

Held in Room 423-S, at the Statehouse at 9:00 a. m./XXX, on February 4, 19 81

All members were present except:

The next meeting of the Committee will be held at 9:00 a. m./XXX, on February 5, 19 81.

These minutes of the meeting held on February 4, 19 81 were considered, corrected and approved.

Wm. Beezley
Chairman

The conferees appearing before the Committee were:

- Francine Neubauer - Executive Director of the Kansas Water Resources Board
- John Henderson - Technical Services Division
- Lee Wright - Planning Division
- Steve Holsteen - Governor's Office, Legislative Liaison
- Don Smith - Governor's Office

The meeting of the House Agriculture and Livestock Committee was called to order by William Beezley, Chairman, who introduced Ms. Francine Neubauer, Executive Director of the Kansas Water Resources Board. Ms. Neubauer gave an in-depth presentation of the programs and activities of the Kansas Water Resources Board. (See attachment I). Ms. Neubauer introduced John Henderson, Technical Services Division and Lee Wright, Planning Division. Several of the Committee members had questions for Ms. Neubauer, Mr. Henderson and Mr. Wright.

Steve Holsteen and Don Smith, representing the Governor's Office, appeared in support of Governors Carlin's Executive Reorganization Order No. 18, which would consolidate the present three state agencies that deal with water supply into the Kansas Water Resources Authority. (See attachment II). Several Committee members had questions for Mr. Holsteen and Mr. Smith.

The Chairman discontinued discussion and asked for a motion on the minutes. Rep. Polson moved the minutes be approved. Rep. Fuller gave a second to the motion. The motion carried. Chairman Beezley stated that there would be a meeting tomorrow to discuss House Bills. The meeting was adjourned.

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

PRESENTATION TO
HOUSE AGRICULTURE AND LIVESTOCK COMMITTEE
The Honorable William M. Beezley, Chairman

February 4, 1981

9:00 a.m.
Rm. 423-S

Mr. Chairman, members of the Committee. I would like to express my appreciation for your invitation and the opportunity given me to discuss the programs and activities of the Kansas Water Resources Board.

I believe that the Kansas Water Resources Board has been far too modest; for our accomplishments are numerous. As you know, the Board was created in 1955 with one sole purpose in mind: to remove it from the maze of administrative procedures in order to function freely and honestly in its dealings with water related matters and water related problems. I recall that the agency was labeled by former Governor George Docking as a "Blue Ribbon Agency" because of its staff, its professional integrity, and abilities which cannot be ignored.

The tasks ahead of the Water Resources Board at that time seemed to be somewhat simple. But, as the years have gone by, its responsibilities have expanded and, therefore, the challenges have become more numerous. I have been on the staff of the Water Resources Board as Administrative Assistant for 16 years and I cannot recall one moment during which we did not feel that water was a vital issue, one that demands attention. Throughout the years, the Water Resources Board asked for that attention, and an opportunity to bring its problems and its concerns to the attention of our leaders.

Presented by Francine Neubauer, Executive Director of the Kansas Water Resources Board.

In order for an agency to function well it must have the endorsement of the Legislature and of the Governor.

Our function, as established by the Legislature 25 years ago, is not only the conservation, but the development and management--definitely the management--definitely the management--of our water resources. With your permission, I would like this morning, to discuss our programs and our long-range planning.

I have with me two staff members: Mr. Lee Wright of the Planning Division and Mr. John Henderson of the Technical Services Division, who will be happy to answer your questions and assist me in clarifying any points of questioning on your part.

Attachments:

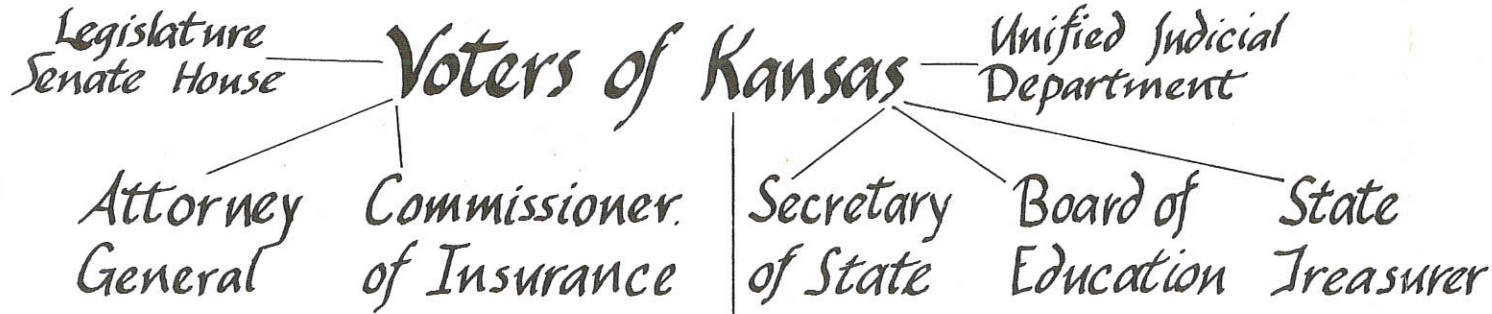
1. Organizational Chart--relationships of Board, Executive Director, and basic functions of staff divisions: Administration, Planning, Coordination, Technical Services.
2. Organization of State Water Related Agencies--how they function--responsibilities assigned to the State Water Council.
3. Today's Role of the Board.
4. Copy of last year's presentation to the Committee on Governmental Organization.

We have a Board made up of individuals representing all different areas of the state and varied interests. They are dedicated people who have kept abreast of water developments.

For a long time we have requested directives from the Legislature. We are fully aware of our responsibilities and our authority is far greater than one realizes and, again, our accomplishments are far more important to the people of Kansas.

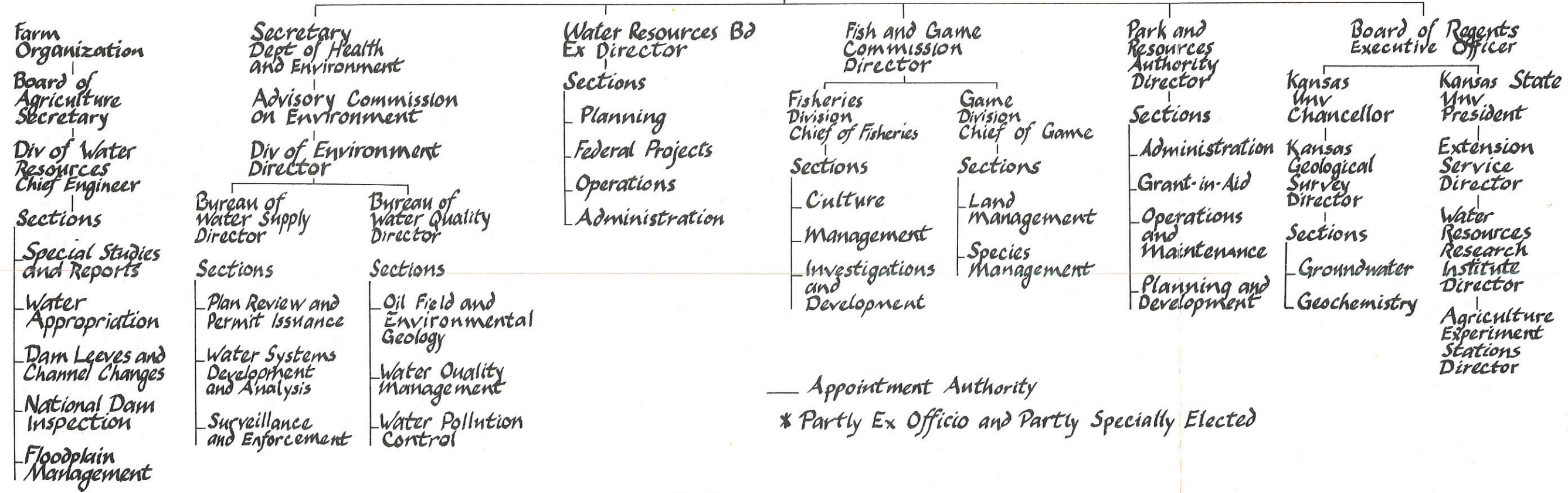
For our agency or any other agency, for that matter, to function properly and efficiently requires the proper financial support. If a budget is cut and the restrictions too severe, then programs cannot be carried out. Therefore, as Executive Director of the Water Resources Board, I am expressing to you, Mr. Chairman, members of the Committee, my concern in this matter.

