

Approved 2/7/84  
Date

MINUTES OF THE House COMMITTEE ON Energy and Natural Resources

The meeting was called to order by Representative David J. Heinemann at  
Chairperson

3:30 ~~xx~~ p.m. on January 19th, 1984 in room 519-S of the Capitol.

All members were present except:

Representative Ginger Barr (Excused)  
Representative Keith Roe (Excused)

Committee staff present:

Ramon Powers, Legislative Research  
Raney Gilliland, Legislative Research  
Theresa Kiernan, Revisor of Statutes  
Pam Somerville, Committee Secretary

Conferees appearing before the committee:

Phil Martin, Kansas Water Authority  
Robert J. Binder, Kansas Water Authority

The meeting was called to order by the Chairman. He asked the committee to consider the introduction of two proposals from the Department of Health and Environment relative to the legislative program. Representative Foster made the motion to introduce the requests as committee bills and Representative Farrar seconded the motion. Motion was adopted.

Chairman Heinemann outlined the business for the day and introduced Mr. Phil Martin, Kansas Water Authority, to brief the committee on proposals by the Water Authority.

Phil Martin, Chairman of the Kansas Water Authority, distributed the Kansas Water Resources Program (Attachment 1) to the committee. He outlined the three sections contained in the program as: 1) Summary and Recommendations, 2) Six Legislative Proposals, and 3) the Abbreviated Fiscal Analysis of Water. Mr. Martin explained that as an oversight agency within a complex governmental structure of water related agencies, the Authority has felt a need to maintain its independence in order to provide objective observations to the executive and legislative branches of government. Members of the Kansas Water Authority are unanimously committed to the principle that the greatest need is to work together.

Mr. Martin outlined three items proposed by the Kansas Geological Survey. The first, entitled "Water Resources Planning Model for Kansas," dealt with interbasin water transfers, the development of new and expansion of old surface reservoirs, and the construction of water transmission systems. The second research proposal addressed "Geohydrology of the Dakota Aquifer System in Kansas," and the third proposal concerned the study of stream-aquifer relations along selected reaches of the Kansas River. Mr. Martin said the total cost to fund the proposals, during the first year, was \$215,000. He noted that funding for the proposals had not been included in the budget of the Kansas Geological Survey.

The next area outlined was the six legislative proposals. Mr. Martin gave a brief synopsis of each. They are:

- 1) An amendment to Chapter 343, Section 1(k),
- 2) Amendment to Chapter 343, Section 4,
- 3) Amendment to Chapter 343, new Section 7 (2),
- 4) Amendment to K.S.A. 1983 Supp., 82a-1314,
- 5) Amendment to K.S.A. 82a-726, and
- 6) Amendment to K.S.A. 1982 Supp. 76-2622(a).

A brief question and answer period followed Mr. Martin's testimony.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Energy and Natural Resources,  
room 519-S, Statehouse, at 3:30 ~~am~~/p.m. on January 19th, 1984

Dr. W. Hambleton, Director, Kansas Geological Survey, made a brief presentation before the committee on studies conducted of the Kansas River Basin. A brief question and answer period followed his presentation.


Robert J. Binder, Kansas Water Authority, was the next conferee. He presented testimony on Minimum Desirable Streamflow (Attachment 2). Mr. Binder began his testimony by stating the Authority had been committed to establishing minimum desirable streamflows in Kansas, as evidenced by SB 273 last year (1983) and subsequent endorsement of SCR 1622, which contained five directives. Mr. Binder stated all five directives were achieved in 1983. Since that time the Kansas Water Office had developed a preliminary draft of procedures to establish and achieve minimum streamflows. Three policy recommendations had been made: 1) regarding the number of streams on which to establish minimum desirable streamflows, the state should identify minimum desirable streamflows, 2) regarding the relationship between minimum desirable streamflow and existing appropriations, the state should not subject existing water rights to the administration of minimum desirable streamflows, but should help achieve the minimum streamflows, and 3) regarding the use of reservoir water to achieve minimum desirable streamflows, the state should attempt to enhance streamflows, using reservoir water, and forego enhancing streamflows as drought conditions worsen in favor of providing water for water supply and water quality purposes. A brief question and answer period followed the presentation.

A motion was made by Representative Fox and seconded by Representative Grotewiel to approve the minutes of January 11, 1984. Motion carried.

The Chairman told the committee that a member had expressed the desire to visit the Furley site, and asked that if any other members would like to visit Furley to indicate their wishes.

There being no further business before the committee, the meeting was adjourned at 4:40 p.m.

The next meeting of the House Energy and Natural Resources committee will be held on Monday, January 23, 1984 at 3:30 p.m. in Room 519-S.

  
Rep. David J. Heinemann, Chairman

Date January 19, 1984

GUESTS

HOUSE ENERGY AND NATURAL RESOURCES COMMITTEE

NAME

ADDRESS

ORGANIZATION

Gordon M. Criswell	KANSAS CITY	GOV'S. Policy OFFICE
CHARLES J CAUCNEE	109 N 9 <sup>TH</sup>	GOV'S FELLOW / KWO
David W. Nickel	Topeka	KCC
Glen E. Kirk	Topeka	U.S. Bureau of Reclamation
Lucy Crites	Ottawa	_____
Mary Fund	Whiting	Ks. Rural Center
Whitney Damm	Topeka	KNRC
William W. Ham	Lawrence	KGZ
Bruce W. Johnson	Lawrence	KWA
Russell G. Gault	Ottawa	KWA
Robert J. Gander	Atop	KWA
Tom STILES	Topeka	KWO
R.L. Chandler	Mission Kansas	Water Dist #1 Jo. Co.
Bill Anderson	Mission	Water Dist #1 Jo Co
Joe HARKINS	TOPEKA	KWO

**FISCAL YEAR 1985**

**KANSAS WATER  
RESOURCES PROGRAMS**

**A REPORT TO THE  
GOVERNOR  
AND  
LEGISLATURE**

**Kansas Water Authority**

*Attachment 1  
1-19-84*

The State of Kansas

JOHN CARLIN, GOVERNOR

KANSAS WATER AUTHORITY

<u>Name</u>	<u>Position</u>	<u>Representing</u>	<u>Term Expires</u>
H. Philip Martin Larned, Kansas	Attorney	Governor	
Jack Alexander Topeka, Kansas	Water Commissioner City of Topeka	Kansas League of Municipalities	1985
Hugh Armstrong Salina, Kansas	Contracting Officer, Spillman Creek Watershed District	Association of Watersheds	1985
Robert J. Binder Hays, Kansas	Chairman, Ellis Co. Conser- vation District	Kansas Association of Conservation Districts	1984
Russell L. Crites Ottawa, Kansas		Kansas Association of Commerce & Industry	1987
Robert Knight Wichita, Kansas	Investment Banker	President of the House	1985
Larry K. Panning Ellinwood, Kansas	Chairman, Big Bend Ground- water Management District	Groundwater Management Districts #2 and #5	1986
Doyle Rahjes Agra, Kansas	Farmer	President of the Senate	1985
Eugene L. Shore Johnson, Kansas	Chairman, Groundwater Management District #3	Groundwater Management Districts #1, #3, and #4	1987
Marshall N. Tatum Fontana, Kansas	Executive Secretary, Rural Water District Association	Rural Water District Association	1984
Vacant		At Large	1985
Allan S. Abramson	Director, Division of Environment	Ex Officio	
Dr. John Dunbar	Director, Agricultural Experiment Station	Ex Officio	
Dr. W. W. Hambleton	Director, Kansas Geological Survey, KU	Ex Officio	
David L. Pope	Chief Engineer-Director, Division of Water Resources	Ex Officio	
Joseph F. Harkins	Director, Kansas Water Office	Ex Officio	

**KANSAS WATER AUTHORITY**

Suite 200, 109 S.W. 9th Street, Topeka, KS 66612 (913) 296-3185

*H. Philip Martin, Chairman*

P.O. Box D, 702 Broadway, Larned, KS 67550 (316) 285-6514



January 11, 1984

The Honorable John Carlin  
Governor of Kansas  
Statehouse  
Topeka, Kansas 66612-1590

Dear Governor Carlin:

It is my pleasure, on behalf of the members of the Kansas Water Authority, to submit our report covering Authority activities for the preceding twelve months.

Within the Kansas Water Resources Programs Report you will find a review of Authority activities during 1983, selected agency budget analysis, specific legislative proposals for the 1984 session and brief outline of proposed programs for Authority consideration during the upcoming year.

The most dominant issue during the past year, the comprehensive State Water Plan, received countless hours of scrutiny by Authority members. You and the members of the Legislature can be assured that the Authority will discharge its statutory responsibility in relation to the plan during 1984.

The individual members of the Kansas Water Authority can bring considerable talent and expertise to bear on water resource issues. To ensure that these talents are not squandered, the Authority will seek an improved dialogue with the Executive and Legislative branches of government.

Finally, and perhaps most importantly, the Authority will continue to seek wider public participation in regard to water resources. Government may be able to put various plans and programs in place. But, they will mean little unless Kansans are committed to them.

Yours truly,

H. Philip Martin

HPM: jla

Enclosures

The State of Kansas

FISCAL YEAR 1985

KANSAS WATER  
RESOURCES PROGRAMS

A Report to The  
Governor  
and  
Legislature

Kansas Water Authority

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## INTRODUCTION

The Kansas Water Authority characterizes 1983 as a year of learning, a year of interaction, a year of issue study and policy formulation, and a year of continued dedication to the formulation of a comprehensive State Water Plan.

Commitments to this latter goal are openly shared by the Governor, legislative leaders, agency directors, and the people of Kansas.

Throughout the past year, the Kansas Water Authority has advocated that the State Water Plan be readable, well organized, creditable, and purposeful. The document itself should be of a style and format that will inform and educate Kansans. It should be useful to the citizenry as well as water industry experts.

