

Approved: 2-10-98
Date

MINUTES OF THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES.

The meeting was called to order by Chairperson David Corbin at 8:11 a.m. on February 5, 1998 in Room 254-E of the Capitol.

All members were present except:

Committee staff present: Raney Gilliland, Legislative Research Department
Mary Ann Torrence, Revisor of Statutes
Lila McClafin, Committee Secretary

Conferees appearing before the committee:
Al LeDoux, Director, Kansas Water Office
Tom Stiles, Assistant Director, Kansas Water Office

Others attending: See attached list

Chairperson David Corbin called for approval of the minutes. Senator Biggs with a second by Senator Schraad moved to approve the minutes of February 3. The motion carried.

Chairperson Corbin called on Al LeDoux, Director, Kansas Water Office for a briefing on the Kansas Water Plan Vision Summit, that was held on November 13, 1997.

Al LeDoux reported The Kansas Water Authority submitted their report in fulfillment of the directive from the 1997 Legislature to submit a report of the direction of programs and activities funded from the State Water Plan fund.

Mr. LeDoux said a brief history of the State's Water Plan is found on page four of the report. The report also contains preliminary goals for the Kansas Water Plan to be attained by the year 2010. The Kansas Water Authority will work with the twelve basin advisory committees to achieve their goals for priority water resources in their respective basins. Mr. LeDoux said he hoped that the information provided in his report will be used to move the Kansas Water Plan policies, programs, and its funding toward real improvement in the protection and use of the State's water resources (Attachment 1). Mr. LeDoux introduced his staff from the Water Office, and he and Tom Stiles responded to questions.

The hearing was opened on: **SB 476 - repeal of statutes relating to acquisition of certain water supply storage capacity, SB 477 - Kansas Water Office employers, classified employees under civil service act and SB 478 - repeal of statute relating to state water resources board abolished in 1981.** Chairperson Corbin said the three bills scheduled for hearing had all been introduced at the request of The Water Office. A fiscal note on each of the bills had been distributed stating according to the Kansas Water Office they would have no fiscal impact. Mr. LeDoux was called on to explain why he had requested the bills.

Mr. LeDoux said **SB 476** these statutes deals with the 1985 Memorandum of Understanding between the State of Kansas and the U. S. Army Corps of Engineers, providing for purchase of water supply storage in certain federal reservoirs. The purchases under the Memorandum of Understanding were funded by the legislature completed and thus these statutes are no longer necessary. **SB 477** these statutes refer to the employees of the Kansas Water Office as being in the Unclassified Service of the Kansas Civil Service Act. This is in correct. A Kansas Supreme Court decision found the statutes unconstitutional. At the present all employees of the Kansas Water Office, except the Director, are in the classified service and this bill would clarify that. **SB 478** this statute is confusing and unnecessary as it provides for advance training for only the scientific and professional staff of the Kansas Water Office (Attachment 2). Training is currently available for all staff, thus the statute should be repealed. Mr. LeDoux responded to questions.

The hearing was on the bills was closed.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES, Room 254-E Statehouse, at 8:00 a.m. on February 5, 1998.

Senator Corbin called for action on the bills. A motion by Senator Morris, with a second from Senator Biggs that **SB 476 and SB 477** because the bills are of a noncontroversial nature be placed on the consent calendar. Motion carried.

Concern was expressed with repealing the statutes that provides for advance training for professional staff in the Kansas Water Office, as it is necessary to make certain that training is available, and water continues to maintain a high profile. Chairperson Corbin said the committee would not act on **SB 478** at this time.

The next meeting is scheduled for February 10, 1998.

The meeting adjourned at 8:56 a.m.

REPORT ON RECOMMENDED
DIRECTION OF ACTIVITIES
UNDER THE *KANSAS WATER PLAN*

SUBMITTED BY THE
KANSAS WATER AUTHORITY
JANUARY 23, 1998

Senate Energy & Natural Resources

Attachment: /

Date: 2-5-98

STATE OF KANSAS



Bill Graves, Governor

KANSAS WATER OFFICE
Al LeDoux
Director

Suite 300
109 SW Ninth
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January 23, 1998

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Dear Kansan:

The Kansas Water Authority is pleased to submit this report in fulfillment of the directive from the 1997 Legislature to prepare a report on the "overall direction of programs and activities funded from the state water plan fund."

This report summarizes the Vision Summit convened on November 13, 1997 which was attended by 275 people giving advice on the direction of the *Kansas Water Plan* over the next decade. The Kansas Water Office contracted with the Docking Institute at Fort Hays State University to facilitate the Summit and prepare the report on its outcome. Those findings were used as input to the recommendations contained in this report.

The Kansas Water Authority worked diligently throughout 1997 to provide more specific direction for the *Kansas Water Plan* and the programs funded through the State Water Plan Fund. This report builds on that effort and presents preliminary goals for the *Kansas Water Plan* to be attained by the 2010. These goals will be reviewed and refined through the ongoing water planning process, using the twelve basin advisory committees and water interest organizations at the local level.

Additionally, the basin advisory committees will develop, over time, specific quantitative objectives to achieve these goals for priority water resources in their respective basins. Scientific data and research will be needed to establish the baselines for these objectives and for subsequent evaluation of the condition of water resources in the state which is the basis for judging program performance.

The Kansas Water Authority submits this report not only to fulfill the Legislative directive of the past year but as the blueprint to move the *Kansas Water Plan*, its policies, its programs and its funding toward real improvement in the protection and use of the State's water resources. The Kansas Water Authority and the Kansas Water Office welcome the comments from you, the people of Kansas, on the suggested direction of the *Kansas Water Plan* toward the year 2010.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Al LeDoux".

Al LeDoux, Director, Kansas Water Office
Secretary of the Kansas Water Authority

THE KANSAS WATER AUTHORITY REPORT ON RECOMMENDED DIRECTION OF ACTIVITIES UNDER THE KANSAS WATER PLAN

January 23, 1998

The Kansas Water Authority used 1997 to begin to place more direction in the *Kansas Water Plan* to accomplish improvements to the state water resources. This emphasis meant establishing more specific guidance to state agency programs, initial goals to accomplish by 2001, reframing *Kansas Water Plan* activities in the context of certain water management categories and convening a summit of all persons interested in the future of Kansas water to help the Authority establish the future direction of the *Kansas Water Plan*. This report summarizes those activities and recommends that direction.

THE KANSAS WATER PLAN VISION SUMMIT

The Kansas Water Authority convened "Water 2010: A *Kansas Water Plan* Vision Summit" in Salina on November 13, 1997, to solicit views from interested parties in Kansas to determine the priority needs and directions which the *Kansas Water Plan* should address and achieve by the year 2010. The Summit was attended by over 250 Kansans from a broad range of interests, organizations and communities. The agenda of the Summit is included in Attachment A.

A few basic concepts presented by the invited speakers included:

- Kansans need to speak with one voice when it comes to water issues by finding a balance among constituents that have diverse needs and demands for water.
- Key to future is storage of water in reservoirs and aquifers and the protection, management and conservation thereof.
- Trend is toward diminished access to a degraded supply.
- Top down approach to comprehensive, systems oriented approach to water management won't work. Local efforts that cross institutional boundaries hold promise.
- Water quality is the great challenge of the future.