KANSAS WATER RESOURCES BOARD
 Suite 303
 503 Kansas Avenue
 Topeka, Kansas 66603



Governor
and Lt Governor

* Conservation Commission
Executive Secretary



— Appointment Authority
 * Partly Ex Officio and Partly Specially Elected

AUG 1979

Organization of State Water Related Agencies

BOARD OF AGRICULTURE
DIVISION OF WATER RESOURCES

Mr. Guy Gibson, Chief Engineer
1720 S. Topeka Avenue
Topeka, Kansas 66612
913 296-3717

DEPARTMENT OF HEALTH AND ENVIRONMENT
BUREAU OF WATER SUPPLY

Mr. Jack Burris, Director
Building 740, Forbes Field
Topeka, Kansas 66620
913 862-9360

BUREAU OF WATER QUALITY

Mr. Eugene Jensen, Director
Building 740, Forbes Field
Topeka, Kansas 66620
913 862-9360

WATER RESOURCES BOARD

Ms. Francine Neubauer, Acting Director
503 Kansas Avenue, Suite 303
Topeka, Kansas 66603
913 296-3185

FISH AND GAME COMMISSION

Mr. Jerry Conley, Director
P.O. Box 54-A, Route 2
Pratt, Kansas 67124
316 672-5911

PARK AND RESOURCES AUTHORITY

Mr. Lynn Burris, Jr., Director
503 Kansas Avenue
Topeka, Kansas 66603
913 296-2281

KANSAS GEOLOGICAL SURVEY

Dr. W.W. Hambleton, Director
1930 Avenue A, Campus West, K.U.
Lawrence, Kansas 66044
913 864-3965

STATE CONSERVATION COMMISSION

Mr. Charles Bredahl, Executive Secretary
535 Kansas Avenue, 10th Floor
Topeka, Kansas 66603
913 296-3600

COOPERATIVE EXTENSION SERVICE

Dr. John Dunbar, Director
122 Umberger Hall, KSU
Manhattan, Kansas 66506
913 532-5820

AGRICULTURAL EXPERIMENT STATION

Dr. Floyd Smith, Director
113 Waters Hall, KSU
Manhattan, Kansas 66506
913 532-6147

WATER RESOURCES RESEARCH INSTITUTE

Dr. William Powers, Associate Professor
Waters Annex, KSU
Manhattan, Kansas 66506
913 532-5729

Administration and enforcement of state water laws relating to water rights, interstate river compacts, groundwater management districts, irrigation districts, watershed districts, dams, levees, channel improvements, floodplain management, rural water district grants, and dam inspection.

Administration and/or enforcement of state water laws relating to water quality. Activities include water sampling, treatment plant operator's certification, surveillance of public water systems, and assistance in development of new water supplies.

Water pollution control is achieved by review of plans, construction grants, discharge permits, and monitoring waste treatment plants, implementation of Section 208 Water Quality Management Plan, well driller's licensing, and control of hazardous and toxic wastes.

Planning and policy agency responsible for coordination of state water activities. Programs include State Water Plan, coordination of federal, regional, state, and local water programs, water marketing, weather modification, and special studies.

Management and regulatory agency for protecting the state's wildlife resources. The agency's mission is to conserve wildlife and its habitat, provide the public with wildlife use opportunities, and inform them of wildlife problems and issues.

This agency is responsible for the development and operation of the state park system, and related recreational facilities.

Research relating the state's water, land, and energy resources. Agency water-related programs include assessment of groundwater systems, water data acquisition, and information and guidance for better water management.

Conservation and management of soil, water, and related natural resources. Agency activities include assistance and financial support to county conservation districts and watershed districts.

Educational efforts directed toward farmers, ranchers, irrigators, and other water users, carried out through 105 county offices with programs in soil and water conservation, and other water management concerns.

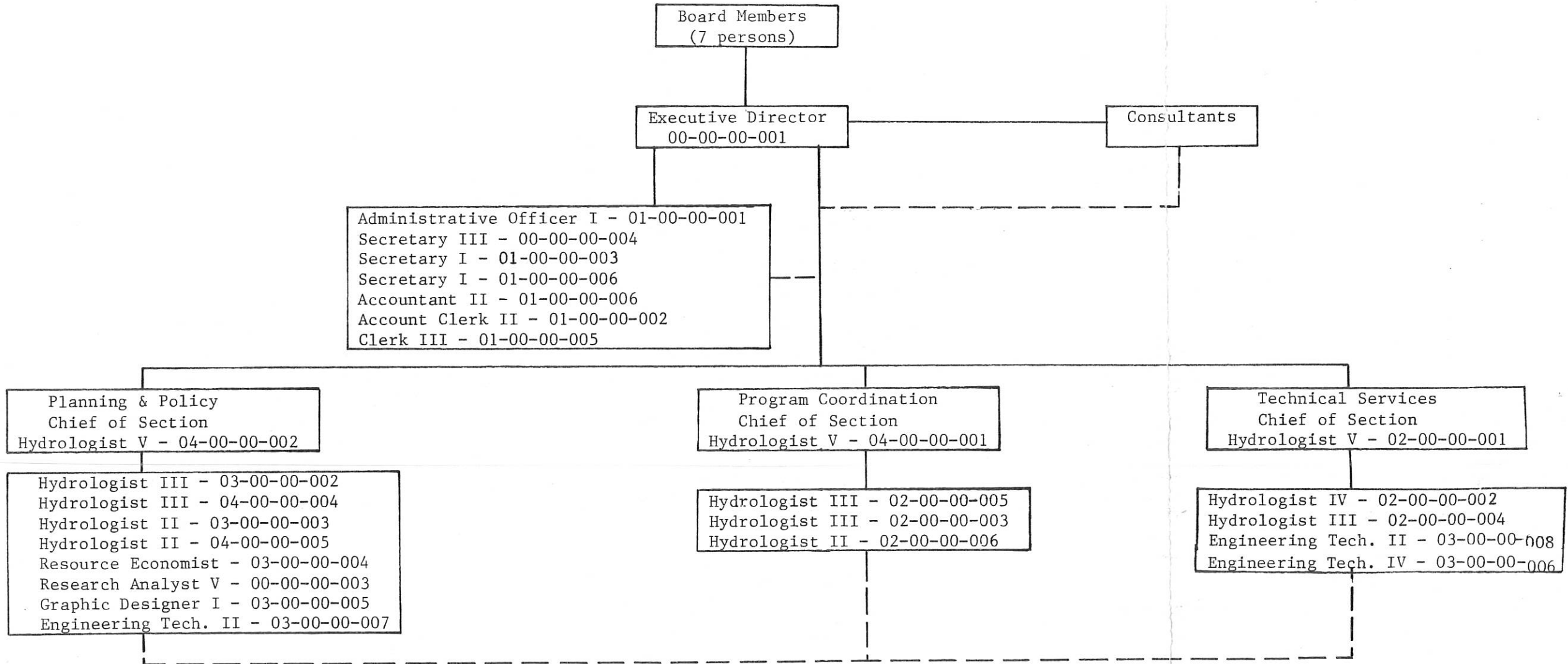
Research in the areas of agricultural water use such as irrigation, plant-soil-water relationships, groundwater recharge, and other related concerns.