As an oversight agency, within a complex governmental structure of water-related agencies, the Kansas Water Authority has felt a need to maintain its independence in order to provide objective observations to the executive and legislative branches of government (complexities of the system are shown in the accompanying organization chart). Members of the Kansas Water Authority are unanimously committed to the principal that individual interests, personalities, desires and affiliations are overshadowed by the need to work together for the common good.

The Authority has been opposed to and continues to oppose any process which would sacrifice care and diligence to meet arbitrarily set deadlines. This is not to suggest that the Authority will impede progress.

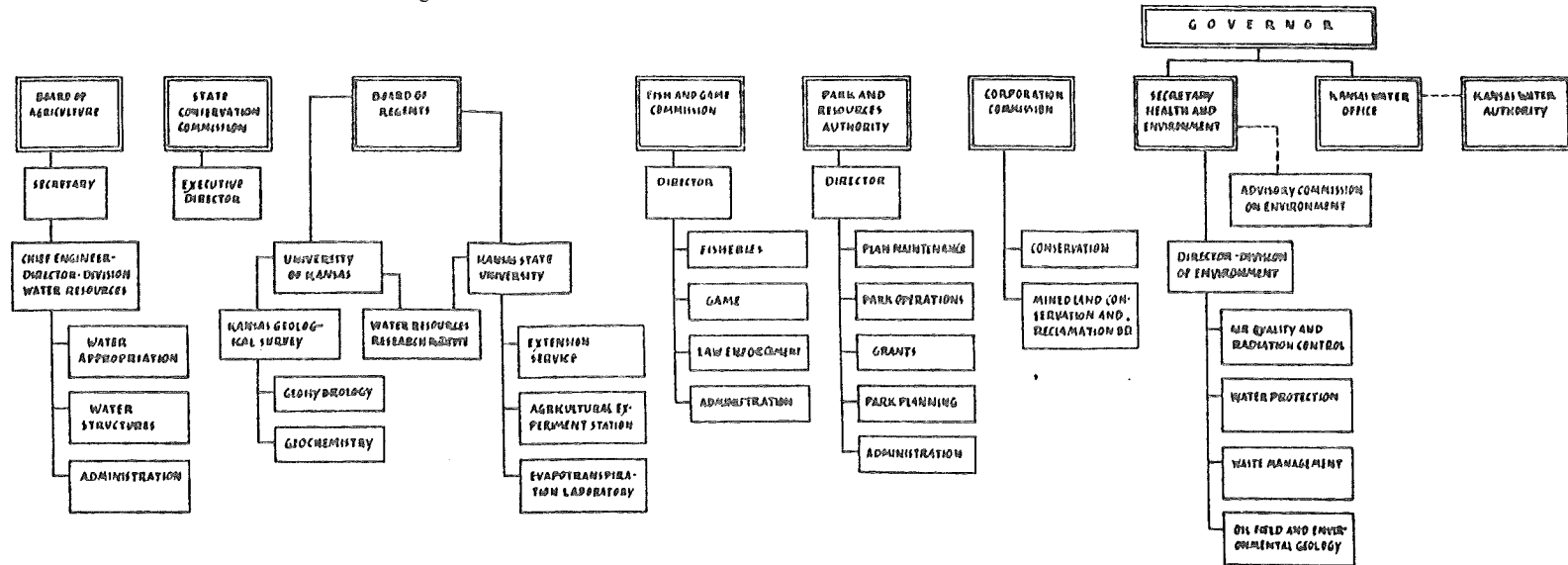
The Authority is prepared to move with all deliberate speed to carefully review and analyze document drafts. The Governor and Legislature can depend upon the Authority to forward for consideration only those documents of the highest quality and purpose.

The Authority's makeup provides a great deal of specialized talent which could be used by the Director of the Water Office in the course of the planning process. As an example, the Authority would offer the following document, which was approved at its October meeting:

The presence of water in Kansas is a result of the vagaries of nature - climate, topography, atmospheric patterns, etc. Water enters the state through precipitation, sub-surface inflow and streamflow in highly variable ways. It is a fugacious resource and will eventually leave by flow or evaporation and evapotranspiration. The residence time of water is highly variable.

Water may be retained in some aquifers for millions of years; the movement is very slow. Some water may flow through Kansas very rapidly, as during a time of heavy rainfall or flooding. Other water may be retained in valley alluvium or soil for intermediate periods of time. Much of it will be returned to the atmosphere very rapidly. All water entering the state must eventually leave it.

## ORGANIZATION OF WATER RELATED AGENCIES IN KANSAS



During its residence time in Kansas, water is held in trust for beneficial uses by the people of the state. For all these uses, Kansans must be conservative in their use of water during the residence time of that water.

Conservation of water is not simply frugal use. Conservation of water is defined to mean supply and demand management so as to increase the residence time to diminish the uncertainties of supply for all users.

The accomplishment of this elusive objective is only possible through careful planning and wise management.

Specific planning activities and management practices will embrace these principles:

1. Local initiative is preferable to a centralized bureaucracy to meet individual and regional needs.
2. Water resource developments already in place should be used to the maximum practical extent. New developments will be considered on a case by case basis, taking into account present and projected needs.
3. Resource development must integrate economic and environmental considerations.
4. To the extent possible, water resource developments will be paid for by the ultimate beneficiaries.
5. Priority components of watershed and land resource management include sediment control, flood control, conservation, water retention, and protection of public water supplies.
6. Pollution (i.e., the alteration of water quality to such a degree that present and prospective uses will be impaired) will be controlled to the maximum extent.
7. Instream uses for water quality, esthetics, and recreation should be maintained, when possible. Consideration may be given to restoration under appropriate circumstances.
8. The state encourages local participation in floodplain management programs.
9. Regulation and best management practices shall be used to abate groundwater overdraft where possible and to minimize depletion in other areas.
10. The integration of water quality planning and management with water resources development is essential.

Availability of water can be, and is, easily taken for granted. This attitude may be the only gauge to measure the ultimate success of the State Water Plan. Lack of success can be more easily identified and measured.

The initial responsibilities involved in the achievement of success will not fall equally upon groups or individuals. As times and circumstances change, it may be anticipated that certain responsibilities will shift further.

Nevertheless, it is possible to outline certain responsibilities which may be shouldered by state government:

1. The Conservation and Development Fund will be expanded and maintained.
2. [This section, dealing with a state-sponsored bonding system, was not adopted by the Authority. Further study will occur.]
3. Reliable and creditable supply and demand data will be collected and maintained. This data will be updated as needed.
4. Local and regional planning will be coordinated from a statewide perspective. Update planning may occur as needed.
5. Guidelines will be made available to aid local entities in their adoption of conservation plans.
6. Financial assistance will be provided to qualified groups and individuals to continue and enhance research, education programs, and conservation technical assistance.
7. The state will officially encourage and recognize plans and recommendations of local and regional entities. The state will recognize the rights of local water users to determine their own destiny insofar as it does not conflict with the basic laws and policies of the state.

This list of principles and recitation of responsibilities, for the most part, avoids specifics. Each succeeding layer of policy will become more specific. Over time, these succeeding layers of policy will require the most change.

Basic policy should be more enduring. It serves as a milepost to those who now and in the future will try to reach the ultimate goal.

This document was developed to define the boundaries within which the Authority seeks to see the plan develop.

In its role of oversight, the Authority has come to know the complexity and time-consuming nature of the task which the Kansas Water Office has faced and will continue to face.

More than 15,000 man-hours have been spent on the plan during the first ten months of calendar year 1983. This figure relates to hours spent in the Water Office alone and does not reflect the amount of time spent by

other individuals or agencies who may have offered cooperation or advice. It is not too difficult to extrapolate from this figure the amount of state funds which have been expended.

In the opinion of the Authority, continued expenditure of funds along these lines can be justified if it can be objectively determined by the Governor and Legislature that the most efficient course of action is the one currently being followed. Expenditures for planning in FY 1985 are expected to exceed \$400,000.

There are both advantages and shortcomings to the present system. The Authority has attempted to quantify these advantages and shortcomings to reach some sort of conclusion. An answer remains elusive.

One thing does present itself clearly: The tools presently on hand to complete this complex task can be categorized as a shortcoming.

An analogy may prove useful. Imagine that the job is to fire a rifle at a target. The target, like the future, cannot be seen, although the general location is known. Also, the target, like time itself, continues to move away even as one moves toward it. Immediately in front of the shooter's position is a forest. Thus, the problem is to hit a moving target one cannot see through an opening in the trees while moving.

The target obviously, is the aforementioned goal of providing supplies of high quality water. The bullet is the State Water Plan. The spaces between the trees are the short-range targets. The trees are impediments which must be avoided.

It is conceivable that one could hit the target without either sophisticated equipment or computer-based calculations. The odds of being successful, however, are not very good. The more variables that can be eliminated, using proper tools, the greater the odds of success.

Among the tools which the Authority believes are presently needed by the state's planners, and which are available, are research projects proposed by the Kansas Geological Survey.

✓ The first of these is entitled "Water Resources Planning Model for Kansas." The project is described as follows:

Because the demand on water resources of Kansas is increasing, planners are faced with the problem of interbasin water transfer; development of new and expansion of old surface reservoirs and well fields; construction of water transmission systems; and pollution control measures or plants. We propose that a planning methodology (model) be designed, in cooperation with the staff of the Water Office. This model can be used as a tool in the evaluation of all present and future water projects.

The specific objectives of this project are:

- (1) To develop and test a model (called planning model) to allow Kansas water planners to screen alternative

schemes for the development of water resources systems and to identify those temporal and spatial distributions of construction of water resources facilities that will most likely meet development goals at minimum cost. In addition, the model will enable planners and data service agencies to evaluate the adequacy of existing and proposed hydrologic data programs with respect to planning decisions.