The conference was organized to address critical water issues related to agriculture, public water supply, economic development, and environmental protection. Issue statements were prepared by the Kansas Water Office on each of these issues. Comments from the Basin Advisory Committees on these statements are included in Attachment B. Additional Basin Advisory Committee comments were obtained after a review of the proceeding on the Summit. These comments are included in Attachment C.

Each of the critical water issues were addressed through major speeches and breakout sessions where conference participants provided their input about these issues and suggested courses of action to resolve problems. The following comments are summarized from the major speakers and participants in the breakout groups:

Agriculture

- Agriculture's emphasis must be on water conservation
- As a result of the 1996 Farm Bill, the increased focus should be on developing management practices.
- Kansas must avoid divisions (East/West, Urban/Rural) and litigation.
- Farmers must consider diversification and de-intensification.
- Education is extremely important especially as it relates to best farm practices.
- More research needs to be completed before determining which policy options to take.
- Research should also address cost/benefits of proposed policies.
- Local and regional solutions are preferable to state and federal regulations.
- Incentives work better than regulations.
- Dispense with "use it or lose it" water rights.

Public Water Supply

- Attention must be given to modern economics and management practices to insure safe drinking water.
- Banking of water rights and surface water storage are important management concepts.
- Needs of improvements in rural water districts far outstrip the available money.
- Reclamation and reuse of water using technology to reclaim wastewater needs to be considered as an alternative supply.
- Desalination of marginal water (Dakota Aquifer) and the use of "gray" water should also be considered as water source alternatives.
- Water supply storage alternatives, transportation alternatives, treated water pricing policies, the use of water demonstration projects, and conservation alternatives need to be developed.
- Mismatches of water needs and availability should be resolvable through a process that redistributes or reallocates water rights to those in need of greater water supply allocations from those holding excess allocations.

Economic Development

- The need to build a consensus even though this consensus may be difficult to erect.
- More regulation on water use will not be successful unless it is supported by economic incentives.
- Eliminate the "use it or lose it" regulations.
- Determine the role of water quality in economic development.
- Educate the public.
- Emphasize returning water to systems in good condition.

Environmental Protection

- Non-point pollution will continue to be one of the most serious pollution problems.
- Future water plan must provide comprehensive and long-term (25 to 100 years) strategies to effectively address non point source pollution.
- Education about water issues is an extremely important task if we are going to resolve

many of the water issues.

- Accurate data and information analysis is important in creating water policies.
- The best policymaking and enforcement will likely come from local, state, and federal agencies equally.
- Legal structures, non-point pollution, and the need for a consensus on policy direction were the most frequently discussed issues.
- Even though the water summit was a good start at forming a consensus about water issues, more consensus building and goal setting is needed.

VISION SUMMIT SURVEY RESULTS

At the Vision Summit, surveys regarding the water planning process were filled out by attendees. About 110 surveys were returned. Attachment D summarizes the responses to the survey questions. From the survey, it was apparent that awareness of state water policy was greatest for Water Quality Protection (57%), Environmental Protection (60%) and Water Conservation (55%).

There was also a high degree of awareness of state water management activities in the respective counties (78%). However, only about 60% of the responses indicated the state was adequately addressing priority water issues and the same percentage believed that *Kansas Water Plan* implementation was improving county water resources. While 78% of the respondents had attended meetings of the Kansas Water Office before, only 47% were very familiar with the Kansas Water Plan.

State government was seen as the most likely avenue of interaction on water issues or in obtaining information on water.

The three highest priority water resource areas identified by the respondents were: Water Quality Protection (79 responses); Water Conservation (50) and Public Water Supply (48). These were followed by Water Resource Education (38) and Data Collection and Research (27). These priorities echoed comments heard throughout the breakout sessions of the Vision Summit. *

In terms of the appropriate role of the state regarding water resources, Long Range Planning was seen as the most appropriate with 59 responses, followed by Data Collection and Analysis (51); Environmental Education (39); Public Information (30) and Technical Assistance (27).

ESTABLISHING GOALS FOR THE KANSAS WATER PLAN

BACKGROUND

Over the past 15 years, the *Kansas Water Plan* has developed statewide policy and basin specific guidance to state programs which sought to achieve the goals espoused in the State Water Resources Planning Act (K.S.A. 82a-901, et seq.). Those goals identified in K.S.A. 82a-927

were intended for the long-range management, conservation and development of the waters of the state. Formulated mostly in 1965, they were declared to be:

- (a) The development, to meet the anticipated future needs of the people of the state, of sufficient supplies of water for beneficial purposes;*
- (b) The reduction of damaging floods and of losses resulting from floods;*
- (c) The protection and the improvement of the quality of the water supplies of the state;*
- (d) The sound management, both public and private, of the atmospheric, surface and ground water supplies of the state;*
- (e) The prevention of the waste of the water supplies of the state;*
- (f) The prevention of the pollution of the water supplies of the state;*
- (g) The efficient, economic distribution of the water supplies of the state;*
- (h) The sound coordination of the development of the water resources of the state with the development of the other resources of the state; and*
- (i) The protection of the public interest through the conservation of the water resources of the state in a technologically and economically feasible manner.*

These goals have provided the primary direction for *Kansas Water Plan* policy deliberations and implementation decisions. However, these goals do not lend themselves to evaluations of performance or short term achievement. Over the last four years, the concept of performance based budgeting has become the focus of state activity, requiring a shift of attention from program activity outputs to beneficial outcomes. In that spirit, the *Kansas Water Plan* subsections adopted since 1995 include more specific expectations of achievement.

Throughout 1997, the Kansas Water Authority endeavored to identify more specific direction to the *Kansas Water Plan* funded programs, in keeping with the current philosophy of evaluating outcomes rather than activity. In April, the Authority identified ten water resource management categories under which the *Kansas Water Plan* funded programs would fall. Additionally, the Authority identified goals for each of those ten categories which should be achieved by 2001. The ten categories and their respective goals are as follows:

1. **Public Water Supply:** Meet water supply needs beyond 2001 through regional strategies using state investments in storage.
2. **Water Conservation:** Reduce the average annual overuse of water by irrigation and

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public water users by 25 percent between 1995 and 2001.

3. **Water Quality Protection:** Demonstrate water quality and environmental improvements in water bodies and ecosystems in the Kansas-Lower Republican Basin and other priority areas by the year 2001.
4. **Water Quality Remediation:** Initiate remediation efforts on water resources impacted by the highest priority contamination sites by 2001.
5. **Water Right Management:** Improve the relationship between water demands and available supplies in critical hydrologic units, achieving sustainable yield in those units after 2001.
6. **Data and Research:** Incorporate information to guide and evaluate state program operations to improve water resource between 1997 and 2001.
7. **Flood Management:** Reduce flood damage in the top ten 1997 priority areas after 2001.
8. **Wetland and Riparian Management:** Improve the condition of wetland and riparian resources in Eastern Kansas by 2001.
9. **Recreation:** Increase recreational activity along the Kansas River by 2001.
10. **Public Information and Education:** Increase public exposure to the benefits and opportunities of State Water Plan activities and encourage public input on Kansas water issues annually over 1997-2001.

The Kansas Water Authority based its recommendations for Fiscal Year 1999 *Kansas Water Plan* funding for the various state agency programs dealing with water, on initial allocations it placed on each of the ten categories. Some modifications of the initial allocations were made after review of the subsequent requests each state agency made for its respective programs (Attachment E). At this time, those implementation goals are relatively short term and still remain rather open-ended.