Research and education related to water resources. The Institute sponsors and financially assists research in supply, demand, conservation, legal, social, economic, recreational, and other aspects of water use.

A-I

NOTE: DOTTED LINES INDICATE WORKING RELATIONSHIPS BETWEEN STAFF SECTIONS AND INDIVIDUAL STAFF MEMBERS.

ORGANIZATIONAL CHART
KANSAS WATER RESOURCES BOARD

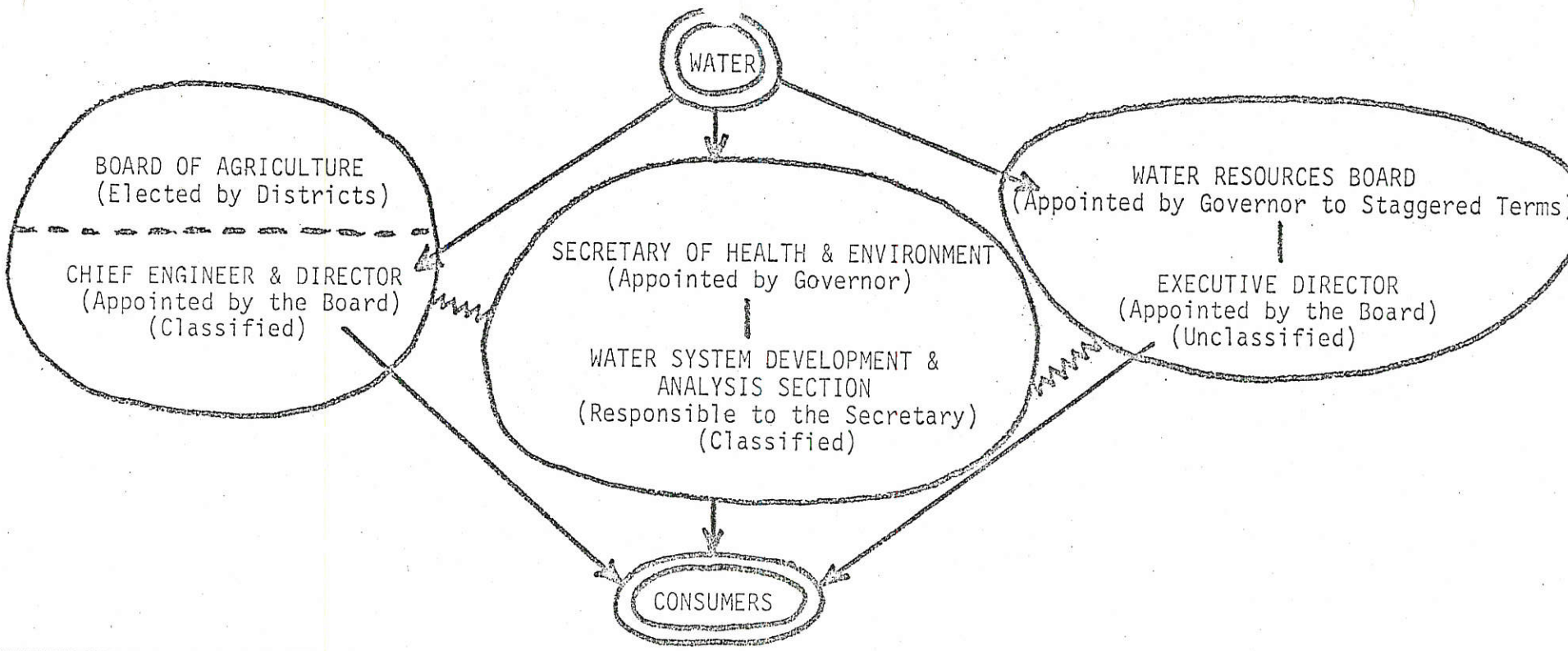


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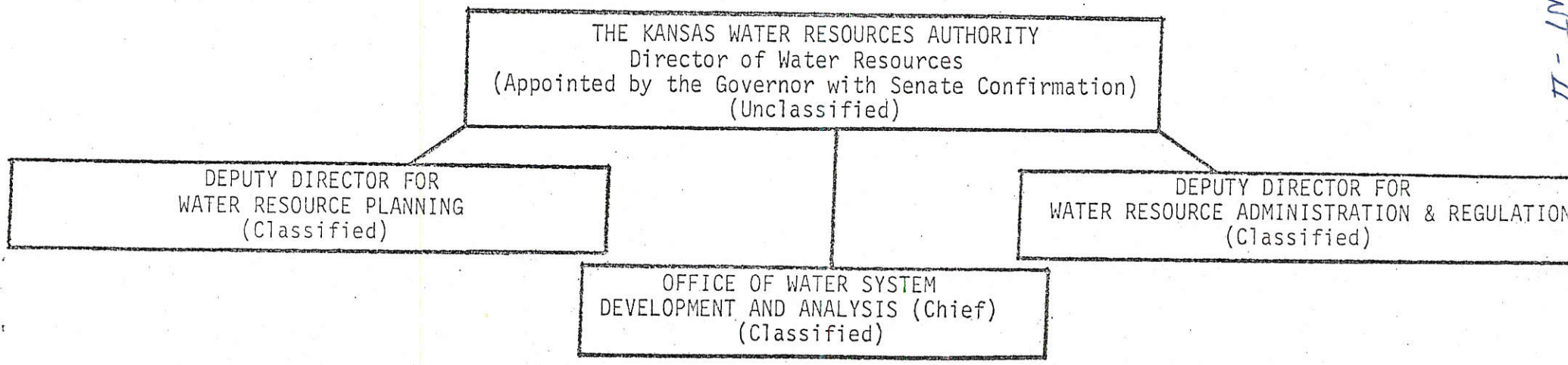
KANSAS WATER RESOURCES BOARD

