

Approved: Carl Dean Holmes
Date 3-6-95

MINUTES OF THE HOUSE COMMITTEE ON ENERGY AND NATURAL RESOURCES.

The meeting was called to order by Chairperson Carl Holmes on January 27, 1995 in Room 526-S of the Capitol.

All members were present except: Representative Alldritt - Excused
Representative Empson - Excused
Representative Flower - Excused
Representative Freeborn - Excused
Representative Phill Kline - Excused
Representative Krehbiel - Excused
Representative Lawrence - Excused
Representative Lloyd - Excused
Representative McClure - Excused
Representative McKinney - Excused
Representative Myers - Excused

Committee staff present: Raney Gilliland, Legislative Research Department
Dennis Hodgins, Legislative Research Department
Mary Torrence, Revisor of Statutes
Shirley Wilds, Committee Secretary

Conferees appearing before the committee: Stephen A. Hurst - Kansas Water Office

Others attending: See attached list

Steve Hurst. Mr. Hurst introduced Tom Stiles, Assistant Director and Teri Duvall, Administrative Assistant and Policy Analyst, who manages transactions for the State Water Marketing Program and Multipurpose Small Lakes Program, as well as manages receipts for the Insurance District Program.

In addition to serving as Director of the State Water Office, Mr. Hurst reported he is also Secretary for the Kansas Water Authority. He explained the Water Authority is the group with which they work in developing state water policy. They present an annual report to the Governor and Legislature with reports on state expenditures or projects from the State Water Plan, and the priorities they identify through grassroots advisory and committee process.

Mr. Hurst offered a briefing on the workings of the Kansas Water Office and some of their current projects.

Following Mr. Hurst's presentation, a healthy discussion ensued among Committee members and Mr. Hurst.

Using a visual aid for illustrating storage structures in the various state reservoirs (and costs involved), Miss Duvall offered a preview of the State Water Marketing Program.

Chairperson Holmes defined the responsibilities of the various water agencies. The Division of Water Resources is involved with quantity regulation of water; The Kansas Department of Health and Environment is involved with the quality of the water; the State Conservation Commission monitors the land treatment practices to help maintain the quality of the water; the Kansas Water Office and the Kansas Water Authority manage the planning for the future needs and protection of the State's water. The Water Office also deals with the reservoir issues, thereby being directly involved with the marketing of some of the water. (Mr. Hurst mentioned a key component of the various agencies duties, as defined by the Chair, is that there is a spirit of cooperation with those duties being exercised in a coordinated fashion among the agencies.)

Upon completion of the briefing and discussion, the meeting adjourned at 12:00 p.m.

The next meeting is scheduled for January 30, 1995.

**Testimony of
Stephen A. Hurst
Director, Kansas Water Office
Before the
House Energy and Natural Resources Committee
Regarding the *Kansas Water Plan* and the State Water Planning Process
January 27, 1995**

Thank you, Mr. Chairman, I am Stephen A. Hurst, Director of the Kansas Water Office. I also serve as Secretary for the Kansas Water Authority.

I would like to thank you and the committee for inviting me here today to visit with you briefly about the *Kansas Water Plan*, the state water planning process and some of the topical water issues we are currently addressing. As most of you know, the Kansas Water Office is the state's water resources planning and coordination agency, statutorily charged with formulation on a continuing basis of a state water plan for the management, conservation and development of the water resources of the state. We also act as coordinators and facilitators among the state water-related agencies. The *Kansas Water Plan* and water planning process is considered a national leader. It has been used as a model for water planning by several states including Montana, Oregon, Michigan, Utah and New Mexico. We have recently had a visit from Texas Water Officials who are also considering using the Kansas planning process.

The Kansas water planning process is a geographic based process addressing identified water resource issues within natural hydrologic boundaries. There is a very clear trend nationwide toward this type of comprehensive watershed based management. This is due in great part to the recognition of the many benefits, both economic and environmental, that can accrue from comprehensive watershed management practices.

1/27/95
Energy & Natural Resources
Attachment #1

The Kansas Water Office and the Kansas Water Authority, pride ourselves in our grassroots, public input planning process. We have formed 12 basin advisory committees, one in each of the 12 river drainage basins of the state. We use these 12 basins as our geographic planning areas and the 132 members of the basin advisory committees, with 11 members in each basin, as our eyes and ears across the state giving us input as to basin water issues that need addressing.

Over the past 12 years, the Kansas Water Office and the Kansas Water Authority, with the advice of the basin advisory committees, have identified many issues for inclusion in the State Water Plan. Many recommendations have been made in the plan as to legislative or administrative actions needed to address these issues. Many State Water Plan recommendations have been implemented resulting in new or enhanced programs, and funding to help local communities address serious water issues across the state. We are not perfect, however, in that some issues that have been identified through the planning process and developed into State Water Plan recommendations that remain unimplemented.

