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**PREPARATION AND IMPLEMENTATION OF THE
STATE WATER PLAN IN KANSAS**

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**INNOVATION IN WESTERN WATER LAW
AND MANAGEMENT**

**Natural Resources Law Center
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I. INTRODUCTION

A. Summary

1. Planning is continuous and calibrated with the budget and legislative processes.
2. Plans are developed for each major river basin in the state.

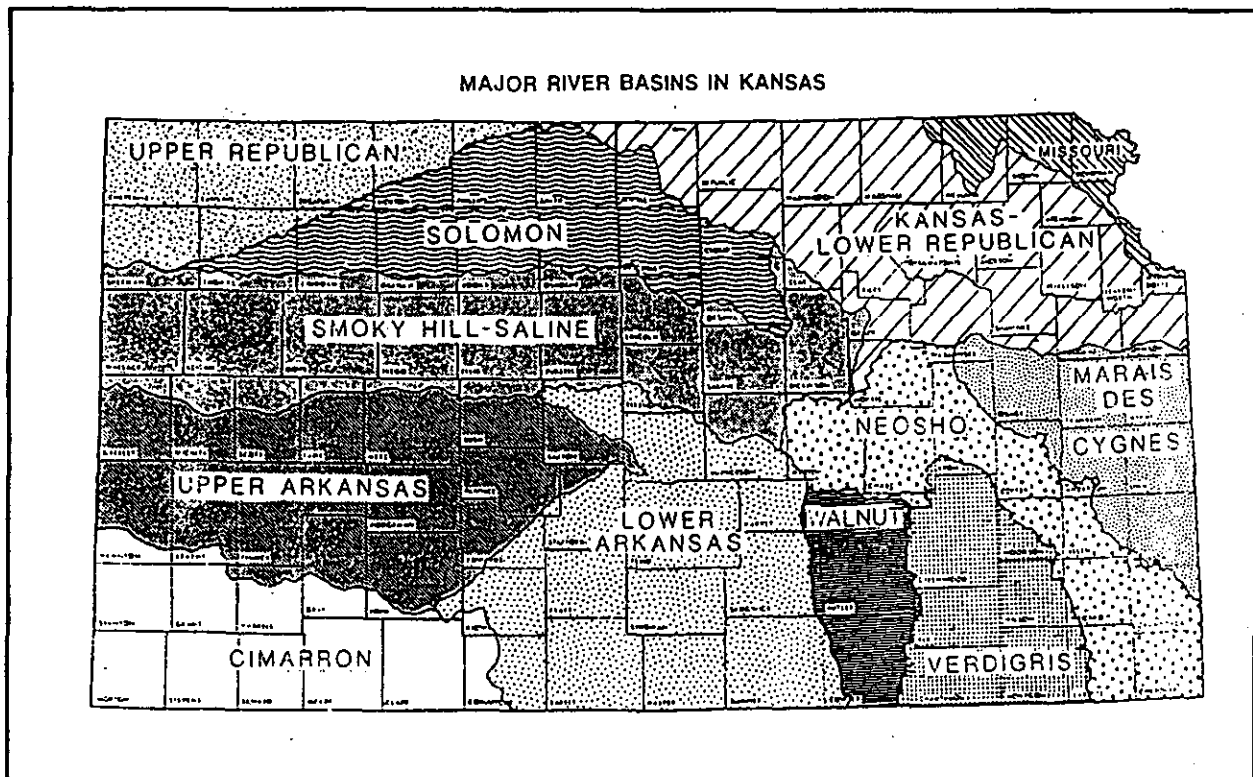


Figure 1

3. Plans also cover major policy issues.
 - a. Management
 - b. Quality
 - c. Conservation
 - d. Fish, Wildlife and Recreation
4. Planning involves an unprecedented level of public involvement.
 - a. Continuous review by the Kansas Water Authority in regular monthly meetings
 - b. 12 basin advisory committees
 - c. 12 annual public meetings
 - d. Formal public hearings