Based on findings from the Vision Summit, a recommended course of action to be taken by the *Kansas Water Plan* and its associated processes over the next decade is suggested which establishes draft goals outlining the Kansas Water Authority's intention in achieving its statutory goals in 2010.

DRAFT INITIAL GOALS FOR THE YEAR 2010

The following initial set of draft goals reflect the expectations of what the activities of the *Kansas Water Plan* should accomplish by the year 2010. These draft goals build on the

previously stated goals which the *Kansas Water Plan* has used in its current process over the last 15 years and further direct the *Kansas Water Plan* activities which have already been working toward those goals improving the condition of the state water resources in the future. The 2001 goals expressed through the Annual Implementation Plan are retained as short range objectives for the ten water resource management categories.

These draft goals for 2010 will be reviewed through the water planning process and modified appropriately based on comments received. Furthermore, each of the individual basin advisory committees will need to examine the data and information on water resources within their basin and establish more specific objectives which work toward achieving the 2010 goals. Following approval by the Kansas Water Authority, these draft goals and objectives will direct *Kansas Water Plan* activities toward accomplishing improvements in the protection and use of the state water resources over the next decade.

* The preliminary goals of the *Kansas Water Plan* for the Year 2010 are to:

- A. **Target data collection, research, water resource education and public information efforts to help define the baseline condition of water resources in the state, help establish basin specific objectives and evaluate the achievement of those objectives.**
- B. **Reduce existing levels of phosphorus and pesticides in the surface water reservoirs of the state.**
- C. **Ensure sufficient surface water storage is available to meet water supply needs projected through the year 2040.**
- D. **Reduce the risk of shortage for almost all public water suppliers dependent upon surface water supplies while meeting 2010 demands.**
- E. **Reduce existing rates of consumptive use across the entire State, except where water is available for appropriation.**
- F. **Maintain average ground water levels within the State near existing levels.**
- G. **Reduce the amount of ground water contamination by nitrates, chlorides and volatile organic chemicals in ground water.**
- H. **Reduce average annual flood damages in priority flood areas.**
- I. **Increase the recreational use at lakes and public streams.**
- J. **Increase attainment of the designated uses of Kansas streams.**

The relationship between these various goals and ongoing activities of the *Kansas Water Plan* is described by the following table.

WATER MGMT CATEGORY	STATUTORY GOAL	YEAR 2010 GOAL	YEAR 2001 OBJECTIVE	YEAR 2010 OBJECTIVE	NUMBER OF SWP POLICIES	NUMB. OF SWP PROGRAMS	PERCENT OF FY 99 SWPF*
PUBLIC WATER SUPPLY	K.S.A 82a- 927 (a,g)	C,D	1	TBD BY BASIN PLANNING PROCESS	9	3	4
WATER RIGHT MGMT.	K.S.A 82a- 927 (d)	C,F	5	TBD BY BASIN PLANNING PROCESS	2	3	5
WATER CONSERV.	K.S.A 82a- 927 (d,e,i)	D,E,F	2	TBD BY BASIN PLANNING PROCESS	5	3	17
WATER QUALITY PROTECT.	K.S.A 82a- 927 (c,f)	B,C,G,J	3	TBD BY BASIN PLANNING PROCESS	5	5	48
RIPARIAN & WETLAND PROTECT.	K.S.A 82a- 927 (c,h)	B,H,I,J	8	TBD BY BASIN PLANNING PROCESS	4	2	1
WATER QUALITY REMIEDIAT.	K.S.A 82a- 927 (c)	G	4	TBD BY BASIN PLANNING PROCESS	2	2	10
FLOOD MGMT.	K.S.A 82a- 927 (b)	H	7	TBD BY BASIN PLANNING PROCESS	1	2	7
WATER RECREAT.	K.S.A 82a- 927 (h)	I	9	TBD BY BASIN PLANNING PROCESS	1**	1	1
PUBLIC INFO & EDUC.	K.S.A 82a- 927 (d,h)	A	10	TBD BY BASIN PLANNING PROCESS	3**	2	1
DATA & RESEARCH	K.S.A 82a- 927 (d,h)	A	6	TBD BY BASIN PLANNING PROCESS	1	5	7

TBD = To Be Determined

*Does not add to 100% because of rounding.

**Several Policy Subsections in Development at this time.

FUTURE DIRECTION OF THE KANSAS WATER PLAN HEADING TOWARD 2010

Given the input received at the Vision Summit and the advice of the Basin Advisory Committees, the following is a recommended course of action which the *Kansas Water Plan* should embark on between now and the year 2010 in order to achieve the draft goals described above.

RESOURCE ORIENTATION

Water is not static; it is continually moving as part of the global hydrologic cycle. Nevertheless, water in Kansas can be considered as stored, whether this be as water vapor in the atmosphere, surface water storage in lakes and reservoirs, or ground water storage in aquifers. The period of storage in Kansas ranges from hours for water vapor to decades or centuries for water in deep aquifers. Most major facets of Kansas life depend upon this storage to some degree. Examples include municipal water supply, recreation use, irrigation or industrial processing and cooling. As such, the future of Kansas economic development and environmental management lies in the protection and management of the state's water supplies contained in surface and ground water storage, regardless of location.

Furthermore, water in storage represents the integrated impact of activities on water resources within a geographic setting such as the watershed (Figure 1). Therefore, *Kansas Water Plan* activities which improve the condition of streams or land use within a watershed should manifest themselves as improvements to the water in storage. This relationship makes that stored water the resource which should be used to establish baselines for water use, water levels or water quality. Data efforts needed to evaluate performance of *Kansas Water Plan* programs should center on the quantity and quality condition of water within surface or aquifer storage.

Therefore, although water in storage may be viewed as the orientation of the *Kansas Water Plan*, it is apparent that activities impacting streams and their contributing areas will remain an important part of implementing the *Kansas Water Plan* in order to achieve the goals of 2010.

STATE MANAGEMENT EMPHASIS

Based on the Vision Summit, there were certain perceived roles the state should play in water resources and there were priority areas of emphasis for the *Kansas Water Plan* activities. Three management areas which have been viewed as priority and which can be applied to the recommended orientation toward protection and use of water contained within storage systems in the state would be: **Water Supply, Water Conservation and Water Quality Protection.**

For surface water, water supply pertains to the distribution of stored supplies to meet the needs of areas of growth across the state. For ground water, it is the management of existing water rights leading to short term stability of supplies and ensuring long term availability of water in a region.