<u>Name and Address</u>	<u>Phone</u>	<u>Term Expires</u>	<u>Congressional District</u>
James A. Wilson, II Chairman P.O. Box 308 Iola, Kansas 66749	(316) 365-2771 (316) 365-3704 (Home)		
Business Address: Dir., Utilities Dept. 2 W. Jackson Iola, Kansas 66749	(316) 365-2771 (Bus.)	June 15, 1981	5
Joe Moddrell, Jr. Vice Chairman 714 Union Center Wichita, Kansas 67202	(316) 267-9221 (Bus.)		
Home Address: 16 Cypress Wichita, Kansas 67206	(316) 683-3256 (Home)	June 14, 1982	4
Dan W. Lickteig R.R. 1 Richmond, Kansas 66080	(913) 835-3590	June 15, 1983	3
Rev. Angelus Lingenfelser 1503 Kansas Avenue Atchison, Kansas 66002	(913) 367-0387	June 15, 1981	2
Boyd Mundhenke 619 E. 7th Kinsley, Kansas 67547	(316) 659-3226	June 15, 1983	At Large
Dale H. Williams P.O. Box 1503 Garden City, Kansas 67846	(316) 275-1401	June 14, 1982	1
Patrick J. Regan 136 North Fountain Wichita, Kansas 67208	(316) 683-5962	June 15, 1984	At Large
1400 Vickers KSB&T Building Wichita, Kansas 67202	(316) 265-7741		

CURRENT STRUCTURE



PROPOSED ORGANIZATION
(Executive Reorganization Order No. 18)



ATTACHMENT - II

TABLE 2

State Water Administration, Planning and Development Agencies

1
D Same Agency + Same Division
S Same Agency, Division + Pers
N No Similarities

State	Water Rights Administration	Planning and Development
N 1. Arizona	Chief Division of Water Rights State Land Department	State Water Engineer Arizona Water Commission
A 2. California	Chairman State Water Resources Control Board The Resources Agency ✓	Director Department of Water Resources The Resources Agency ✓
A 3. Colorado	State Engineer Division of Water Resources Department of Natural Resources ✓	Director Colorado Water Conservation Board Department of Natural Resources ✓
A 4. Idaho	Director Department of Water Resources ✓ Operations Division	Planning Division Department of Water Resources ✓
N 5. Kansas	Chief Engineer Division of Water Resources Kansas State Board of Agriculture	Chairman Water Resources Board
D 6. Montana	Administrator Water Resources Division Engineering Bureau Department of Natural Resources & Conservation ✓	Resources and Planning Bureau Water Resources Division Department of Natural Resources and Conservation ✓
N 7. Nebraska	Director Department of Water Resources	Chairman Natural Resources Commission
D 8. Nevada	State Engineer Division of Water Resources ✓	Special Projects Aid Planning Section Division of Water Resources ✓
S 9. New Mexico	(Engineering Section) Department of Conservation & Natural Resources State Engineer State Engineers Office ✓	Department of Conservation and Natural Resources State Engineer State Engineers Office ✓
A 10. North Dakota	State Engineer State Water Commission ✓ (Legal Services Division)	Division of Planning State Engineer State Water Commission ✓
S 11. Oklahoma	Director Water Resources Board ✓	Director Water Resources Board ✓
A 12. Oregon	Director Water Resources Department ✓ (Water Rights Division)	Policy and Planning Division Water Resources Department ✓
A 13. South Dakota	Director Division of Water Rights Department of Natural Resources Development ✓	Director Division of Resource Management Department of Natural Resources Development ✓
N 14. Texas	Chairman Texas Water Rights Commission	Chairman Texas Water Development Board
A 15. Utah	State Engineer Division of Water Rights Department of Natural Resources ✓	Director Division of Water Resources Department of Natural Resources ✓
Washington	Water Resources Management Division (Water Resources Management Section) Office of Water Programs Department of Ecology ✓	Water Resources Policy Development Section Water Resources Management Division Office of Water Programs Department of Ecology ✓
N 17. Wyoming	State Engineer and Board of Control State Engineers Office and Board of Control	Wyoming Water Planning Program State Engineers Office and Water Planning Section Department of Economics, Planning and Development

From: A Symposium Sponsored by the Federal Reserve Bank of Kansas City, "Western Water Resources"

STATE OF KANSAS



OFFICE OF THE GOVERNOR
State Capitol
Topeka 66612

John Carlin Governor

Statement to the Senate Energy and National Resources Committee
and
House Governmental Organization Committee

Presented By
Steve Holsteen on behalf of Governor John Carlin
January 27, 1981

Mr. Chairman and Members of the Committee:

I am pleased to have the opportunity to appear before you in support of Governor John Carlin's Executive Reorganization Order No. 18, which would consolidate the present three state agencies that deal with water supply into the Kansas Water Resources Authority.

Over the past two years the Governor has had the opportunity to observe water issues in Kansas, and more specifically the agencies that deal with water. After having completed two budget and legislative cycles, and now entering his third, the Governor has concluded that the issue of adequate water supply for the future is critical and will require special attention. I note some recent examples:

1. In Sunday's Topeka Capital-Journal there was a story about the drought related problems of the community of Hamilton in Greenwood County. The shortage of water isn't a future problem for them--it is one that they are currently dealing with. Yet there is no single agency to which this community can turn to for assistance.

2. Last Friday in Wichita the Governor chaired the High Plains Council, a six-state study group examining the Ogallala Aquifer. Preliminary results from the study indicate that as water runs out, Kansas could lose 500,000 acres of irrigated farmland every five years until two million acres are gone by the year 2000.
3. On December 17, 1980, the University of Kansas Water Resources Institute predicted at least a 75 per cent chance that all but the northeast corner of Kansas will be faced with a moderate drought during the next six months.
4. In December 1979 a report released by the U. S. Water and Power Resources Service contained projections indicating that if Kansans continue to use water at their present rate, by the year 2020 the statewide demand will be twice the supply available. The same report noted that, "As a result of the reduction of available water supplies and the resultant land use changes, the annual economic production in the state's agriculture sector, including irrigated and non-irrigated cropland and livestock operations, would be reduced by over \$1 billion from that which could occur if water were not a constraint."

These are only a few of the many examples that point to the fact that Kansas as a state has long since passed the day when water supply issues could be dealt with in a haphazard or causal fashion. Simply, our approach to water can no longer be business as usual if Kansas is to successfully meet the challenges of the future. State government must be in a position to anticipate, plan and execute, rather than always reacting to crisis situations.

Almost everyone realizes that we face difficult water supply issues. Most agree that we must have a structure that allows timely and well considered responses to water problems, a structure that meets the very real challenges that lie ahead.

The central issue, then, is whether our present structure lends itself to identifying and meeting the challenges that lie ahead. It is imperative that we have the kind of water agency structure that can act in a coordinated and cohesive manner. Likewise, we must have a structure which can wisely use, develop and manage the resources of our state. It is absolutely necessary in the months and years ahead that we have a water authority with a status commensurate to the challenge. It is time water became a No. 1 concern of state government.

In meeting the responsibilities of wise use and development, it is essential that we insist upon coordination and communication in terms of water issues. Coordination envisions bringing into common action or harmonious functioning. This is especially important in the area of water supply; for if we do not coordinate our long-term plans for our state water with our appropriations process, the decisions we make today will not consider the needs of tomorrow.

