

MINUTES OF THE SENATE NATURAL RESOURCES COMMITTEE

The meeting was called to order by Vice-Chairman Senator Mark Taddiken at 8:32 a.m. on January 23, 2003 in Room 432-S of the Capitol.

Members present: Senator Taddiken, Senator Huelskamp, Senator Downey, and Senator Lee

Committee staff present: Raney Gilliland, Legislative Research Department
Lisa Montgomery, Office of Revisor of Statutes
Shannon Stone, Committee Secretary

Conferees appearing before the committee:
David Pope, Chief Engineer of Division of Water Resources, KDA
Kent Lamb, Chairman, Kansas Water Authority
Clark Duffy, Director, Kansas Water Office

Others attending: See attached list

The meeting was called to order by Vice Chairman Mark Taddiken.

The first guest to appear before the Committee was David Pope, (Chief Engineer, Division of Water Resources) who started with opening remarks and briefed the Committee on the recent litigation settlement between Kansas and Nebraska regarding the Republican River Compact. He stated that he represented Kansas on the Republican River Compact Administration which was the forum to reach a comprehensive settlement. He provided background information, reviewed concerns raised by Kansas representatives, summarized key settlement elements of the litigation and concluded with the implementation requirements. (Attachment 1)

Mr. Pope entertained a question from Senator Huelskamp as to how the year 1948 was chosen as the start date regarding the curtailing of water rights. Mr. Pope noted that this was the year the Courtland Canal was constructed and therefore is a time which equalizes Kansas with Nebraska. Senator Lee commended David Pope for his work and for the savings Kansas can expect from the settlement. Senator Taddiken noted that Kansas needs to ensure continued funding for the work. In response to a question put forth by staff, Mr. Pope informed the Committee that Nebraska has made positive strides to keep the public aware of requirements throughout this process. Additionally, the State of Nebraska does have the authority it needs to enforce the terms of the agreement and Kansas will hold the Nebraska accountable for compliance with the settlement.

Kent Lamb (Chairman, Kansas Water Authority) briefed the Committee on current and new staff at the Authority. He also provided a list of the responsibilities of the Kansas Water Office and the Kansas Water Authority. (Attachment 2) Mr. Lamb introduced Clark Duffy (Director of Kansas Water Office).

Mr. Duffy reported on the organization of our state water agencies, the water management process, and key water and legislative issues for Kansas. Concern about funding and water rights was expressed by Senator Lee. Senator Downey commented that there needs to be a greater emphasis on the part of the agency, specifically in its mission statement, to respond to and communicate with the citizens of Kansas. She also asked for clarification on the division of roles and responsibilities of the Water Office and the Water Authority.

Senator Taddiken thanked Mr. Duffy for his work and commented on the usefulness of the Drought Severity Index he provided in his handout.

A quorum was not present so bills and resolutions were not presented.

The meeting adjourned at 9:32 a.m.

SENATE NATURAL RESOURCES COMMITTEE

GUEST LIST

DATE: Jan. 23, 2003

NAME	REPRESENTING
HANK HANSEN	GMD 3, GARDEN CITY KS
Craig Gibson	KWA Hatch
Phil Ruffly	KWO Topeka
Scott Heidner	KS Consulting Engineers
Don Parson	Ks Water Auth.
Steve Swaffar	Ks Farm Bureau
Tom Rogner	farmer-hergilar
Diane Coe	KWO Topeka
Jerry Blain	KWA, Wichita
Mike Maybenny	KRWA, Kiowa, KWA
Susan Stover	KWO, Topeka
Natalie Bright	REAP
Doug Smith	Garden City Co.
GREG A. FOLEY	KDA
Tracy Straete	CONS Comm.
Keith Bradshaw	Budget
Chris Wilson	GMD 3
John W. [unclear]	KDA

109 SW 9th Street
Topeka, Kansas 66612-1280
(785) 296-3558
FAX: (785) 296-8389



Division of Water Resources
David L. Pope, Chief Engineer
109 SW 9th Street, 2nd Floor
Topeka, KS 66612-1283
(785) 296-3717 FAX (785) 296-1176

KANSAS DEPARTMENT OF AGRICULTURE

Senate Natural Resources Committee

January 23, 2003

Republican River Compact Litigation Settlement

David L. Pope, Chief Engineer

Mr. Chairman and members of the committee, I am David Pope, chief engineer of the Kansas Department of Agriculture's Division of Water Resources. I am here to brief you on the recent litigation settlement between Kansas, Nebraska and Colorado regarding the Republican River. I have been involved in this issue for a number of years because I represent the state on the Republican River Compact Administration.

After more than a year of intense negotiations, we reached a comprehensive settlement effective December 15, 2002, which was approved by the governors and attorneys general of the three states. Last week, the states and the Department of Justice presented the proposed settlement to the special master appointed to hear the case by the U.S. Supreme Court. During the hearing, the special master said he would recommend the settlement to the Supreme Court. However, it will not be final until it is approved by the Supreme Court, which we expect later this year. Also, much work remains to implement the settlement, which I will discuss later.

The settlement fulfills Kansas' objectives in finding an acceptable resolution of the dispute without years of litigation. Those objectives include:

1. Compact compliance by each of the states, including recognizing the impact of groundwater wells on surface flows of the basin;
2. A moratorium on new well drilling;
3. Protecting and enhancing the water supply for downstream users, including the Kansas Bostwick Irrigation District, while providing flexibility for users in the upper portion of the basin in northwest Kansas.

The settlement removes the uncertainty that is always present in litigation and it allows us to achieve compliance with the compact sooner than if we had continued litigation. While we will need additional resources to implement the settlement and to ensure compliance by the other states, it will save millions of dollars compared to protracted litigation.

Background

In 1943, Kansas, Nebraska and Colorado entered into the Republican River Compact to equitably divide the waters of the Republican River basin. As shown on the attached map, the basin includes portions of eastern Colorado, northwest Kansas and southwest Nebraska. The main stem Republican River flows into Kansas north of Concordia and then into Milford Reservoir. Releases from Milford Reservoir join the Smoky Hill to form the Kansas River. Consequently, Kansas is both an upstream and a downstream state in this compact.

