



**House Committee on Agriculture and Natural Resources Budget
Testimony on Water Flowmeter Readings
Lane Letourneau, Water Appropriation Program Manager
January 26, 2011**

Chairperson Schwartz and members of the Committee, I am Lane Letourneau, Manager of the Water Appropriation Program in the Kansas Department of Agriculture's Division of Water Resources. I appear before you today to respond to questions about water flowmeter readings.

Attached to my testimony are the following items:

- Questions from legislative staff and our responses;
- Explanation of why DWR performs meter readings as part of our fieldwork, opportunities for automated meter readings, how we are working with the hog industry to protect swine and improve meter accessibility, other fieldwork related to water rights; and
- A highlight sheet from the recent audit of water agencies which addressed efficiency and agency coordination.

To summarize, we were asked to provide some details about meter reading, how it is coordinated and whether there is duplication.

DWR currently employs 15 staff in five offices throughout the state who obtain water flowmeter readings as part of their jobs. There are currently 24,110 metered water right points of diversion, and we are working toward a Kansas Water Plan goal of metering all nondomestic water diversions. Water users rely on meters to manage and report their water use. We check meters when diversion works are completed, when performing a field inspection for a water right certificate, and on other occasions when a meter order is issued, when investigating an impairment claim, and when performing compliance checks. We coordinate this work carefully to avoid duplication of effort, including coordination with groundwater management districts. If a meter reading is available from a GMD, then we do not send staff to perform that meter reading. As part of their recent audit of water agencies, Legislative Post Audit examined all types of site visits. They determined the agencies are operating efficiently and they recommended a pilot project to see if the Kansas Department of Health and Environment could read meters for us when they visit confined feeding facilities. We are currently implementing that one-year pilot project with KDHE in northwest Kansas.

Thank you for the opportunity to share information about our work. I will stand for questions at the appropriate time.

House Agriculture & Natural
Resources Budget Committee
Date 1-26-2011
Attachment 2

Responses to Questions

Questions received Jan. 18, 2011 from the committee chair via legislative staff, each followed by responses from the agency:

1. How many people read meters?

DWR currently has 15 field office staff in five offices throughout the state that as a small part of their duties obtain a water flowmeter reading while conducting a compliance check or field inspection for a water right/permit.

2. How many are overlapping other meter readers?

We are not aware of any overlapping meter readers. We have coordinated compliance check projects with the groundwater management districts (GMDs) to ensure there are no redundant site visits. The GMDs have been helpful in sharing their data with DWR. DWR will not visit a meter if the information is available to us from the GMDs.

3. How often are meters read?

DWR staff check water flowmeters (and complete other tasks) when performing field inspections upon notice of completion of diversion works and when performing compliance investigations related to meter requirements, complaints, water use verification, impairment claims, nonuse issues, and overpumping. There is not a set schedule for meter readings.

4. How are meter readings coordinated?

Water commissioners assign staff to perform meter checks in their field office areas. Databases and lists are used to ensure there is not duplication. As previously noted, GMD staff contact DWR field staff to inform them of any GMD meter reading activities to avoid duplication.

5. How was this addressed in the audit of water agencies?

Legislative Post Audit conducted an audit on water agencies last year. Their report indicated that LPA did not find any significant duplication or overlapping services between the water agencies. A sheet of highlights from that report is attached for reference.

The audit report recommended a meter reading pilot project associated with Kansas Department of Health and Environment feedlot inspections. With KDHE's cooperation we have initiated that project, prepared a list of sites in northwest Kansas, and have a signed memorandum of agreement. It is estimated that during this year-long pilot project KDHE feedlot inspectors will provide up to 180 stockwatering meter readings to DWR.