Does the present structure foster the ideals of coordination and good management? A quick assessment indicates we do not.

Today, we have a structure made up of:

1. Three different agencies;
2. Headed by three different persons;
3. Responsible to three different appointing authorities;
4. Heading three different directions;
5. And yet, dealing with the very same issue.

The current structure does not lend itself to meeting current or future challenges. The difficulty, in large measure, emanates from the structure itself. Today's structure encourages a policy of inertia by separating the planning function from the daily decisions which must be made about water use.

Such a structure isn't good enough for the challenges that lie ahead.

By contrast, the Kansas Water Resources Authority will merge the responsibilities of wise use, development and stewardship. The accent will be on coordination and communication rather than duplication and overlapping authority. We will be setting up a structure more able to respond to the critical water issues that lie ahead.

The Kansas Water Resources Authority will embody an agency with a status commensurate with the task ahead. Its creation will enable water to become a No. 1 issue within the executive branch of government, and for the first time ever there will be one official advocate for water issues.

A third improvement will be that of working more closely with the federal government. The Authority will deal with the federal government from an authoritative position.

The Authority will work with the Legislature and Governor to seek a better definition of long term needs and goals. The Authority will insure that the state water policy mandated by the Legislature is carried out effectively and efficiently.

Senate Energy and Natural Resources
House Governmental Organization
January 27, 1981
Page Four

In summary, it is clear that we face severe water supply challenges in the remaining years of this century. And yet it is also clear that today state government does not have a cohesive, coordinated way in which to respond to the coming challenges.

It is time to rethink and refine our approach to water issues. Governor Carlin believes that it is the responsibility of the Legislature and the Governor to have the foresight to recognize the challenges of the future and the inadequacies of the present structure. The challenges are near and the water of the people of Kansas is at stake.

Our approach to water use, development and stewardship must reflect the challenges that lie ahead. The Kansas Water Resources Authority will help identify and meet those challenges. It will establish an entity responsible for insuring that the long range water interests of the people are carried out in an effective, coordinated and efficient manner.

BACKGROUND MEMORANDUM

SUBJECT: Executive Reorganization Order No. 18

DATE: January 21, 1981

BACKGROUND

The state's involvement in water began in large measure in 1917, when the Kansas Water Commission was created. The Commission was directed by the Legislature to "work out a systematic general plan for the complete development of each watershed in the state." In 1927, the Commission was abolished and its planning functions were transferred to the Division of Water Resources which was created within the Board of Agriculture.

Although statutory mandates to develop water resources plans had been in existence for 25 years, it was 1942 before funds were appropriated to the Division to carry out water resource planning. In 1947, the Board of Agriculture officially adopted the one watershed plan prepared by the Division.

Two major events in the early 1950s triggered major interest in water planning. In 1951, the most severe flooding of record occurred in the Kansas River Basin. The 1951 floods were followed by one of the most severe droughts of record from 1952 until 1956. These events emphasized the need for planning to avert future water disasters and the need for the development of state policies concerning the increased federal construction activity that began after the 1951 flood.

In response, the Legislature in 1955 created the Water Resources Board and transferred to the new agency the water resources planning function of the Division of Water Resources of the Board of Agriculture. Today, the Water Resources Board remains the principal state agency involved in water planning for the future.

Another significant development in the state's involvement with water began in 1945 with the Legislature's passage of the Water Appropriation Act. Before 1945 Kansas had been considered an "absolute ownership" state in terms of groundwater. In other words, those who lived on lands located above underground water sources owned those resources outright.

This rethinking of the state's approach to water rights was brought about in large part because of a dramatic change in the uses of water during the 1940s. During this period irrigation became widespread and there was a transformation in terms of water use. The events of this era emphasized the need for

governmental planning and involvement. Under this prevailing condition, the Act was approved.

The Act states that "all water within the state of Kansas is hereby dedicated to the use of the people of the state, subject to the control and regulation of the state in the manner herein described." (K.S.A. 82a-702) The Act goes on to provide for the requirement that before water is used for any purpose other than domestic, a permit must be obtained from the Chief Engineer of the Division of Water Resources of the Board of Agriculture. Domestic use is defined as "the use of water by any person or by a family unit or household for household purposes, or for the watering of livestock, poultry, farm and domestic animals used in operating a farm, and for the irrigation of lands not exceeding a total of two acres in area for the growing of gardens, orchards and lawns." (K.S.A. 82a-701)

All other water users must, therefore, comply with the statute and seek a permit from the Chief Engineer to drill a well before doing so. These users can be classified as municipal, irrigation, industrial, recreational and water power.

In recent years the state has continued to be involved in a major way in water resources planning and development. In 1963 the Legislature enacted the State Water Plan Act which directed the Water Resources Board to develop a State Water Plan. In 1965 the initial Plan was adopted by the Legislature. In 1974, the Legislature approved the State Water Plan Storage Act which sets out the state policies and procedures relative to the sale of water from state owned conservation storage. The Water Resources Board administers this program as well.

In addition, a third entity in state government has only recently been established to deal with water quantity and supply questions. That entity is the Water System Development and Analysis Section of the Department of Health and Environment.

The section was established in 1978 to deal with the problems of communities which run short of water, before the shortage occurs. The impetus for the Section can be found in the deliberations of Governor Robert F. Bennett's Task Force on Water, and the concern members of the Task Force heard in terms of water management problems at the community level.

The problem that was discovered in the Task Force deliberations centered on the fact that many public water supplies in Kansas have actual or potential chronic shortages. The difficulties were found to be due in some measure to a lack of planning at the local level and the reluctance or inability of communities to prevent or correct deficiencies.

The responsibilities of the Section include dealing with sources of water supply, both wells and surface, as well as planning for emergency water supply conditions for local

communities. Moreover, the Section has the responsibility for planning to prevent shortages and for taking action when water supplies are inadequate.

In summary, the Legislature has acted a number of times during this century to evidenced its intention that the state be invovled in water development, administration and planning. The major Acts mentioned above have been supplemented and reaffirmed in other statutory mandates including the State Water Plan. The Plan (K.S.A. 82a-901 et. seq.) states in part that "the state of Kansas will encourage, promote and secure the maximum beneficial use, control and development of the water resources of the state" and that "the state of Kansas hereby recognizes its responsibility and jurisdiction to protect, conserve and control all waters affecting the people of the state, including those waters impounded in projected construction pursuant to programs of the Federal Government."

THE KANSAS WATER RESOURCES AUTHORITY

On January 13, 1981, Executive Reorganization Order No. 18 was submitted by Governor John Carlin to the Legislature. The Order consolidates the duties and responsibilities of the Water Resources Board, the Division of Water Resources of the Board of Agriculture, and the Water System Development and Analysis Section of the Department of Health and Environment into the Kansas Water Resources Authority.

The Authority will be headed by a Director who will be appointed by the Governor and subject to Senate confirmation. The Authority will have two equal divisions: Planning, and Administration and Regulation. The divisions will be headed respectively by deputy directors, whose positions will be classified. The Order also establishes a seven-member Advisory Board on Water Resources. The Board will be composed of one member from each congressional district, and two members from the state at large who shall not be residents of the same congressional district. The Board will hold at least four regular meetings a year. The Board will consult with and advise the Director regarding water policy, water planning and water administration.

