

MINUTES OF THE JOINT COMMITTEE ON ENERGY AND NATURAL RESOURCESThe meeting was called to order by Representative Ron Fox at
Chairperson3:30 ~~xxx~~ a.m./p.m. on January 29, 1985 in room 313-S of the Capitol.

All members were present except:

Representative Charlton (excused)

Committee staff present:

Ramon Powers, Legislative Research
Theresa Kiernan, Revisor of Statutes' Office
Raney Gilliland, Legislative Research
Betty Ellison, Committee Secretary

Conferees appearing before the committee:

Bill Hanzlick, Director, Kansas Fish and Game Commission
Kenneth F. Kern, Executive Director, State Conservation Commission
David L. Pope, Chief Engineer-Director, Division of Water Resources
Kansas State Board of Agriculture
Bruce Janssen, Administrative Assistant to H. Philip Martin,
Chairman, Kansas Water AuthorityChairman Ron Fox noted written testimony that had been received per-
taining to the State Water Plan as follows:

1. A letter of support from Lowell K. Abeldt, President, State Association of Kansas Watersheds. (Attachment 1)
2. A letter from Representative Ken Grotewiel, Member, Energy and Natural Resources Committee, in regard to the Conservation Section. (Attachment 2)
3. Comments on the 1984 Kansas Water Plan by Jan Garton, Manhattan, Kansas. (Attachment 3)
4. Testimony on minimum desirable streamflow recommendations by Jan Garton, Manhattan, Kansas. (Attachment 4)

The Chairman called attention to two bills for the Committee to consider for introduction--both dealing with adoption of the State Water Plan. One was the original bill that was drafted by the Kansas Water Authority; the other was one which Chairman Fox had been working on. He noted that after open hearings, the Committee would discuss the technical differences and decide which instrument would ultimately be used for adoption of the plan. Vice-chairman Ott moved that the two bills, numbered 0219 and 0219a, be introduced as committee bills. Representative Rosenau seconded the motion. Motion carried.

Mr. Bill Hanzlick of the Fish and Game Commission testified in favor of the Water Plan, especially since a fish and wildlife section is being developed. (Attachment 5) In reply to a question of the Chairman, Mr. Hanzlick said that his office had felt very comfortable in working with all aspects of the Water Office and was quite supportive of their work.

Mr. Kenneth Kern of the State Conservation Commission was a proponent of the Water Plan. His testimony addressed a number of the individual recommendations made. (Attachment 6)

Mr. David Pope, Division of Water Resources of the Board of Agriculture, testified in favor of the Water Plan, noting that as Chief Engineer and an ex-officio member of the Kansas Water Authority, he had been able to provide input into the development of the proposed plan. (Attachment 7)

Mr. Bruce Janssen offered a statement to the committee for Mr. Phil Martin of the Kansas Water Authority. (Attachment 8)

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON ENERGY AND NATURAL RESOURCES,
room 313-S Statehouse, at 3:30 ~~am~~/p.m. on January 29, 1985.

Chairman Fox asked if there were any objections to incorporating the written testimonies referred to at the beginning of the meeting into the minutes. There were no objections.

The Chairman asked the committee to study the document of the State Water Plan in order to handle this task in an expedient manner. He noted that objections to the plans would be incorporated into the minutes, regardless of the adoption tool; also that a deadline would be set if a response should be needed from the State Water Office or the Kansas Water Authority to those objections.

The meeting was adjourned at 4:35 p.m.

The next meeting of the House Energy and Natural Resources Committee will be held on January 30, 1985 at 3:30 p.m. in Room 313-S.

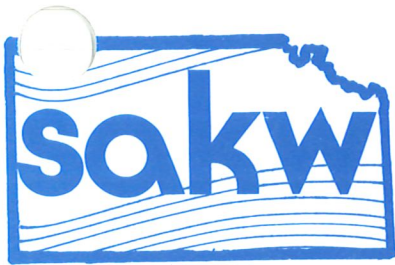
Date: Jan. 29, 1985

GUEST REGISTER

HOUSE

COMMITTEE ON ENERGY AND NATURAL RESOURCES

NAME	ORGANIZATION	ADDRESS	PHONE
Wileen Stephens	Ka. League of Women Voters	Topeka / P.V	913-381-9826
Ed Rinehart	"	"	273-6097
Marsha Marshall	KNRC	Topeka	233-6707
Gyula Kovach	KDHE	Topeka	862-9360
Shari Jost	KCC	Topeka	296-2723
DON JACKA	STATE BOARD OF AGRICULTURE	TOPEKA	296-3558
Leah E. Rolf	DWR-KSBA	Topeka	296-3848
Wayland Anderson	DWR-KSBA	Topeka	296-2933
Juris Nages	Div. of Budget	"	296-2436
David Pope	DWR-KSBA	"	296-3710
Bill Anderson	Water Dist #1 Johnson County	Mission	722-3000
Lynn Bunnis	State Park Authority	Topeka	913-296-2281
Bob Edwards	KACD	Olshburg	913-268-3365
Don Snethen	KDHE	Topeka	862-9360
Tom Stiles	KWO	Topeka	296-3185
CR Duffly	"	"	"
Patti Mackney	Intern-Betty Go Charlson	Lawrence	843-2501
JOE HARKINS	KWO	TOPEKA	296-3185
Lola Warner	St. Conservation Comm.	"	296-3600
Dele Varuh	" " "	"	"
Kenneth Kern	" " "	"	"