In the area of water conservation, management of use to extend existing supplies during drought

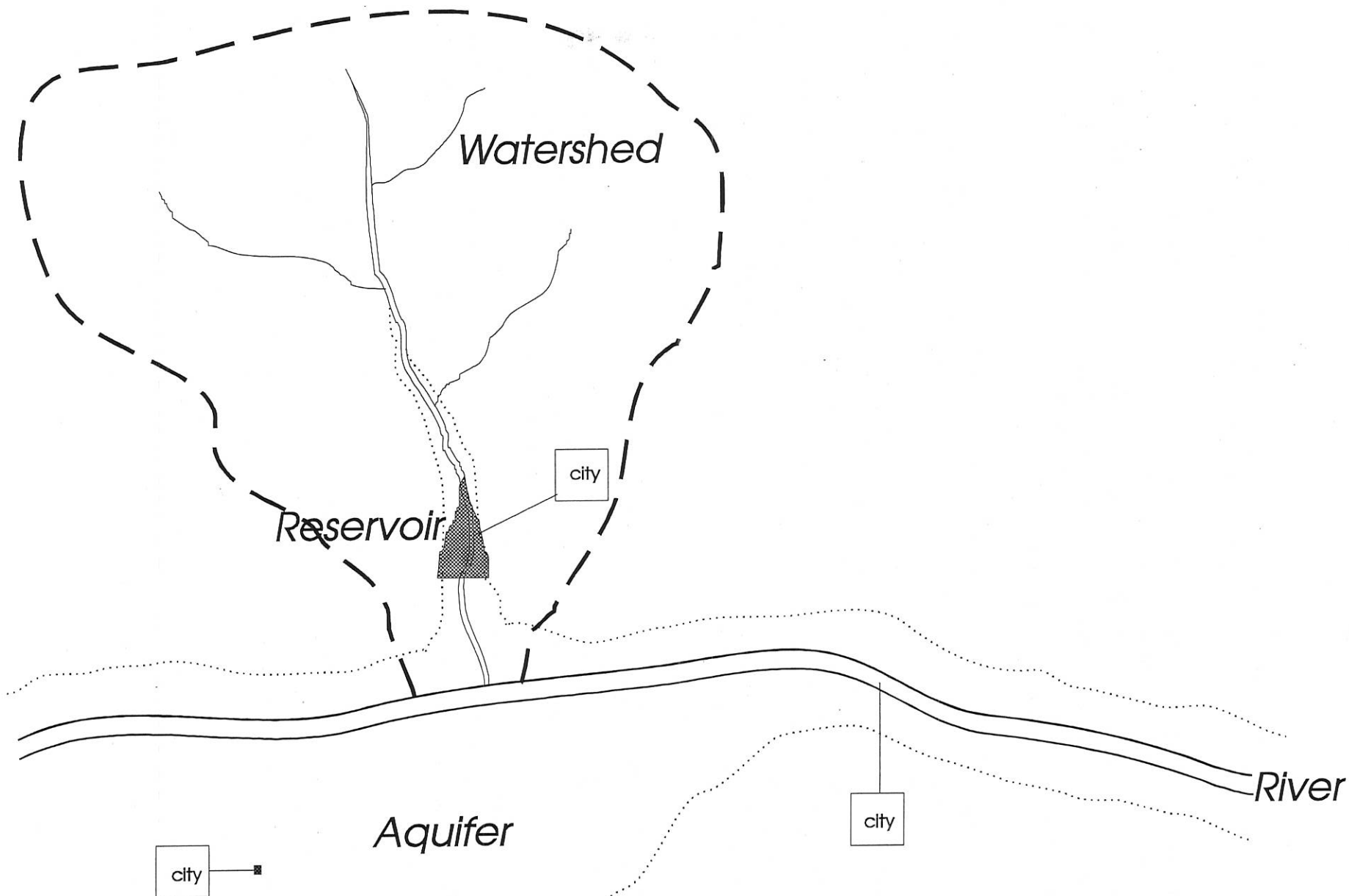


Figure 1

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is the principal direction to be achieved. For ground water, the role of conservation should be to lower consumptive use in order to extend the available supply to future generations.

Water quality protection begets source water protection to surface water storage with the primary threats to the long term utility of that storage being sediment, pesticides and phosphorus. In terms of ground water, the emphasis is placed on wellhead protection and remediation against threats of chlorides, nitrates and volatile organic chemicals. In either case, a primary delivery mechanism of pollutants is the flow of streams within the system. As such, any water quality protection work must include the stream environment.

This approach will align the original ten water resource categories into supporting the three management emphasis areas which will be directed at the two types of storage in the state. For example, programs of Water Right Management are probably suited to facilitate Water Supply Management of ground water, while Public Water Supply, as originally envisioned by the Kansas Water Authority is positioned to assist Water Supply Management of surface water. Figure 2 illustrates the basic geographic orientation of this proposed direction for the Kansas Water Plan. The priority management categories and key Kansas Water Plan activities associated with these management categories are identified relative to the predominant water resource *setting of the state*. The categories of Data and Research and Public Information and Education will become the predominant support functions for the entire effort, regardless of management emphasis or resource.

KANSAS WATER PLAN POLICY UPDATE

There are 32 policy subsections in the *Kansas Water Plan* which are currently considered active or implemented. These subsections were approved by the Kansas Water Authority between 1985 and 1995. Three additional policy subsections are currently being considered for addition to the *Kansas Water Plan*. The policy recommendations in most current or implemented subsections are still valid, but there are instances where subsequent state or federal activity or other factors have made recommendations obsolete. Additionally, the evolution of programs since approval of a subsection may necessitate rewording of recommendations.

A restatement of *Kansas Water Plan* policy recommendations is needed which would also encompass guidance for continued implementation throughout the Kansas Water Planning and Implementation Process. The present policy subsections of the *Kansas Water Plan* were developed incrementally over several years. Many current members of the Kansas Water Authority, basin advisory committees and implementing agencies are relatively new to the planning process and may be unfamiliar with the existing provisions of the Plan. A comprehensive restatement would refocus attention upon the full scope of the *Kansas Water Plan*, including planning goals, which would convey a sense of expectation for the *Kansas Water Plan* over the next decade. The numerous goals and policy recommendations currently contained in various statutes, agency documents and management plans could be brought together within one comprehensive restatement.

