985, when Kansas sued Colorado for violating the 1949 Arkansas River Compact. The compact was negotiated by the two states and the federal government with the purpose of dividing the river equitably between Kansas and Colorado.

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## Water and sewer rates increase in city of Spring Hill

The Spring Hill City Council recently increased water and sewer rates that were effective on customers' December bills.

The monthly water service fee increased from \$5 to \$5.60 per month. The rate per 1,000 gallons of water usage also increased, making the average Spring Hill water bill \$46.20 per month, according to a report in the *Gardner News*. The monthly water rate is currently \$6.90 per thousand gallons.

Sewer rates doubled in Spring Hill from an average of \$14.90 to \$29.80. The monthly sanitary sewer charge is \$11.70 for the first 2,000 gallons of water consumption plus \$6.00 for each additional 1,000 gallons of water consumed.

Spring Hill hired the financial advisory firm of Springsted to conduct utility rate reviews. The city's most recent rate adjustments were made in 1999.

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## Emmett increased water and sewer rates

The city of Emmett in Pottawatomie County recently adjusted water rates. The city council set a processing fee of \$100 for each new water customer; the fee is not refundable. The city also set a \$50 transfer fee to another location or address in the city. Reconnection fees were set at \$50 if paid within 14 days of the termination of water service. If the customer does not request reconnection within 14 days, then the resident is treated as a new customer and will be charged the \$100 fee.

The city also set policy that any customer whose water service has been terminated for any reason shall not be permitted to connect or reconnect to or receive water from the city unless any previous unpaid water bills or charges are paid.

The city council set the monthly rate for water at \$20 which includes the first 2,000 gallons and \$8 per thousand for each 1,000 gallons of use over 2,000 gallons.

Emmett completed improvements to the municipal water system in 2007 with funding through the KAN STEP program. The city was awarded a \$121,173 grant by the Kansas Department of Commerce to help the city renovate its antiquated water distribution system. That funding helped Emmett replace 4,350 linear feet of galvanized iron pipe with 2- to 4-inch PVC pipe. Upgrades also included 24 gate valves, and improvements to the chlorination treatment. The city serves about 110 users.

## Scott City considers improvements to comply with arsenic regulation

The city of Scott City, located in Finney County in western Kansas, has one well testing high in arsenic. The arsenic level fluctuated between nine and fifteen in 2008, according to Public Works Director Mike Todd. U.S. EPA has set the arsenic standard at 10 parts per million.


Todd reported to KRWA that the city of Scott City has six wells. The one well with the high has supplied up to 20 percent of the city's water in some years, but did not in 2008 because the well was down for servicing late in the year.

Scott City has made application for loan and grant funds from USDA Rural Development. Todd says the city recently completed an income survey of all households with the result being just over 53 percent LMI. "We had contracted with someone to do the survey but later took the project on ourselves," Todd said. "People are more responsive to the city employees and if the residents were not home, we would go back later and if necessary, during evening hours to make sure we could obtain their survey information," Todd said.

The present plan by the city is to install a pipeline so that water from the high arsenic well (Well 4, testing about 14 ppm) can be blended with water from Well 9. Public Works Director Todd says that the connecting pipeline is being designed to also serve as a potential future transport line in case additional water treatment facilities are ever needed. The city is continuing to explore options for additional well sites.

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