STATE ASSOCIATION OF KANSAS WATERSHEDS



January 22, 1985

Representative Ron Fox
Chairman, House Energy & Natural Resources
State Capitol
Topeka, Kansas 66612

Directors and Officers

LOWELL ABELDT, President
302 Broadway, Abilene 67410
(913) 263-4083
Home - 900 NW 2nd, Abilene 67410
(913) 263-1855

HUGH ARMSTRONG, Vice Pres.
1424 Rush St., Salina 67401
(913) 825-4005

DANA COX, Secretary
Sedgwick 67135
(316) 772-5418

BELINDA DEKAT, Treasurer
Box 246, Westmoreland 66549
(913) 457-3398

VINCENT VESTRING, Director
Burns 66840
(316) 726-5525

HAROLD TAYLOR, Director
R. 1, Burns 66840
(316) 321-3793

JARVIS BRINK, Director
R. 1, Lawrence 68044
(913) 843-7918

DALE OLSEN, Director
R. 2, Kinsley 67547
(316) 527-4451

JAKE GEIGER, Director
Robinson 66532
(913) 544-6860

Dear Representative Fox:

Action by Resolution coming from the general assembly of the 34th annual meeting of the State Association of Kansas Watersheds.

WHEREAS the State Association of Kansas Watersheds and the individual watersheds across the state voicing their opinion through SAKW. The watersheds have and are contributing to the conservation of water and to the development of new sources of water. The watersheds are amendable to an accelerated development program through the State Water Plan.

THEREFORE the Watersheds, through the State Association of Kansas Watersheds support the Kansas State Water Plan as drafted.

STATE ASSOCIATION OF KS. WATERSHEDS

Lowell K. Abeldt, President

LKA:ls

Attachment 1 -- 1/29/85
Energy and Natural Resources

KEN GROTEWIEL

REPRESENTATIVE, NINETY-SECOND DISTRICT
611 WEST 12TH
WICHITA, KANSAS 67203



TOPEKA

HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS
MEMBER: ENERGY AND NATURAL RESOURCES
FEDERAL AND STATE AFFAIRS
ELECTIONS

DATE: January 24, 1985
TO: Joint Committee on Energy and Natural Resources
FROM: Ken Grotewiel, State Representative
RE: Conservation Section of the Kansas Water Plan

Conservation should be the cornerstone of any state water plan, and with how the plan is presently written, that does not seem to be the case. Some of my reservations are enumerated below.

1) The relationship of price and use is not adequately explored. While a water surcharge is in effect in Wichita, nothing in the plan provides guidelines for other local entities or the state using price as a way to promote conservation.

2) There is no mention of how local building codes can effect construction techniques, which can have a long term effect on usage.

3) In the area of prior appropriation, there is no discussion of whether to make the power of the chief engineer more explicit in cases where senior rights are curtailed to the benefit of those with more junior rights. Nor is there any discussion of how the chief engineer is to enforce his or her decisions in this area.

4) There is some question as to whether the process for choosing and confirming the chief engineer, (given his important role in appropriation rights and conservation efforts) is adequate to protect the overall public good.

5) One unaddressed question is whether the money funnelled through the state conservation commission to soil conservation and watershed districts should be targeted or not, and whether there should be more teeth in the law for those not complying with SCC programs.

6) the word "conservation" does not have the same meaning for everyone involved with water policy. For people involved

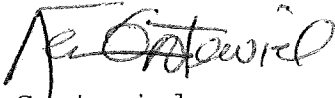
Page 2
Grotewiel
Kansas Water Plan

with soil conservation or watershed districts, it generally means "trapping" water to prevent floods and soil erosion. For GWD's, and municipal systems, it means "use efficiency." This distinction needs to be made in order to facilitate proper discussion and direction.

7) Finally, a mechanism must be created to keep these two conservation ethics from running counter to each other, which will cause unnecessary effort and expense. For example: procedures must be established to insure that water which a watershed district is "conserving" is not held back to such a degree that appropriation rights granted by the chief engineer to "conserve" water are undermined. This could happen because the total amount of water he or she painfully reallocated is no longer available, and thus the conservation plan enacted would be unworkable.

I respectfully request that these comments be entered into the minutes of the committee on January 24, 1985.