Relationship Between Kansas Water Plan Orientation and State Water Resources

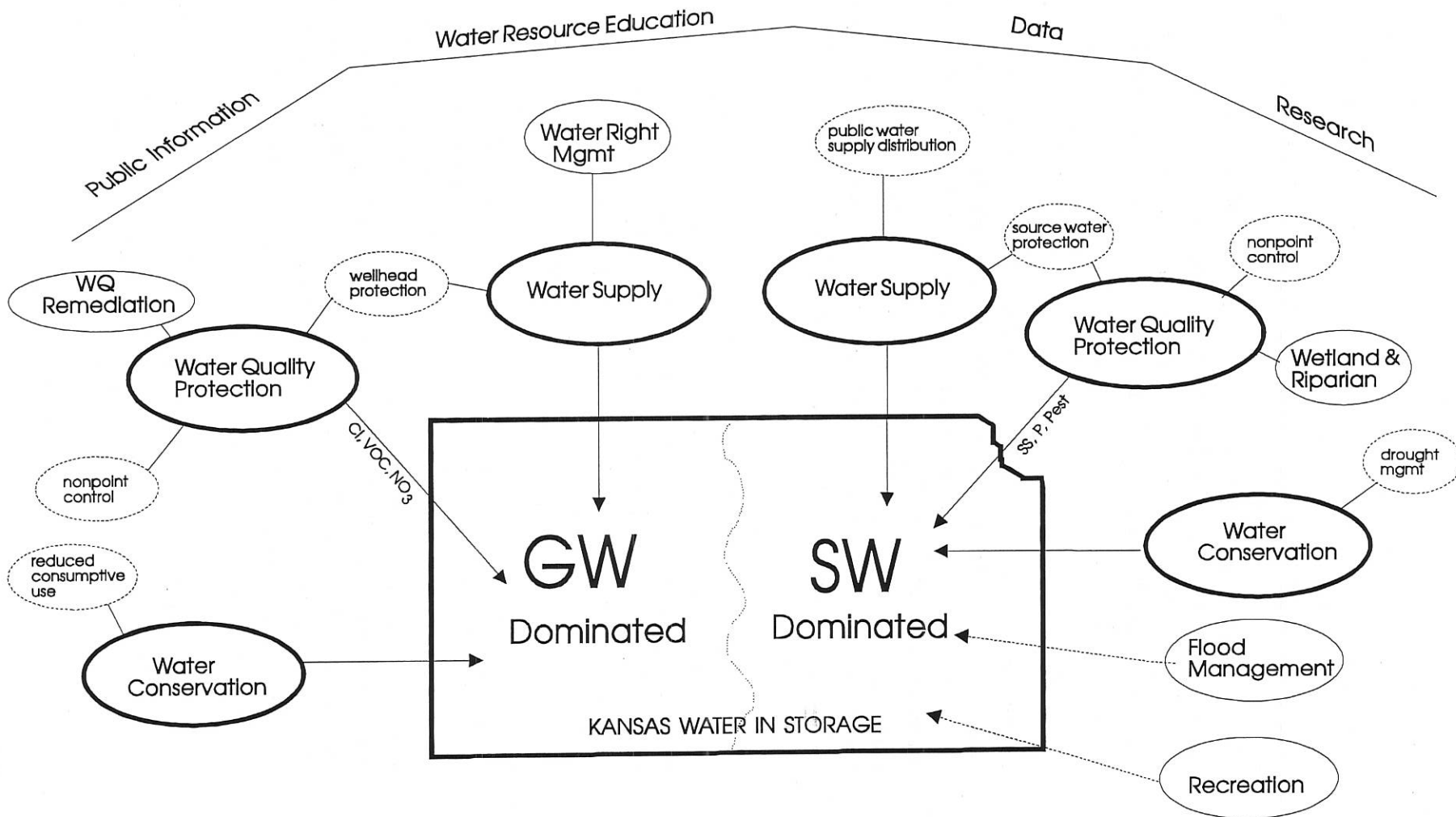


Figure 2

A restatement of the *Kansas Water Plan* policy subsections would be organized according to the 10 Water Management Categories established by the Kansas Water Authority in 1997. Policy recommendations would be restated in language which updates them to reflect subsequent legislation and implementation direction and toward accomplishing the long-range goals for the management, conservation and development of the waters of the state listed in K.S.A. 82a-927.

A key element of this policy update would be the identification of the operative planning goals for the *Kansas Water Plan* which would guide the planning process over the next 10 years. A draft of these initial goals is contained in this report; however, **the goals will be further defined through the established State Water Planning and Implementation Process.** This process involves regular basin advisory committee review, public meetings and hearings, and approval by the Kansas Water Authority. A schematic of the process is shown in Figure 3.

Following approval of the *Kansas Water Plan* Policy Restatement by the Kansas Water Authority, the blueprint will be established for setting specific objectives and identification of priority issues and areas at the local level. As envisioned, each basin advisory committee would establish measurable objectives based on scientific data and research, for achieving the 2010 planning goals in its basin. These objectives could be basin wide, or tailored to specific areas within the basin as appropriate. The basin advisory committees would also identify priority areas within their basins for program implementation and make additional implementation recommendations.

In order to establish reasonable, quantified objectives which provide a measure of performance relative to our water resources of concern, data must be collected, collated, interpreted and presented to the basin advisory committees and other local management agencies. These data will establish the baseline condition of the water resources of concern, notably the condition of water within storage in terms of quantity and quality. These baselines, in turn, provide the basis to direct specific objectives intended to improve water resource conditions from those baselines. Subsequent data will be used to evaluate the performance of *Kansas Water Plan* activities at the state and local level to achieve these goals.

PREDOMINANT STATE WATER PLAN IMPLEMENTATION ACTIVITIES

Given that the long term central theme of the State Water Plan is recommended to be **support of the protection and use of water resources within the storage systems of the state, emphasizing activities for Water Supply, Water Conservation and Water Quality Protection**, the *Kansas Water Plan* should facilitate activities which further support the three priority management areas in order to sustain and protect the state inventory of storage for future generations. These activities will be:

1. Develop state and local watershed or aquifer-oriented management plans to provide protection and use of the water in storage within the heart of those hydrologic units. This task implies that those issues which are stream-oriented need to be addressed as well