The compact allocates the basin's water supply above the Kansas-Nebraska state line, providing approximately 10 percent to Colorado, 40 percent to Kansas and 50 percent to Nebraska for beneficial consumptive use. All water that originates downstream of Nebraska is allocated to Kansas.

Historic water resources development in the basin includes a system of seven Bureau of Reclamation and two Corps of Engineers' reservoirs and six irrigation districts, along with an extensive amount of groundwater use primarily for irrigation. Kansas projects include Keith Sebelius Reservoir in Prairie Dog Creek in northwest Kansas and Milford and Lovewell reservoirs in the lower Republican River basin. Kansas also receives irrigation benefits from Harlan County Reservoir in Nebraska.

The water from the Republican River basin is important to Kansas for:

1. Water users within Republican River tributaries of northwest Kansas;
2. Surface water and groundwater users on the Republican River main stem in north-central Kansas, including the Kansas Bostwick Irrigation District;
3. Milford Reservoir users. The Republican River is a major tributary to the Kansas River and contributes to this water supply for much of our state's population.

Kansas Raises Concerns

Late in the 1980s, Kansas began raising serious concerns with Nebraska and has proposed several solutions regarding:

1. Nebraska's failure to comply with the terms of the compact, primarily due to their lack of adequate regulation of groundwater pumping and overuse of their allocation;
2. The lack of enforcement mechanisms within the compact. After many attempts to resolve the dispute through the Republican River Compact administration and mediation, the state had no alternative but to seek relief through the U.S. Supreme Court.

Litigation

In May 1998, with the support of the Legislature through concurrent resolution, the Kansas Attorney General filed a motion for leave to file a bill of complaint with the U.S. Supreme Court alleging that Nebraska was violating the Republican River Compact. On January 19, 1999, the court granted Kansas leave to file its bill of complaint. Nebraska filed an answer and counterclaim in April 1999. Colorado also filed an answer and counterclaim. The court appointed a special master, Vincent L. McKusick, to hear the case.

Much of 1999 and 2000 was spent considering legal issues, especially whether the impact of groundwater use on stream flow is restricted by the compact. In an important ruling, the special master held that it did. During fall 2000 the special master issued a case-management order identifying a number of legal issues for resolution and setting forth an aggressive, detailed trial preparation schedule that would lead to a trial commencing March 1, 2003.

The remainder of 2000 and much of 2001 was dedicated to briefings and formal discovery. More than one million pages of documents and an extensive amount of electronic data were exchanged under discovery.

The initial rulings by the special master and court paved the way for meaningful settlement discussions. During fall 2001, the states began exploring the potential for resolving the case by settlement. During December 2001, the special master, at the request of the states, agreed to postpone the case's progression to allow the states to engage in settlement negotiations. The U.S. Department of Justice, U.S. Bureau of Reclamation and the U.S. Army Corps of Engineers also participated in settlement negotiations.

Summary of Key Settlement Elements

1. If approved by the U.S. Supreme Court, the settlement will resolve the litigation initiated by Kansas in 1998. Each state agrees to waive all claims for damages prior to December 15, 2002.
2. A moratorium on new large-capacity wells is required in most of the basin upstream of Guide Rock, Nebraska. Kansas and Colorado must maintain their existing restrictions on new uses in the basin, which are quite restrictive.
3. The settlement requires all three states to limit their consumptive use of water, including the effect of groundwater use on stream flow, to their compact allocations as determined by the provisions of the settlement.
4. It contains detailed accounting formulas and reporting requirements for all water uses to determine compact compliance, including using a jointly developed computer model to determine the impact of all wells within the basin.

5. Each state has flexibility as to where it allows the use of water, as long as it is within its total allocation and it does not impair another state's ability to use its allocation.
6. The settlement allows multiyear averaging. However, during water-short years, the averaging period is reduced to protect downstream uses.
7. When the available water supply is limited from Harlan County Reservoir, a water-short year is deemed to exist and additional restrictions on use apply above Guide Rock, Nebraska, to protect downstream uses.
8. Nebraska is also required to protect storage releases from Harlan County Reservoir, and to curtail water rights junior to 1948 below the reservoir, during water-short years.
9. It includes procedures for mediation and arbitration to help resolve any disputes that arise. The detailed requirements related to data collection, exchange and monitoring should help avoid future disputes and improve enforcement.
10. It provides a framework where states can work together to improve operational efficiencies and the usable water supply in the lower Republican River basin.

Officials of all three states worked hard to obtain a settlement that is a fair and workable resolution of the dispute for all interests. I believe there is significant value in moving forward with the states through the compact administration to implement the settlement.

Implementation

The settlement will not end Kansas' obligations related to the Republican River Compact in terms of staff time and fiscal resources, although it will likely save millions of dollars in litigation costs. Implementing the provisions of the settlement will require:

- Completing the groundwater model this year, including arbitration if necessary, and developing in-house expertise to run the model on an ongoing basis to complete annual compact accounting with the other states.
- Monitor Kansas' water use to ensure future compliance in northwest Kansas.
- Monitor Nebraska's and Colorado's future compliance.
- Monitor Harlan County Reservoir irrigation supply and dry-year administration required by the settlement.
- Participate with Nebraska and the U.S. in a feasibility study of the alternatives identified in a value engineering study conducted by the U.S. Bureau of

Reclamation. Kansas will be expected to commit to 25 percent of the total cost, either through in-kind services, cash, or some combination. Kansas' required contributions are expected to be \$125,000 in FY 05, \$125,000 in FY 06 and \$62,500 in FY 07.

- Participate in a study of the impacts of nonfederal reservoirs and land terracing on the basin's virgin water supply. I expect Kansas' participation in this study to be provided through in-kind services.
- Being prepared to use arbitration or other means to resolve any future disputes under the dispute resolution provisions of the settlement.

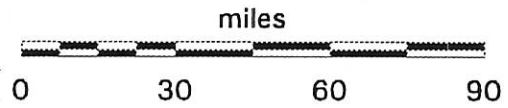
Conclusion

I am convinced that the settlement is a reasonable solution that meets our original objectives while avoiding the uncertainty, time and expense of protracted litigation. A detailed summary of the settlement agreement is attached to my testimony. I would be glad to answer your questions regarding this matter. Thank you.

