

Approved: 2-7-95  
Date

MINUTES OF THE SENATE COMMITTEE ON ENERGY & NATURAL RESOURCES.

The meeting was called to order by Chairperson Don Sallee at 8:00 a.m. on February 1, 1995 in Room 254-E- of the Capitol.

All members were present except:

Senator Tim Emert, Excused  
Senator Phil Martin

Committee staff present: Raney Gilliland, Legislative Research Department  
Dennis Hodgins, Legislative Research Department  
Mike Corrigan, Revisor of Statutes  
Clarene Wilms, Committee Secretary

Conferees appearing before the committee:

Stephen A. Hurst, Director, Kansas Water Office  
Secretary, Kansas Water Authority

Others attending: See attached list

The Chairperson welcomed Stephen A. Hurst to the committee.

Stephen A. Hurst, Director, Kansas Water Office, Secretary, Kansas Water Authority, spoke to the committee concerning the Kansas Water Plan and issues currently being addressed. Mr. Hurst closely followed written testimony contained in (Attachment 1).

A member expressed concern regarding the Pony Creek Multipurpose Small Lake public water supply storage and the Banner Creek project stating the people understood the loaned funds would be paid back over a period of time rather than having the full amount due at a given date. Mr. Hurst stated it appeared there was some misunderstanding since the contracts state that when any amount of water is called into service the full amount must be repaid to the program. Mr. Hurst said he was aware of some on-going confusion on the multipurpose small lakes program as well as the need to recoup costs. Basically the state owns the water rights and as soon as the community, in which they enhance the structure by building on additional storage capacity for water supply, calls the water into service the arrangement is with the State Conservation Commission in the aspect of flood control and the State Water Office which is in charge of the public water supply portion, that the state must be reimbursed. This is a jointly operated program. Mr. Hurst suggested additional input might be necessary to aid further understanding of this issue.

A member questioned how selection of projects were determined with Mr. Hurst stating selection was primarily based on location. The common denominator of small lakes is that they must have a flood control benefit with the public water supply benefit coming as a secondary consideration.

In answer to a member's question, Mr. Hurst stated **HB 2038** dealt with disposition of recaptured funds as no provisions had been made in the original act. The funds originally came from the State Water Fund and by placing such funds in a special account they could be used to further the multipurpose small lakes program.

Mr. Hurst told the committee negotiations were still underway to acquire storage from Kanopolis Reservoir under the Memorandum of Understanding which provides for favorable costs.

A member questioned the commitment of the bulk of funds to just two reservoirs with Mr. Hurst stating they were looking at the yield and availability to water as well as growth patterns. The southeastern part of the state is the main target area with the reservoirs serving the eastern part of Kansas. Mr. Hurst noted western Kansas had the Ogallala aquifer and ground water supplies not available in eastern Kansas.

Discussion concerning a recent report placing Kansas as 50th in state rankings concerning water quality questioned the amount of funds being spent on water quantity rather than quality. Mr. Hurst stated Kansas is a leader in the area of monitoring. Other states do very little. Consequently Kansas has far more statistical information than those who do not monitor at all. The State Department of Agriculture has formed a pesticide

## CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES, Room 254-E, Statehouse, at 9:00 a.m. on February 1, 1995.

management area in the Delaware river basin which drains into Lake Perry and, during the year or two it has been underway, pesticide levels are dropping. Water quality includes turbidity, sloughing of banks, channel changes, pesticide management areas. Kansas Department of Health and Environment keeps the records on monitoring water quality. Members requested staff provide available reports to the committee.

A member questioned whether the price of water storage had risen prior to purchase with Mr. Hurst stating that he was not aware of price increase but the amount available was somewhat diminished compared to original estimates however the amount was not significant. Tuttle Creek, Milford and Perry payments are being withheld until such time the Corps of Engineers want to drop levels during drought, then storage can be called into service and payment made at that time.

Chairperson Sallee stated hearings will be held on the Missouri River Resolution-Corps of Engineers Master Plan for the Missouri River concurrent resolution and requested the Water Office be involved as well as the Farm Bureau, Department of Agriculture and Wildlife and Parks as all will be affected in various ways by this plan.