B. History

1. Kansas approached water planning in fits and starts between 1917 and 1981.
2. Attempts to develop a State Water Plan were unsuccessful in:
 - a. 1917-27 (Kansas Water Commission)
 - b. 1927-47 (State Board of Agriculture)
 - c. 1955-81 (Water Resources Board)
3. Governor's Task Force on water resources finally focused on the issue in 1978.
4. The Kansas Water Office/Kansas Water Authority was created in 1981 by the Kansas Legislature.
 - a. 1981-84 - The first State Water Plan was completed
 - b. 1985 - First State Water Plan was presented to the Governor and Legislature
 - c. 1985-90 - State Water Plan has been updated annually

II. PLANNING PROCESS

- A. Statutory Base - The State Water Resource Planning Act (K.S.A. 82a-901a) declares that "the state can best achieve the proper utilization and control of the water resources of the state through comprehensive planning which coordinates and provides guidance for the management, conservation and development of the state's water resources." 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." The three key characteristics of the state water planning process are depicted in Figure 2.

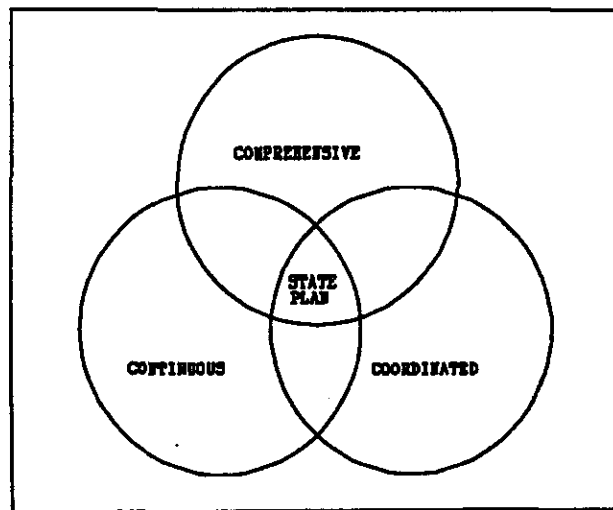


Figure 2

- B. Comprehensive - K.S.A. 82a-901a directs the State Water Plan deal with management, conservation and development issues. A classification system was developed in order to facilitate preparation of a plan dealing with subparts of each main area of content. These are:
1. Management Section
 2. Conservation Section
 3. Quality Section
 4. Fish, Wildlife and Recreation Section
 5. Basin Sections
- C. Coordination - Hundreds of public and private organizations and thousands of individuals share the responsibility to manage the state's water resources. No single organization, acting alone within the scope of its powers, can carry out programs to manage, conserve or develop the waters of the state. It is essential that organizations at all levels, local, state, federal and frequently other states, act in a coordinated fashion to achieve desirable objectives in water resource management. The planning process provides for broad participation in plan formulation. The plan itself then becomes a useful tool for coordinated future efforts.
- D. Continuous - The 1983 changes to the State Water Resource Planning Act assure that water planning in Kansas be established on a continuous basis. After plans are formulated, then programs are implemented and operated for a period of time and ultimately outcomes are evaluated. Information from operating experience is used to modify and improve the plan. Consequently, planning, by its nature, must be a continuous process, constantly adapting to new conditions and information. A plan set in concrete is an obstacle to effective management instead of a useful tool.
- E. Annual Planning Process - The key to coordinated, comprehensive and continuous planning is the annual planning process shown in Figure 3. Public meetings are held in each of the 12 basin planning areas during March of each year. Two public hearings, one in the western part of the state and one in the east, are held during May of each year. Other meetings are held in the basin planning areas as needed.