Attachments: Basin Map
Settlement Summary

Republican River Basin

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Index Map



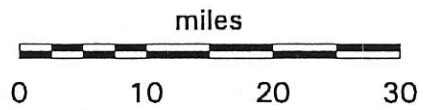
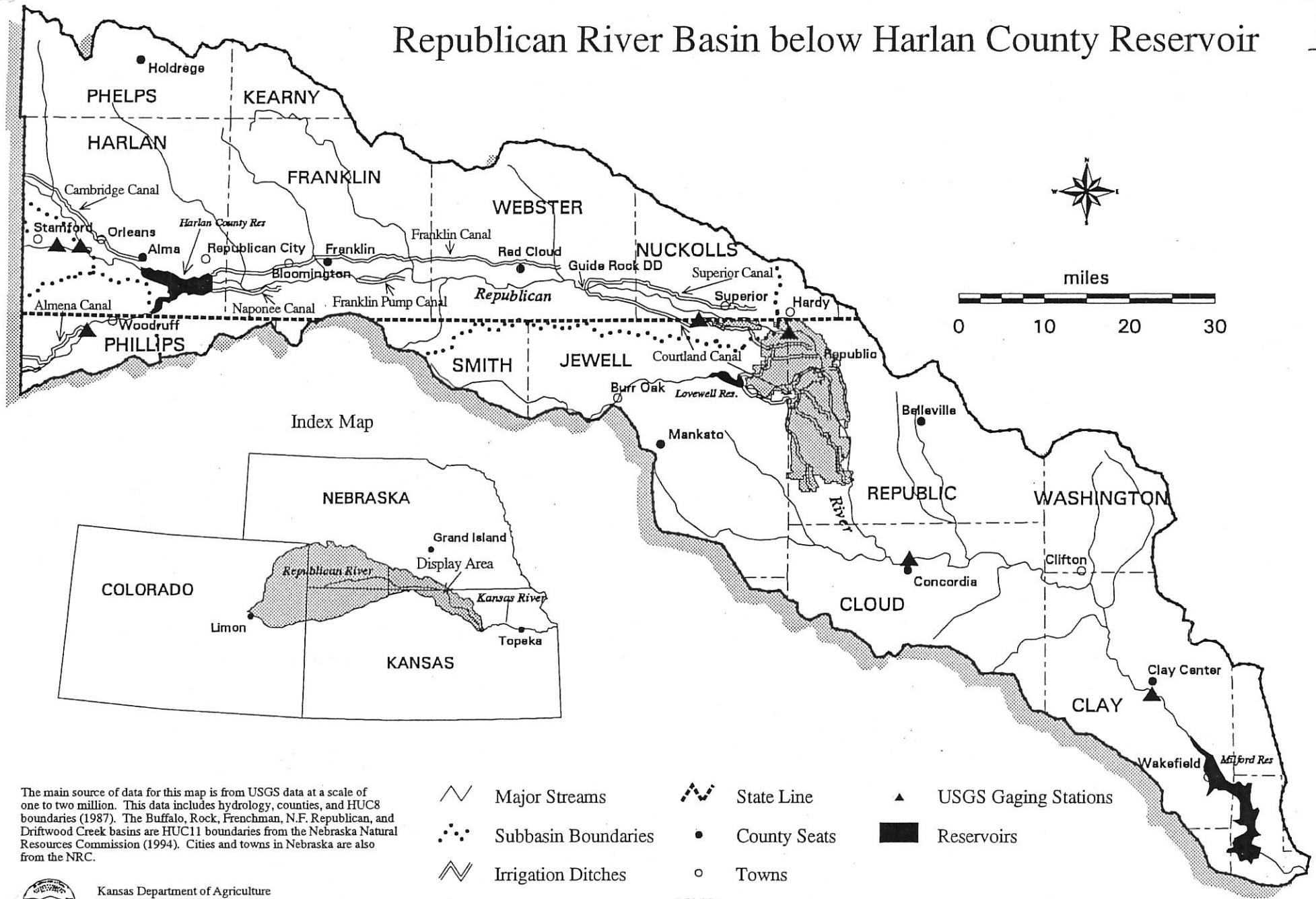
- Major Streams
- Basin Boundaries
- County Lines
- State Lines
- Reservoirs and Lakes
- County Seat

The main source of data for this map is from USGS data at a scale of one to two million. This data includes hydrology, counties, and HUC3 boundaries (1987). The Buffalo, Rock, Frenchman, N.F. Republican, and Driftwood Creek basins are HUC11 boundaries from the Nebraska Natural Resources Commission (1994). Cities and towns in Nebraska are also from the NRC.



Kansas Department of Agriculture
Division of Water Resources
SWRMP, August 1996

Republican River Basin below Harlan County Reservoir



The main source of data for this map is from USGS data at a scale of one to two million. This data includes hydrology, counties, and HUC8 boundaries (1987). The Buffalo, Rock, Frenchman, N.F. Republican, and Driftwood Creek basins are HUC11 boundaries from the Nebraska Natural Resources Commission (1994). Cities and towns in Nebraska are also from the NRC.

- Major Streams
- Subbasin Boundaries
- Irrigation Ditches
- County Lines
- State Line
- County Seats
- Towns
- USGS Gaging Stations
- Reservoirs
- Kansas Bostwick Irrigation District

Summary of the Republican River Settlement Agreement - December 15, 2002

Following is a brief description of the major components of the final settlement stipulation agreed to by Kansas, Colorado and Nebraska.

Section I - General Provisions - Resolution of Pending Litigation

The settlement resolves the pending litigation and disputes between the states and provides for dismissal with prejudice of the original action. This means all claims arising prior to December 15, 2002, that could be made against another state, including any claims for damages, are waived.

Section II - Definitions

Section III - Existing Development

The states agreed that a moratorium would be placed on the construction of new wells upstream of Guide Rock, Nebraska. Kansas' and Colorado's existing rules, which create a de facto moratorium, were accepted as sufficient for this purpose. Nebraska was required to develop a moratorium that generally applies to the three Republican River Natural Resources Districts (NRDs).