Why DWR Performs Water Flowmeter Readings

Under the Kansas Water Appropriation Act (K.S.A. 82a-701 *et seq.*), the chief engineer of the Kansas Department of Agriculture's Division of Water Resources (DWR) is responsible for a broad range of duties:

“Duties of chief engineer as to beneficial use and rights of priority of appropriation. The chief engineer shall enforce and administer the laws of this state pertaining to the beneficial use of water and shall control, conserve, regulate, allot and aid in the distribution of the water resources of the state for the benefits and beneficial uses of all of its inhabitants in accordance with the rights of priority of appropriation.” (K.S.A. 82a-706)

Beneficial uses of water include domestic, municipal, industrial, irrigation, stockwatering, recreational, waterpower, artificial recharge, hydraulic dredging, contamination remediation, dewatering, fire protection, thermal exchange and sediment control.

Collecting verifiable water use information is one way the chief engineer fulfills these responsibilities. The Kansas Water Appropriation Act contains specific provisions for metering, including:

“Meters, gages and other measuring devices; waste and quality checks. The chief engineer shall have full authority to require any water user to install meters, gages, or other measuring devices, which devices he or she or his or her agents may read at any time, and to require any water user to report the reading of such meters, gages, or other measuring devices at reasonable intervals. He or she shall have full authority to make, and to require any water user to make, periodic water waste and water quality checks and to require the user making such checks to report the findings thereof.” (K.S.A. 82a-706c)

The specific authority for metering was added in the 1957 amendments to the Kansas Water Appropriation Act. Since 1984, new water appropriation permits and change approvals for new wells or pumpsites have required owners to install meters or other approved measuring devices. Water flowmeter regulations have been in place since 2000. Owners of prior water rights have been required to install meters or other approved measuring devices through orders of the chief engineer. Domestic uses are exempt from the meter requirements. Presently, more than half of the 30,000-plus nondomestic water rights in Kansas have approved meters or other measuring devices, and the agency is continually working toward a Kansas Water Plan objective to have all nondomestic water rights metered.

Automated Meter Readings

A few years ago, DWR received a Water 2025 grant from the U.S. Bureau of Reclamation to install remote sensing equipment at test locations in the Lower Republican River basin. We deployed devices to record and transmit meter readings, in addition to well water levels, at several irrigation wells junior to minimum desirable streamflow. Data was transmitted by satellite to a secure website where DWR staff and participating water users could monitor pump rates and quantities in real-time from their desktop computers. Unfortunately, the meters were not compatible with the electronics. However, we are still benefitting from other aspects of the project, most notably remote sensing of well water levels used to monitor alluvial groundwater levels for water right administration and for data collection at impairment investigation sites.

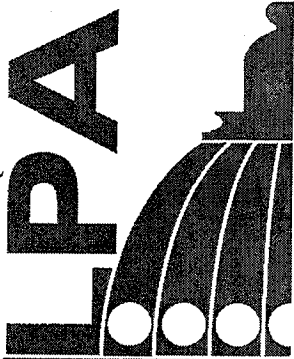
We continue to explore other opportunities for automated water flowmeter readings. In the near future we will be meeting with representatives of Sprint to learn more about a system they have for electronic meter reading. We will evaluate whether that technology would be feasible and cost-effective for water flowmeters. Some water users already have sophisticated equipment allowing them to control and monitor their pumps from an office. We anticipate continued advances in technology that will one day make it possible for any water user to benefit from this equipment.

Meters at Confined Hog Facilities

Most confined hog facilities have implemented heightened biosecurity protocols, including restricted access to hog barns to prevent the spread of disease. DWR is requiring owners of hog facilities to relocate water flowmeters to locations where they are accessible to DWR staff without entering the hog barns. (Meters for any type of water right/permit are required to be accessible.) DWR has coordinated with the Kansas Pork Association on this initiative which will protect hogs and allow DWR staff to complete their work without interfering with the hog operations.

Additional Information About DWR's Water Right/Permit Related Field Work

Obtaining a meter reading is only a small part of the duties performed by DWR field staff. We conduct complete compliance checks of water rights/permits, which includes location of the point of diversion (well spacing), place of use (a water right is a property right), meter installation specifications (meter accuracy), rate and quantity (safe-yield). A field inspection will include a flow rate test (for certificate). Impairment investigations will include water level measurement and/or streamflow measurements. Administration investigations could include legal notices being delivered to an owner. Our compliance checks often include contact with the owner, if available, to conduct water right reviews and address other concerns. We always attempt to make that contact.