In summary, the Authority will be responsible for:

- A. Determining and meeting state priorities.
- B. Providing and allocating water resources.
- C. Providing reservations for the future.
- D. Providing a response to emergency and critical needs.

RATIONALE FOR THE REORGANIZATION

During his tenure as Governor, John Carlin has become acutely aware of the difficult water problems that Kansas faces now and will confront in the years ahead. It has become apparent that unless Kansas' approach to water issues is refined, Kansas will not have the structure to deal with the difficult questions of today and tomorrow.

Today, Kansas faces isolated water problems in various parts of the state, but the road ahead suggests that today's problems will seem minor compared to the challenges of tomorrow. Presently, three portions of state government deal with the same issue--water. (The attached chart shows the current structure and the proposed organization.) The result has been that today Kansas water policy is determined for the most part, in three seperate places, headed by three different heads, responsible to three different appointing authorities.

The result is a structure that is fragmented, cumbersome, sometimes uncoordinated, and lacking policy direction for the future from the Legislature or the Governor. Moreover, there exists today a vacuum in terms of water leadership in Kansas, or in other words, one state agency to raise the awareness level of Kansans in terms of water problems.

Most all agree that water must become a more important concern to all Kansas water users in the years ahead. Governor Carlin believes the first step in making water a top priority is to rethink and refine state government's approach to water issues. To accomplish this first step, Governor Carlin has submitted Executive Reorganization Order No. 18.

There are these additional reasons for the reorganization:

- 1) Improved Coordination and Communication. There should be increased emphasis on coordination and communication. Under the present system, the Division, the Board and the Water System Section make decisions seperately and independently of one another that have tremendous impact on the responsibilities and functions of the other two agencies. Oftentimes the communication and coordination is either informal or nonexistent when these decisions are being made. To effectively deal with the present and prepare for the future, the planners must know what the appropriators are doing and vice versa. In addition, the planners and appropriators must be cognizant of emergency water shortage situations and must act in concert with the emergency planners to meet problems when they arise. Moreover, coordination and communication should be a regular practice, rather than something that is brought about by a present or impending crisis situation. The Kansas Water Resources Authority would permit the close coordination and communication that a true, long range water program must have to be successful.

- 2) Involvement with the federal government. Kansas deals with numerous federal agencies, and presently there is not one voice that speaks for Kansas on water matters in communicating with the federal government. Moreover, the state is involved in various regional water resource planning activities and is a member of a number of interstate water compacts. The Kansas Water Resources Authority would coordinate activities with the federal government and within the compacts in accordance with state policy direction and the State Water Plan of Kansas. Consolidation of these agencies would allow a centralized location for this responsibility. Kansas would speak with one voice, and Kansas' policy would be more consistent and authoritative.
- 3) Advocate for Water. Kansas needs an agency that has as one of its primary responsibilities the raising of the level of awareness Kansans have about water, its importance to the state, and its finite character. Kansas needs an agency that will be a spokesman for water, an agency that will recommend to the Legislature appropriate and timely amendments to the state's water laws. Moreover, one agency should be responsible for carrying out the state's responsibility when communities are faced with water crisis situations caused by water shortages. In order to plan and prepare for emergency situations, there must be advocacy by a state agency in regards to alerting water users of potential and real problems and possible solutions and alternatives. In summary, by proposing the Authority the Governor has made known his feeling that water is a No. 1 issue in the state and deserving of special attention by state government.
- 4) Increased responsiveness. By consolidating these three portions of state government, the administration of water programs will be the responsibility of one agency rather than three. The result will be more responsiveness to the people in general. Moreover, there will be one agency responsible for proposing amendatory legislation and executing water laws, under the supervision of the Governor.
- 5) Increased emphasis on long range goals. With the major water duties of state government consolidated in one agency, the emphasis in future years can be on coordinated long-range goals. Today, it is difficult to discuss long-range goals because of the fragmentation of the present structure. In order to deal in a long-range perspective today, it is necessary to deal with more than one agency, and at times the procedure becomes confusing and is unsuccessful.
- 6) Thoughts on current responsibilities. The Water Resources Board has been mandated to carry out various duties and responsibilities. One of the most important today is submitting amendments to and executing the State Water Plan. Moreover, the Division of Water Resources is charged with carrying out various water quantity duties, and the Water

System Section is responsible for assisting communities in dealing with water shortage situations. There is a common thread in the dealings of all three agencies: all deal with water supply and water quantity issues. Therefore, it seems logical that these current responsibilities be brought together to form a more cohesive and organized entity to deal with water questions that center directly on water quantity and supply. To continue the present structure would be analogous to admitting that although water is one issue, it should be trisected and dealt with by three different agencies, headed by three different persons, responsible to three different appointing authorities...and heading in three different directions.

Finally, when dealing with water quantity questions or water crisis situations or potential situations, the last thing any citizen wants is confusion among the state's agencies regarding which is the lead agency. Today, the public is uncertain to whom to look. This is hardly of a help to the community, group or person dealing with serious water questions--the last thing they need to be concerned about is jurisdictional disputes between the competing state agencies.

THE AUTHORITY - IS THIS A NOVEL IDEA?

No, it isn't. After chairing Governor Robert F. Bennett's Task Force on Water in 1977 and 1978, then-Lt. Governor Shelby Smith concluded that "water management should be a basic responsibility of the executive branch of government, the Governor should have the means of directing state water policy and administration, there is no overall control under the present setup, and water management today is a function of its own right, worthy of separate departmental status."

In addition, there are many other states west of the Mississippi River that have placed water planning, administration and regulation in the same agency. (An attachment indicates which states have these functions in the same agency, which have them in the same agency and same division, which have them in the same agency, division and person, and which are set up separately.) Kansas is one of only five states out of the 17 western states that does not have planning and administration in either the same agency, or the same agency and same division.

SUMMARY

The future portends significant water challenges for Kansas and all the water users of Kansas. All Kansans must ask themselves:

--Do we want a coordinated approach to water issues?

- Should there be improved communication among those persons involved with water issues?
- Do we need an advocate for water in Kansas--an advocate who would raise Kansans' awareness of water challenges?
- Do we deserve a water approach that is more responsive to the people, the Legislature and the Governor?
- Do we need increased emphasis on long-range goals?
- Should current deficiencies in water-related functions be recognized and improved upon?
- Should water be one of the top concerns of all Kansans?

The answer to all of the these questions is an emphatic "YES". They are precisely the reasons that Executive Reorganization Order No. 18 is in the best interest of the people of the State of Kansas, and should be allowed to become law.

KANSAS WATER RESOURCES BOARD
TODAY'S ROLE

COORDINATION

The Board coordinates local, federal, and state programs and plans which impact on the use, development and conservation of the state's water resources. In Kansas, several state agencies' activities are directly concerned with water problems.