Section IV - Compact Accounting

The settlement adopts clear, detailed accounting formulas to determine whether each state is limiting its consumptive uses of the basin's water supply to its allocation under the compact. Major aspects of the accounting procedures include methods to determine depletions from surface water and groundwater use; subbasin flexibility; averaging; and measurement and data collection.

Determining Depletions: The settlement requires states to use a comprehensive groundwater model, currently being developed by the three states, to determine the impact of all groundwater pumping on the basin's stream flows.

Subbasin Flexibility: The settlement provides each state with flexibility for the location of their use of water, as long as the state's total use is within its allocation and its use does not impair the ability of a downstream state to use its specific allocation. Based on historic use, this should give Kansas sufficient flexibility to continue existing uses in northwest Kansas, except under very rare conditions when some moderate regulation may be required.

Averaging: The settlement agreement provides that compact accounting and compliance will be done on a five-year rolling average, except, as is discussed below, in water-short years when a two- or three-year average will be used to protect Kansas' needs in the lower basin. Thus, these provisions provide all the states, including Kansas, with needed flexibility to use water to the extent it is consistent with compact allocations, balanced by the need to protect downstream uses in critical periods.

Measurement and Data Collection: RRCA accounting procedures describe the measurements to be made, data to be compiled, format of reports, and the deadline by which reports must be submitted to the RRCA engineering committee.

During negotiations, the states and the United States discussed the possibility of working together to improve the water supply to the lower river, including the Kansas Bostwick Irrigation District and main stem Republican River in Kansas. The Bureau of Reclamation, with some technical assistance from the states, evaluated on a limited basis 13 alternatives. The bureau is initiating an appraisal study of three alternatives the states believe are most feasible. It is possible that the states and the bureau may elect to pursue authorization and funding of one or more of these alternatives to better utilize and manage the waters of the lower Republican River basin.

Section V entitled Guide Rock discusses administration in a water-short year.

The compact provides that Kansas may take all or a portion of its allocation for the main stem at or near Guide Rock, Nebraska. The settlement provides for additional water administration in Nebraska above Guide Rock, particularly during water-short years. Nebraska has agreed to recognize a priority date of February 26, 1948, for the Kansas Bostwick Irrigation District and to protect any storage water released from Harlan County Lake from diversions by those without a contract for the water.

When the U.S. Bureau of Reclamation forecasts an irrigation water supply in Harlan County Lake of less than 130,000 acre feet (the water supply available to the Bostwick Irrigation District when Harlan County Reservoir is full), and water is needed for irrigation at Guide Rock, Nebraska will close permits between Harlan County Lake and Guide Rock that are junior to February 26, 1948.

When the irrigation supply is less than 119,000 acre feet (known as water-short year administration), Nebraska has agreed to further limit its computed beneficial consumptive use above Guide Rock to no more than the amount of its allocation derived above Guide Rock. This will be calculated using a two-year average rather than the five-year average generally used under the compact accounting

The settlement provides for an alternative to the two-year running average compliance schedule in water-short year administration if Nebraska elects to implement a pre-approved plan for reducing its uses above Guide Rock. In such cases, its compliance above Guide Rock will be based on a three-year running average.

Section VI - Soil and Water Conservation

To address federal government concerns regarding depletions due to conservation practices, the states have agreed to count evaporation from nonfederal reservoirs larger than 15 acre feet and, in cooperation with the United States, to undertake a study to assess the impacts of nonfederal reservoirs and land terracing on the basin water supply. The cost of the study is to be no more than \$1 million. The federal government will pay for 75 percent of the study and each state agrees to pay their share of the remaining 25 percent. The states' shares may be paid entirely by

in-kind contributions. Participation in the study does not commit any state to include soil and water conservation measures in the compact accounting.

Section VII - Dispute Resolution

The settlement provides clear mechanisms to resolve future disputes among the states. Any disputes related to the compact will be submitted first to the compact administration. If the state raising the issue believes it requires immediate attention, it must be addressed by the compact administration within 30 days. Any issue that cannot be resolved by the compact administration will be submitted to nonbinding arbitration, unless otherwise agreed to by the states. If arbitration does not resolve the dispute, the state may seek relief from the U.S. Supreme Court.

We believe this dispute resolution process, when combined with the extensive detail negotiated in the settlement and the cooperative atmosphere established in the settlement discussions, will minimize future disputes that must go before the court for resolution.

As the details of the settlement will be a decree of the U.S. Supreme Court, breaches of its expressed provisions will be more easily demonstrated than under the compact itself. Also, it will have serious consequences for the states and the officials who allow such breaches to occur.

The text of the settlement agreement and other background information can be found on the department's website at: www.accesskansas.org/kda.

AA.

WATER
BRIEFING TO THE
SENATE NATURAL RESOURCES COMMITTEE
Kent Lamb, Chairman, Kansas Water Authority
January 23, 2003, 8:30 A.M.

- Kansas Water Authority Members
- Kansas Water Office & Kansas Water Authority Responsibilities
- *The Kansas Water Plan*
- Basin Advisory Committees

