

## SENATE BILL No. 690

By Committee on Ways and Means

3-18

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9 AN ACT concerning water; relating to the Republican river and the Ar-  
10 kansas river; disposition of moneys recovered from certain litigation;  
11 establishing the Republican river water conservation projects — Ne-  
12 braska moneys fund and the Republican river water conservation pro-  
13 jects — Colorado moneys fund; amending K.S.A. 82a-1801 and re-  
14 pealing the existing section.  
15

16 *Be it enacted by the Legislature of the State of Kansas:*

17 New Section 1. (a) Moneys recovered by the state of Kansas from  
18 the states of Nebraska or Colorado to resolve disputes arising under the  
19 Republican river compact shall be deposited in the state treasury and  
20 credited as follows:

21 (1) 100% of moneys from both Nebraska and Colorado shall be cred-  
22 ited to the interstate water litigation fund created by K.S.A. 82a-1802,  
23 and amendments thereto. The attorney general shall certify to the direc-  
24 tor of accounts and reports any expenses incurred by the state in any  
25 litigation brought by the state of Kansas against the states of Nebraska or  
26 Colorado to resolve disputes arising under the Republican river compact  
27 and in preparation for such litigation. On the effective date that such  
28 recovered moneys are credited to the interstate water litigation fund pur-  
29 suant to this subsection (a)(1);

30 *First*, the director of accounts and reports shall determine, after con-  
31 sulting with the attorney general, (A) the aggregate amount of such liti-  
32 gation expenses that have been certified by the attorney general, and (B)  
33 the amount that would be required to be transferred from the interstate  
34 water litigation fund to the interstate water litigation reserve account of  
35 the state general fund so that the amount credited to the interstate water  
36 litigation reserve account of the state general fund is equal to \$20,000,000;

37 *Second*, the director of accounts and reports shall determine the lesser  
38 of the amount determined under clause (A) or the amount determined  
39 under clause (B);

40 *Third*, if the amount determined under clause (A) is less than the  
41 amount determined under clause (B), then the director of accounts and  
42 reports shall transfer the amount equal to the amount determined under  
43 clause (A) from the moneys credited to the interstate water litigation fund

1 pursuant to this subsection (a)(1) to the interstate water litigation reserve  
2 account of the state general fund;

3 *Fourth*, if the amount determined under clause (B) is less than the  
4 amount determined under clause (A), then the director of accounts and  
5 reports shall transfer the amount equal to the amount determined under  
6 clause (B) from the moneys credited to the interstate water litigation fund  
7 pursuant to this subsection (a)(1) to the interstate water litigation reserve  
8 account of the state general fund; and after the director of accounts and  
9 reports has made such transfer, the director of accounts and reports shall  
10 determine the difference between the amount determined under clause  
11 (B) and the amount determined under clause (A) and then, the director  
12 of accounts and reports shall transfer the amount equal to such difference  
13 from the remaining moneys credited to the interstate water litigation fund  
14 pursuant to this subsection (a)(1) to the state water plan fund created by  
15 K.S.A. 82a-951, and amendments thereto.

16 (2) Once the director of accounts and reports has made the deter-  
17 minations prescribed by subsection (a)(1) and has made all transfers pre-  
18 scribed by subsection (a)(1), all moneys remaining recovered from Ne-  
19 braska shall be credited to the Republican river water conservation  
20 projects - Nebraska moneys fund as directed by subsection (b) and all  
21 moneys remaining recovered from Colorado shall be credited to the Re-  
22 publican river water conservation projects - Colorado moneys fund as  
23 directed by subsection (c).

24 (b) There is hereby established in the state treasury the Republican  
25 river water conservation projects - Nebraska moneys fund to be admin-  
26 istered by the director of the Kansas water office.