- (2) To apply this model to a part of Kansas, and by the way of examples, show their advantages and disadvantages. The area to which this model will be applied will be jointly chosen by the staff of the Kansas Water Office and the Kansas Geological Survey.
- (3) To assemble this model on a computer system accessible to the Kansas Water Office staff, and provide training and consulting facilities for Water Office staff in the use of these models.

The second research proposal involves "Geohydrology of the Dakota Aquifer System in Kansas." The staff of the Kansas Geological Survey sets out a number of facts in its proposal:

The Dakota sandstone and stratigraphically equivalent sandstone units of cretaceous age comprise the Dakota Aquifer system that underlies most of central and western Kansas. In fact, the Dakota Aquifer system in Kansas is even larger in areal extent than the High Plains Aquifer.

The Dakota Aquifer is developed mainly where water supplies from shallower aquifers, such as the Ogallala and Alluvial aquifers are inadequate or fully appropriated. Where adequate supplies of fresh water are available from the High Plains Aquifer, the quality and quantity of waters in the Dakota Aquifer are relatively unknown. However, the Dakota is a locally important source of domestic, public supply, and agricultural water. For example, yields from irrigation wells completed in the Dakota Aquifer in southwest Kansas have ranged from 500 to 2,000 gallons per minute. The water quality in the Dakota Aquifer varies laterally and vertically ranging from fresh to saline.

#### Importance

Drought conditions during the 70's and at present, and projected depletion of the shallower water supplies from the Ogallala and Alluvial aquifers in western Kansas, have focused increased attention on the Dakota Aquifer as an alternative or supplementary source of water where pumping cost is reasonable and water quality is adequate for projected uses.

More mineralized water from the Dakota Aquifer could be substituted for or mixed with water from the High Plains Aquifer for many industrial uses.

### Proposed Tentative Plan of Action

We propose first to look at the existing data about the Dakota and prepare a detailed bibliography of studies and data sources related to the Dakota in Kansas and surrounding states. We then will construct a cross-section starting from the Dakota outcrop areas in central Kansas, where there is probably the best data control, and move west or northwest towards the Stateline, depending on data availability. The cross-section will display stratigraphy, lithology, water levels, and water quality. From such analysis, we can infer the lateral extent and continuity of the Dakota, the thickness and extent of the confining, underlying and overlying layers. By numerical modeling of this cross-section, we can get a handle on the amounts of recharge and leakage between the various units. Such diagnostic analysis will provide us with further insight and data needs for the next phase of the study, which will involve deep drilling, logging, formation testing, and water sampling along the selected section, so that questions resulting from the first phase could be resolved.

The third research proposal would study stream-aquifer relationships along selected reaches of the Kansas River. Again, to quote from the proposal:

The problem of streamflow depletion in Kansas has become increasingly important during the past decade. In some rivers, like the Neosho and the Cottonwood rivers, the transit losses of water released from reservoirs are of great concern to water planners and managers. The future water resources of the Kansas River are of great concern also because of demands on the river flow and adjacent aquifers.

The Kansas River is the largest river in Kansas with the average annual flow at DeSoto, Kansas, for the period 1944-1978 of 5.9 million acre-feet. The maximum annual flow is in the range of 15 to 20 million acre-feet; the minimum annual flow is in the range of 500,000 to 800,000 acre-feet.

-- The quality of the water in the Kansas River is acceptable for many uses. However, the quality varies, depending upon the origin of the water flowing into the stream. Clearly, the Kansas River is an important source of water supply because of its vast water resources, but it supplies many industries and municipalities along its course. We need to investigate this hydrologic system now, and to develop the tools for predicting its behavior in the future. We must be able to predict streamflow depletion caused by future groundwater development, and develop a procedure for simulating the behavior of this complex stream-aquifer system.

Total cost to fund these three projects during the first year is \$215,000. The Governor and Legislature should note that funding for these three projects is not included in the budget of the Kansas Geological Survey, which is within the budget submitted by the Board of Regents.

The Authority very strongly recommends that additional appropriations be made in order that these research projects go forward. These sort of tools increase the capability of planners to miss the trees and hit the target.

Obviously, the best research products and the most accurate data will be of little value if the actual firearm chosen does not reflect recent advances made in ballistics.

Even before the Water Office was formally charged with the responsibility of the plan's development, questions were raised regarding the capabilities and organizational makeup of the agency. These questions largely remain unanswered.

The Governor, at the request of the Office's Director, has indicated he will ask the Legislature to act expeditiously upon a proposal to allow a reorganization of the Office's staff.

The Authority supports this notion. The staff of the Office was not assembled with the expressed mission of drafting a water plan. The Governor's proposal is a modest step which affords the possibility of increased efficiency.

Certain disciplines which might, for instance, be represented on the staff of a private consulting-planning-engineering firm appear to be in short supply within the Water Office. If the Office is to fulfill its mission, both now and in the future, a lessening of the rigidity inherent with the classified system of Civil Service might be appropriate.

Another tool which the Authority has advocated the state provide is an accessible data bank. A concrete proposal has been drafted by an inter-agency committee in response to legislative requests.

The Authority has not yet been afforded the opportunity to review this proposal. Preliminary reports seem somewhat encouraging. The Authority plans to carefully review the proposal and communicate those views to the Legislature and Governor at the appropriate time.

Among its other planned activities for 1984, the Authority will study ways to better dovetail some ongoing research activities into the framework provided by the State Water Plan. Research is an extremely important part of a planning effort. Chronic shortages of funding for research underscore the necessity for proper coordination.

Data gathering is another area which the Authority plans to study. The amount of money spent on data gathering each year is breathtaking. As the next draft of the State Water Plan becomes more substantive, the Authority believes it will be possible to outline certain steps the state can take to enable it to acquire needed data at the most affordable price.

More specific studies are planned for the upcoming year. These include local planning and management alternatives, mandatory water use-efficiency guidelines, financing of water resource developments, interstate compacts,



federal cost-sharing, federal control of established and proposed reservoirs and water marketing for the future.

These studies are aimed at providing direction to the staff of the Water Office. Some suggestions may be quite specific. It is the desire of the Authority that certain suggestions be included within the next draft of the State Water Plan.

The Director of the Water Office has indicated that the Authority will have an opportunity within the coming year to approve more sections of the State Water Plan in order that the Legislature, in turn, may debate and act upon them. Additionally, further activities are planned by the Office relative to minimum streamflow studies.

The Legislature and Governor should be aware that the Authority is steadfastly committed to deliver a quality water plan. The citizens of this state deserve no less than our best efforts.

The pages that follow contain the Authority's legislative recommendations and certain agency budget reviews. Each item has been carefully reviewed. Each item was unanimously endorsed by the Authority.

F O R W A R D

Inasmuch as the Minimum Streamflow Section of the State Water Plan is being forwarded under separate cover, the following legislative proposals may take on the appearance of diminished importance. Such is not the case.

The Kansas Water Authority is of the belief each proposal deserves careful legislative attention.

The Authority welcomes the opportunity to appear before appropriate committees of the Legislature to answer questions as they arise.

PROPOSAL NO. 1

Amendment to 1983 Session Laws, Chapter 343, Section 1(k).

As proposed, this amendment would add the following to K.S.A. 1983 Supp. 82a-1301:

(k) "Surplus Waters" means waters within the conservation water supply capacity committed to the State, but not required to meet contractual requirements made pursuant to K.S.A. 1983 Supp. 82a-1305.

This amendment would add the term "surplus waters" to the list of defined terms. The statute does not presently define this term. A very careful reader may be able to discern the meaning by reading the entire act.

As drawn here, this amendment does not signal a shift in policy. The sole purpose of the amendment is to clarify the term "surplus waters."

Such an amendment, in the Authority's opinion, would be an aid to prospective purchasers and the general public.

PROPOSAL NO. 2

Amendment to 1983 Session Laws, Chapter 343, Section 4.

As proposed, this amendment would divide K.S.A. 1983 Supp. 82a-1035 into two sections and add certain language:

82a-1305(a) ~~Whenever~~ If the authority finds that a proposed withdrawal and use of water, other than surplus waters, is in the interest of the people of the state of Kansas and will advance the purposes set forth in article 9 of chapter 82a of Kansas Statutes Annotated, and amendments thereto, it shall authorize the director to enter into negotiations for the purpose of entering into written contracts with any persons for withdrawal and use within or without the state of waters from conservation water supply capacity committed to the state. Every such contract shall comply with the provisions of this act. The director shall not contract for withdrawals of water from a particular reservoir which, in the director's opinion, are in excess of the yield capability from such reservoir of conservation water supply committed to the state computed to provide water through a drought having 2% chance of occurrence in any one year with the reservoir in operation. All contracts under this subsection shall have terms of not less than 10 years unless desired by the applicant. Whenever a contract expires, the director shall give the persons with whom the director contracted therein, the opportunity to first refuse any new offering of the water before offering the same to

applicants under the provisions of section II. The right of first refusal shall not apply to persons with whom the director has contracted with for the disposal of surplus waters.

(b) ~~Whenever~~ If the authority finds that it is in the public's interest and will advance the purposes set forth in this act and in article 9 of chapter 82a of Kansas Statutes Annotated, and amendments thereto, the authority shall authorize the director to dispose of waters ~~from the conservation water supply capacity committed to the state not required to meet contract requirements under this section if it has found such~~ waters found by the authority to be surplus waters. Any arrangement for the disposition of any such surplus waters shall not be subject to the provisions of K.S.A. 82a-1306, 82a-1307 and section 7, and amendments thereto, relating to long term contracts; ~~but no~~ No such arrangement shall be made for a period of time in excess of one year nor ~~may shall~~ any such arrangement dispose of water from the conservation water supply capacity in excess of 10% of the yield capability as computed pursuant to ~~this section~~ subsection (a) unless the governor has declared that an emergency exists which effects the public health, safety or welfare. No charge shall be levied on the disposition of surplus waters when the purpose for such disposition is streamflow maintenance or reservoir pool management. ~~Whenever the disposition of any such surplus waters is for any purpose other than for streamflow maintenance or reservoir pool management, a charge shall be levied thereon at a rate set by rule and regulation adopted pursuant to this act.~~ A charge at a rate not to exceed the rate established pursuant to K.S.A. 1983 Supp. 82a-1306 shall be levied on the disposition of surplus water when the purpose of such disposition is the maintenance of the public health. A charge at a rate that may exceed the rate established pursuant to K.S.A. 1983 Supp. 82a-1306 shall be levied on the disposition of surplus waters when the purpose for such disposition is other than stream flow maintenance, reservoir pool management, or maintenance of the public health.