III. BASIN PLANNING

- A. Introduction - Major river basins were established as the water planning areas for the Basin Plan Sections of the State Water Plan. Basin advisory committees were established in each of the 12 river basins. The basin plan for each river basin is reviewed by the appropriate basin advisory committee prior to submission to the Kansas Water Authority for approval.
- B. Purpose - The purpose of basin planning is to make recommendations for the operation of state programs that can assist in the resolution of problems in a basin. The major objectives of the planning effort in each basin are:

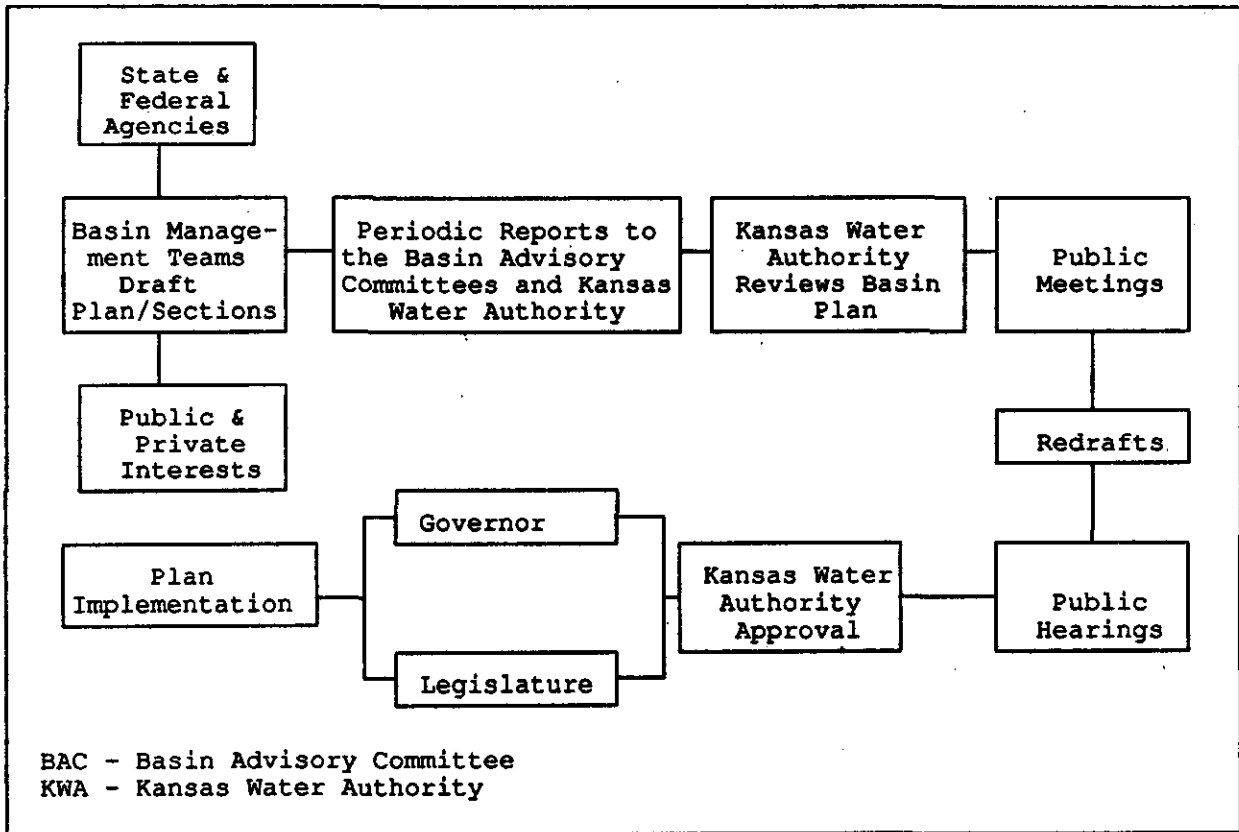


Figure 3

1. Identification of priority problems in the basin.
 2. Identification of state programs that can help resolve problems in the basin.
 3. Propose guidelines for the operation of state programs that can assist in the resolution of problems in the basin.
- C. Scope - The Hydrologic Cycle demonstrates the fundamental principle that water is constantly changing locations. The scope of basin planning is based primarily on this dynamic concept of water. Basin plan issues deal with quantity and quality problems water encounters while it is present in a basin. State programs proposed in the State Water Plan as well as existing state programs are used to address identified problems in a basin. Issues addressed in a basin plan are limited to those issues where the state can assist in the resolution of the problem and where an existing or proposed state program is identified that can implement the guidelines.