Senate Natural Resources
Committee
Date: January 23, 2003
Attachment 2-1

THE KANSAS WATER AUTHORITY

NAME	OCCUPATION	REPRESENTING	TERM EXPIRES
Kent Lamb, Chairman (620) 348-2315 RR 1, Box 69 Macksville, KS 67557-9402	Farmer/Irrigator	Governor	Pleasure
Clark Duffy, Acting Secretary (785) 296-3185 901 S. Kansas Avenue Topeka, KS 66612-1249 cduffy@kwo.state.ks.us	Acting Director	Kansas Water Office	Ex Officio
Dr. M. Lee Allison (785) 864-2108 University of Kansas – Campus West 1930 Constant Avenue Lawrence, KS 66047-3726 llallison@kgs.ukans.edu	Director	KS Geological Survey	Ex Officio
Gerald Blain (316) 268-4578 455 N. Main, 8 th Floor Wichita, KS 67202 jblain@wichita.gov	City of Wichita	GMD's #2 & #5	05/01/06
Dr. Roger L. Boyd (785) 594-3172 (h) P. O. Box 65 (785) 594-4547 (w) Baldwin City, KS 66006-0065 boyd@harvey.bakeru.edu	Professor of Biology Baker University	Environment/ Conservation	01/15/05
David Brenn (620) 275-7460 (h) 1710 Pheasant Court Garden City, KS 67846 dbrenn@gcnet.com	President, Western Kansas Resource Management, LLC	GMD's #1, #3, and #4	01/15/03
Greg Foley (785) 296-3558 109 SW 9 th Street, Suite 400 Topeka, KS 66612 jadams@kda.state.ks.us	Acting Secretary	KS Department of Agriculture	Ex Officio
Craig Gibson (620) 662-3584 4013 E. Illinois Hutchinson, KS 67501	Farmer	President of the Senate	07/01/04
William R. Hamm (316) 284-0707 400 S. Main Street, Suite 100 Newton, KS 67114-3771 billh@hammandassoc.com	Insurance/ Investments	State Association of KS Watersheds	05/01/06
Dr. Ron Hammerschmidt (785) 296-1535 KS Dept. of Health & Environment Charles Curtis State Office Building 1000 SW Jackson Street, Suite 400 Topeka, KS 66612-1367 rhammers@kdhe.state.ks.us	Director	Division of Environment	Ex Officio
Mike Hayden (785) 296-2281 900 SW Jackson, Suite 502 Topeka, KS 66612 mike.hayden@wp.state.ks.us	Secretary	KS Department of Wildlife and Parks	Ex Officio
Dr. Marc Johnson (785) 532-7137 113 Waters Hall Kansas State University Manhattan, KS 66506 agdean@ksu.edu	Director	Agricultural Experiment Station	Ex Officio

NAME	OCCUPATION	REPRESENTING	TE/EXPI
Mike Mayberry (620) 825-4715 409 S. 10 th Street Kiowa, KS 67070 mikkiowa@sctelcom.net	Sunflower Enterprise Facilitation	Kansas Rural Water Association	05/01/04
Cliff Mayo (620) 276-7583 1909 Grandview East Garden City, KS 67846-8325	Farmer/Stockman	Speaker of the House	07/12/03
John Moore (785) 296-3482 KS Dept. of Commerce & Housing Charles Curtis State Office Building 1000 SW Jackson Street, Suite 100 Topeka, KS 66612-1367 jmoore@kansascommerce.com	Secretary	Department of Commerce & Housing	Ex Officio
Don Paxson (785) 421-2364 P. O. Box 487 Penokee, KS 67659-0487 dpaxson@ruraltel.net	Businessman/ Farmer	KS Assoc. of Conservation Districts	05/01/04
David L. Pope (785) 296-3717 Kansas Department of Ag 109 SW 9 th Street, 2 nd Floor Topeka, KS 66612 dpope@kda.state.ks.us	Chief Engineer	Division of Water Resources	Ex Officio
Paul Sasse (620) 331-2253 (h) 215 N Second Street (620) 332-2506 (w) Independence, KS 67301 citymgr@comgen.com	City Manager City of Independence	League of Municipalities	01/15/05
Gordon Schmidt (620) 543-2628 10320 N Wheat State Road Inman, KS 67546-8109	Farmer	Public	08/31/04
Sharon Steele (785) 462-2558 965 Prairie View Colby, KS 67701-4303 psteel@colby.ixks.com	Farmer	Public	01/15/04
Tracy Streeter (785) 296-3600 109 SW 9 th Street, Suite 500 Topeka, KS 66612 tstreeter@scc.state.ks.us	Executive Director	State Conservation Commission	Ex Officio
Paul Tobia (316) 722-8528 12102 Ridgpoint Wichita, KS 67235 tobia@southwind.net	General Partner RML Partnership, LP	KS Association of Commerce and Industry	01/15/03
John Wine (785) 271-3100 1500 SW Arrowhead Road Topeka, KS 66604 j.wine@kcc.state.ks.us	Chair	Kansas Corporation Commission	Ex Officio

The Kansas Water Authority

The Kansas Water Authority is within and a part of the Kansas Water Office. It is responsible for advising the Governor, the Legislature, and the Director of the Kansas Water Office on water policy issues, for approving the *Kansas Water Plan* and revisions thereto, for approving water storage sales, federal contracts, administrative regulations, and legislation proposed by the Kansas Water Office.

KANSAS WATER OFFICE & KANSAS WATER AUTHORITY RESPONSIBILITIES

Fact Sheet No. 3

July 2002

Kansas Water Office

BACKGROUND

The Kansas Water Office and the Kansas Water Authority were established in 1981. The Kansas Water Office with 22.5 employees is the water planning, policy, coordination and marketing agency for the state. The Kansas Water Authority is statutorily within and a part of the Kansas Water Office. It advises the Governor, Legislature and the Director of the Kansas Water Office on water policy issues. The Kansas Water Authority is responsible for approving water storage sales, the State Water Plan, federal contracts, regulations and legislation proposed by the Kansas Water Office.

The primary statutory function of the agency is the development and implementation of the State Water Plan. State law requires the Kansas Water Office to "Formulate on a continuing basis a comprehensive State Water Plan for the management, conservation and development of the water resources of the state. Such State Water Plan shall include sections corresponding with water planning areas as determined by the office." (K.S.A. 74-2608 *et seq.*)

To accomplish this goal, the agency is given further statutory responsibility to:

KEY RESPONSIBILITIES OF THE KANSAS WATER OFFICE

1. Administer the State Water Resources Plan Act. K.S.A. 82a-901 *et seq.*
2. Conduct public water supply planning. (K.S.A. 74-2616)
3. Administer the State Water Plan Storage Act (Water Marketing Program) (K.S.A. 82a-1301 *et seq.*)
4. Administer the Water Assurance Program Act. (K.S.A. 82a-1345 *et seq.*)
5. Manage the State Water Plan Fund. (K.S.A. 82a-951)
6. Administer the Weather Modification Program. (K.S.A. 82a-1411)
7. Coordinate water related activities of state, local and federal government. (K.S.A. 82a-931)
8. Negotiate water related agreements with the federal government. (K.S.A. 82a-915 & 82a-933)
9. Coordinate water related research. (K.S.A. 82a-941)
10. Issue water related revenue bonds. (K.S.A. 82a-1316)
11. Collect and compile information pertaining to the water resources of the state. (K.S.A. 74-2608 *et seq.*)
12. Work out a plan of water resources management, conservation and development for water planning areas in the state. (K.S.A. 74-2608 *et seq.*)
13. Develop and maintain guidelines for water conservation plans and practices. (K.S.A. 74-2608 *et seq.*)
14. Establish guidelines for conditions indicative of drought. When such conditions are met, advise the Governor, and recommend that the Governor's Drought Response Team be assembled. (K.S.A. 74-2608 *et seq.*)

