

# Public wholesale water supply districts in Kansas

I've read in my local newspaper more than once that some people believe that Kansas has too many different taxing bodies. The suggestion is that these various entities, because of their sheer number, are impediments to the growth of existing industry. New businesses wanting to relocate or expand turn away from Kansas, it is said, because of the all the confusing governmental and quasi-governmental agencies that we have. I suspect that the people making these claims are really talking about taxes and not who levies them. Sure, we have many school districts, fire districts, airport authorities, local environmental protection programs, counties and the like. But by having fewer of them, are

they suggesting that we should have fewer schools, fire stations, etc.? The same logic holds that we have too many families in our communities and state; that it's too hard to remember the addresses and telephone numbers of so many neighbors. "Let's combine these

families, so that they're more efficient," they might say. I believe that these locally managed "districts" can be effective and successful due to their smaller size, when they work together and not against each other. If consolidation is better and cheaper, fine. But these smaller entities (districts) with specific missions probably do their jobs

This article is one in a continuing series on the various water supply management, delivery and user districts in Kansas. Previous articles in *The Kansas Lifeline* include [Water Assurance Districts at www.krwa.net/lifeline/archives/0203assurance districts.htm](http://www.krwa.net/lifeline/archives/0203assurance%20districts.htm) and [Groundwater Management Districts at www.krwa.net/lifeline/archives/0303groundwater.html](http://www.krwa.net/lifeline/archives/0303groundwater.html).

better and serve their neighbors more effectively than a single agency saddled with all the various services an area needs.

One kind of district most people in Kansas are not familiar with is the Public Wholesale Water Supply District (PWWS).

The Kansas Legislature passed the Public Wholesale Water Supply District Act in 1977. This law allows public agencies (cities, rural water districts) to formally cooperate in the wholesale supply of water (K.S.A. 19-3545 to 19-3556). Although various parts of



Doug Helmke  
Water Rights,  
Source Water Specialist



photo by Dennis Schwartz

Although not incorporated as a "public wholesale water supply district," the Tri-District Facility at Clinton Reservoir is composed of members Douglas RWD 3, Osage RWD 5 and Shawnee RWD 8. The three RWDs basically co-op through Inter-Local agreements with governance by a committee of two delegates from each district. That group meets infrequently as they have delegated sufficient authority to the management committee, (the managers of each district) for all operational functions.

the Act were modified in 1978, 1982, 1986, 1996, 1997, 2000 and 2002, the original intent of the legislation remains. The Act states that the purpose of a wholesale water supply district is to secure a source of water on a scale larger than a single water system could secure on its own, to sell water at wholesale to other public water supply districts, municipalities, and public and private water distribution systems. The public wholesale water supply districts can also provide other services under contract to the member public agencies of the district.

### **Forming a public wholesale water supply district**

Agreements to form a wholesale water supply district, after filing copies of the agreement with the county clerks of the counties where the district will be located, are filed with the Attorney General. If the agreement is compatible with state law, the Secretary of State receives a copy of the agreement, declares the district to be organized and gives the district its corporate name "Public Wholesale Water Supply District" with the next sequentially available number.

As of February of 2007, there have been 25 public wholesale water supply districts created in Kansas. Because it is often necessary for the districts to be formally created before they can secure funding for feasibility studies, permitting, engineering, construction, etc., there are a number of districts that have formed but have shown little activity since. Nine of these districts are classified by the Kansas Department of Health and Environment's Public Water Supply Section as "unknown, dissolved or inactive". One of the dissolved districts has reorganized and is now active. Nine wholesale districts are active and are supplying water to their member agencies. Seven are under development and one of these

should be active by the time this article appears in print.

Rural Water District No. 3, Douglas County; Rural Water District No. 5, Osage County and Rural Water District No. 8, Shawnee County entered into a interlocal agreement and constructed the Tri-District Water Facility in western Douglas County, near Clinton Reservoir. Much of the work done to create their cooperative arrangement predated the passage of the Public Wholesale Water District Act, but it operates in much the same way. The three Tri-District members did not see that the benefits provided by the legislation

were worth the effort it would take to draft another agreement; these three systems have been satisfied with the status quo.

Like the Water Assurance Districts (see insert), the notion that geographic boundaries are used to include or exclude membership is not valid. Wholesale districts are more like associations. The district is defined by its membership of public agencies, not by lines on a map or by an area on either side of a pipeline that connects them to each other.