Sincerely,



Ken Grotewiel
State Representative

KG:njr

Jan Garton
219 Westwood
Manhattan, Ks. 66502

COMMENTS ON THE 1984 KANSAS WATER PLAN

The state of Kansas has embarked on a praiseworthy venture -- examining the water supplies across the state, describing water-related problems, predicting water needs, and attempting to discover solutions. The Kansas Water Office, on instruction from Governor Carlin, has instituted a continuous planning process to allow for constant evaluation of policies and programs, and to give the people of the state an opportunity to make their views known. This is commendable.

But it seems to me that the Kansas Water Office has jumped the gun in this process by deciding to ignore the causes of our current and predicted water shortages. Prior to recommending major new construction projects as solutions to our water problems, it seems a rational course for the Water Office to first examine the current uses of water in the state to see if those uses are consistent with the public interest and the public good.

Kansas water law says that the water supplies belong to the people of Kansas to serve the public welfare. But when the public is no longer well served by the present uses of its water supplies, it seems to me to be a major function of a state water planning process to identify and investigate such situations and to propose changes in current use.

Perhaps Kansas water appropriation law is in for a major overhaul. We all know the western half of Kansas is facing severe problems because of the 'first in time, first in right' doctrine, but even more so because of its uneven application involving groundwater impacts on surface water rights.

The state of Kansas continues to endorse the planned depletion of groundwater supplies for irrigation of agricultural crops unsuited to the region's climate. Yet this planned depletion threatens water supplies for many communities within the region; it has resulted in the drying up of many small creeks and streams,

and the death of a large stretch of one of the state's three navigable rivers. The future of two critical wetlands is cloudy. Wildlife populations and riparian habitats are threatened.

Despite this evidence of destruction, the present draft of the water plan does not call for future curtailment of irrigation. It does not initiate action to establish stream alluvial corridors where current irrigation wells might be restricted as in an intensive groundwater use control district, which would protect streamflows and riparian habitat as well as aid in the slowing of soil erosion. The plan is only lukewarm in suggesting that water resources used for irrigation be better monitored or more efficiently applied.

The groundwater supplies underlying western Kansas still provide the potential for a nearly permanent water source far into the future if Kansas adopts a policy of sustained yield for groundwater resources.

I recommend the Kansas Water Office implement a sustained yield policy for groundwater resources.

Instead, the state water plan proposes that research be initiated immediately into water importation schemes so that when western Kansas runs out of water, there'll be other sources available.

This is a frightening prospect. Where does the Water Office suggest that the water come from? Certainly there is no state within the Great Plains region that is water-wealthy. Are we really thinking in terms of Canada and Alaska? Who pays for this monstrous extravaganza? Do we push the costs and consequences of water supply off on future generations because the people today are too timid to address the question of the wisest use of limited resources?

Agricultural economists are predicting that irrigation will not be able to survive much into the 21st century in western Kansas because it will become far too costly. If it is recognized that the irrigation industry is a dying one, doesn't it make so much more sense to phase it out now while there is still water available for municipal, industrial and domestic needs and for the preservation of streams and rivers and wildlife habitat? Is'

it better to commit money to investigate and engineer massive water transfer and distribution systems than to negotiate buy-backs of water rights? Should we confine our definition of the concept of 'development' to expansion only -- or should we think of development as the wisest, most efficient use of a resource's potential? At the very least, doesn't it make sense to ask these questions?

I recommend the Kansas Water Office investigate the impact of phasing out irrigation using groundwater supplies upon the future of water supplies in western Kansas, studying the economic and environmental aspects.

One possible means of accomplishing this would be through a system of retired and/or purchased water rights beginning with those located within the alluvium of rivers and streams. One method of financing the buy-backs would be through imposition of a charge for the water used, based on the amount of an individual's water right. In considering the purchase of water storage in federal reservoirs, there is considerable support for the concept of the user paying; if municipalities and industries are required to pay for water, it is not unreasonable to assess agricultural use, especially since 83% of the water used in Kansas is for agricultural purposes.

Not only is the water planning process to be a continuous effort, but it is to be comprehensive. For that to be true, the comprehensive evaluation of water needs will have to be expanded to include the protection of critical wildlife habitat and specific wildlife populations -- not only as part of a proposed fish, wildlife and recreation section, but in every new program or policy formulated. The entire plan should also undergo close examination to determine the environmental consequences of its proposals. What changes upstream and downstream will a small lakes program cause? What are the consequences of diverting 'surplus' waters in reservoirs for short-term irrigation use, of added watershed development programs, and of only voluntary conservation programs? How can we make wise decisions if only the benefits of proposals are brought to light?

It seems to me that the state water plan should strive to strike a balance between the protection of existing water supplies and development of new ones. We should recognize that we are living with a major water deficit and it is in the public interest to bring that deficit under control.