As this statute is presently drawn, procedures for both the sale of water pursuant to long-term contracts and the sale of surplus water via short-term contracts are contained within the same paragraph. In that the procedures required in negotiating long-term contracts differ from temporary contracts dealing with the sale of surplus water, the Authority is of the opinion that it is proper to separate the statute into two subsections.

Subsection (a) deals with standard long-term contracts for the sale of water. Except for the last sentence of the subsection, the amendments deal with differentiating long-term contracts from short-term contracts involving surplus water sales.

The last sentence has been added to clarify a purchaser's lack of future interest in water purchased by short-term contracts. Rights of long-term contract holders and prospective long-term contract holders are not affected by this change.

This change is important, in the Authority's view, to carefully set out the differences between long-term contracts, which create a future interest, as opposed to short-term contracts, which do not create a future interest.

As the statute is presented here, subsection (b) deals with short-term contracts. The first change involves the striking of the definition of "surplus waters." Since this definition would be included in the definition section, assuming the adoption by the Legislature of Authority proposal number one, there would no longer be a need to define it within the subsection.

The next change clarifies the language setting out the removal of limitations on short-term contracts during a time when the Governor has declared an emergency.

The last change deals with rates to be charged for the sale of surplus waters. A disagreement arose during 1983 between the Authority and the Office of the Attorney General as to whether different rates could be charged for surplus water based on the proposed use of the water. This change would end the disagreement.

The Authority feels very strongly that this change is needed to provide an incentive for water users to make appropriate plans regarding acquisition of future water supplies.

Presently, a water user, facing a shortfall from established sources, has no incentive to enter into a contract until the situation reaches crisis proportions. At the time the situation becomes critical, the user may file an emergency application. Such applications are handled with a considerable amount of dispatch.

Costs associated with an emergency application can be considerable. Overtime may be required among the employees of the Water Office, (and, depending upon the circumstances, the Division of Water Resources) travel may be required and the Authority may be required to meet and transact business by conference call.

In essence, what has developed is a situation in which certain users look at the state's water supplies as an "insurance policy" upon which the state is paying the "premium." The "insurance policy" is in effect

year-round, yet a user need only contribute to the "premium" cost after the benefits begin to directly accrue.

In situations such as this, the Authority proposes charging a rate double the established rate.

The Authority would make a final and very important point - the proposed increased rate would not apply to cases dealing with the maintenance of the public health.

### PROPOSAL NO. 3

Amendment to the 1983 Session Law, Chapter 343, new 7(2).

As proposed, this amendment would change K.S.A. 1983 Supp. 82a-1308(a) (2) to read:

(2) an amount as interest computed at a rate per annum equal to the average rate of interest earned on ~~investments~~ repurchase agreements of less than 30 days' duration entered into by the pooled money investment board on the net amount of moneys advanced from the state general fund for payment of the amortized capital costs incurred and associated with state's conservation water supply capacity divided by the greater of (A) Fifty percent of the total amount of water under contract from the state's conservation storage water supply capacity in the preceding year; or (B) the total amount of water withdrawn from the state's conservation storage water supply capacity in the preceding year.

The Authority submits this proposal at the request of the Treasurer's Office.

Succinctly stated, this proposal is an effort to simplify the calculating of average rates of interest. Three components - repurchase agreements, long-term investment accounts and time deposit open accounts - are computed constantly. However, an average annual rate which uses all of the components is not, ordinarily, computed.

An example of a state agency using one of the three factors is the State Highway Fund which uses time deposit open accounts. (See K.S.A. 1982 Supp. 68-2313) The National Direct Student Loan Fund uses repurchase agreements. (See 1983 Session Laws, ch. 249§1(b).)

The benefits and drawbacks of choosing among the three methods should be mentioned. Time deposit open accounts reflect interest rates nearly on a daily basis. Repurchase agreements reflect interest rates on a monthly basis. Long-term investment accounts reflect interest rates on a quarterly basis.

If interest rates are climbing at a rapid pace, time deposit open accounts should produce the highest average annual rate. Conversely, during periods of rapidly declining interest rates, the long-term accounts will produce the highest average annual rate.

Determination of the absolute best rate, unfortunately, requires an ability to see clearly into the future. As a practical matter, it may make little difference which rate is chosen, if one views the issue over the long-run.

PROPOSAL NO. 4

Amendment to K.S.A. 1983 Supp. 82a-1314.

As proposed, this amendment would cause this statute to read as follows:

82a-1314. Whenever a person, who has a contract under K.S.A. 82a-1305, and amendments thereto, wishes to make a withdrawal of water, such person shall so advise the director. Whenever the bed of a watercourse is to be used to carry waters so released, the director shall inform the chief engineer. ~~In accordance with such advice, and at a time agreed upon by the director and the chief engineer within two days of such request,~~ Upon four working days notice by the director, the chief engineer shall protect such releases. ~~The~~ the director shall request the authorities in charge of the operation of the reservoir to make an appropriate release of water. The person for whom waters are released may conduct such waters into and along any watercourse and may withdraw or redivert the same at points specified in such person's contract, without regard to holders of water rights to the waters of the watercourse, due allowance being made for seepage and evaporation. The provisions of K.S.A. 82a-706b to 82a-706e, inclusive, shall apply to water so released. In addition to such authority and duties, the chief engineer shall protect and shall have authority to enter into agreements necessary to protect any release of water.

The Authority submits this proposal at the request of David Pope, Chief Engineer.

Essentially the change sought is a matter of practicality. According to Mr. Pope, it is not always possible, within two days, to make arrangements to protect the type of reservoir release referred to in this statute.

Mr. Pope has assured the Authority that his office will move with expeditiousness when requested.

The Legislature should note that employees of DWR could conceivably, spend most of one day actually traveling to the site. Since daylight is necessary to survey the situation, the actual time available to employees to take appropriate action might be less than 12 hours. (This is assuming the present time period of two days.)

The Authority strongly recommends passage of this amendment.

PROPOSAL NO. 5

Amendment to K.S.A. 82a-726.

As proposed, this amendment would cause the statute to read as follows:

~~82a-726. Subject to the provisions of article 7 of~~  
~~of chapter 82a of the Kansas Statutes annotated and~~  
~~acts amendatory thereof or supplemental thereto,~~  
any Any person, firm, city, village municipal  
~~corporation or any other entity in this state~~  
intending to ~~withdraw~~ divert and transport  
~~groundwater~~ water produced from ~~any well or wells~~  
a point or points of diversion located in this state  
for use in ~~an adjoining~~ another state, shall make  
application to the chief engineer of the division of  
water resources of the state board of agriculture for  
a permit to appropriate water for beneficial use,  
or file an application for change in point of diversion,  
place of use, type of use or any combination thereof.  
If the chief engineer of the division of water resources  
finds ~~that such withdrawal and transportation of such~~  
~~groundwater is reasonable, not contrary to the~~  
~~conservation and use of groundwater and not otherwise~~  
~~detrimental to the public welfare,~~ the diversion and  
transportation of such water complies with Chapter 341  
of the 1983 Session Laws of Kansas and amendments thereto  
and any other state laws pertaining to such diversion,  
transportation and use of water he or she shall grant a  
permit therefore ~~if the state in which the water is to~~  
~~to be used grants reciprocal rights to withdrawal and~~  
~~and transport groundwater from that state for use in~~  
~~this state.~~ upon such terms, conditions, and  
limitations as the chief engineer shall deem necessary  
for the protection of the public interest and subject  
to the condition that, should such waters be necessary  
to protect the public health and safety of the citizens  
of this state, the vested right, permit to appropriate  
water for beneficial use or certificate to appropriate  
water for beneficial use may be suspended, modified or  
revoked by the chief engineer for the purpose of making  
such waters available to protect the public health and  
safety of the citizens of this state.



The impetus for this major change in policy has come about largely because of the decision of the U.S. Supreme Court in the case of Sporhase v. Nebraska 102 S Ct 3456, 73 L Ed 2d 1254.

This amendment would change the existing statute in a number of respects.

First, the proposed language deletes the specific reference to "groundwater" thus bringing both surface and groundwater, which another state may attempt to appropriate, under the aegis of the chief engineer.

Second, the language clearly sets out the fact that any such appropriation must conform with all existing laws dealing with the diversion of water. (Including, specifically, Chapter 341, 1983 Session Laws, dealing with water transfers.)

Third, the proposed amendment is carefully drawn to give the chief engineer considerable latitude to protect the public health and safety when faced with the necessity of making a decision on an interstate transfer.

At this point, it seems appropriate to briefly set out what the justices said in Sporhase.

The case came about after Joy Sporhase and Delmar Moss sought to irrigate two contiguous pieces of farmland from the same irrigation well. One of the properties was located in Chase County, Nebraska. The other was located in Phillips County, Colorado. The well was located on the Nebraska tract.

Nebraska law\* prohibited the exportation of groundwater unless "The Director of Water Resources finds that the withdrawal of the groundwater requested is reasonable, is not contrary to the conservation and use of groundwater, and is not otherwise detrimental to the public welfare. . ."

The law continued on to say the director could only grant a permit if ". . .the state in which the water is to be used grants reciprocal rights to withdraw and transport groundwater from [that] state for use in Nebraska."