At this time, all of the active public wholesale water supply districts are located in the eastern half of Kansas. Most use surface



*Public Wholesale WSD 18 is composed of members Jackson RWD 3 and the City of Holton. The District treats water from Banner Creek Reservoir west of Holton.*

water as water sources because for the smaller member systems, groundwater of the necessary quality or quantity is not available or reliable for current and future demand. If groundwater were available, most of these systems would go that direction without a wholesale district, because the costs would likely have been less. By going together, the smaller systems are able to afford the costs of water supply contracts, reservoirs and surface treatment plants. Exceptions to the use of surface water are PWWSD No. 6, which purchases water from the City of Bonner Springs, and PWWSD No. 17, which pumps its own wells and treats the

Public wholesale water supply districts . . .

Public Wholesale Water Supply District	Date Formed	Water Source/Status
<b>PWWSD 1:</b> Edgerton, Gardner, Spring Hill, Johnson Co. RWDs 1,2,3,5,6,6-A,7	08/15/77	None, dissolved in 1983
<b>PWWSD 2:</b> Melvern, Waverly, (AN Co. RWD 4 & OS Co. RWD 4)	05/01/78	None, dissolved in 1980s; revived as PWWSD 12
<b>PWWSD 3:</b> Garnett, Anderson Co. RWD's 2, 4, 6	09/01/78	Inactive
<b>PWWSD 4:</b> Altamont, Bartlett, Cherryvale, Edna, Mound Valley, Parsons, Labette Co. RWDs 2,3,5,7,8, Montgomery Co. RWDs 2,4,6,12, Neosho-Labette RWD 4	09/30/80	Big Hill Lake, production since 1985
<b>PWWSD 5:</b> Colony, La Harpe, Moran, Walnut, Allen Co. RWDs 4,6,8,16, Anderson Co. RWD 5, Bourbon Co. RWD 2C, Neosho-Allen RWD 2	09/16/80	Neosho River; production since 1985
<b>PWWSD 6:</b> Tonganoxie, Leavenworth Co. RWDs 6 & 9	05/21/82	Bonner Springs
<b>PWWSD 7:</b> Sedgwick Co., Sedgwick Fire District #1	12/22/82	Unknown
<b>PWWSD 8:</b> Butler Co. RWD 3, State Park at El Dorado Lake	07/26/82	City of El Dorado
<b>PWWSD 9:</b> Gridley, Hamilton, Virgil, Greenwood Co. RWD 3	07/01/85	Inactive
<b>PWWSD 10:</b> Abilene, Bel Aire, Chapman, Halstead, Hesston, Hutchinson, Lindsborg, Wichita, McPherson, Moundridge, Newton, Park City, Salina, Sedgwick, Valley Center	10/07/88	Inactive, originally considered pipeline to Milford Lake
<b>PWWSD 11:</b> Arcadia, Arma, Cherokee, Chicopee, Columbus, Girard, Mulberry, Weir, West Mineral, Cherokee RWD 6 (not a voting member) Crawford Co. RWD 2 & 6	04/10/89	Bone Creek MPSL; production since March 2000
<b>PWWSD 12:</b> Lebo, Lyndon, Melvern, Pomona, Quenemo, Waverly, Williamsburg, Anderson Co. RWD 4, Coffey Co. RWD 3, Osage Co. RWD 4	09/11/89	Melvorn Lake, production since 1995
<b>PWWSD 13:</b> Amoret, MO, Blue Mound, Fulton, Greeley, Hume, MO, Mound City, Parker, Anderson Co. RWD 1C (2&6), Bourbon Co. RWD 2C, Linn Co. RWD's 1,2&3	01/04/94	Critzer Dam MPSL (Little Sugar Creek); finishing construction
<b>PWWSD 14:</b> Kechi, Valley Center, Butler Co. RWD 7, Sedgwick Co. RWDs 1 & 2	02/01/94	Unknown
<b>PWWSD 15:</b> Hays, Russell	02/22/96	Unknown; evaluating water sources
<b>PWWSD 16:</b> Douglas Co. RWDs 4 & 5	02/13/97	Inactive
<b>PWWSD 17:</b> Halstead, Newton, North Newton, Sedgwick	02/04/97	Wells; production since February 2001
<b>PWWSD 18:</b> Holton, Jackson RWD 3	09/15/97	Banner Creek MPSL; producing since 2003
<b>PWWSD 19:</b> Baxter Springs, Columbus, Galena, Riverton (CK Co. RWD 9), Scammon, Cherokee RWDs 1,2,3,7	02/16/98	Spring River; exploring funding options
<b>PWWSD 20:</b> Cedar Vale, Chautauqua, Grenola, Peru, Sedan, Chautauqua Co. RWDs 1,2,3,4, Montgomery Co. RWD 5	07/24/98	Quivira Boy Scout Lake; in construction
<b>PWWSD 21:</b> Holton, Horton, Marysville, McLouth, Nortonville, Oskaloosa, Sabetha, Seneca, Valley Falls, Winchester, Atchison RWD 4, Jackson RWDs 1,3, Jefferson RWDs 1,3,9,12, Nemaha RWDs 3,4, Pottawatomie RWD 2, Shawnee Con. RWD 4	07/05/00	Unknown; northeast Kansas regional water supply study
<b>PWWSD 22:</b> Derby, Mulvane, Sedgwick Co. RWD 3	08/01/00	Inactive; members pursuing other options
<b>PWWSD 23:</b> Altoona, Buffalo, Fredonia, Neodesha, Thayer, Montgomery Co. RWDs 9,12, Neosho-Labette Co. RWD 4, Neosho Co. RWDs 6,7,9,12, Wilson Co. RWDs 1,2,5,7,10,11,13, Woodson Co. RWD 1	10/12/00	Fall River via Fredonia Intake; water rights
<b>PWWSD 24:</b> Elk City, Howard, Longton, Moline, Severy, Elk RWD 2	11/10/03	Unknown; study indicated alternative to connect with PWWSD 20