Treating the symptoms without treating the causes only postpones the pain and foregoes any cure. We must be bold and innovative in our search for answers. We should aggressively seek water-efficient industries to bolster the state's development. One of the long-term goals of a state water plan should be to preserve the greatest diversity of experience and highest quality of life for the people of Kansas.

To give a broader perspective to the examination and creation of water policy in the state, I recommend that the membership of the Kansas Water Authority be expanded to include a representative of the Kansas Fish and Game Commission as an ex-officio member, and a representative of a group identified with the protection of natural resources and the public interest.

At the time of the creation of the Water Authority by the legislature, consideration was given to participation by a representative of Fish and Game; this was later eliminated for reasons unknown to me. Some of the obvious weaknesses of the water plan can be traced to this lack of representation.

While I recognize the hard work and sincere effort that has been put into the current draft of the state water plan, I would like to see the Water Authority recommend against adopting the plan until the Water Office has an opportunity to investigate the causes of the water problems in the state and to propose plans to deal with the causes, so that our water problems will not continue to be perpetuated.

I ask that these comments be incorporated into the record of the public hearing regarding the state water plan.

Testimony on minimum desirable streamflow recommendations

Jan Garton
219 Westwood
Manhattan, Ks. 66502

November 20, 1984

In some ways, the idea of establishing minimum desirable streamflow levels is a sad one for it indicates what little regard man has had for his environment and what little empathy he has for his natural surroundings. Because we value water not for its natural bounty, but for what we can make it do for us, we are here now, attempting to decide how little water we can leave in a stream bed and still say that it flows.

Without question, I do support the protection of in-stream flows to preserve our natural environment. Our streams, creeks and rivers sustained enormous wildlife populations and produced bountiful crops of trees, ferns and grasses before they ever watered cattle or corn.

The Kansas legislature wrote into the state water plan the provision for "...the identification of minimum desirable streamflows to preserve, maintain or enhance in-stream water uses relative to water quality, fish, wildlife, aquatic life, recreation and general aesthetics." This says to me quite clearly that the purity of stream water and the life it provides to wildlife populations should be uppermost in establishing the minimum levels of streamflow.

Minimum streamflows can certainly be considered life warrants, because they protect our native rivers and creeks from total dewatering. But they are also death warrants, because they set the limits of the available habitat. If you are going to sign a death warrant, at the least you should know these two things: who is going to die, and how many will die.

This knowledge should extend to the populations that live in the water and those dependent on the habitat created by the water. Has the negotiating committee made an effort to determine the effect of the proposed flows on Quivira National Wildlife Refuge, a wetland area designated as a critical habitat by the U.S. Fish and Wildlife Service? What impact will these flows have on the status of the vulnerable population of whooping cranes?

It is unfair to the people of Kansas to produce minimum streamflow recommendations in terms of cubic feet per second without being able to explain to them what that means in terms of life and death, or what that means to the quality of their water.

If the people of Kansas are to be involved in the development of the state water plan and in making decisions that will affect them and their children, then they ought to be able to clearly understand the issues and the consequences of their decisions. This they cannot do with respect to minimum streamflows.

Therefore, I make these recommendations:

- (1) That this year's minimum streamflow recommendations be raised so that no designated flow is below those suggested by the Kansas Fish and Game Commission.
- (2) That models be developed so that the impacts of minimum streamflow levels upon riparian habitat, fisheries and terrestrial wildlife populations can be predicted, and that methods be developed to determine the impact of low flows on Quivira NWR and other downstream habitats.
- (3) That groundwater development within the alluvium of all streams under consideration for minimum streamflow protection be barred.
- (4) That once models have been developed, future minimum streamflow protection be negotiated on the basis of life levels, so it will be clear what kind of population and habitat losses will be incurred by proposed minimum streamflows.

I think it is appropriate to remark here that minimum streamflow protections, as invaluable as they may be, are still attempts to deal with the symptoms and not the causes of dewatering problems. Until we address the problem of overappropriated water supplies, the incentive will be to support the very lowest levels of streamflow protection. This is costly, not only to the environment, but to our children, for they will ultimately inherit our mistakes and failures -- or our courage and foresight.

When streamflows for the Arkansas, the Rattlesnake and the Ninnescah are established, they should be meaningful. They should reflect the goal set by the legislature to preserve, maintain or enhance wildlife opportunities and water quality. I ask the committee to re-evaluate its recommendations in light of probable severe impacts on wildlife populations and habitats.

Kansas Fish and Game Commission Comments on
The State Water Plan

The Kansas Fish and Game Commission supports the formation of a dynamic State Water Plan; one which is flexible but provides specific policies directing water management for the benefit of all interests in the State.