The Supreme Court found this latter statement offensive. It ruled: (1) groundwater is an article of commerce; (2) such a reciprocity provision violates the Commerce Clause of the U.S. Constitution as imposing an impermissible burden on interstate commerce; (3) Congress has not granted the states permission to regulate exportation of water from interstate aquifers such as the Ogallala.

Inasmuch as the language presently used in 82a-726 is quite similar to that used in the offending Nebraska statute, it appears clear the law will not pass constitutional muster in its present form.

\* § 46-613.01 Nebraska Revised Statutes.

Rather than simply repealing the reciprocity provision (leaving, in the minds of some, the state vulnerable to the covetous nature of out-of-state individuals and corporations) counsel for the Division of Water Resources has inserted a provision which could restrict, if not actually sever, the flow of water if a situation within the state, requiring the use of the same water, were to arise.

In its opinion the Court seems to sanction such an exception: "If it could be shown that [Nebraska] as a whole suffers a water shortage, that the intrastate transportation of water from areas of abundance to areas of shortage is feasible regardless of distance, and that the importation of water from adjoining states would roughly compensate for any exploration to those states, then. . .conservation and preservation purpose[s] might be creditably advanced for the reciprocity provision. A demonstrably arid state conceivably might be able to marshal evidence to establish a close means-end relationship between a total ban on the exportation of water and a purpose to conserve and preserve water."

According to David Pope, Chief Engineer, and the Division's counsel, Lee Rolfs, most of the western states who are attempting to bring their statutes in line with the Sporhase decision have adopted language similar to this proposal.

The Authority strongly recommends the adoption of this amendment.

#### PROPOSAL NO. 6

Amendment to K.S.A. 1982 Supp. 76-2622(a).

As proposed, an addition to K.S.A. 1982 Supp. 76-2622(a) would cause the statute to read:

76-2622(a). There is hereby established with and as part of the Kansas water office the Kansas water authority. The authority shall be composed of 16 members of whom 11 shall be appointed as follows: (1) Eight members shall be appointed by the governor for terms of four years, except that of the first members of the authority, two members shall be appointed for terms commencing July 1, 1981, and ending on May 1, 1982, two members shall be appointed for terms commencing on July 1, 1981, and ending on May 1, 1983, two members shall be appointed for terms commencing on July 1, 1981, and ending on May 1, 1984, and two members shall be appointed for terms commencing on July 1, 1981, and ending on May 1, 1985. The governor shall designate the term for which each of the members first appointed shall serve. Of the members appointed under this provision one shall be a representative of large municipal water users, one

shall be representative of small municipal water users, one shall be a board member of a western Kansas groundwater management district, one shall be a board member of a central Kansas groundwater management district, one shall be of the Kansas association of conservation districts, one shall be representative of industrial water users, one shall be a member of the state association of watershed districts, and one shall be representative of the general public. The member who is representative of large municipal water users shall be appointed from three nominations submitted by the Kansas league of municipalities. The member who is representative of small municipal water users shall be appointed from three nominations submitted by the Kansas rural water district's association. The member who is representative of a western Kansas groundwater management district shall be appointed from three nominations submitted by the presidents of the groundwater management district boards No. 1, 3, and 4. The member who is representative of a central Kansas groundwater management district shall be appointed from three nominations submitted by the presidents of the groundwater management district boards No. 2 and 5. The member who is representative of industrial water users shall be appointed from three nominations submitted by the Kansas association of commerce and industry. The member who is representative of the state association of watershed districts shall be appointed from three nominations submitted by the state association of watershed districts. The member who is representative of the Kansas association of conservation districts shall be appointed from three nominations submitted by the state association of conservation districts. If the governor cannot make an appointment from the original nominations, the nominating authority shall be so advised and, within 30 days thereafter, shall submit three new nominations; (2) one member shall be appointed by the governor, subject to confirmation by the senate as provided in K.S.A. 1982 Supp. 75-4315b, and such member shall serve at the pleasure of the governor and shall be the chairperson of the authority. Said chairperson shall be the services of an administrative assistant. The administrative assistant, for payroll purposes, shall be considered a member

of the staff of the Kansas Water Office and shall be in the unclassified service under the Kansas civil service act; Provided, the selection, employment and termination of the administrative assistant shall be the sole responsibility of the chairperson. Members appointed by the governor shall be selected with special reference to training and experience with respect to the functions of the Kansas water authority, and no more than five of such members shall belong to the same political party; (3) one member shall be appointed by the president of the senate for a term of two years commencing on July 1, 1981; and (4) one member shall be appointed by the speaker of the house of representatives for a term of two years commencing on July 1, 1981. The state geologist, the chief engineer of the division of water resources of the state board of agriculture, the director of the division of environment of the department of health and environment, the director of the Kansas water office and the director of the agricultural experiment stations of Kansas State University of agriculture and applied science shall be nonvoting members ex officio of the authority. The director of the Kansas water office shall serve as secretary of the authority.

The Authority strongly recommends adoption of this amendment which would, in effect, "legitimize" the special projects worker position.

Unless this amendment passes, there will continue to be no statutory authority for the special projects worker (the Authority's only staff member).

The members of the Authority seriously question whether they, as a group, can maintain their viability without the effort and insight of an independent staff member. In theory, the staff member is the chairman's assistant. In practice, any member may call upon the staff member for assistance.

The Authority is aware this position has been criticized largely because of its uniqueness. The Legislature should be mindful that the duties and responsibilities of the Authority are, themselves, unique. It is simply not fair to compare the Authority to many of the other advisory panels and boards.

Finally, it seems appropriate to point out that the present procedure for funding this position does not treat the person who is holding it with much fairness. The staff person serves at the pleasure of the chairperson who, in turn, serves at the pleasure of the Governor. Such a degree of uncertainty seems more than adequate without adding other uncertainties.

SELECTED BUDGET REVIEWS

## KANSAS WATER OFFICE

PROGRAM TITLE: WATER RESOURCES

### AGENCY REVIEW BY:

Bob Knight  
Doyle Rahjes  
Phil Martin

### I. PROGRAM DESCRIPTION

Management of the water resources program is the responsibility of the Kansas Water Office and the Kansas Water Authority. The program includes four subprograms: administration and policy analysis, planning and policy development, technical services, and the Kansas Water Authority.

The Kansas Water Office is the water planning and marketing agency for the state. The primary statutory function of this program is the development of a State Water Plan to provide for the management of the state's water resources. The Office also administers the State Water Plan Storage Act, which authorizes the state to enter into contracts with the federal government for the purpose of water supply storage. Subsequently, water supplies may be sold to entities and individuals.

The 16-member Kansas Water Authority shall consult with and be advisory to the Governor, Legislature, and Director of the Water Office. Other statutory responsibilities include: review and evaluation of water-related programs; analysis of water policy and resource planning; approval of water marketing activities; approval of legislation, prior to submission, originated by the Water Office; comparative analysis of federal, state and local laws; evaluation of budgets of water-related agencies; and approval of certain administrative regulations.

### II. PROPOSED FISCAL YEAR 1985 OPERATIONS

1. Administrative and Policy Analysis Subprogram. The agency proposed that this subprogram continue to provide: administrative support to the Office and the Kansas Water Authority; staff support to the Water Authority; and policy analysis for the Governor, the Legislature, and the Water Authority. For FY 1985, it has been proposed that this subprogram complete the development of computerized abstract service and initiate a program to establish research priorities and disseminate water-related research findings to user agencies.
2. Planning and Policy Development Subprogram. Three major activities have been proposed under this subprogram. First, the preparation of strategies for all elements of the FY 1985-86 State Water Plan. Second, the initiation of indepth studies of those issues which are identified for further consideration in the plan. Third, the continuation of reviewing and coordinating the water-related activities of other state agencies and political subdivisions to ensure that their activities are in conformance with the State Water Plan.

3. Technical Services Subprogram. It has been proposed that this subprogram continue administering the water marketing program and collecting and compiling water-related information. It has also been proposed that this subprogram begin to monitor minimum streamflows for the Neosho, Cottonwood, Marais des Cygnes, and Little Arkansas rivers. Also, the agency plans to complete a minimum desirable streamflows technical report for streams identified in the State Water Plan.
  
4. Kansas Water Authority Subprogram. The agency has proposed that this subprogram continue its on-going activities which include: making recommendations to the Governor and the Legislature on the State Water Plan; actions required by the State Water Plan Storage Act or water transfer legislation; completion of the F.Y. 1986 Kansas Water Resources Program report; and recommendations on all matters brought before it by the Governor, Legislature, or the Director of the Kansas Water Office.

Expenditures by Object	FY 84 Estimate	A Level Budget	B & C Level Budgets
Salaries and Wages	779,036	853,156	856,673
Contractual Services	2,386,273	2,175,117	2,233,891
Commodities	5,125	5,483	7,290
Capital Outlay	4,406	7,141	7,141
Subtotal State Operations	3,174,840	3,040,897	3,104,995
Aid to Local Units	-	-	-
TOTAL EXPENDITURES	\$3,174,840	\$3,040,897	\$3,104,995
 Expenditures by Fund			
State General Fund State Operations	3,165,678	3,040,897	3,104,995
Aid to Local Units	-	-	-
Subtotal State General Fund	3,165,678	3,040,897	3,104,995
Other Funds State Operations	9,162	-	-
Aid to Local Units	-	-	-
Subtotal Other Funds	9,162	-	-
TOTAL EXPENDITURES	\$3,174,840	\$3,040,897	\$3,104,995
F.T.E. Positions	24.5	24.5	24.5

### III. BUDGET OVERVIEW - FISCAL YEAR 1985

Budget Level B. The Agency's FY 1985 Budget Level B request totaling \$3,104,995 would be financed entirely from the State General Fund. This amount is below the revised FY 1984 estimate of \$3,174,840 by \$69,845 for a reduction of 2.2 percent. A total of 24.5 F.T.E. positions are requested in both the revised FY 1984 and FY 1985 budgets.