IV. IMPLEMENTATION

- A. Background - It is the responsibility of the Kansas Water Authority to review and furnish recommendations to the Governor and the Legislature on program plans pertaining to the state's water resources of any agency of the state. K.S.A. 74-2622 requires the Kansas Water Authority to "request any agency of the state, which shall have the duty upon that request, to submit its budget estimate pertaining to the state's water resources and any plans or programs related thereto and, upon the authority's receipt of such budget estimate, review and evaluate it and furnish recommendations thereto to the Governor and the Legislature."
- B. Purpose - With the adoption of the State Water Plan in 1985, the key purpose of the Kansas Water Authority review process is to assure timely implementation of the State Water Plan.
- C. Review Process - The State Water Plan contains information pertaining to legislative action, administrative action and financial requirements to implement each section of the Plan. The Plan further identifies the state agencies with responsibility for implementing the sections of the State Water Plan. As a result, the State Water Plan provides the basis for the Kansas Water Authority review process. The review process is as follows:
1. MARCH: NOTIFY AGENCIES - No later than March of each year the Kansas Water Office will provide state agencies with suggested updates to the "Annual Implementation Plan" which contains recommendations for implementing the State Water Plan.
 2. APRIL-JULY: COORDINATED BUDGET PLANNING - During the spring and early summer, the staff of the Kansas Water Office meets and confers with representatives of other state agencies to refine budget and management plans. These negotiated objectives are recorded in revisions to the "Annual Implementation Plan." Throughout the process, advice is sought from the appropriate basin advisory committees and the Kansas Water Authority.
 3. AUGUST: AUTHORITY REVIEW - At the August meeting of the Kansas Water Authority, all elements of the "Annual Implementation Plan" will be reviewed. The Kansas Water Authority will then make a set of recommendations to the agencies for their consideration in preparing their annual budget requests.
 4. SEPTEMBER-OCTOBER: REPORT TO GOVERNOR - In September, state agency budget documents will be reviewed to determine if the appropriate implementation issues were addressed. At the completion of this review, the Chairperson of the Kansas Water Authority will forward a letter to the Governor later listing the issues previously

identified by the Kansas Water Authority and comparing them to the proposed agency programs as set forth in the agency budget documents.

5. **DECEMBER: REPORT TO LEGISLATURE** - In December, the Kansas Water Authority will prepare comments and advice regarding agency budget requests for inclusion in the Kansas Water Authority's annual report to the Legislature.

D. Funding

1. **Background** - One of the most significant accomplishments of the 1989 Kansas Legislature was the provision of a permanent dedicated source of funding in the range of \$16 million annually for implementing the State Water Plan. Although the State Water Plan is a continuous process established by the Legislature in 1983, it had been, for all practical purposes, unfunded until Governor Hayden recommended, and the Legislature approved, over \$4 million for State Water Plan initiatives for FY 1989.
2. **Sources of Revenue** - After much debate, a compromise plan was passed in S.B. 398 that provided for a permanent, dedicated source of funding for the State Water Plan with half coming from the State General Fund and EDIF funds and half from fees. Following are the sources and the projected annualized revenues raised for the State Water Plan Fund:

<i>Source</i>	<i>Projected Annualized Revenues</i>
Municipal Water Use Fee (3¢/1,000 gallons)	\$3,495,000
Industrial Water Use Fee (3¢/1,000 gallons)	\$1,350,000
Stockwater Use Fee (3¢/1,000 gallons for 1,000 head or more feedlots)	\$ 225,000
Pesticide Fee (\$100 increase on registration of general and restricted use pesticides)	\$ 700,000
Fertilizer Fee (\$1.40 increase per ton on inspection fee on all fertilizers)	\$1,975,000
Pollution Fines and Penalty Receipts (dedication of existing receipts)	\$ 100,000
Economic Development Initiatives Fund (existing receipts)	\$2,000,000
State General Fund (existing receipts)	\$6,000,000
TOTAL	\$15,845,000

V. OPERATIONS

- A. Background - During the last several years, efforts to implement the *Kansas Water Plan*, which is based upon a comprehensive, watershed oriented approach to planning, have magnified the institutional and organizational barriers inherent in the categorical approach to water resources.