Until recently, we have been disturbed by the inadequate attention being devoted to Kansas fish and wildlife resources in the State Water Plan development process. This past year, at public hearings held on the State Water Plan, we voiced our opinion that several important aspects of the planning process were being ignored. We proposed that a stream integrity subsection of the plan be developed within the water quality component. This issue was not incorporated into that section. We also indicated that a fish and wildlife coordination act be developed to insure that water development projects are built in a manner compatible with fish and wildlife resources. We requested assurance that fish and wildlife resource interests be represented in each basin planning group being formulated. We asked that the Reservoir Management Subsection address the coordination needed between our agency and the other water agencies to evaluate the yearly potential for water level management programs to benefit fisheries and waterfowl on the federal reservoirs. We also asked that specifically a fish and wildlife section of the Water Plan be developed.

Recently, our fears have been somewhat alleviated. At the last meeting of the Kansas Water Authority, fish, wildlife, and recreation interests were assured of representation on the basin planning advisory groups. We recently received word from the Kansas Water Office that a fish and wildlife section of the plan will be developed this calendar year. We are currently drafting five technical reports supporting the need for such action. Within the fish and wildlife section of the plan we hope several important state policies and actions will be recommended. These include the development of a State Fish and Wildlife Coordination Act, a reservoir management policy addressing fish and wildlife benefit potentials,

identification of ways to address the potential to reclaim flow-impacted streams and rivers, and solutions to protect stream integrity, including riparian corridors and ecologically necessary habitat characteristics.

We totally support other sections of the water plan developed to date. We especially look favorably upon the rural flood management and multipurpose small lake sections of the plan as they potentially have beneficial impacts on our State's fish and wildlife resources. We support measures in the plan that provide for better protection of our waters from pollution. We definitely applaud actions taken by the State to formulate minimum desirable streamflows.

Our attitude toward the State Water Plan has been and remains one of support and cooperation, and we feel confident that in the next year as the fish and wildlife section of the plan develops, our concerns will be addressed.



State Conservation Commission

109 S.W. 9TH STREET, ROOM 300

TELEPHONE (913) 296-3600

TOPEKA, KANSAS 66612

Presentation by Kenneth F. Kern, Executive Director

Senate and House
Energy & Natural Resources Committee
Joint Hearing-January 29, 1985

The State Conservation Commission, established under authority K.S.A. 2-1901 eq. seq., is responsible for the administration of the soil and water conservation programs of the State of Kansas. This is primarily done through the 105 conservation districts and the 85 organized watersheds districts.

The Conservation Commission is working closely with all water related agencies and organizations at the local, state and federal level.

The Commission, a policy making group, consists of:

- 5 Elected Commissioners - One from each of five commission areas
- 2 Ex-Officio members - Director of Agricultural Experiment Station
- Director of Cooperative Extension Service
- 2 Appointed members - One by the USDA, Soil Conservation Service
- One by the State Board of Agriculture

The Commission staff consists of:

Executive Director
Program Administrator
Conservation Coordinator
Office Manager
Clerk-Typist (1/2 Time)

Attachment 6 -- 1/29/85
Energy and Natural Resources

MANAGEMENT SECTION

Multipurpose Small Lakes Program

Recommendation #17, 18, 19 - Multipurpose Small Lake Program is a new program operated similar to the State Conservation Commission's current Watershed Dam Construction Program. Establishing the policy and rules and regulations would be necessary as the program is implemented. The fiscal impact, in addition to structure funding, will require additional administrative assistance. The Commission is in favor of moving ahead with this type of program and administering the program.

Rural Flood Management

Recommendation #27 - The enhanced funding of the existing Water Resources Cost-Share Program will be focused to priority areas for land treatment. A Task Force Committee, established by the Commission, is identifying priority areas and concerns. Once this is completed, a recommendation for priority land treatment will be made to the State Conservation Commission.

The Commission has requested \$300,000 for enhanced funding for FY 1986.

Recommendation #28 - Increased funding for the Watershed Dam Construction for organized watershed districts and other governmental subdivisions with approved general plans will be administered along with the current funding. The policy for all funds will be reviewed by the Task Force Committee and recommendations of priority areas will be made to the State Conservation Commission.

The Commission has requested \$1,300,000 for enhanced funding for FY 1986.

Recommendation #29 - This provides funding for the reinstatement of the Watershed Planning Assistance Program with an initial financial requirement of \$100,000.

Due to the foresight of the Kansas Legislature in FY 1959, state funds were appropriated for watershed planning assistance. These funds, administered by the State Conservation Commission, were used for Architect-Engineer (A & E) contracts to provide basic survey data and computations for watershed planning of P.L. 566 structures.

The P.L. 566 Program, administered by the Soil Conservation Service (SCS), provides federal funds for construction of flood control dams. The dams are identified in the organized watershed districts general plan. The general plan is submitted for review and approval of the Chief Engineer, Division of Water Resources, State Board of Agriculture.

The state planning assistance program was last funded in FY 1980 due to adequate Soil Conservation Service staffing and backlog of applications waiting for new P.L. 566 construction starts.