PROCESS FOR ESTABLISHING GOALS AND OBJECTIVES THROUGH THE STATE WATER PLANNING PROCESS

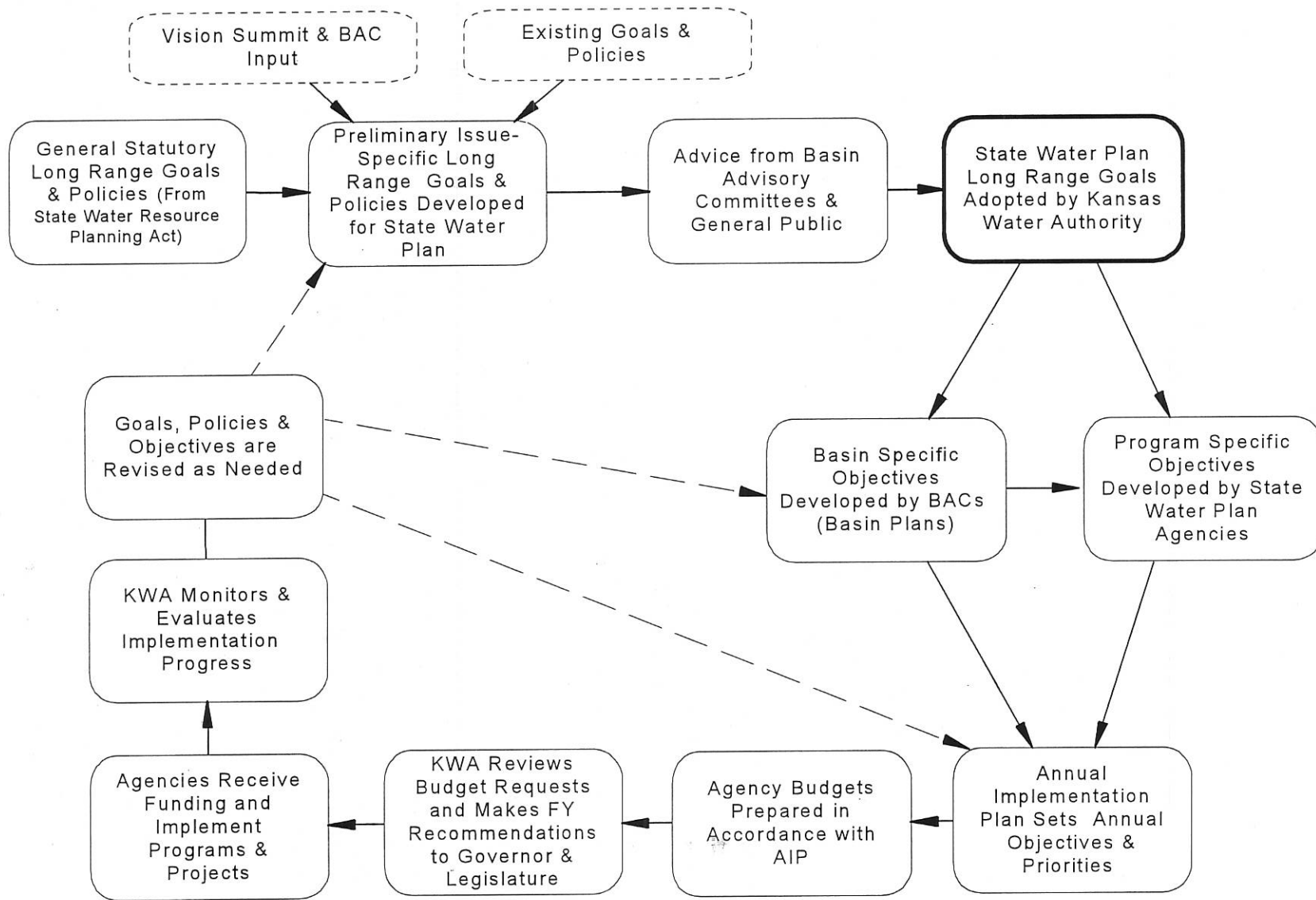


FIGURE 3

since benefits to streams within a watershed will also accrue to the storage within that watershed.

2. Target data collection efforts and provide analysis of those data for information to establish specific objectives of water management and to assist evaluation of management activities on the water resources, particularly the water contained in storage.
3. Key water resource education efforts to specific information on water resources and issues at a regional or local scale.
4. Provide up to date information to the local citizenry on the status of their water resources in their locale.
5. Target technical and financial assistance to local implementation groups to install management practices and policies, fulfilling objectives derived from the local or state management plans developed for the priority water resource, emphasizing long term protection of water within storage.

IMMEDIATE ISSUES TO ADDRESS

This recommended orientation for the *Kansas Water Plan* raises issues which the Kansas Water Authority needs to address immediately.

ALLOCATING RESOURCES TO THIS ORIENTATION

This orientation of the *Kansas Water Plan* must consider that although it is long range in its perspective, it is not truly comprehensive. Certain water issues will arise over the next decade which do not fit within the central theme the *Kansas Water Plan* is supporting. The allocation of resources toward accomplishing these sets of goals will require a decade of commitment of resources, notably the State Water Plan Fund toward programs and activities achieving the objectives established under those goals. Given the probability of ad hoc issues arising throughout the decade, the planning process must create discretionary flexibility to direct certain resources toward these transient issues without unduly diminishing the long term accomplishments recommended by this report. This balancing act will fall to the Kansas Water Authority and the Kansas Water Office as they work through the planning and implementation process each year.

ALLOCATION BETWEEN STATE AND LOCAL PRIORITIES

Allocations of resources to support the implementation of state and local management plans must be equitably divided in order to address priority issues at both levels. While the state is concentrating on the above five activities under the State Water Plan, implementation activities will mostly fall to local entities. The question of allocation arises because of differences in the

perspective between state and local managers on the relative priority of certain water resources in storage across the state. Early on, the state, through the State Water Plan, will need to identify its geographic scale of resolution for management and thus, the water resources in storage which should receive priority attention for its activities and implementation. The balance of allocation would go to implementation on resources of local importance. This state/local mixture represents the next iteration of targeting which is necessary to direct sufficient long term assistance to priority resources, particularly addressing long range use and protection of water in storage.

SUMMARY

In summary, the Kansas Water Authority believes the recommended direction of the *Kansas Water Plan* described in this report will produce significant improvements to the state water resources by establishing goals to be achieved by the year 2010, by empowering basin advisory committees to use data and information to establish objectives specific to their priority water resources, and by emphasizing the management areas of water supply, water conservation and water quality protection through policy reorientation and targeted implementation activity.

Focusing the implementation of the *Kansas Water Plan* on activities which ultimately protect the long term use of the state's water in storage should be the highest priority. Such activities include planning at the state and local levels, collecting data for baselines and evaluation, directing water resource education and public information at the regional level, and targeting technical and financial assistance to local implementation groups.

ATTACHMENTS

ATTACHMENT A
AGENDA
WATER 2010: A KANSAS WATER PLAN VISION SUMMIT
November 13, 1997

- | | |
|---------------|--|
| 8:00 - 8:30 | Registration, Coffee and Rolls |
| 8:30 - 8:45 | Opening Remarks and Introductions- Al LeDoux, Director, Kansas Water Office |
| 8:45 - 9:00 | Governor Bill Graves - Welcome |
| 9:00 - 9:15 | History of Kansas Water Planning
Tom Stiles, Assistant Director
Kansas Water Office |
| 9:15 - 9:35 | Vision of Future Supply Availability
Robert Buddemeier
Kansas Geological Survey |
| 9:35 - 10:15 | Vision of Future Agriculture
Gary Hall, Kansas Farm Bureau
Dan Nagengast, Kansas Rural Center |
| 10:15 - 10:45 | Break |
| 10:45 - 11:25 | Vision of Future Public Water Supply
Larry Shannon, City of Topeka
Elmer Ronnebaum, Kansas Rural Water Association |
| 11:25 - 11:45 | Vision of Economic Development
Gary Mason
Kansas Chamber of Commerce and Industry |
| 11:45 - 12:05 | Vision of Future Environmental Protection
Myrl Duncan
Washburn University School of Law |
| 12:05 - 12:25 | Vision of Institutional/Legal Framework
Joseph Harkins, Capitol Center
University of Kansas |
| 12:30 - 1:30 | Lunch - Speaker: Former Governor Mike Hayden |
| 1:30 - 2:30 | Breakout Sessions A - Five Concurrent Sessions |
| 2:30 - 2:45 | Break |
| 2:45 - 3:45 | Breakout Sessions B - Five Concurrent Sessions |
| 3:45 - 4:00 | Closing Comments - Kent Lamb, Chairman, Kansas Water Authority |

ATTACHMENT B
BASIN ADVISORY COMMENTS ON ISSUE STATEMENTS
PRIOR TO THE SUMMIT
October, 1997

CIMMARON BASIN

- The need and desirability of developing crops that use less water;
- The possibility of importation of water in large quantities;
- The desirability of expansion of the Weather Modification Program (hail damage reduction in the central to eastern part of the state);
- A very high priority needs to be emphasized on water quality protection (both ground and surface water supply);
- Emphasis needs to be expanded on projection of water use by livestock in western Kansas as well as industrial uses;
- Need to further explore the possibilities related to water right conversions;
- Development of future guidance for the water planning process needs to include a long time frame (100 years or more).

KANSAS/LOWER REPUBLICAN BASIN

- The use of water to control growth should be addressed in local planning and zoning documents.
- State investment in water supply storage should be market driven.
- Information about environmental conditions should be based on valid scientific evidence.
- Need to add the development of innovative ways to trade water rights.

LOWER ARKANSAS BASIN

- The number of existing political subdivisions in the state is an obstacle.
- Additional opportunities should include considering different ways of water management than has been done in the past; and additional emphasis on the role of education.
- Goals for clean water are currently not well defined.
- The lack of sources of supply may pose problems to regionalization in some areas.
- An additional obstacle is that rural housing development and associated water needs pose a problem.
- Consider water pricing strategies for conservation.
- Regionalization of public water supplies may not be appropriate in some areas.
- The lack of consensus on the level of water quality protection desired is an obstacle.
- More education represents an additional opportunity.
- The identification of target (priority) areas will be important.
- How will target (priority) areas be identified?; consider statewide needs regarding interbasin transfer issues.