The decrease in requested total expenditures from FY 1984 to FY 1985 is due to reductions in contractual services which include the amount budgeted for minimum desirable streamflow studies as well as a \$144,734 reduction in the amount scheduled for repayment to the federal government for water supply storage space in reservoirs constructed in Kansas by the U.S. Corps of Engineers. All other object codes are budgeted in FY 1985 for inflationary increases above projected operational expenditures for FY 1984. Level B also includes funds for three new activities for FY 1985. These activities are: a computerized abstract service; contractual services to gaging stream aquifer interaction research; and contractual services to monitor low-flows on streams for which minimum desirable streamflows have been implemented.

Computerized Abstract Service. During FY 1984, the Office plans to develop an information index to provide an abstract of data collection activities, programs, and studies pertaining to Kansas water resources. A research update will identify current research projects and provide abstracts of completed project reports. This information index will be stored in computer files and be retrieved by reference to location, subject, and time period of interest. This abstract service will be used to disseminate water related research findings to user agencies and the public.

The budget document includes a request for \$16,814 in FY 1985 to increase its computer capabilities so the system may become fully operational. Only \$12,324 of this amount can be directly identified and includes: \$3,517 under salaries and wages for a temporary Data Entry Operator II; \$7,000 for computer equipment and services either for renting a micro computer or for the expansion of the current Write-On word processing system; and \$1,807 for data processing supplies. The document does not identify the remaining \$4,490 in planned expenditures.

Stream Aquifer Interaction Research. The agency plans to contract for comprehensive hydrologic evaluations of the cause-effect relationships between streams or rivers and associated aquifers. The results of this research would be used for administration



of the Water Appropriation Act and the State Water Plan Storage Act. The Office is requesting \$8,153 in FY 1985 for contractual services to investigate the most appropriate methodology to be used in conducting this research and to identify the highest priority streams for study. According to the agency, additional funds will be necessary to conduct these evaluations for each stream.

Minimum Desirable Streamflows. The Office plans to establish minimum desirable streamflows for the Neosho, Cottonwood, Marais Cygnes, and Little Arkansas River in FY 1985. \$14,625 has been included for contractual services to purchase monitoring equipment on these four streams.

Budget Level A. The agency's FY 1985 Budget Level A request totaling \$3,040,897 would be financed entirely from the State General Fund. This represents a 4.2 percent decrease in agency expenditures below the current projected level of expenditures for FY 1984. The following activities budgeted at Levels B & C are omitted at Level A: completion of the computerized abstract service; contractual services for stream aquifer interaction research; and contractual services to purchase equipment to monitor minimum desirable streamflows. The A level of expenditures would also reduce the amount budgeted at Budget Levels B & C for the United States Geological Survey Cooperative Agreement for streamflow and rainfall data collection by \$26,566. The agency contends that the A level of funding would eliminate approximately 19 of the 172 existing gaging stations.

Budget Level C. Same as Level B.

#### IV. BUDGET DETAIL - BUDGET ISSUES

##### Fiscal Year 1984 Revisions

1. Summary. For FY 1984, \$25,000 of available funds totaling \$3,174,840 have been reallocated for a study to determine the amount of water that is lost when it is transported in the stream from a reservoir to a point of use. This study will include the Cottonwood River from Marion Reservoir to the Neosho River and the Neosho River from Council Grove Reservoir to Iola. The cost of this study will be offset by the following reductions in other areas: \$8,100 from relocation expenses, \$5,740 from salaries and wages, \$1,998 from other operating expenditures, and \$9,162 from federal mineral intrusion funds.

##### Fiscal Year 1985

1. Agency Mission.
  - a. The major function of this agency is the development and implementation of the State Water Plan.

- b. The Kansas Water Office has informed the Kansas Water Authority that primary emphasis of the planning and policy development subprogram will be the development of a State Water Plan. No budget adjustments will be made in FY 1985. This position is taken even though there will be a delay of submission of the the State Water Plan until calendar year 1985. This delay was, apparently, not contemplated at the time the original budget documents were prepared.

2. Personnel - Salary and Wages.

- a. Budget Levels B & C. For FY 1985, the agency requests a total of \$856,673 to finance salaries and wages, \$845,434 is for one unclassified position, 23.5 classified positions and one special project worker position. \$3,517 is also provided for a temporary data entry operator to work on the computerized abstract service. Salaries for all positions are increased by five percent in accordance with the recommended salary policy. \$7,722 is also requested for compensation for the 11 private citizen members of the Kansas Water Authority. This level of funding is based on the projected level of expenditure for FY 1984.

ISSUES

- b. Given the mission of the Kansas Water Office as shown above, the Office has been under intense pressure the past 12 months to produce a State Water Plan. Approximately 15,000 man-hours have been spent on the plan during the first 10 months of calendar year 1983. The Kansas Water Authority has monitored this activity of the Kansas Water Office.
- c. The agency has informed the Kansas Water Authority that the staff to be assigned to the planning and policy development subprogram will include one hydrologist V, two hydrologists IV, six hydrologists III, and two hydrologists II. Salary and wage expenditures for this subprogram in FY 1985 will be approximately \$417,505 with other operating expenditures estimated to be \$28,775.
- d. The budget review reveals the agency has eight of 24.5 F.T.E. positions serving in administrative or clerical positions. The staffing pattern further shows 14 hydrologists positions, including two part-time positions. In addition, there are two engineering technician positions and a graphic designer II position. The special project worker for the Kansas Water Authority is also within the structure.

- e. Temporary Data Entry Operator. This agency is requesting a temporary data entry operator to work on the computerized abstract service. The Kansas Water Authority has been advised that this temporary position was not included in the recommendations of the State Budget Director and that the Kansas Water Office will not appeal the decision.
- f. Kansas Water Authority Staff. The agency is requesting a special project worker position to serve as special assistant to the chairman. A total of \$24,456 plus fringe benefits and a five percent salary increase is requested to finance this position in FY 1985. Continuation of the existing special project worker position as an unclassified permanent employee would require legislative action to amend K.S.A. 74-2613 and 74-2614, which currently limit unclassified positions to that of the Director of the Kansas Water Office.

#### RECOMMENDATIONS

- g. Observation of the planning process of the Kansas Water Office during calendar year 1983, together with the oversight review of its FY 1985 budget, raises concern in the area of personnel, salary and wages. The present organizational make-up does not lend itself well to the agency's primary goal - delivery of the State Water Plan. The agency is overloaded with staff members whose expertise lie in technical areas while an apparent lack of professionals versed in planning exists. Question is also raised as to the number of administrative and clerical employees. Staff numbers appear to be adequate but not balanced to the present charge of the agency by the Executive and Legislative branches of government.

Flexibility is needed within the organization to have personnel on board to meet the demand of producing a quality State Water Plan. Efforts should be made to improve staff capacities and management of the Kansas Water Office in light of present and future responsibilities.

- h. Cost effectiveness within the planning process is worthy of consideration. An expenditure of state funds for 15,000 man-hours in the past 10 months and anticipated expenditure of \$445,000 in FY 1985 is not to be taken lightly. Will there be similar and additional expenditures in FY 1986, FY 1987, and thereafter?
- i. With the assumption that the Kansas Water Office may be fine-tuned and structured into a modern planning agency and with the further assumption that reasonable time will be granted in completion of a State Water Plan,

The Kansas Water Authority recommends funding of salary and wages at Level B with the exception of the temporary Data Entry Operator.

Budget Level A. For FY 1985, the agency requests a total of \$853,156 for salaries and wages at level A. This level of expenditures is the same as levels B & C with the exception that funding for the temporary Data Entry Operator II has been eliminated.

3. State Water Plan - Biennial Review.

- a. The Director of the Kansas Water Office has said the planning process should be responsive to changing social, economic and environmental conditions. A two-year cycle is considered optimum by the Kansas Water Office because it will allow for a period of planning followed by a year of implementation. No cost projections for this biennial update are found in the budget document.

ISSUES

- b. Should there be an automatic sunset of the State Water Plan every two years as recommended in the budget document?

RECOMMENDATIONS

- c. The proposal for the biennial review and automatic sunset of the State Water Plan is premature. The Kansas Water Authority requests the Executive and Legislative branches of government to withhold consideration of this issue until the plan is complete. Various segments of the plan may warrant review at varying intervals. Further reliance upon local planners (a key element of the plan, at this point) may reduce the necessity for institutionalization of the planning process at the state level.
4. Communications. Anticipated FY 1985 expenditures for communications costs total \$21,523 at Budget Levels A, B, & C. According to the agency, this level represents a seven percent increase for postage and a 25 percent increase for basic telephone services over FY 1984. However, this cannot be verified since such detail was not provided in the FY 1984 expenditure justification. An additional \$1,238 is requested in FY 1985 for special conference call meetings of the Kansas Water Authority.

ISSUE

- b. Why was there no justification of FY 1984 expenditures for communications and, therefore, no basis of consideration for FY 1985?

## RECOMMENDATIONS

- c. The Kansas Water Office has informed the Water Authority that the Division of Budget did not require justification in FY 1984. The response of the Kansas Water Office is evasive. Budget procedures should not avoid justification even though requested funding levels may be appropriate. The Governor and the Legislature should consider this point in future budget reviews of the Kansas Water Office.
5. Freight and Express.
  - a. Anticipated FY 1985 expenditures total \$1,378 at all three budget levels. These expenditures are for express mail service to supply Kansas Water Authority members with information 10 days prior to a Kansas Water Authority meeting. The FY 1985 request is based on a six percent increase over current projected expenditures for FY 1984.

## ISSUE

- b. Did the Kansas Water Office conduct a study as to delivery time for mailing to members of the Kansas Water Authority prior to making the decision that all mailings to Authority members be by Express Mail?