groundwater at their plant west of Newton. Members of PWWSD No. 6 are: the City of Tonganoxie; Rural Water District No. 6, Leavenworth County; and, Rural Water District No. 9, Leavenworth County. Members of PWWSD No. 17 are the cities of Halstead, Newton, North Newton and Sedgwick. One public wholesale water supply district not in the eastern half of Kansas is PWWSD No. 15, whose members are the cities of Hays and Russell. That district is under development, and their source of supply is undetermined at this time.

For many of the water systems that are members of a public wholesale water district, it would have been financially impossible to construct a reservoir, a treatment plant and possibly a pipeline of many miles in length on their own. By joining with their neighboring water systems, they are able to construct the facilities necessary to provide safe and reliable water at an affordable cost. The biggest reason this can be accomplished is probably because wholesale districts can afford to staff the treatment plants with full-time professionals who operate the facilities to meet the state and federal requirements of delivering safe water. New water treatment plants are expensive to construct, but they are not automatic appliances like a dishwasher. Individuals operating these plants have a special understanding of how their specific water source reacts to rainfall events, cold and hot weather, ice, seasonal lake turnovers, algae and even the wind.

Public Wholesale Water Supply District No. 4 is the oldest district in Kansas. It was formed in September 1980, and began producing water for its members in 1985. The source of water for the treatment plant is the Big Hill Reservoir in northwest Labette County. Treated water is supplied

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to water systems in Labette, Montgomery, Wilson and Cherokee counties. More than 10,000 individual customers rely on PWWSD No. 4 for their drinking water needs. They have entered into a Water Marketing Contract with the Kansas Water Office for approximately 20% of the lake's average annual supply.

PWWSD 4 issued bonds to secure a loan through USDA Rural Development. The financing had a maturity of 40 years to fund initial construction. The district refinanced these bonds three times, and the bonds were paid-off in 17 years. In 2007, PWWSD 4 still has debt of approximately \$1.3 million in Kansas Public Water Supply loans. Those funds were used to upgrade the plant to meet disinfection by-product regulations. Additional upgrades in towers and pipelines are being considered to meet the increasing daily demands of the member water systems. The wholesale cost of water remains at \$3.48 per thousand gallons, which is unchanged since 1999.

Their 14-member board has agreed to provide contract operation of one of their member systems, a rural water district, as allowed under K.S.A. 19-3545. The rural water district has struggled for several years to retain a certified operator who met their needs. The district asked the PWWSD 4 if they would accept responsibility for the booster pump and pipeline maintenance, water sample collecting, meter reading, and emergency response duties for them. The board of the wholesale district has agreed to

provide this service on a trial basis.

The Kansas Department of Health and Environment (KDHE) believes that wholesale districts (or similar agreements) are an efficient way for public water supply systems to obtain safe water in sufficient quantities at a reasonable cost. Because many areas of Kansas rely on water supplies (surface and groundwater) that are fully appropriated and where new permits are increasingly difficult to obtain, these regional strategies will likely be used more in the future. The Capacity Development Program of KDHE's Public Water Supply Section has developed a Regional Public Water Supply Planning Grant. To encourage public water systems to work with neighboring water systems in solving similar water supply problems, project sponsors with an approved grant application can receive a dollar for dollar match of up to \$12,500 under the Regional PWS Planning Grant for the development of preliminary engineering studies.

Take a look at this "secret" water supply option, which has been available in Kansas for over 30 years, if growth in your region is constrained by the ability to provide sufficient quantities of safe and affordable water. We can work together to achieve success. The existing public wholesale water supply districts of Kansas prove that.