KEY RESPONSIBILITIES OF THE KANSAS WATER AUTHORITY

1. Consult with and be advisory to the Governor, Legislature and Director of the Kansas Water Office on water management issues. (K.S.A. 82a-2622(d)(1))
2. Review plans of any state or local agency related to the water resources of the state. (K.S.A. 82a-26622(d)(2))
3. Study laws related to water resources management issues and make recommendations on such issues and make recommendations on such issues to the Governor and Legislature. (K.S.A. 82a-2622(d)(3))
4. Make recommendations to other state agencies and political subdivisions of the state for the coordination of their activities related to water resources management. (K.S.A. 82a-2622(d)(4))
5. Review and furnish recommendations to the Governor and Legislature on program plans

pertaining to the state's water resource of any agency of the state.

(K.S.A. 82a-26622(d) *et seq.*)

The Kansas Water Authority is also responsible for prior approval of the following: Kansas Water Office contracts related to the State Water Plan storage act; amendments to the State Water Plan on water planning act and other legislation that the Kansas Water Office may propose; pricing of water for sale under the marketing program; federal contracts with the Kansas Water Office; Kansas Water Office proposed rules and regulations; and Kansas Water Office conservation plan guidelines and practices. (K.S.A. 82a-2622(d) *et seq.*)

Kansas Water Authority Membership

The 23-member Kansas Water Authority is comprised of 13 private citizen members and ten ex officio members. The 13 private citizen members serve as follows:

- 1) appointment by the Governor (this member serves as chairperson of the Kansas Water Authority);
- 2) appointment by the President of the Senate;
- 3) appointment by the Speaker of the House of Representatives;
- 4) a representative of large municipal water uses;
- 5) a representative of small municipal water users;
- 6) a board member of western Kansas groundwater management district;
- 7) a board member of a central Kansas groundwater management district;
- 8) a member of the Kansas Association of Conservation Districts;
- 9) a representative of industrial water users;

- 10) a member of the State Association of Watershed Districts;
- 11) a member with a demonstrated background and interest in water use, conservation and environmental issues;
- 12 and 13) two representatives of the general public.

The 10 ex officio members are as follows:

- 1) the State Geologist;
- 2) the Chief Engineer of the Division of Water Resources of the Kansas Department of Agriculture;
- 3) the Secretary of the Kansas Department of Health and Environment;
- 4) the Director of the Kansas Water Office (this member serves as Secretary of the Kansas Water Authority);
- 5) the Director of the Agricultural Experiment Station of Kansas State University;
- 6) Chairman of the Kansas Corporation Commission;
- 7) Secretary of the Kansas Department of Wildlife and Parks;
- 8) the Secretary of the Kansas Department of Commerce;
- 9) the Executive Director of the State Conservation Commission; and
- 10) the Secretary of the Kansas Department of Agriculture. (K.S.A. 74-2622 *et seq.*)

ADDITIONAL INFORMATION

Further information on this and other *Kansas Water Plan*- related programs can be obtained from the Kansas Water Office, 901 S. Kansas Ave., Topeka, KS 66612-1249. Call (785) 296-3185 or toll free (888) KAN-WATER. The Kansas Water Office WEB site is www.kwo.org.

THE KANSAS WATER PLAN

Fact Sheet No. 1

July 2002

Kansas Water Office

The *Kansas Water Plan* is annually updated to document how the state intends to “. . . best achieve the proper utilization and control of the water resources of the state . . .” The *Kansas Water Plan* is prepared in accordance with K.S.A. 82a-901 *et seq.*, the State Water Resources Planning Act.

The Kansas Water Office is the water planning agency for the state, and is mandated under K.S.A. 82a-903 to “formulate on a continuing basis a state water plan for the management, conservation and development of the water resources of the state. Within and a part of the Kansas Water Office is the Kansas Water Authority which is comprised of 23 members.

One of the primary duties of the Kansas Water Authority is to annually approve *the Kansas Water Plan*. Once the *Kansas Water Plan* has been approved, the Kansas Water Office submits it to the Governor and Legislature for implementation.

The *Kansas Water Plan* is formulated and used for the general purpose of accomplishing the coordinated management, conservation and development of the water resources of the state. The Division of Water Resources of the Kansas Department of Agriculture, State Geological Survey, the Division of Environment, Department of Wildlife and Parks, State Conservation Commission and all other interested state agencies cooperate with the office in formulation of the *Kansas Water Plan*. (K.S.A. 82a-903)

PURPOSE

The *Kansas Water Plan* is used to coordinate management, conservation and development of the water resources of the state. The *Kansas Water Plan* sets out to achieve the goals identified in the State Water Resources Planning Act (K.S.A. 82a-901, *et seq.*).

The Kansas Water Authority approved objectives for the year 2010 and 2015 as part of the Kansas Water Plan. These objectives will be used

as guidance for assessment of the condition of the water resources of the state; for development of measurable objectives for each basin; and for incorporating site specific information for implementing targeted programs in each basin.

The policy sections of the Kansas Water Plan contain an overview of state programs in place to meet the 2010 and 2015 Objectives. The policy sections serve as a guide for new water policy that would be implemented after passage of authorizing legislation and/or budgetary appropriations. The sections also contain recommendations on implementation of programs that have statewide application.

The purpose of the basin sections of the *Kansas Water Plan* is to make recommendations for the operation of state programs that can assist in addressing priority issues and in meeting the 2010 and 2015 Objectives for a basin.