State Water Council. In 1978, under direction of Statute 74-2610a, the Board called the heads of the state water-related agencies together to develop coordination among their programs. The Board identified at least 22 state agencies that are directly or indirectly involved with water. The Legislature specifically named the Division of Water Resources, State Board of Agriculture; Kansas Geological Survey; Kansas Fish and Game Commission; Division of Environment, Kansas Department of Health and Environment; State Park and Resources Authority; State Conservation Commission and the Kansas Water Resources Board as members of the Council. Subsequently, other agencies were added to provide a more balanced Council. The Water Resources Board's Executive Director serves as the Chairman of the Council. The Council meets quarterly to review and make recommendations to the Board concerning coordination of state programs, basic data cooperative programs, and water resources related regulations and research. Minutes of these quarterly meetings are provided to the Governor.

Executive Order 78-29. The Kansas Water Resources Board was directed through Executive Order 78-29 to review the technical and funding requests for state water agency programs. An annual report is submitted to the Governor and Legislature based upon the Board's review, evaluation and recommendations concerning 45 individual water resources programs of the various state agencies. This review ensures that state agency activities are compatible and that duplication of effort does not occur.

Special Coordinating Activities. The Board reviews and coordinates annual reservoir water level management plans for fourteen federal reservoirs in the state to improve recreational, fishery and wildlife benefits within the reservoir areas. The Board coordinates the plans with the Fish and Game Commission, Park and Resources Authority, and the Corps of Engineers. Several comprehensive water resources planning studies are carried out by various federal agencies. These agencies include: the Corps of Engineers, Soil Conservation Service, Environmental Protection Agency, Department of Commerce and the Water and Power Resource Service. The Board conducts meetings between federal or local entities to assist each with their involvement in the studies. Each year a status report is prepared by the Board to inform the public on water projects and programs.

Permits and A-95 Review. The Board reviews and solicits comments from affected state agencies regarding several types of permits and

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reports. Section 404 of Public Law 92-500 requires permits for any work that might affect the quality of streamflow or dredging operations. Section 10 of an 1899 federal law requires permits for any construction that would obstruct a navigable stream. The A-95 program is a review of federal water activities in compliance with the Office of Management and Budget.

PLANNING

State Water Plan. The Plan is used as an inter-agency policy and coordination tool as it relates to flood control, construction of levees, drainage, irrigation, soil conservation, watershed development, stream control, and groundwater studies. Under the State Water Plan guides, the Board performs a continuous review of the changing status of water and the demand placed upon this resource. Every other year, the Board holds public hearings across the state to determine if any changes in the Plan should be submitted to the Legislature. 5B27

Coordination of Plans and Activities. In addition to the principal state water agencies included in the State Water Council, there are over five hundred special water districts and over 2,200 local units of government in Kansas. All are concerned in some way with water resources management. There are twenty-five federal agencies involved in Kansas water resources on a day-to-day basis. Further, Kansas is represented on some twenty interstate and multi-state water organizations.

EDA High Plains Council Study. The Water Resources Board has taken an active role in participation in the Economic Development Administration's study of the High Plains region. The High Plains Council consists of representatives of the six states which overlie the Ogallala Aquifer: Colorado, Kansas, Nebraska, Oklahoma, New Mexico, and Texas. In 1980 Governor Carlin assumed Chairmanship of the Council. The objective is to study the social, economic, and energy problems facing the area due to the depleting water supply and to study various alternative solutions.

Groundwater Management Districts. Presently, there are five groundwater management districts in western and south-central Kansas. The groundwater management districts coordinate their efforts with each other and the Board through regular meetings of the Kansas Groundwater Management District Association and the Board staff.

The Water Resources Board began a grant program in Fiscal Year 1980, to assist the districts in developing pilot groundwater recharge projects. The 1979 Legislature made available \$200,000 for the pilot projects. The funds are granted on the basis of 20 percent provided from local entities and 80 percent from the state. The Board was placed in charge of program development and financial distribution to the districts. The groundwater management districts were able to provide more than the 20 percent expected as their share because of the local interest expressed in the recharge program.

TECHNICAL SERVICES

Water Marketing and Water Supply Storage Program. The Board has signed nine (9) agreements with the federal government under the provisions of the Water Supply Act of 1958. In turn, the Board has signed seven (7) long-term contracts for the sale of water supply storage to industrial and municipal users. Total water supply storage in the nine reservoir system provides 739,800 acre-feet, with a capability yield of 305.6 million gallons per day. The 1979 and 1980 charge for raw water from the completed reservoirs is 7.4 cents per thousand gallons delivered at the reservoir. *Recover by 2017 - General Fund*

U.S. Geological Survey, Cooperative Program. The Water Resources Board and U.S. Geological Survey continue the ongoing cooperative program for basic data collection and analysis. The information collected is the background for hydrologic studies to develop water management plans for the various watersheds of the state. The present program has nine categories of activity concerning basic data, interpretive studies and computer numerical modeling.

Special Water Resources Board Studies. The Board reviews plans and provides technical services for the development, management, conservation and use of water resources of the state. Special studies are conducted using applied hydrologic, climatic, and hydraulic calculations. These studies are used in making recommendations to state agencies, political subdivisions, and the Legislature and Governor concerning water resources.

Weather Modification. The Board issues licenses and permits for weather modification operations in Kansas. The Board has appointed an advisory committee on weather modification to make recommendations to the Board on licenses, permits and state programs. Also, the Board sponsors data collection in conjunction with operational programs and associated studies needed to define real or potential effects of cloud seeding.

Salinity Studies. The salt intrusion area study has now advanced to a Pilot Salinity Control Study in which primary funding is through the Corps of Engineers. The pilot study began by drilling eight salt water relief wells in which extensive pump tests will be performed in 1980. A deep well for receiving salt water disposal will be drilled below the 3,000 foot level to dispose of salt water pumped from relief wells. In 1980 data will be collected for input to a computer model for further planning of salt water inflow control.

PLANNING FOR THE FUTURE

ULTIMATE GOAL. Water resources planning goes beyond the solving of current problems to the anticipation and avoidance of future difficulties. This involves not only careful planning but even more importantly an informed public--for it is largely the private decisions of individual cities, industries, and citizens which determine or deter future water problems. Some possible future problems could spring from changes in floodplain development, increases in irrigation water use, and changing pollution hazards.

THE CHALLENGE. Kansas has enough water to support great economic growth--but not enough to become careless about it. Years of progress in solving water problems make the Kansas water picture brighter than ever before. But old problems are not completely solved and new ones threaten.

Kansas Water problems and needs can be met. However, widespread understanding of the problems and what can be done about them is essential. It is hoped that these pages have answered many questions. The future of Kansas water depends upon public understanding of water problems and upon the public support of measures to correct the water problems and prevent new ones from developing.

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STATEMENT TO
HOUSE GOVERNMENTAL ORGANIZATION COMMITTEE
H.B. 2740

FEBRUARY 8, 1980

AS EXECUTIVE DIRECTOR OF THE KANSAS WATER RESOURCES BOARD, I THANK YOU FOR THE OPPORTUNITY TO COMMENT ON H.B. 2740.