The \$100,000 is currently requested due to decreasing Soil Conservation Service staffing and the need to have planning work in process on additional watershed structures.

According to John Tippie, State Conservationist, Soil Conservation Service, the planning process supports about \$8 million per year of P.L. 566 watershed operations. He estimates this assistance to watershed districts will result in two additional P.L. 566 plans per five-year period. Stated another way, \$100,000 per year of state planning investment produces about \$1.8 million per year of P.L. 566 funding in the state.

In terms of specific projects benefiting in the next few years, the Pawnee Watershed District in Western Kansas and Nemaha-Brown Watershed District in Northeastern Kansas would benefit the most.

The Commission has requested \$100,000 for FY 1986.

CONSERVATION SECTION

Agricultural Water Conservation

Recommendation #37 - This new Water Meter Cost-Share Program would require policy, rules and regulations and coordination with Conservation Districts, Division of Water Resources, State Board of Agriculture and other governmental subdivisions involved in groundwater.

Recommendation #38 - The enhanced funding of existing Water Resources Cost-Share Program for Agriculture Water Conservation will be handled the same as Recommendation #27.

The Commission has requested \$600,000 for FY 1986.

Recommendation #39 - During the interim, while the Basin Planning Committees are being formed, the State Conservation Commission has appointed a Priority Planning Task Force Committee to identify priority areas and recommend targeting of enhanced funds.

Recommendation #40 - In order to provide increased local funding of conservation districts, the Commission is recommending that the conservation districts be provided with statutory authority to levy a tax up to 2 mills with a maximum of \$55,000, plus \$7,500 from the County general fund and \$7,500 State matching funds as provided by K.S.A. 2-1907c, for a total maximum budget of \$70,000. This budget would be used for district operations expenditures.

QUALITY SECTION

Agricultural Runoff

Recommendation #59 - Additional state funds for water conservation will be used to resolve regional water quality problems. The water quality priority areas will be identified and handled the same as Recommendation #27.

The Commission has requested \$600,000 for FY 1986.

In summary, the State Conservation Commission supports the State Water Plan recommendations and concepts. Realizing that the staff of 4.5 full time equivalent (F.T.E.) personnel cannot administer the recommended programs, the Commission is requesting an additional 4.5 F.T.E. personnel.

The Commission will do its part in implementing the State Water Plan.



State Conservation Commission

109 S.W. 9TH STREET, ROOM 300

TELEPHONE (913) 296-3600

TOPEKA, KANSAS 66612

STATE CONSERVATION COMMISSION STATE APPROPRIATED GENERAL FUNDS WATERSHED DAM CONSTRUCTION ASSISTANCE

<u>Fiscal Year</u>	<u>Appropriated</u>	<u>Dams Completed</u>
FY 1977	\$ 500,000	29
FY 1978	500,000	22
FY 1979	600,000	20
FY 1980	600,000	21
FY 1981	600,000	18
FY 1982	600,000	14
FY 1983	675,000	8
FY 1984	675,000	18
FY 1985	<u>800,000</u>	<u>16*</u>
TOTAL	\$5,550,000	156

*Under construction

85 organized Watershed districts to date.

73 organized Watershed districts have state approved General Plans.

3534 dams are proposed to be constructed within the 72 districts with approved General Plans.

852 dams have been constructed within the 72 districts with approved General Plans. (Federal P.L. 566, State Cost-Share and district funded.)

43 dams are currently being constructed within the 72 districts with approved General Plans.

2639 dams remain to be constructed within the 72 districts with approved General Plans.

7 dams have been constructed with municipal water supplies in conjunction with watershed districts.

4 dams are proposed with water supplies for Rural Water Districts in cooperation with a district.

7 dams are proposed with recreational water supplies in cooperation with a district.

3 dams are proposed with municipal water supplies in cooperation with a district.



State Conservation Commission

109 S.W. 9TH STREET, ROOM 300

TELEPHONE (913) 296-3600

TOPEKA, KANSAS 66612

Water Resources Cost-Share Program for Land Treatment State Appropriated General Funds

<u>Fiscal Year</u>	<u>Appropriation</u>
FY 1981	\$1,000,000
FY 1982	900,000
FY 1983	1,250,000
FY 1984	1,250,000
FY 1985	<u>1,500,000</u>
TOTAL	\$5,900,000

Land Treatment Practices - FY 1985:

- Animal Waste Control System
- Critical Area Planting
- Diversions
- Pond
- Grade Stabilization Structure
- Grassed waterway or outlet
- Irrigation System, Tailwater Recovery
- Irrigation Pit
- Spring Development
- Terraces
- Underground outlet for terrace or diversion
- Livestock wells
- Water and Sediment Control Basin