This categorical approach led to a fragmented and incomplete set of state programs with no conceptual framework. This unplanned, evolutionary development of state programs has caused a variety of obstacles that can severely retard, if not ultimately prevent, the implementation of state programs that can effectively respond to an ever-increasing number of systemic problems. Such a focus on other natural resources would surely identify similar obstacles to implementation of other state natural resources management programs.

- B. Management Concept - A strategy to manage natural resources should be based upon the unique characteristics of specific watersheds. A watershed is an area defined by a boundary within which all water ultimately drains into one body of water. The interconnections within the watershed that define the action of the hydrological cycle in that area must be considered in managing the water resources.

The riparian and recharge areas where the surface conditions interact most readily with the water under the surface must be considered as part of the system defining the watershed. Some watersheds feature shallow aquifers that actively interact with flowing streams. Other watersheds have virtually no surface water and depth to freshwater aquifers may be hundreds of feet. In addition, the specific precipitation patterns, topography, soil types and land use patterns are features that make each watershed unique.

- C. The Proposal - A new sub-section of the State Water Plan is now being finalized. That sub-section contains a proposal to adopt a geographic based management system in Kansas.

The successful transition to comprehensive geographic based water management requires that Kansas state government progress from water planning of state programs by basin to include water management of state programs by basin. A comprehensive geographic based water management process for state government includes components of planning and implementation, geographic based data and information, geographic based research, geographic based public education and geographic based public information.

Many local units of government provide the leadership for water management through existing local programs. This leadership role must continue for effective management of water resources. One of the primary purposes of geographic based water management for the state government is to strengthen the state's partnership with local government. By utilizing a state geographic based

management process to coordinate state programs to assist local units of government the effectiveness of both state and local management programs will be improved.

The key organizational elements of the proposed management system are: common administrative boundaries for all water-related agencies; common regional offices for all water-related agencies; and delegation of a comparable level of authority to regional administrators.

VI. OUTCOMES

- A. The Investment - Kansas has obviously made a significant investment of resources to support a planning and implementation process. Soon we expect to make another important step to make our management system more efficient. But, in the final analysis, we feel it is imperative that we constantly evaluate the effectiveness of our efforts.
- B. Water Quality Evaluation - The National Water Quality Assessment Program initiated by the U.S. Geological Survey with initial funding of \$18 million in FY 1991 is a key piece of our evaluation program. The National Water Quality Assessment program has three key objectives:¹
1. Provide a nationally consistent description of current water quality conditions for a large part of the nation's water resources;
 2. define long-term trends (or lack of trends) in water quality; and
 3. identify, describe and explain, to the extent possible, the major natural and human factors that affect observed water-quality conditions and trends.
- C. Kansas' Strategy for Water Quality Data - Figure 4 represents the proposed study units for the National Water Quality Association Program. Units 37, 39 and 32 cover approximately 75 percent of Kansas. We intend to develop a cooperative agreement with the U.S. Geological Survey to cover the balance of the state. Then, for the first time in our history, we will have access to long-term water quality data for evaluation purposes.
- D. Water Quantity Data - In addition to water quality information, we have spent the last three years improving our ability to monitor water consumption and water supply in our state.

¹ Leaky, Rosenshein, Knopman, "Implementation Plan for the National Water Quality Assessment Program," Open-File Report 90-174.