- The impact of national and international economic conditions is an important consideration in agricultural water use.
- The use of practices emphasizing production over protection may vary considerably and may be improving in some areas.
- The “use it or lose it” mentality is based on the existing laws.

MARAIS DES CYGNES BASIN

- Building retention dams above the lakes can hold sediment and keep it out of the lakes.
- Minimum desirable stream flow amounts should be revisited to determine whether they are sufficient for future concerns.
- Polarization of agricultural versus environmental interests is a concern.
- Focus on upgrading old water supply systems and consolidating rural water districts.
- Environmental interest goes too far sometimes. There needs to be a balance of issues.
- Local environmental protection program is a great example of local people making decisions.
- Statement that it seems that the economy and environment are polarized.
- If species protection is a public benefit, why should just the individual pay.
- It is the counties’ place to make land use decisions.
- Ethanol (gasohol) is an alternative use of agricultural products. Ethanol is actually the third highest market for grain, sorghum, corn, and milo in the state. There are four ethanol plants in Kansas.
- Conservation districts are actually in a better shape than watershed districts to address water quality.
- Kansas is recognized as a national leader in soil and water conservation and has good coordination of agencies.

NEOSHO BASIN

- New sources of water may be needed to stabilize needs during a drought?
- Emphasis should be on off- stream reservoirs because instream reservoirs will have problems.
- There is a real opportunity for economic development if we have a good water supply.
- The state should have a role in determining new water supply sources and promoting distribution system upgrades.
- Designated uses issue needs to be revisited and needs to be locally driven, but the other side is who considers the downstream needs.
- There is also a lack of funding for developing baseline information in a coordinated approach for impact on integrated systems.
- Facilitate and incorporate local land use planning is an economic and an environmental goal.

SMOKY HILL / SALINE BASIN

- Flooding not adequately covered.
- Support weather modification.
- Purchase of water rights only way to halt aquifer depletion.
- Concern about property rights (takings issue) and the power of eminent domain.

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ATTACHMENT C
BASIN ADVISORY COMMITTEE COMMENTS - POST SUMMIT
December, 1997

LOWER ARKANSAS BASIN

- Water conservation by all users is important and should be promoted. The "Use it or lose it" perception is a stumbling block to conservation. Current pricing of water does not adequately promote conservation, need to reconsider rate structures. The state should not be involved in rate-setting.
- Depletion and long term use of the Ogallala is an important policy issue.
- Watershed districts are a good vehicle to address water resource concerns at the local level.
- Zoning to protect agricultural land from urbanization is not an urgent need in Kansas.
- Partnerships between urban and agricultural groups are needed. Division and litigation should be avoided.
- Local initiatives are key in addressing water issues.
- Incentives should be promoted. Current incentive programs are often underutilized.
- Education and priority-setting are important.
- Regulations are needed, but should not be the overriding strategy for addressing problems. Appropriate regulations should apply to everyone, not just industry. Industry has been heavily regulated in the past, with few incentives, causing industries to be innovative in developing cost-effective solutions. Similar approach could be beneficial with other sectors of the economy.
- The Kansas Water Plan should consider addressing larger issues, such as future economic development and urban growth issues, and the relationships of these issues to water resource concerns.
- Economics should be considered in future water resource planning and management decisions but shouldn't be the overriding factor.
- Should consider all costs and benefits of a decision, including environmental considerations. These issues should be addressed on a basin basis with local input since situations across the state will vary considerably.
- Water is cheap in Kansas. Additional tax on water could generate more revenue for conservation and other programs.
- Use of grey water should be considered carefully, including health issues. Some other cities in nation using grey water, but not as potable water. Municipal water use in Kansas relatively small percentage when compared to agricultural use.
- Nonpoint source pollution most important wide-spread water quality problem for the future. Monitoring of water quality needs to be maintained. Quantity problems often linked to quality problems.
- More community discussion is needed on issues. Basin advisory committees could be key players in facilitating this discussion.

MARAIS DES CYGNES BASIN

- There should be legislation that prohibits industrial or housing development on

- productive agricultural land.
- Land use planning is critical.
 - A program should be set up for establishing regional water supplies in the eastern half of the state.
 - There should be a program and funding that enhances water supply distribution.
 - There is concern about the transfer of water from watershed to watershed.
 - The public water supply strategy should include development of storage.
 - There is a need to reduce or eliminate non-essential use of fertilizer pesticide and water on lawns and golf courses.

VERDIGRIS BASIN

- Avoid divisions.
- Education is important.
- Reserach is needed on use of water now considered unusable.
- Determine what works in other states and nations.

WALNUT BASIN

- Siltation of the reservoirs should be considered as a priority issue.
- Support incentives for better farming practices rather than regulation.
- Use available water for growing high value crops like fruits, vegetable and specialty crops.
- Price water at its economic cost.
- Support transfer of water for drinking, but not industrial or irrigation.
- Areas should live within their means when it comes to wter.
- Education on environmental issue is important in early grades.
- Have one state agency responsible for coordination of water.

8. Which three (3) water resource areas do you view as high priority?

48	Public Water Supply	50	Water Conservation	79	Water Quality Protection
11	Contamination Cleanup	7	Flood Reduction	14	Water Right Administration
27	Data Collection & Research	16	Wetland Protection	38	Water Resource Education
10	Recreation		Other (Specify)		

9. What should be the three (3) major roles of the state in water resources?

10	Reservoir Operations	1	Emergency Response
19	Water Project Development	27	Technical Assistance to Entities/Individuals
17	Financial Aid to Local Jurisdictions	51	Data Collection and Analysis
30	Public Information	16	Coordination with Federal Government
39	Environmental Education	18	Interstate Representation
3	Dispute Resolution	13	Law Enforcement
59	Long Range Planning		Other (Specify) _____