State Conservation Commission

109 S.W. 9TH STREET, ROOM 300

TELEPHONE (913) 296-3600

TOPEKA, KANSAS 66612

State Conservation Commission Programs Five Year Fiscal Impact - PROGRAM COSTS*

	<u>FY 1986</u>	<u>FY 1987</u>	<u>FY 1988</u>	<u>FY 1989</u>	<u>FY 1990</u>
Watershed Dam Construction within Watershed Districts	\$2,000,000	\$2,500,000	\$3,000,000	\$3,500,000	\$3,750,000
Watershed Dam Construction outside Watershed Districts	100,000	200,000	300,000	300,000	300,000
Water Resources Cost-Share Program	3,000,000	3,500,000	4,000,000	4,500,000	5,000,000
Watershed Planning Assis- tance	<u>100,000</u>	<u>250,000</u>	<u>300,000</u>	<u>300,000</u>	<u>300,000</u>
TOTAL	\$5,200,000	\$6,450,000	\$7,600,000	\$8,600,000	\$9,350,000

*This does not include administration costs, which will be approximately 5% of the program costs.

2-1907b. County funds for supervisors; tax levies; use of proceeds. ~~In any county in which all or a substantial part of the county is included within the boundaries of a conservation district established under chapter 2, article 19 of the Kansas Statutes Annotated, or any amendments thereto,~~ The board of county commissioners may, upon request of the supervisors of the conservation district, pay to the district moneys from the county general fund for the supervisors to carry out their duties under this act. The amount authorized shall not exceed \$7,500 annually. In addition to moneys from the county general fund, the board of ~~county commissioners~~ supervisors may levy an annual tax, not to exceed ~~.5 mill or \$15,000~~ 2 mills or \$55,000 whichever is less, to provide additional moneys for the operation of the conservation district, and said tax may be against all of the taxable, tangible

The levy shall be sufficient to pay a portion of the principal and interest on bonds issued under the authority of K.S.A. 1980 Supp. 12-1774, and amendments thereto, by cities located in the county, which levy may be in addition to all other tax levies authorized by law and not subject to or within any tax levy limit or aggregate tax levy limit prescribed by law. Funds appropriated or allocated under the provisions of this section and K.S.A. 1980 Supp. 2-1907c shall be used solely to carry out the activities and functions of the district including cost of travel and expenses of supervisors, incurred and district employees within the state and in no event shall be used for prizes, or incentives for achievements or attendance at meetings, or for travel or expenses for anyone other than supervisors and district employees.

History: L. 1953, ch. 6, § 1; L. 1959, ch. 5, § 2; L. 1963, ch. 7, § 1; L. 1969, ch. 8, § 1; L. 1972, ch. 5, § 5; L. 1976, ch. 7, § 4; L. 1979, ch. 7, § 1; L. 1979, ch. 8, § 1; L. 1981, ch. 9, § 1; July 1.

2-1907c. Certification to state commission of amount to be furnished by county; state financial assistance; limitation; duties of state commission. Each conservation district shall on or before September 1 of each year submit to the state conservation commission a certification of the amount of

PRESENTATION BY DAVID L. POPE
CHIEF ENGINEER-DIRECTOR
DIVISION OF WATER RESOURCES
KANSAS STATE BOARD OF AGRICULTURE
TO
HOUSE COMMITTEE ON ENERGY AND NATURAL RESOURCES

January 29, 1985

Chairman Fox and members of the Committee. Thank you for the opportunity to comment on the proposed State Water Plan which has been presented to you.

I must congratulate Mr. Harkins and the staff of the Kansas Water Office and the members of the Kansas Water Authority for the many long hours of hard work which it took to get the State Water Plan ready to present to this Session of the Legislature. I would also like to thank the members of the public for the interest they had in attending the many public meetings and hearings and expressing many worthwhile comments on the proposed plan.

In my capacity as Chief Engineer and an ex-officio member of the Kansas Water Authority, I have had an opportunity to provide input into the development of the proposed plan. This has resulted in a very close working relationship with the Kansas Water Office and the other water related agencies since I believe we all agree on the importance and need for a comprehensive State Water Plan.

During the last two years the Kansas Water Office and the Kansas Water Authority have worked diligently to identify key water issues in Kansas and develop the proposed policies which can be used to guide the state in making decisions as to how Kansas water resources should be managed, conserved and utilized, both now and in the future. I feel that the draft of the State Water Plan, which you have before you, is the most comprehensive water resources planning document thus far compiled in Kansas. The plan should be extremely

useful in guiding the state in developing specific plans on how to implement the proposed policies. Developing the methods of implementing the plans will require further detailed studies, extensive discussions by the Kansas water related agencies and considerable additional public input.

As you have no doubt gathered from the earlier presentations, many of the issues are complex and many of the proposed solutions could have far reaching impacts on state and local government and on the people of the State of Kansas.