27 (1) One-third of the money deposited to this fund shall be credited  
28 to the state water plan fund for use for water conservation projects, with  
29 priority given to conservation projects that directly enhance the ability of  
30 the state of Kansas to remain in compliance with the Republican river  
31 compact; and

32 (2) two-thirds of the money deposited in this fund shall be expended  
33 only for conservation projects, utilization efficiency, administrative  
34 requirements and delivery projects, and similar types of projects set forth  
35 in subsection (d), in those areas of the state lying in the lower Republican  
36 river basin between the Kansas/Nebraska border and Milford dam in all  
37 or parts of Clay, Cloud, Dickinson, Geary, Jewell, Mitchell, Republic,  
38 Riley, Smith and Washington counties.

39 (c) There is hereby established in the state treasury the Republican  
40 river water conservation projects - Colorado moneys fund to be admin-  
41 istered by the director of the Kansas water office.

42 (1) One-third of the money deposited to this fund shall be credited  
43 to the state water plan fund for use for water conservation projects; and

1 (2) two-thirds of the money deposited in this fund shall be expended  
2 only for conservation projects, utilization efficiency, administrative  
3 requirements and delivery projects, and similar types of projects set forth  
4 in subsection (d), in those areas of the state lying in the upper Republican  
5 river basin in northwest Kansas in all or parts of Cheyenne, Decatur,  
6 Norton, Phillips, Rawlins, Sheridan, Sherman and Thomas counties.

7 (d) The types of projects that may be funded under subsections (b)  
8 and (c) include: (1) Efficiency improvements to canals or laterals managed  
9 and paid for by an irrigation district or projects to improve the operational  
10 efficiency or management of such canals or laterals;  
11 (2) water use efficiency upgrades;  
12 (3) implementation of water conservation of irrigation and other  
13 types of water uses;  
14 (4) implementation of water management plans or actions by water  
15 rights holders;  
16 (5) water measurement flumes, meters, gauges, data collection plat-  
17 forms or related monitoring equipment and upgrades;  
18 (6) artificial recharge, funding a water transition assistance program;  
19 the purchase of water rights for stream recovery or aquifer restoration  
20 and cost share for state or federal conservation programs that save water;  
21 (7) maintenance of the channel and the tributaries of the Republican  
22 river;  
23 (8) reservoir maintenance or the purchase, lease, construction or  
24 other acquisition of existing or new storage space in reservoirs;  
25 (9) purchase, lease or other acquisition of a water right; and  
26 (10) expenses incurred to construct and operate off-stream storage.

27 New Sec. 2. (a) Any person or entity may apply to the director of the  
28 Kansas water office for expenditure of moneys in the Republican river  
29 water conservation projects - Nebraska moneys fund and the Republican  
30 river water conservation projects - Colorado moneys fund for the pur-  
31 poses set forth in subsection (b) and (c) of section 1, and amendments  
32 thereto. The director of the Kansas water office and the chief engineer  
33 of the Kansas department of agriculture, division of water resources shall  
34 review and approve each proposed project for which moneys in either  
35 fund will be expended. In reviewing and approving proposed projects the  
36 director and the chief engineer shall give priority to: (1) Projects needed  
37 to achieve or maintain compliance with the Republican river compact; (2)  
38 projects that achieve greatest water conservation efficiency for the general  
39 good; and (3) projects that have been required by the division of water  
40 resources. Upon such review and approval, the director of the Kansas  
41 water office shall request the legislature to appropriate, as a line item,  
42 moneys from either fund to pay all or a portion of the costs for a specific  
43 project, except that any project which an aggregate of less than \$10,000

1 will be expended from either fund shall not require a line item  
2 appropriation.

3 (b) Interest attributable to moneys in the Republican river water con-  
4 servation projects - Nebraska moneys fund and the Republican river water  
5 conservation projects - Colorado moneys fund shall be credited to the  
6 state general fund as provided by K.S.A. 75-4210a, and amendments  
7 thereto.

8 (c) All expenditures from the Republican river water conservation  
9 projects - Nebraska moneys fund and the Republican river water conser-  
10 vation projects - Colorado moneys fund shall be made in accordance with  
11 appropriation acts upon warrants of the director of accounts and reports  
12 issued pursuant to vouchers approved by the director of the Kansas water  
13 office or a designee of the director of the Kansas water office.