Legislative Post Audit Report Highlights

Water-Related Agencies:
 A K-GOAL Audit Determining Whether the State Could Achieve Efficiencies and Reduce Costs by Combining the Operations of Its Water-Related Agencies

Report Highlights

November 2010 • 10PA13

Audit Concern

Several State agencies have primary roles in helping maintain the State's water resources. Over the years, legislators have raised concerns about whether Kansas would benefit by combining and consolidating activities related to water management and regulation into a single agency.

Other Relevant Facts for the Question

We identified 15 primary water activities such as issuing water permits, inspecting dams, monitoring water pollution and conserving water resources.

Several State agencies are responsible for these 15 activities including:

- Department of Agriculture (Division of Water Resources)
- Department of Health and Environment
- Department of Wildlife and Parks
- Kansas Corporation Commission
- Kansas Water Authority/Kansas Water Office
- State Conservation Commission

AUDIT QUESTION 1: *Could Kansas achieve greater operating efficiencies and reduce costs by reorganizing the duties and responsibilities of its agencies that provide water regulation and management services?*

AUDIT ANSWER and KEY FINDINGS:

- Kansas has a large number of agencies managing water issues, but isn't out of line compared to other western states with water laws that are similar to those in Kansas. The number of water-management agencies in western states are summarized below:

Number of State Agencies	Number of States	Percent	List of States
1	0	0%	
2	3	18%	Colorado, Montana, Texas
3	5	29%	Arizona, Nevada, North Dakota, South Dakota, Utah
4	3	18%	Idaho, New Mexico, Wyoming
5	4	23%	Kansas, California, Nebraska, Washington
6	1	6%	Oklahoma
11	1	6%	Oregon
Total	17	100%	

Source: LPA analysis of information on state water agencies provided by other states.

- We found few problems with the current structure of Kansas' water-related programs.
 - State and local officials told us the current organizational structure for water management doesn't need any significant changes.
 - We reviewed the purposes of programs administered by the State's main water-related agencies, and didn't find significant areas of overlap or duplication.

- State officials attributed the high level of coordination among water-related agencies in recent years to the formation of the Natural Resources Sub-Cabinet in 2003.
- We estimate that creating a single water agency may save between \$300,000 to \$7 million in administrative spending, but actual savings are likely to be on the lower end of that estimate. Based on our recent experience with other audits we think it is likely that the savings would be much less.
- We identified additional opportunities for agencies to improve their coordination and make their programs more efficient that don't involve consolidation.
 - There are opportunities for agencies' field staff to collaborate more and gain efficiencies. For example, Department of Health and Environment field staff may be able to read water meters at livestock feedlots on behalf of the Division of Water Resources.
 - Improvements could be made to monitoring WRAPS funding. The approval process for WRAPS projects is well coordinated, but the Department of Health and Environment and the State Conservation Commission should check funding sources for WRAPS projects.
 - Water agencies could take additional steps to share water data more efficiently among themselves and the public. These include creating a single webpage that links to the data portion of each water-related agency's website.
- At this time there does not appear to be any compelling reason to consolidate. While consolidating some of the agencies may offer the opportunity for some limited administrative savings, we found few problems with the current system.

We Recommended

- We recommended that the Legislature should consider formalizing the Natural Resources Sub-Cabinet in statute.
- We made several recommendations to the agencies to address the smaller efficiency issues we identified.

Agency Response: *In general, the agencies agreed with the report and our recommendations.*

**DO YOU HAVE AN IDEA FOR
IMPROVED GOVERNMENT EFFICIENCY OR COST SAVINGS?**

If you have an idea to share with us, send it to ideas@lpa.ks.gov, or write to us at the address shown. We will pass along the best ones to the Legislative Post Audit Committee.

The organizational structure of water agencies in the State has been studied several times over the last 30 years, but consolidation hasn't occurred.

In 2003, former Governor Sebelius created the Natural Resources Sub-Cabinet as an alternative to consolidation. This group meets weekly and has helped to improve day-to-day coordination of water-related agencies.

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