One of my continuing goals as Director of the Kansas Water Office is to develop as effective an implementation process as we have a planning process. One of the ways I have chosen to accomplish this goal is by providing more in the way of financial and technical assistance to local units of government across the state to empower these local units to address and resolve the water problems that have been identified in their areas. Some examples of this include the Local Environmental Protection Program that now has 94 counties participating. The LEP Program provides grants to County Health Departments to develop sanitary codes and non-point source pollution plans at the local level. We also have accomplished much in the way of providing technical assistance to water users across the state, both irrigators and municipalities, to help them develop

water conservation plans and to educate users on use efficiency. Again, we emphasize local control in this case, by contracting with several of the Groundwater Management District's to provide technical assistance and education to irrigators within their districts.

One of the key functions of the Kansas water planning process is the coordination of the activities of the state water-related agencies and discussion of issues in a nonregulatory setting. Thus, the Kansas Water Office and Kansas Water Authority can maintain good working relationships across a broad political spectrum. We can work equally well with cities, agricultural groups, environmental groups, contractors and other entities because the water issues impacting these groups, and discussions of policy changes needed to address these issues, are grassroots generated, and discussed in a roundtable, multiagency forum that is nonregulatory. I believe that there is great strength in the diversity of the water-related agencies in this state. Their discussions of water issues in the forum of the Kansas Water Authority where these agencies are ex-officio, nonvoting members, leads to a healthy debate of statewide water issues and policies in the light of day, from different perspectives reflecting the areas of expertise of each of the different water-related agencies. If any of you have attended a Kansas Water Authority meeting, you know that none of the ex-officio members or the regular voting members of the Kansas Water Authority are shy in going around the table and providing their unique perspective on an issue up for discussion.

The Kansas Water Office and the Kansas Water Authority are proud of our 12-year track record of success in developing our grassroots public input process for state water planning. In addition to the input from the 12 basin advisory committees, the Kansas Water Authority conducts 12 public meetings a year. One in each basin. We also conduct two public hearings for input on revisions to the State Water Plan and on new issues that have been identified. This process results

in what I believe is the most open public input and public participation process of any state agency.

In 1983, the Kansas Legislature amended the Kansas Water Resources Planning Act to assure that the water planning process in Kansas was established on a continuous basis. Once plans are formulated and goals are set, the programs are implemented and operated for a period of time and ultimately the outcomes are evaluated. Information from operating experiences are used to modify and improve the plan. Thus, planning, by its nature, must be a continuous process constantly adapting to changing conditions and new information. Many states have state water plans that gather dust on a shelf. A plan set in concrete is an obstacle to effective management instead of a useful tool. I am proud that Kansas has a vital and flexible planning process that is responsive to both changing public needs and changing environmental and resource conditions.

The Kansas Water Office and Kansas Water Authority are excited about our evaluation process in which we look carefully at the effectiveness of new and ongoing programs. A recent example is our scientific evaluation of the Weather Modification Program in Western Kansas. We will be appearing before this Committee next Monday to request a few language changes in the Weather Modification Statute. To be honest, we did not know what we would find when we initiated the review of the cloud seeding program, and my staff's preconceived notions were fairly evenly divided with about half thinking it was "hocus pocus " and the other half thinking it would prove to have a positive impact on precipitation and hail. Well, we determined that the program had very little impact on precipitation, but a statistically significant impact on hail reduction, reducing crop damage by some \$60 million in the twelve participating counties. As a result, the Kansas Water Authority has recommended some enhanced funding for the program based on the good evaluation.

As I mentioned earlier, the Kansas Water Office and Kansas Water Authority are very proud

of our accomplishments in working with the Legislature in establishing new programs to address critical water quantity and quality issues at the local level. The state water marketing program, and multipurpose small lakes program, which I touched upon in testimony before this committee earlier this week, are just two examples of successful programs that had their origin in the state water planning process.

In addition legislation was passed to:

- Established the Non-Point Source Pollution Fund to aid local conservation districts in developing non-point source pollution plans as a part of their annual management plans.
- Establish the Assurance District Act which allows for state control of releases from federal reservoirs in which we own storage during low flow periods for the benefit of local water right holders downstream to help them meet their water rights.
- Fund acquisition of storage in several Federal Reservoirs under a Memorandum of Understanding with the Dept. of the Army, to give the state control over more of the available supplies of water residing within our borders.

The *Kansas Water Plan* is a dynamic process that is updated as new needs are identified and deemed implemented when current needs are met. The establishment of the permanent dedicated State Water Plan Fund in 1989 now allows Kansas to address needs in a timely and effective manner. Water is the most critical resource for quality of life and for economic viability in Kansas. I believe that the 12-year track record of success of the state water planning process is due in good part to a combination of the grassroots public input process, the legislators' support of the planning process, and the creative solutions developed in the forum of the Kansas Water Authority by both the voting

members and by the diverse input of the various water-related agencies.

Thank you for giving me the opportunity to visit with you here today. I believe that I can speak for the Kansas Water Authority and the 132 Basin Advisory Committee members across the state when I say that we appreciate the support and confidence you have demonstrated over the years in our state water planning process. I would be pleased to stand for questions.

MAJOR RIVER BASINS IN KANSAS