10. Has the implementation of the State Water Plan improved the condition of water resources in your county?

60 Yes
 12 No
 28 Don't Know
 60%

11. In which county and basin do you reside? (Specify) County: _____ Basin: _____

ATTACHMENT E
KANSAS WATER AUTHORITY RECOMMENDATIONS ON AGENCY FY 1999 BUDGETS

Agency Programs			FY 1998		FY 1999		KWA FY 99 Recommendations Compared to FY 98 Agency Budgets
			Agency Budgets 9/15/97	Agency Request 9/15/97	KWA Recommendation 10/24/97	KWA Reductions to Agency Request	
PUBLIC WATER SUPPLY				KWA July = 4.6 8.6%	3.9%		
PWS	KWO	Milford & Perry		\$1,126,939		(\$1,126,939)	
PWS	KWO	MOU Operation & Maintenance	\$290,021	\$446,091	\$446,091		\$156,070
PWS	KWO	PMIB Loan	\$92,808	\$252,000	\$252,000		\$159,192
PWS	SCC	Multipurpose Small Lakes	\$517,900				(\$517,900)
			\$900,729	\$1,825,030	\$698,091	(\$1,126,939)	(\$202,638)
WATER CONSERVATION				KWA July = 23.8 14.9%	17.2%		
WC	KWO	Weather Modification	\$320,000	\$390,000	\$390,000		\$70,000
WC	KWO	Technical . Asst to Water Users	\$425,000	\$440,000	\$440,000		\$15,000
WC	SCC	Water Res. Cost Share Prog (Cons)	\$1,330,000	\$1,330,000	\$1,250,000	(\$80,000)	(\$80,000)
WC	SCC	Aid to Conservation Districts	\$1,016,500	\$1,023,250	\$1,023,250		\$6,750
			\$3,091,500	\$3,183,250	\$3,103,250	(\$80,000)	\$11,750
WATER QUALITY PROTECTION				KWA July = 38% 46.4%	48.4%		
WQP	SCC	Water Res. Cost Share Prog (Quality)	\$3,470,000	\$3,470,000	\$3,200,000	(\$270,000)	(\$270,000)
WQP	SCC	NonPoint Source	\$2,785,836	\$3,000,000	\$2,600,000	(\$400,000)	(\$185,836)
WQP	KDHE	Non Point Source - Technical Assistance	\$501,747	\$1,397,951	\$1,000,000	(\$397,951)	\$498,253
WQP	KDHE	Local Environmental Protection Program	\$2,000,000	\$2,000,000	\$1,900,000	(\$100,000)	(\$100,000)
WQP	KWO	Water Quality Planning Assistance	\$20,000	\$30,000	\$20,000	(\$10,000)	
			\$8,777,583	\$9,897,951	\$8,720,000	(\$1,177,951)	(\$57,583)
WATER QUALITY REMEDIATION				KWA July = 11% 8.5%	10.1%		
WQR	KDHE	Environmental Remediation	\$1,501,651	\$1,420,672	\$1,420,128	(\$544)	(\$81,523)
WQR	KCC	Oil & Gas Remediation	\$400,000	\$400,000	\$400,000		
			\$1,901,651	\$1,820,672	\$1,820,128	(\$544)	(\$81,523)
WATER RIGHTS MANAGEMENT				KWA July = 5.5 5.9%	5.1%		
WRM	KDA	Subbasin Management	\$663,650	\$712,394	\$685,000	(\$27,394)	\$21,350
WRM	KDA	Interstate Issues	\$397,337	\$231,262	\$226,000	(\$5,262)	(\$171,337)
WRM	SCC	Water Right Purchases		\$320,000		(\$320,000)	
WRM	KDA	Water Right Conversion	\$11,559				(\$11,559)
			\$1,072,546	\$1,263,656	\$911,000	(\$352,656)	(\$161,546)
DATA & RESEARCH				KWA July = 7.35 6.0%	6.9%		
D&R	KWO	Stream Gages	\$349,745	\$364,000	\$364,000		\$14,255
D&R	KWO	Basin Assessment	\$38,500	\$30,119	\$25,000	(\$5,119)	(\$13,500)
D&R	KWO	Data Access & Support Center	\$135,000	\$139,000	\$139,000		\$4,000
D&R	KWO	Geographic Info Systems Database Dev.	\$313,012	\$315,531	\$315,531		\$2,519
D&R	KWO	Neosho Study	\$50,000	\$50,000	\$50,000		
D&R	KWO	Equus Beds Mineral Intrusion	\$38,755	\$25,000	\$25,000		(\$13,755)
D&R	KWO	Wet Walnut Study	\$54,000	\$40,000	\$40,000		(\$14,000)
D&R	KWO	Feedlot Water Quality	\$100,000	\$70,000	\$40,000	(\$30,000)	(\$60,000)
D&R	KWO	Arkansas Water Quality	\$75,000	\$75,000	\$75,000		
D&R	KWO	Reservoir Water Quality		\$90,000	\$90,000		\$90,000
D&R	KWO	Groundwater Evaluation		\$25,000	\$25,000		\$25,000
D&R	KDWP	Stream Monitoring	\$125,050	\$50,000	\$50,000		(\$75,050)
D&R	KU	Dakota Aquifer Study	\$2,140				(\$2,140)
D&R	KSU	Ogallala	\$28,057				(\$28,057)
D&R	KWO	Other Studies	\$67,371				(\$67,371)
			\$1,376,630	\$1,273,650	\$1,238,531	(\$35,119)	(\$138,099)
FLOOD MANAGEMENT				KWA July = 7.65 8.0%	6.5%		
FM	SCC	Watershed Dams	\$1,017,658	\$850,000	\$829,000	(\$21,000)	(\$188,658)
FM	SCC	Multipurpose Small Lakes	\$215,314	\$692,000	\$231,000	(\$461,000)	\$15,686
FM	KDA	Floodplain Management	\$79,442	\$156,896	\$107,000	(\$49,896)	\$27,558
			\$1,312,414	\$1,698,896	\$1,167,000	(\$531,896)	(\$145,414)
RIPARIAN & WETLAND				KWA July = 0.6 0.5%	0.6%		
R/W	SCC	Riparian and Wetland	\$194,581	\$100,000	\$100,000		(\$94,581)
			\$194,581	\$100,000	\$100,000		(\$94,581)
RECREATION				KWA July = 0.8 0.7%	0.7%		
REC	KDWP	River Recreation		\$150,000	\$132,000	(\$18,000)	\$132,000
REC	KDWP	Other	\$1,873				(\$1,873)
			\$1,873	\$150,000	\$132,000	(\$18,000)	\$130,127
PUBLIC INFORMATION/EDUCATION				KWA July = 0.7 0.5%	0.6%		
PI/E	KWO	Public Information	\$30,000	\$40,500	\$40,000	(\$500)	\$10,000
PI/E	KWO	Water Resource Information	\$50,000	\$75,000	\$70,000	(\$5,000)	\$20,000
PI/E	KWO	State Water Plan Direction	\$50,000				(\$50,000)
			\$130,000	\$115,500	\$110,000	(\$5,500)	(\$20,000)
TOTAL			\$18,759,507	\$21,328,605	\$18,000,000	(\$3,328,605)	(\$759,507)

STATE OF KANSAS



Bill Graves, Governor

KANSAS WATER OFFICE
Al LeDoux
Director

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MEMORANDUM

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Date: February 4, 1998
To: Senate Energy and Natural Resources Committee
From: Al LeDoux, Director, Kansas Water Office *AL*
Subject: Senate Bills 476, 477 and 478

Mr. Chairman, members of the Committee, listed below you will find my brief comments related to your discussion of Senate Bills 476, 477 and 478, respectively.

Per your cursory review of these comments I would stand for questions.

Senate Bill 446⁷

These statutes all deal with the 1985 Memorandum of Understanding, between the State of Kansas and the U.S. Army Corps of Engineers, providing for purchase of water supply storage in certain federal reservoirs. The purchases under the Memorandum of Understanding were funded by the legislature, completed and thus these statutes are no longer necessary.

Senate Bill 477

These statutes refer to the employees of the Kansas Water Office as being in the Unclassified Service of the Kansas Civil Service Act. This is in correct. A Kansas Supreme Court decision found the statutes unconstitutional. At present all employees of the Kansas Water Office, except the Director, are in the classified service and this bill would clarify that.

Senate Bill 478

This statute is confusing and unnecessary as it provides for advanced training for only the scientific and professional staff of the Kansas Water Office. Training is currently available for all staff, thus the statute should be repealed.