IN 1955, WHEN THE KANSAS LEGISLATURE CREATED THE WATER RESOURCES BOARD, THEY DECIDED THAT IT WOULD BE WISE TO ESTABLISH A SEPARATE AGENCY OF WATER PLANNING, POLICY FORMATION, AND COORDINATION. THAT DECISION HAS BEEN REVIEWED NUMEROUS TIMES BY THE LEGISLATURE AND OTHER GROUPS, AND IN EACH CASE, THE DECISION WAS MADE TO OPPOSE REORGANIZATION. MOST RECENTLY, THE GOVERNOR'S TASK FORCE ON WATER RESOURCES, AFTER AN EXHAUSTIVE AND EXCELLENT TWO-YEAR STUDY OF WATER RESOURCES, CONSIDERED THIS QUESTION AT LENGTH.

I WOULD LIKE TO QUOTE FROM THE FINAL REPORT OF THE GOVERNOR'S TASK FORCE:

"AMONG THE ARGUMENTS THAT INFLUENCED THE TASK FORCE TO REJECT A MAJOR CONSOLIDATION IN FAVOR OF INCREASED EMPHASIS ON IMPROVING COORDINATION WERE THE FOLLOWING:

(1) THERE IS NO STRONG VOCAL OR ORGANIZED MOVEMENT FOR CONSOLIDATION, INDICATING THAT MOST PEOPLE ARE SATISFIED WITH THE PRESENT SETUP,

(2) KANSAS WATER AGENCIES HAVE A GOOD REPUTATION AND ARE WELL-RESPECTED, SO WHY CHANGE THINGS?

(3) A SEPARATION OF POWERS AND SYSTEM OF

Presented by Francine Neubauer, Executive Director of the Kansas Water Resources Board.

CHECKS AND BALANCES IN THE ADMINISTRATION OF WATER PROGRAMS GIVES KANSANS A BETTER END RESULT THAN A CONSOLIDATION WOULD PRODUCE.

(4) IN THE FINAL ANALYSIS, GOOD ADMINISTRATION DEPENDS ON THE PERSONALITIES INVOLVED, AND AN ENFORCED CONSOLIDATION CANNOT GUARANTEE GOOD RESULTS PERSONNEL-WISE."

IT IS OUR BELIEF THAT THOSE WHO HAVE WORKED WITH THE TWO AGENCIES CONSIDERED IN THIS BILL ARE OF THE CONVICTION THAT THE PRESENT ARRANGEMENT IS WORKING WELL, ESPECIALLY WITH THE IMPROVEMENTS IN THE AREA OF COORDINATION WHICH HAVE BEEN ADOPTED.

I WAS ESPECIALLY PLEASED TO HEAR LT. GOVERNOR SMITH'S PRAISE YESTERDAY OF THE ACTIVITIES OF THE GROUNDWATER MANAGEMENT DISTRICTS. I AGREE, AND WOULD POINT OUT TO YOU, THAT THE GROUNDWATER MANAGEMENT DISTRICT ACT WAS INITIATED BY WATER RESOURCES BOARD PLANNING STUDIES. THE FINE WORK OF THESE DISTRICTS IS ANOTHER EXAMPLE OF THE MANY POSITIVE RESULTS OF THE WATER RESOURCES BOARD'S PARTNERSHIP APPROACH TO PLANNING FOR WATER RESOURCES PROGRESS IN KANSAS.

IT SEEMS THAT THE PROponents OF THIS BILL HAVE BEEN STRESSING MAINLY COORDINATION. COORDINATION ALREADY EXISTS IN THE FORM OF THE STATE WATER COUNCIL. BY THIS MEANS, THE HEADS OF THE STATE WATER RELATED AGENCIES MEET TOGETHER REGULARLY TO DISCUSS AND COORDINATE THEIR PROGRAMS. ANOTHER COORDINATION MECHANISM RECENTLY INITIATED IS THE PROGRAM REVIEW ESTABLISHED BY EXECUTIVE ORDER 73-29 WHEREIN, THE WATER RESOURCES BOARD REVIEWS AND EVALUATES THE VARIOUS WATER RESOURCE PROGRAMS IN THE STATE. IT IS DIFFICULT TO SEE HOW NEW LEGISLATION COULD

IMPROVE ON THIS. ONE OF THE INTERESTING POINTS BROUGHT TO LIGHT BY THE FIRST TWO YEARS OF PROGRAM REVIEW WAS THE VIRTUAL LACK OF DUPLICATION OF EFFORT. IT SEEMS THAT EVERY TIME A CRY GOES UP THAT EFFORT IS BEING DUPLICATED, CLOSE EXAMINATION REVEALS THAT IT IS NOT DUPLICATION, BUT COOPERATION. WHEN TWO AGENCIES ARE WORKING ON THE SAME PROGRAM, THEY MAY INDEED BE COOPERATING RATHER THAN DUPLICATING. IT WOULD BE OUR BELIEF THAT INTER-AGENCY COOPERATION ALREADY EXISTS AND WE ARE CONTINUOUSLY SEEKING WAYS TO IMPROVE IT.

ANOTHER POINT WHICH SHOULD BE STRESSED IS THAT IT IS NOT ALWAYS NECESSARY FOR THE STATE WATER PLANNING AND POLICY AGENCY TO TOTALLY AGREE WITH STATE REGULATORY AGENCIES. IN FACT, THE FULL AND FRANK DISCUSSION OF OCCASIONAL DIFFERING POINTS OF VIEW ON VARIOUS MATTERS WOULD SEEM TO BE OF POTENTIAL BENEFIT TO KANSAS CITIZENS. IT SHOULD BE NOTED THAT UNDER THE NEW ARRANGEMENT PROPOSED IN THIS BILL, THE PUBLIC WOULD NOT RECEIVE THE BENEFIT OF SUCH DISCUSSIONS. ANY DISAGREEMENT WOULD BE FILTERED THROUGH THE DIRECTOR TO THE PUBLIC AND THE LEGISLATURE.

THIS BILL WOULD RESULT IN A SHIFT OF RESPONSIBILITY FROM A CITIZEN'S BOARD TO A MORE POLITICALLY CONTROLLED DIRECTOR. THE BOARD MEMBERS ARE APPOINTED BY THE GOVERNOR FOR FOUR-YEAR STAGGERED TERMS. THEY REPRESENT ALL SECTIONS OF THE STATE AND HAVE AN EXCELLENT COMBINATION OF BACKGROUNDS. SUCH A CITIZEN BOARD BRINGS GOVERNMENT CLOSER TO THE PEOPLE. I FRANKLY DO NOT SEE WHAT PROBLEMS THIS BILL WILL REALLY SOLVE.

AT THE DECEMBER KANSAS WATER RESOURCES BOARD MEETING, IT WAS THE UNANIMOUS OPINION OF THE BOARD THAT THIS PROPOSAL WOULD HAMPER WATER RESOURCES PROGRESS IN KANSAS, RATHER THAN ENHANCING IT AND, THEREFORE, THE BOARD OPPOSES IT.

IN RESUME, EFFICIENCY IN ANY BRANCH OF GOVERNMENT IS A COMBINATION OF TECHNICAL, PROFESSIONAL, AND ADMINISTRATIVE ABILITIES AND WE HAVE SUCH EXPERTISE ON OUR STAFF WITH MANY YEARS OF EXPERIENCE IN EACH FIELD. THE COMBINATION OF THIS STAFF AND A CITIZEN BOARD HAVE PROVEN MOST EFFECTIVE.