

WATER ASSURANCE PROGRAM

Fact Sheet No. 8

June 2009

Kansas Water Office

Background

During periods of mild to severe drought, natural streamflow on regulated streams (those with reservoirs) may be significantly reduced. Municipal and industrial water users along the stream who hold valid appropriation rights to the natural flow may find their ability to use the stream is severely limited, at a time when their demand for water is at its highest.

In the past, water in storage from upstream reservoirs was available to these users only under terms of the State Water Marketing Program. In order to participate in the Water Marketing Program, municipal and industrial water users were required to sign a long-term (up to 40 years) contract with the state agreeing to: repay the state for the costs of providing the water; pay for at least 50 percent of the contracted water each year, regardless of actual use; and pay for water lost in transit from the dam to the purchaser's intake if the water delivery system is the stream below the dam.

The state recognized that the Water Marketing Program might not meet the needs of many municipal and industrial water right holders on rivers below federal reservoirs that may only need releases during low flow periods.

Purpose

The purpose of the water assurance program is to allow for coordinated operation of state-owned or controlled water storage space in federal reservoirs in a designated basin to satisfy downstream municipal and industrial water rights during drought conditions. Water right holders are therefore assured to receive enhanced flow during times of drought while the state operates the reservoirs in a basin as a system for increased efficiency in water delivery.

Overview

The Water Assurance Program Act (K.S.A. 82a-1330 *et seq.*) was enacted in 1986. Under this

law, assurance districts can be organized by eligible water right holders who are located down stream from reservoirs. The process for organization of a district includes: identification of eligible water right holders by the Chief Engineer, filing a petition with the Secretary of State for organization of the proposed district, review and approval of the petition by the Chief Engineer and an election by persons holding the eligible water rights to form a district. Upon organization and formation of a district, participation is mandatory for all eligible water right holders.

Among the powers granted to an assurance district is authority to levy an annual charge against district members to cover costs to the state in acquiring, operating and maintaining water supply storage needed to satisfy the district's needs. A contract, specifying arrangements for payment of these costs to the state, must be negotiated between the Kansas Water Office and the assurance district. A key element of the contract and the negotiation process is an operations agreement between the Kansas Water Office; Chief Engineer, Division of Water Resources of the Kansas Department of Agriculture; Corps of Engineers; and the assurance district which describes the manner in which the reservoirs will be operated to increase their efficiency and enhance the benefits to members of the assurance district.

To date, three assurance districts have been formed and are operational: Kansas River Water Assurance District No. 1, Marais des Cygnes River Water Assurance District No. 2, and Cottonwood/Neosho River Basins Assurance District No. 3 (See Map).

Additional Information

Further information on this subject or on many other *Kansas Water Plan* related programs can be obtained from: Kansas Water Office, 901 S. Kansas Avenue, Topeka, KS 66612-1249, phone (785-296-3185), toll free (888-KAN-WATER) or check our WEB site at www.kwo.org. A fact sheet is also available on the Water Marketing Program.

Water Assurance Districts in Kansas

- Assurance District Member
- ~ Hydrology
- ☪ Assurance District Lake
- ☐ County

Assurance District

- ☪ Kansas River Water Assurance District #1
- ☪ Marais des Cygnes Water Assurance District #2
- ☪ Cottonwood/Neosho River Basin Assurance District #3



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