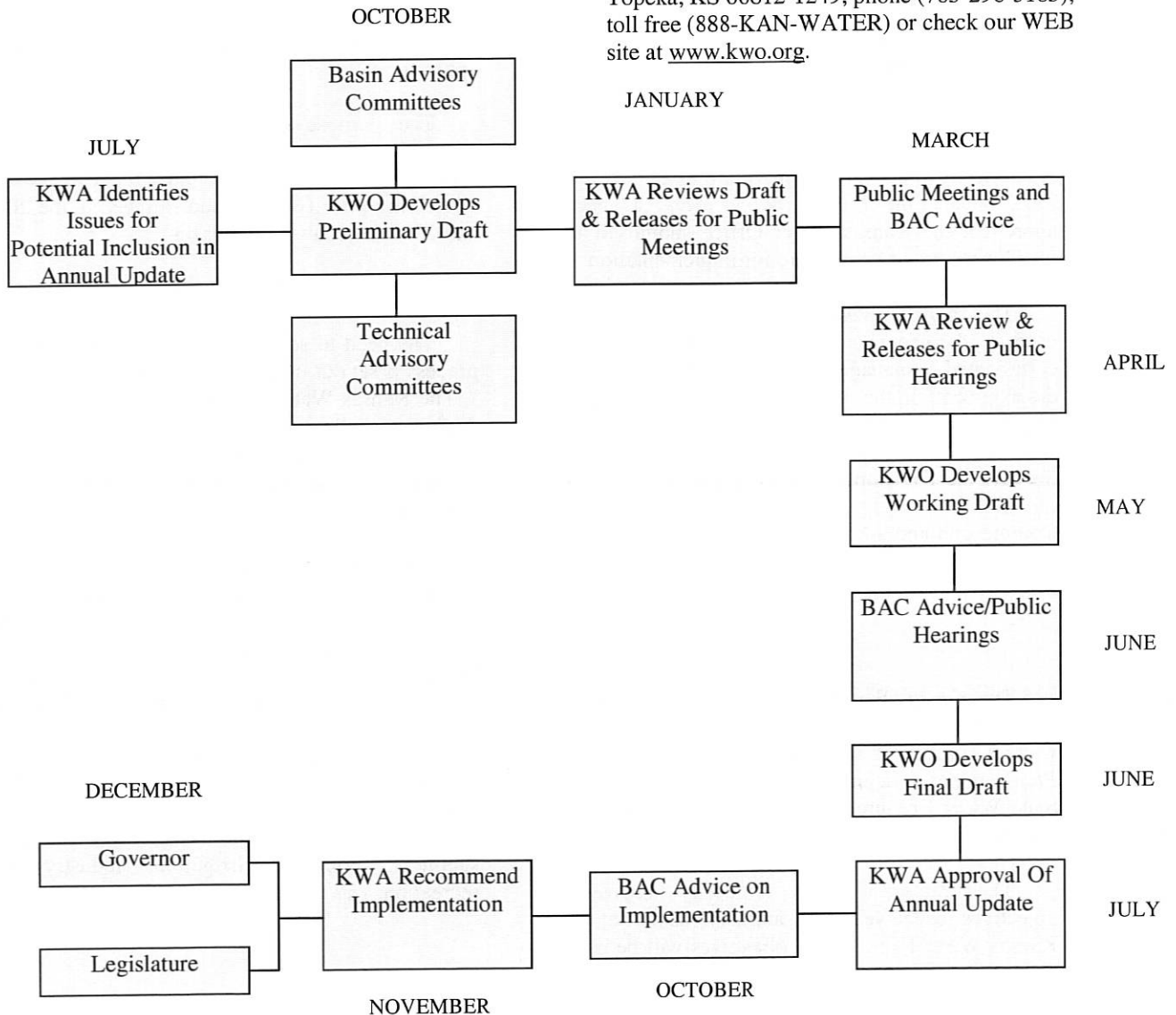
PROCESS

The need to seek public input in the planning process is set out in K.S.A. 82a-903 and states that: “.The Kansas Water Office and the Kansas Water Authority shall seek advice from the general public and from committees consisting of individuals with knowledge of and interest in water issues and in the water planning areas.”

The Kansas Water Plan is formulated through an established planning process, which emphasizes public participation through basin advisory committees, public meetings and public hearings. Basin Advisory Committees are made up of volunteer citizens located within each of the 12 major river basins in the state to provide advice on formulation and implementation of the Basin Sections of the *Kansas Water Plan*. Each committee has 11 members representing water use categories of municipal, other public water suppliers, domestic, irrigation, industry and recreation, as well as at large members.

IMPLEMENTATION

Implementation of the *Kansas Water Plan* is accomplished in part by the passage of necessary legislation and through funding of specific programs or projects. Creation of the State Water Plan Fund in 1989 provided a dedicated source of revenue to supplement funding for implementation of the *Kansas Water Plan*. The *Kansas Water Plan* serves as guidance to the agencies for preparation of budgets to implement the *Kansas Water Plan*. Following submission of agency budgets in September, the Kansas Water Authority reviews the agencies' requests and prepares recommendations to the Governor and Legislature on actions necessary to implement the Plan, including legislation, coordination and appropriations of money, especially from the State Water Plan Fund (K.S.A. 74-2622(d)).



ASSESSMENT

The Kansas Water Plan 2010 and 2015 Objectives provide a means to quantify the condition of water resources in the state through the assessment of each objective. The assessments will provide valuable information to planners and program managers to target funding and efforts to meet the 2010 and 2015 Objectives. Each completed assessment will be summarized in assessment notebooks for the state and by the basin, and published on the Internet at <http://www.kwo.org>.

ADDITIONAL INFORMATION

Further information on this subject or other Kansas Water Plan related programs can be obtained from: Kansas Water Office, 901 S. Kansas Avenue, Topeka, KS 66612-1249, phone (785-296-3185), toll free (888-KAN-WATER) or check our WEB site at www.kwo.org.

BASIN ADVISORY COMMITTEES

Fact Sheet No. 4

January 2001

Kansas Water Office

Introduction

The Kansas Water Office is directed to “formulate on a continuing basis, a comprehensive State Water Plan for the management, conservation and development of the water resources of the state. Such State Water Plan shall include sections corresponding with water planning areas as determined by the office” (K.S.A. 82a-903). Major river basins as shown in Figure 1 have been established as the water planning areas for this purpose .