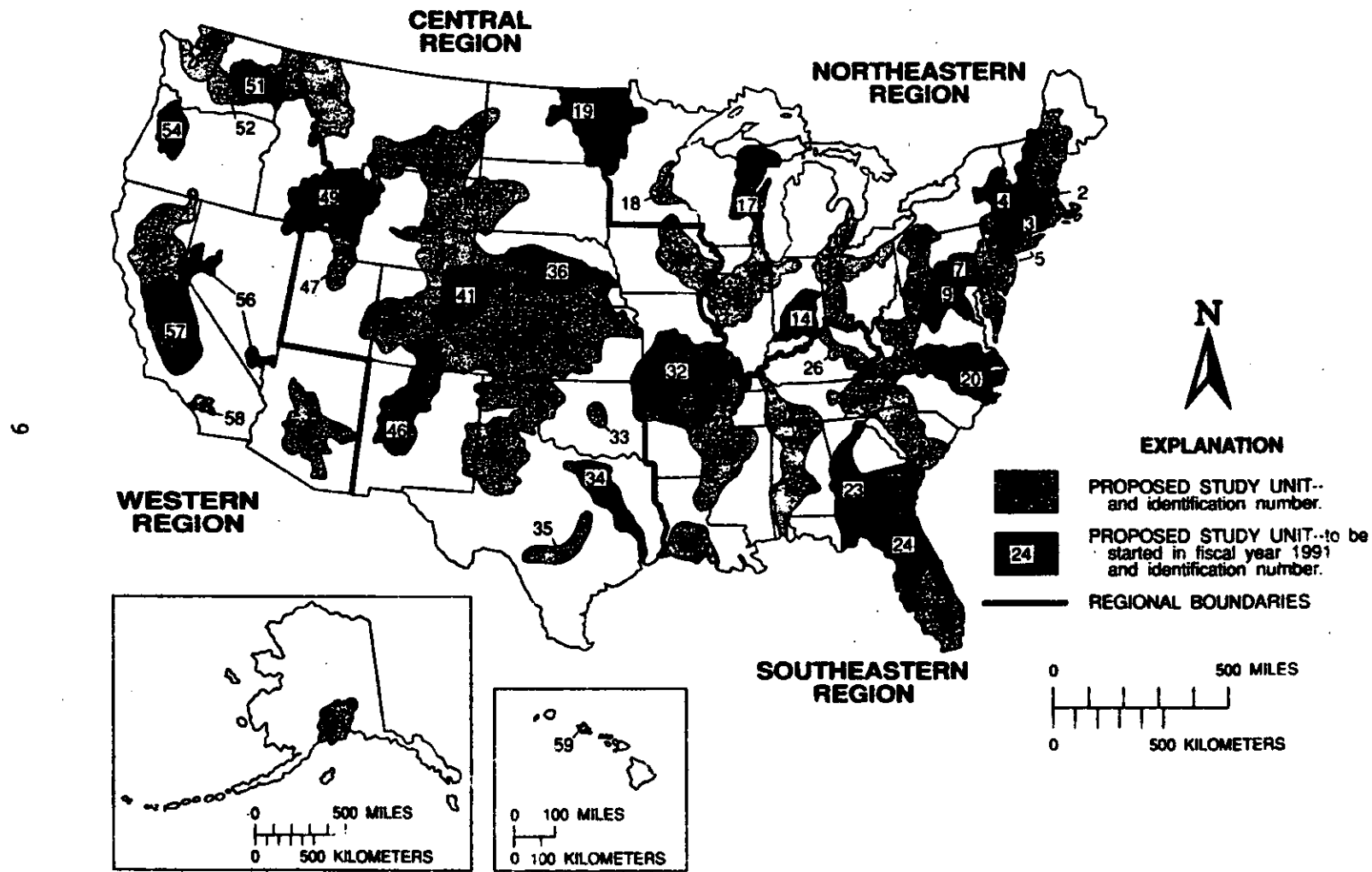


Figure 1. -- Location of proposed study units for the National Water-Quality Assessment Program.

The Kansas Water Office prepares and regularly updates a water supply and demand analysis. The most recent report was published in 1987. It is formatted on the basis of the 12 river basin boundaries used for developing the State Water Plan.

The Kansas Water Office also publishes reports on municipal and irrigation water use on an annual basis. These reports allow us to identify regions and/or entities that use water at rates above/below their peer groups.

VII. SUMMARY

- A. Water planning in Kansas has been integrated into the overall state system of planning and budgeting. In this way, several agencies can focus on common priority problems. They can present coordinated budget requests for use of a dedicated State Water Plan Fund each year.
- B. Visions of the Future - An aggressive planning and implementation effort over an eight-year period has placed a significant strain on our ability to implement complex programs that require extensive coordination between state agencies and between the state, federal and local entities. We have developed an organizational concept to correct this problem. Once in place, we will have a "closed loop" management system in place with planning, implementation, operations and evaluation components.