The meeting adjourned at 9:00 a.m.

The next meeting is scheduled for February 2, 1995.



**Testimony of  
Stephen A. Hurst  
Director, Kansas Water Office  
Before the  
Senate Energy and Natural Resources Committee  
Regarding the *Kansas Water Plan*, the State Water Planning Process  
and Topical Water Issues  
February 1, 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.

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. Sound water management practices in combination with new irrigation technology are essential to preserve our water supplies in Western Kansas and to sustain the current economic growth in that area over time. 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. In the urban areas our technical assistance programs have assisted municipalities with leak detection and water conservation plan development to increase efficiency, to save water and money, and to prevent waste.

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, industry, 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. 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. Most of you are familiar with the state water marketing program in which the state markets water for municipal and industrial purposes from state owned storage in several federal reservoirs. Last session, the legislature appropriated \$13.6 million for the Kansas Water Office to acquire additional storage available in several reservoirs at a discounted rate, under an Memorandum of Understanding with the U.S. Department of the Army. The Kansas Water Office has been working diligently on this purchase and the status is as follows:

- ▶ The Kansas Water Authority has approved a contract for Tuttle Creek and Melvern storage.
- ▶ The Tuttle Creek contract has been approved by the federal government and Kansas Water Office has made payment of \$650,211 to the Corps from the \$13.6 million appropriated for this purpose in 1994. There remains available 13,850 acre-feet of storage which the Kansas Water Assurance District No. 1 will purchase before the end of June 1996 (when the Memorandum of Understanding expires).
- ▶ The Melvern contract for the entire 50,000 acre-feet of available storage has been forwarded to the Corps. This contract is in Washington awaiting final federal approval. This contract commits an amount slightly over \$7 million from the \$13.6 million appropriated.
- ▶ A contract for Pomona storage will be forwarded to the Kansas Water Authority for approval as soon as the Corps of Engineers forwards a draft to us. We hope to have one to review at



the Kansas Water Authority's February meeting. The costs for the entire 32,000 acre-feet of storage available in Pomona is estimated to be just over \$3 million.

Another program that had its origin in the state water planning process and that addresses public needs at the local level is the Multipurpose Small Lakes Program. The Multipurpose Small Lakes Program was created in 1985 with the enactment of K.S.A. 82a-1601 *et seq.* and is the result of recommendations contained in the *Kansas Water Plan*. Concern over several issues relating to public water supply led to the creation of this program.

The State owned water supply storage in the large federal reservoirs under the Marketing Program is sometimes physically far removed from the area of need and requires a large capital investment by the State. Not only did potential customers have to repay the State's costs for owning the storage space, but they also faced the expense of transporting the water to their place of use. Therefore, the State Water Marketing Program did not fully or economically meet all of the state's projected municipal and industrial water supply needs.

It was recognized that good reservoir sites (large or small) are limited in Kansas. Each potential or existing site must be developed to its fullest potential. Through the watershed dam construction program, several sites had been identified for small watershed flood control lakes that could be expanded to meet local water supply needs at far less cost than the large federal lakes.

Thus, the Multipurpose Small Lakes Program was created to allow for the "add-on" features of public water supply and recreation to a watershed flood control structure. This provides for the development of a proposed small lake project to its fullest potential. The program also provides for the renovation of existing small lakes to provide additional benefits. The Kansas Water Office funds the add-on water supply capacity in an approved structure and recoups the state's costs by selling the

water rights it holds for the public water supply capacity, to the ultimate user. We are currently about to recoup our state costs from the City of Sabetha which amounts to \$664,000 for 81 percent of the public water supply storage space in Pony Creek Multipurpose Small Lake. We are also currently supporting House Bill 2038 which would create a revolving loan fund to reinvest recaptured state costs back into the multipurpose small lakes program. House Bill 2038 was passed by the House yesterday and should be before this committee in the very near future.

In addition to the Water Marketing and Multipurpose Small Lakes Program, legislation has been passed to:

- Establish 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 legislature's 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