14 Sec. 3. K.S.A. 82a-1801 is hereby amended to read as follows: 82a-  
15 1801. (a) ~~Amounts~~ *Moneys* recovered by the state of Kansas from a ~~set-~~  
16 ~~tlement, judgment or decree in the litigation brought in 1985 by the state~~  
17 ~~of Kansas against~~ the state of Colorado to resolve disputes arising under  
18 the Arkansas river compact shall be deposited in the state treasury and  
19 credited as follows:

20 ~~(1) Until the aggregate amount of moneys credited to the interstate~~  
21 ~~water litigation fund equals the aggregate of all amounts certified by the~~  
22 ~~attorney general under subsection (b), 100% shall be credited to the in-~~  
23 ~~terstate water litigation fund.~~

24 ~~—(2) When the aggregate amount of moneys credited to the interstate~~  
25 ~~water litigation fund equals the aggregate of all amounts certified by the~~  
26 ~~attorney general under subsection (b), 33⅓% shall be credited to the state~~  
27 ~~water plan fund for use for water conservation projects and 66⅔% shall~~  
28 ~~be credited to the water conservation projects fund.~~

29 *(1) 100% of moneys from Colorado shall be credited to the interstate*  
30 *water litigation fund created by K.S.A. 82a-1802, and amendments*  
31 *thereto. On the effective date that such recovered moneys are credited to*  
32 *the interstate water litigation fund pursuant to this subsection (a)(1);*

33 *First, the director of accounts and reports shall determine, after con-*  
34 *sulting with the attorney general, (A) the aggregate amount of litigation*  
35 *expenses that have been certified by the attorney general pursuant to*  
36 *subsection (b), and (B) the amount that would be required to be trans-*  
37 *ferred from the interstate water litigation fund to the interstate water*  
38 *litigation reserve account of the state general fund so that the amount*  
39 *credited to the interstate water litigation reserve account of the state gen-*  
40 *eral fund is equal to \$20,000,000;*

41 *Second, the director of accounts and reports shall determine the lesser*  
42 *of the amount determined under clause (A) or the amount determined*  
43 *under clause (B);*

1     *Third, if the amount determined under clause (A) is less than the*  
2     *amount determined under clause (B), then the director of accounts and*  
3     *reports shall transfer the amount equal to the amount determined under*  
4     *clause (A) from the moneys credited to the interstate water litigation fund*  
5     *pursuant to this subsection (a)(1) to the interstate water litigation reserve*  
6     *account of the state general fund;*

7     *Fourth, if the amount determined under clause (B) is less than the*  
8     *amount determined under clause (A), then the director of accounts and*  
9     *reports shall transfer the amount equal to the amount determined under*  
10    *clause (B) from the moneys credited to the interstate water litigation fund*  
11    *pursuant to this subsection (a)(1) to the interstate water litigation reserve*  
12    *account of the state general fund; and after the director of accounts and*  
13    *reports has made such transfer, the director of accounts and reports shall*  
14    *determine the difference between the amount determined under clause*  
15    *(B) and the amount determined under clause (A) and then, the director*  
16    *of accounts and reports shall transfer the amount equal to such difference*  
17    *from the remaining moneys credited to the interstate water litigation fund*  
18    *pursuant to this subsection (a)(1) to the state water plan fund created by*  
19    *K.S.A. 82a-951, and amendments thereto.*

20    (2) *Once the director of accounts and reports has made the deter-*  
21    *minations prescribed by subsection (a)(1) and has made all transfers pre-*  
22    *scribed by subsection (a)(1), all moneys remaining recovered from Colo-*  
23    *rado shall be credited to the water conservation projects fund created by*  
24    *K.S.A. 82a-1803, and amendments thereto.*

25    (b) *The attorney general shall certify to the director of accounts and*  
26    *reports any expenses incurred by the state in ~~the~~ any litigation brought*  
27    *~~in 1985~~ by the state of Kansas against the state of Colorado to resolve*  
28    *disputes arising under the Arkansas river compact and in preparation for*  
29    *such litigation.*

30    Sec. 4. *K.S.A. 82a-1801 is hereby repealed.*

31    Sec. 5. *This act shall take effect and be in force from and after its*  
32    *publication in the statute book.*