## RECOMMENDATIONS

- c. No study or analysis of the expenditure for freight and express was made by the Kansas Water Office prior to implementation of this procedure. Prior to approval of the requested expenditure, the Kansas Water Authority recommends that the Kansas Water Office make inquiry as to delivery alternatives and time frames. Although a small budget item, this issue is significant from the standpoint of efficient utilization of resources.
6. Printing and Advertising. For FY 1985, the agency requests \$17,120 at all three budget levels. This represents a seven percent increase over projected expenditures for FY 1984.
7. Rents.
  - a. The agency requests a total of \$42,200 for rents at all three budget levels. Of that amount: \$30,300 is for office rent for Kansas Water Office; \$4,114 for office rent of Kansas Water Authority; \$1,575 for storage rent; \$2,350 for conference room rent; \$3,679 to rent a copy machine; \$322 for a Magna II typewriter; and \$60 for parking fees.

## ISSUES

- b. Conference Room Rent. The agency has requested \$2,350 for conference room rent. No information has been provided as to how this figure was arrived at within the budget document.
- c. Office Rent Kansas Water Authority. The agency has requested \$4,114 for office rent of the Special Project worker.

## RECOMMENDATION

- d. The Kansas Water Authority has been advised that the conference room rent is based on a charge of \$6.50 per square foot for 340 square feet and \$140 surcharge for utilities. Assuming the conference room is adjoining the Kansas Water Office in Topeka, the Kansas Water Authority recommends approval of this request.
  - e. The Kansas Water Authority was informed that the rent for the Special Project worker was based upon estimated expenditures for rent in FY 1984 plus a six percent increase as provided by guidelines of the Division of Budget. The rent includes \$1,994 for typing assistance for 399 hours at the rate of a clerk typist. To meet the statutory directives of the Kansas Water Authority, approval of this request is recommended.
8. Repairing and Servicing. \$2,988 is requested at all three budget levels and is adequately justified.
9. Travel and Subsistence.
- a. For FY 1985, the agency requests \$564,308 at all three budget levels for travel and subsistence costs. This request represents a five percent increase over projected expenditures of \$51,722 for FY 1984.

## ISSUE

- b. Are water resource agencies performing independent field services, in the same geographic areas, which could be performed by one agency representative? Are travel expenditures therefore excessive? Is there a duplication of efforts by various agencies?

## RECOMMENDATIONS

- c. The above issues have not been resolved to date and will be considered by the Kansas Water Authority during FY 1985.

10. U.S. Geological Survey Cooperative Agreement. For FY 1985, the agency requests \$240,941 for the U.S. Geological Survey Cooperative Agreement at Budget Levels B & C. According to the Office, this amount is for the continuation of stream gaging stations and represents a six percent increase above the amount approved for FY 1984. \$214,375 is budgeted for this activity at Level A. The office contends that the A level of funding would eliminate approximately 19 of the 172 existing gaging stations.
11. Miscellaneous. At all three budget levels \$350 is requested for the Kansas Press Service and \$80 for fees for publications in the Kansas Register. The Kansas Water Authority supports this request.
12. Minimum Desirable Streamflows
  - a. \$14,625 is requested at Budget Levels B & C to monitor minimum desirable streamflows for the Neosho, Cottonwood, Marais des Cygnes, and Little Arkansas Rivers. Of this amount: \$600 is for telephone to telemetry at ten gaging stations; \$3,700 for four low-flow partial gaging stations including operational costs; \$10,000 for additional telemetry equipment; and \$325 for one DARDE decoder.

#### ISSUE

- b. Will the state incur costs in addition to those requested above in monitoring minimum desirable streamflows?

#### RECOMMENDATIONS

- c. Assuming the Minimum Streamflow section of the State Water Plan is adopted during the 1984 Legislative Session, these expenditures would appear to fall within the rather broad category of "costs of administration." Total costs of administration for the program (which may include 24 streams by 1987) are not known to the Authority. Inquiry should be made as to total projected costs.

#### 13. Computer Services.

- a. Planned expenditures for the computerized abstract service include \$7,941 for purchase of a micro computer and \$300 for data processing supplies. The budget document also contains requests of \$2,000 at Levels B & C for the continuation of a contractual agreement with the University of Kansas for computer services.

ISSUE

- b. Has the agency justified the requested expenditures?

RECOMMENDATIONS

- c. Over the past two years the Authority has supported proposals such as this one. It should be noted, however, this proposal is on a smaller scale than that previously advocated. The Division of Information Systems and Computing said in its analysis, "...at the time the agency prepared its FY 1985 budget, no information was available about how the system would operate, the size of the system, and the specific types of data that would be included in the system."

This analysis, coupled with the actions of the subcommittee chaired by Representative Mike Meacham, has led the Authority to the conclusion that a recommendation is premature.

14. Fees - Other Services - Stream Aquifer Interaction.

- a. The Kansas Water Office has requested \$8,153 to investigate the appropriate methodology to be used in conducting stream aquifer interaction research and to identify the highest priority streams for study.

ISSUE

- b. What does the agency mean by appropriate methodology? Are expenditures planned to conduct research on individual streams in FY 1985?

RECOMMENDATIONS

- c. The Kansas Water Authority supports the expenditure for stream aquifer interaction research, however, the agency should clearly define the term "appropriate methodology." The budget document indicates additional funds will be necessary to conduct these evaluations for each identified stream. Upon completion of the methodology research and prior to expenditure of additional funds, cost projections for the ensuing three fiscal years should be provided by the agency.
15. Other Contractual Services. At all three budget levels: \$23,689 is requested for membership in the Missouri Basin States Association; \$848 for membership to the Interstate Conference on Water Problems; \$100 for a national abstract service; \$371 for other memberships and subscriptions; and \$265 for continuation of the official hospitality fund.



16. Federal Reservoir Payments. At all three budget levels, \$1,495,671 is budgeted for construction cost repayments and \$301,400 for operation and maintenance charges due in FY 1985.
17. Maintenance Material. \$50 for light bulbs is requested at all three budget levels.
18. Professional Supplies. \$610 is requested at all three budget levels and that amount is based on a six percent increase over FY 1984.
19. Stationary and Office Supplies. \$6,630 is requested at Budget Levels B & C. Of that amount: \$4,823 is for standard supplies and \$1,807 is for data processing and word processing supplies. Level A eliminates funding for the data processing and word processing supplies.
20. Capital Outlay. The agency has requested \$7,141 at all three budget levels for FY 1985. Of that amount: \$600 is for two hand held dictating machines; \$3,579 to complete the FY 1984 installment purchase of a word processing system; and \$2,962 for a printer for the word processing system.
21. Weather Modification.
  - a. The agency has not specifically budgeted funds for weather modification activities in FY 1985.

#### ISSUE

- b. The agency is required by K.S.A. 82a-1405 to regulate weather modification activities in Kansas and to evaluate the potential effects of such activities. Inquiry should be made to determine if the agency plans to meet this responsibility in FY 1985.

#### RECOMMENDATIONS

- c. The Kansas Water Authority intends to discuss this issue further in future meetings.

Other than the exceptions set out above, the Kansas Water Authority recommends that the program be funded at the B level.

KANSAS GEOLOGICAL SURVEY

PROGRAM TITLES: GEOHYDROLOGY OF MAJOR AQUIFER SYSTEMS,  
APPLIED AND BASIC RESEARCH OF AQUEOUS SYSTEMS,  
ASSISTANCE TO STATE AND LOCAL UNITS OF  
GOVERNMENT AND THE PUBLIC

AGENCY REVIEW BY RUSSELL CRITES

It would be hard to overstate the importance of the research activities performed by the Kansas Geological Survey (KGS). To a large extent, the recommendations to be contained in the State Water Plan are and will be based upon studies by KGS.

For those who may have the mistaken impression that KGS's activities are largely esoteric in nature, a perusal of the agency's summary of operations (probably the most readable of any document reviewed by the Authority) is in order.

Among the activities which are ongoing in FY 1984 are: Glacial Deposits of Northeastern Kansas, Smoky Hill River between Cedar Bluff and Kanopolis Reservoirs, Natural Groundwater Recharge Dynamics, Salt-Water Intrusion in the Smoky Hill River near Salina, Groundwater Management Alternatives (specifically in GMD #1 and #4) and Management of Groundwater Supply and Quality in the Equus Beds Aquifer near Burrton.

These items are merely offered as a sample of the activities of KGS. They may not be representative.

The Authority recommends that all programs funded for FY 1984 be continued in FY 1985.

Additionally, the Authority strongly recommends (see Introductory section for details) that funding be provided for three additional studies: A Water Resources Planning Model for Kansas, Geohydrology of the Dakota Aquifer System in Kansas and Stream-Aquifer Models for Selected Reaches of the Kansas River.

KANSAS FISH AND GAME COMMISSION

PROGRAM TITLE: AS GENERALLY RELATED TO FISHERIES

AGENCY REVIEW BY BOB BINDER

When it comes to long-term planning, the Fish and Game Commission has few, if any, peers among state agencies. While this approach is certainly laudable, the Water Authority would point out that such an approach should not lead to an excessive amount of rigidity in relation to expenditures.

As a case in point, it appears quite likely that the State Water Plan will strongly encourage expanded development of small and medium-sized multi-purpose reservoirs. The reasons behind this are two-fold. First, and most obvious, is the spiraling cost of large reservoir development. Second, most of the prime large reservoir sites have been developed.

It follows, therefore, that in succeeding years, Fish and Game activities will begin to encompass these smaller multi-use facilities. The public, particularly sportsmen, will rightfully conclude that the agency's responsibilities encompass certain development and maintenance activities.

These obligations will largely be ongoing. They will become more numerous and, as a result of inflation, more expensive.

In that light, the Authority would prefer that certain capital improvements funded by Fish and Game be transferred to the Park and Resources Authority where they can be funded from the General Fund.

Unless this happens, Fish and Game will quickly find itself in the position of either limiting the number of projects or increasing license fees.

The best example of this situation in the FY 1985 budget is the Middle Creek Watershed Lake project. Fish and Game's share of the initial cost is placed at \$50,000. Ongoing expense is about \$10,000 annually.