In 1985, K.S.A. 82a-903 was amended as recommended in the *Kansas Water Plan* to require the Kansas Water Office and the Kansas Water Authority seek advice from the general public and from committees consisting of individuals with knowledge of and interest in water issues in the water planning areas. Basin advisory committees were first established in each of the 12 river basins in Kansas on June 28, 1985. The 11-member committee for each basin consists of at least one member representing each of the following six water user categories: domestic; municipal; other public water supplier; industrial; irrigation and recreation, fish and wildlife. The remaining five members are selected based on user category, geographic distribution and other criteria at the discretion of the basin advisory committee.

Employees of state agencies represented by ex-officio members of the Kansas Water Authority are not eligible for membership on basin advisory committees. This does not include individuals associated with organizations represented by voting members on the Kansas Water Authority. Ex-officio agencies assign staff to serve as advisors to each of the basin advisory committees.

Role of the Basin Advisory Committee

The basin advisory committees provide the working link between the Kansas Water Office staff and the public. The committees:

1. Advise the Kansas Water Office and the Kansas Water Authority in identification of water-related problems, issues, and concerns within their basin and the objectives to be used to direct planning efforts in their basin.
2. Advise the Kansas Water Office and the Kansas Water Authority in the formulation of revisions to the Basin Plan for their basin.
3. Advise the Kansas Water Office and the Kansas Water Authority in the determination of *Kansas Water Plan* implementation priorities and actions necessary to implement the Plan in their basin.
4. Advise the Kansas Water Office and the Kansas Water Authority on the promotion of public awareness of the importance of water resources in their basin.
5. Advise the Kansas Water Office and the Kansas Water Authority on any other water-related matter considered to be of importance by the Basin Advisory Committee.
6. Serve as a link to the public in the basin through interaction with various groups and individuals. The committee members also carry information on concerns and issues to citizens in the basin.

Selection Process

All members are nominated by the basin advisory committee from applications on file. The chairperson is nominated by the basin advisory committee from the existing membership. The Kansas Water Authority considers confirmations of all nominations. All members, including the chairperson, serve staggered four-year terms. Terms expire on June 30 of alternate odd years.

Procedures used to fill vacancies on basin advisory committees are as follows:

A. Procedure to fill expired terms.

1. April, odd number years –Basin advisory committee members whose terms are expiring are contacted to determine if they wish to continue serving. All individuals with applications on file will be contacted to determine if they wish to remain on file. If not, their applications will be discarded. Notices are provided to individuals and targeted media on the Kansas Water Office mailing list that applications for basin advisory committee membership are being solicited. Organizations that have membership that would qualify to meet the water user categories may request to be placed on a list to be contacted to encourage applications from their members. This list is reviewed annually by the Kansas Water Office to keep it up to date.

Applications may be received at any time and remain on file until the next renewal process.

2. June – Applications on file at the time of the June basin advisory committee meetings are considered for filling any existing vacancies and the positions of members whose terms are expiring and who do not wish to continue serving as members. Nominations for membership

are forwarded to the Kansas Water Authority for confirmation.

3. July – The Kansas Water Authority reviews all nominations for Basin Advisory Committee Membership and take appropriate action.

B. Procedure to fill unexpired terms.

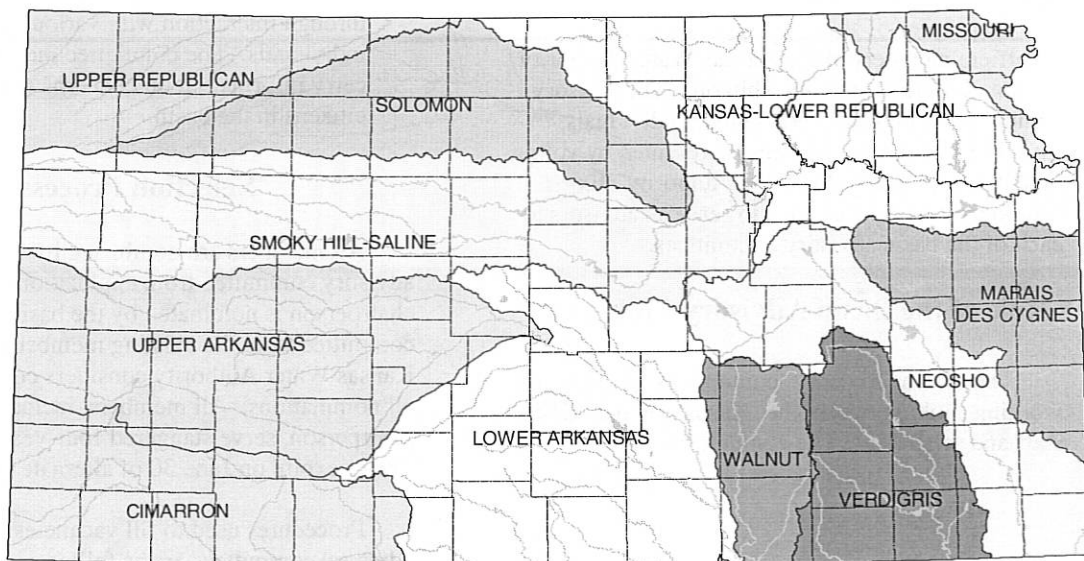
Upon resignation or discontinuation of a basin advisory committee member serving on a committee for any reason, the basin advisory committee shall nominate a replacement to fill the unexpired term from the applications on file. All basin advisory committee nominations are subject to confirmation by the Kansas Water Authority. The Authority may consider Basin Advisory Committee nominations at any meeting.

Additional Information

Fact sheets are also available on the *Kansas Water Plan Purpose & Process* and the Kansas Water Office and the Kansas Water Authority.

Further information on this subject or on many other *Kansas Water Plan* related programs can be obtained from: Kansas Water Office, 901 S. Kansas Avenue, Topeka, KS 66612-1249, phone (785-296-3185), toll free (888-KAN-WATER) or check our WEB site at www.kwo.org.

MAJOR RIVER BASINS IN KANSAS



Kansas Water Office, July 1999
This map intended for planning purposes only.

Figure 1