During the coming year the Kansas Water Office, the Kansas Water Authority, other state water related agencies and the people of Kansas will continue to grapple with the many unresolved questions and come up with specific proposals as to how to implement the plan. Local and regional problems will be identified and dealt with extensively in the basin planning process.

I think the only other comment I might have at this time concerning the State Water Plan is that many of the proposals in the plan will have far reaching impacts on the Division of Water Resources, because many of the proposals effect matters already regulated in whole or part by the Division of Water Resources under existing laws. Many of the proposals suggest policy or regulatory changes which will require increased staffing to perform the duties required. To comment on these impacts at this time would really be getting the cart before the horse because many of the specific implementing decisions have not yet been made. Many of these decisions can not be made until detailed planning is completed, statutory changes are made or, in some cases, decisions are made by the federal government. For example, in the large reservoir management subsection, implementation of the assurance program and/or the drought contingency plans will depend to a certain extent upon what storage space the Corps of Engineers will be willing to sell,

whether the Corps of Engineers will be willing to trade storage space from one reservoir to other, and if so, how much, and under what policies will the federal government operate the federally owned storage space and what types of agreements will the State of Kansas and the federal government enter into to protect various types of water releases from the reservoirs. All of this can greatly affect the administration of water rights below the reservoirs and require action on the part of the Chief Engineer to protect releases of water from storage.

Probably the area that has received some of the greatest attention and has had the most specific planning is the area of minimum desirable streamflow. The proposal for minimum desirable streamflow standards on the four additional streams which is being presented to the Legislature this year is the result of extensive discussions and negotiations between the water related agencies and has resulted in the best consensus of opinion between those agencies, taking into consideration extensive public input at the public hearings, as to what those minimum desirable streamflows should be. The Division is certainly satisfied with the process that took place in order to set those minimum desirable streamflows values which are being brought before the Legislature for approval this year.

Since you have already heard lengthy testimony concerning the proposed plan, I have not planned to comment on specific proposals, but would be happy to attempt to answer questions the Committee might have about any of the issues that may affect our duties and responsibilities. So, Mr. Chairman, with your permission, I would be happy to answer any questions the Committee might have.

KANSAS WATER AUTHORITY

Suite 200, 109 S.W. 9th Street, Topeka, KS 66612 (913) 296-3185

H. Philip Martin, Chairman

P.O. Box D, 702 Broadway, Larned, KS 67550 (316) 285-6514



January 29, 1985

Honorable Ron Fox
Room 523-S
Statehouse
Topeka, Kansas 66612

Dear Chairman Fox:

On behalf of the members of the Kansas Water Authority, I appreciate the opportunity to offer this statement to the members of the committee regarding the State Water Plan.

Today I would like to briefly touch upon what the Water Plan is and what it is not.

As noted in earlier correspondence to the members of the Legislature, the final draft of the Water Plan was forwarded by a unanimous vote of the Authority.

This unanimity was not achieved by using a "lowest common denominator" approach to water planning. The procedure was long, time-consuming and frequently punctuated by spirited discussions within committees and the Authority as a whole.

Innumerable concepts were discussed. During these discussions it was clearly evident that there was an initial wide diversity of opinion among Authority members. The staff of the Water Office was able to take each of these concepts and develop them.

Sometimes, after full discussion and in-depth study, certain concepts were abandoned. Other concepts were deferred for study during 1985. Top priorities for this year include drafting of a separate section on fish, wildlife and recreation. In response to public requests, the Authority and Office plans to add subsections devoted to streambank erosion and streambank integrity, among others.

As you have seen, while the present draft of the State Water Plan is comprehensive, it is not all-inclusive. In fact, the Water Plan may never be all-inclusive. It may be impossible, given the changing nature of the people, the land and the climate, to address all problems and needs within a single document, at any given point in time.

Nevertheless, the Authority and the Office are committed to do the best job to continue to update this document.

Attachment 8 -- 1/29/85
Energy and Natural Resources

Along with the new concepts written into this draft, there are several restatements of existing state policy. The Authority is aware that many have grumbled about a lack of creativity and prejudice in favor of the status quo.

As pointed out above, the Authority discarded some new concepts. This is not because there is opposition within the Authority to the new or "innovative". Some of the alternative solutions offered lack, at least for the present, technical feasibility or social and political acceptability. Further, many policies and programs which have served the State well in the past can continue their usefulness through slight redirection or a change in level of funding.

Finally, one of the thoughts always in the minds of the members of the Authority during the planning process was that policies meant to benefit those who will follow us should not inadvertently harm those who are now among us.

This is particularly important now. There are many among us who view themselves as innocent victims of federal policy. The Authority has been extremely careful not to let its proposals exacerbate the present situation.

To reiterate, the draft of Water Plan that is before you now is, in the opinion of the Authority, the best mix of old and new. We urge your careful consideration.

Yours truly,



H. Philip Martin

HPM:ch