The initial expense includes funding for gravel roads, parking areas, boat ramps, fencing, etc.

The Authority believes Fish and Game should shoulder the ongoing expenses. Fish and Game should not be the agency to share in the initial development costs.

With the exception of such projects as the initial funding for Middle Creek Watershed, the Authority recommends the current level of funding for this program.

KANSAS PARK AND RESOURCES AUTHORITY

PROGRAM TITLE: STATE PARK OPERATIONS AND DEVELOPMENT

AGENCY REVIEW BY JACK ALEXANDER

It is appropriate to point out at the beginning of this agency review, that the Kansas Water Authority has narrowed its focus to those expenditures dealing with capital improvements.

To a large extent, capital improvements at the "C" level appear justified. As the agency's budget document notes, Kansans are taking advantage of these "home-grown" facilities in larger numbers. The state should recognize this and deal with it appropriately.

Practically speaking, the current economic situation requires that most proposed "C" level expenditures be delayed until revenues reach a more appropriate level.

The Water Authority would note that two projects are proposed which the Governor and Legislature should definitely consider for funding in FY 1985.

The first is the Lake Scott State Park renovation. This is a cooperative effort with the Fish and Game Commission. Funding has been included at all levels of the agency's budget. It is, quite frankly, a project which has already been delayed too long.

The second project which the Authority would recommend as quite appropriate is the shoreline riprap for Cheney, Clinton, Pomona, Tuttle Creek, Wilson, and Glen Elder state parks.

It may be largely a matter of semantics, but this second proposal might be more appropriately entitled "necessary maintenance" rather than a capital improvement.

The protection of the state's reservoirs from excessive siltation rates should be one of the state's highest priorities.

The Water Authority would like to take this opportunity to commend the agency for its wise use of inmate labor from the state's honor camps to accomplish some of its objectives. It is hoped that, as more Kansans become aware of the cooperation between the Park and Resources Authority and the correctional system, officials may find necessary public encouragement to expand the program in certain areas.

With the exception of the two programs noted above, the Authority recommends the current level of financing for these programs.

BOARD OF AGRICULTURE  
DIVISION OF WATER RESOURCES

PROGRAM TITLE: REGULATION OF WATER RESOURCES

AGENCY REVIEW BY GENE SHORE

One of the most important functions performed by the Division is contained within the Water Appropriations subprogram. Although the number of applications to appropriate water has declined significantly in the past few years, the backlog remains at an extremely high level.

To reduce this backlog, the Authority strongly recommends that four engineering technician positions be funded for FY 1985. This would appear to be an extremely austere budgetary approach to this problem. In the words of the Division, "If the contractors can complete 1,500 audits per year beginning in FY 1986; if the four engineering technician positions are restored in FY 1985; and if certifications are processed at the same or higher rate than Field Inspection Reports are completed, then the backlog can be lowered to a realistic amount in five to six years from that date."

Other than this exception, the Authority recommends funding in line with "B" level.

SOIL CONSERVATION COMMISSION

PROGRAM TITLE: CONSERVATION OF NATURAL RESOURCES

AGENCY REVIEW BY HUGH ARMSTRONG

The Authority is encouraged by the slightly higher level of funding accorded this program in the recent past. These are very important programs. Public perception of their importance appears very high. During the round of public meetings which were held incidental to the release of the first draft of the State Water Plan, a number of comments indicated support for multi-purpose watershed structures.

The Authority strongly encourages the Governor and Legislature to upgrade funding for this agency.

Specifically the Authority recommends "C" level funding for all subprograms except for the watershed construction subprogram. In the area of watershed construction, the Authority recommends that an additional sum of \$200,000 be provided over and above "C" level.

KANSAS STATE UNIVERSITY

PROGRAM TITLE: AGRICULTURAL EXPERIMENT STATION

AGENCY REVIEW OF MARSHALL TATUM

This is an extremely difficult budget to review because water usage is very closely tied to any project dealing with flora and fauna.

Broadly stated, the mission of the Ag Experiment Stations is to conduct basic and applied research in agricultural and allied fields. Part of the research directly deals with the conservation of natural resources.

Funding for the Ag Experiment Station projects comes from a number of sources - federal, state and private. Obviously "strings" are attached to much of this funding. Those who are footing the research bill, at the very least, determine the general direction of the programs.

Although there appears to be a sincere effort on the part of Kansas State University officials to coordinate their activities with the state's other major water-related agencies, more coordination is both desirable and possible.

The Authority does applaud Kansas State University for its "peer review" program. Simply stated, "peer review" amounts to research proposals being circulated within and without Kansas State University. Certain projects cannot be funded without this step. The most direct benefit of this review procedure is the reduction of duplicative efforts.

Of the 672 ongoing projects at Kansas State University only about 28 can be said to be "directly" water-related. To look at it another way, slightly more than \$400,000 out of more than \$25,000,000 is devoted to such projects.

The Authority believes this ratio can and should be increased. A system whereby research projects can be prioritized (as discussed in the Research section) should improve this situation.

The Kansas Water Authority recommends the current level of funding for this program.

KANSAS STATE UNIVERSITY

PROGRAM TITLE: EXTENSION SERVICE

KANSAS WATER RESOURCES RESEARCH INSTITUTE

AGENCY REVIEWS BY LARRY PANNING

The Authority recommends the continued levels of funding for these two programs.

The Authority is currently reviewing research and data collection activities within the state. A report dealing with the activities of KWRI and its future activities, along with Authority recommendations, should be available before July 1.



TESTIMONY ON  
MINIMUM DESIRABLE STREAMFLOW

BY  
Robert J. Binder, Member  
Kansas Water Authority

The Kansas Water Authority has been committed to the establishment of minimum desirable streamflows in Kansas, as evidenced by our introduction of Senate Bill 273 last year and our subsequent endorsement of Senate Concurrent Resolution 1622. That resolution contained five directives:

1. The Kansas Water Office would prepare the methodology, monitoring, and administrating procedures for minimum streamflow,
2. The Kansas Water Office would conduct "field tests" of minimum streamflows on the Marais des Cygnes and Neosho rivers to gain experience on how such flows can be designated and achieved,
3. All state agencies would cooperate with the Kansas Water Office in developing minimum streamflow recommendations,
4. The Kansas Water Office would seek assistance from federal agencies, and
5. The Kansas Water Authority would report the results of these studies and make recommendations for minimum streamflows to the 1984 Legislature.

The Kansas Water Authority is pleased to report that all five directives were achieved in 1983. Last summer, with the aid of an inter-agency committee, the Kansas Water Office developed a preliminary draft of procedures in establishing and achieving minimum streamflows. That draft was discussed at 11 public meetings across the

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state last July and August. In October, the Kansas Water Office revised that draft into a working draft including recommendations for minimum streamflows on the Marais des Cygnes, Neosho, Cottonwood, and Little Arkansas rivers. The revisions and recommendations were coordinated with the inter-agency committee including the Kansas Water Authority, the Kansas Water Office, the Division of Water Resources, the Kansas Department of Health and Environment, the Kansas Fish and Game Commission, the Kansas Geological Survey, Groundwater Management District No. 2 (Equus Beds), the U.S. Geological Survey, the U.S. Corps of Engineers, and the U.S. Bureau of Reclamation. The inclusion of the Cottonwood River was made since it is the major tributary to the Neosho River. The Little Arkansas River was included to gain experience on establishing minimum desirable streamflows on an unregulated stream.

The working draft was discussed at four public meetings in the three river basins under consideration. On December 1, the Kansas Water Authority and Kansas Water Office held a public hearing on the draft, leaving the record open until December 14. As a result of the testimony, the working draft was revised by the Water Office and reviewed by the Water Authority. On December 15, the Water Authority adopted the revised minimum streamflow draft which you have before you.

In this draft, we have made three policy recommendations:

1. Regarding the number of streams on which to establish minimum desirable streamflows: the state should identify minimum desirable streamflows on those streams with sufficient opportunity to achieve such streamflows and with real needs to be protected from future appropriation of water.

2. Regarding the relationship between minimum desirable streamflow and existing appropriations: the state should not subject existing water rights to the administration of minimum desirable streamflows, but should use those rights to help achieve the minimum streamflows.

3. Regarding the use of reservoir water to achieve minimum desirable streamflows: the state should attempt to enhance streamflows, using reservoir water, through moderate droughts, but should forego enhancing streamflows as drought conditions worsen in favor of providing water for water supply and water quality purposes, as those needs arise.

The methodology of identifying minimum streamflows consider fish and wildlife needs, water quality needs, recreation needs, the extent of appropriations, future economic development, and the hydrologic capabilities of a stream to provide the necessary flows.

The Kansas Water Office should be responsible for monitoring minimum streamflows. Gaging stations will be used as monitor sites because of their accessibility and continuous records. Telemetry and verbal reports from field personnel will be the primary source of data. The monitoring network will necessarily be modified on a stream-by-stream basis.

Administration of minimum desirable streamflows on streams would commence seven days after deficient flows were encountered, unless the deficiency in streamflow warranted immediate action.

Administration would proceed to:

- limit diversions by water appropriators upstream of monitoring site in accordance with their water appropriations.

- implement, for all users, water conservation measures that may be recommended or required by the state through policies or programs.
- shut off surface water appropriations with priority dates after the date of enactment of the minimum desirable streamflow.
- if necessary, restrict groundwater usage in the surrounding alluvium.
- protect reservoir releases to the extent possible and provided by the agreements required in K.S.A. 82a-706b

The agencies of the inter-agency committee, support the recommendations of this draft, including the identified values of minimum desirable streamflows and are committed to its implementation.

The Water Authority recommends the Legislature endorse this minimum streamflow section. We feel it is an important first step in adequately managing the water resources in Kansas. The Authority recognizes the formidable task in administering these streamflows, but feels such tasks are required in the future to promote wise and equitable use of water for both economic and environmental needs. We hope the Legislature acts favorably in this matter. Thank you.