

MINUTES OF THE HOUSE COMMITTEE ON ENERGY AND NATURAL RESOURCES

The meeting was called to order by Representative Ron Fox at  
Chairperson

3:30 ~~xxx~~ a.m./p.m. on February 25, 1985 in room 313-S of the Capitol.

All members were present except:  
Representative Ott (excused) Representative Fry (excused)  
Representative Grotewiel (excused) Representative Rezac (excused)  
Representative Heinemann (excused) Representative Rosenau (excused)  
Representative Sughrue (excused)  
Committee staff present: Representative Webb (excused)

Ramon Powers, Legislative Research  
Betty Ellison, Committee Secretary

Conferees appearing before the committee:

Chairman Fox called attention to a request by Outdoors Unlimited to introduce a bill relative to harassment of hunters. (Attachment 1) Representative Foster made a motion to introduce the bill. Representative Sutter seconded the motion. The motion carried.

The Chairman noted that the Senate Energy and Natural Resources Committee would begin hearings on the state water plan on February 26. He said that unless there was objection, the Water Authority and Water Office would be asked to respond to those concerns which would not deal with legislation at some future date. Those concerns which would deal with legislation at some future date would be kept active and brought up when implementation of the legislation itself is brought into place.

Mr. Ramon Powers of the Legislative Research Department reviewed testimony which had been heard relative to the state water plan, noting particular concerns of various agencies. He mentioned that some of the testimony had been delivered orally and some in writing. (Attachment 2)

Chairman Fox asked Mr. Powers if he would provide the committee with a listing of the funding method--general funds, federal, local mill levies, etc., on the recommendations in the water plan, in addition to those amounts shown on his memorandum. (See Attachment 2)

The Chairman announced that Mr. Joe Harkins of the Kansas Water Office would come before the committee on February 26 with priorities of the water plan. He said that committee members should have the water plan book, the "pink book", and Mr. Powers' memorandum before them while discussing implementation of the water plan.

The meeting was adjourned at 4:32 p.m.

The next meeting of the House Energy and Natural Resources Committee will be held on February 26, 1985 at 3:30 p.m. in Room 313-S.





P.O. Box 470, Herington, Kansas 67449

February 7, 1985

Representative Kent Ott  
room 501-south  
Capitol Building  
Topeka, Kansas 66612

Dear Kent:

Enclosed are the materials I discussed briefly with you on February 6, 1985.

Kansas Outdoors Unlimited is deeply concerned with the incidents that have occurred in Kansas. We believe Kansas license buyers deserve some type protection, and recourse, from those who willing try to destroy our outdoor activities.

We would surely appreciate any help you, and your committee, can give in getting the proposed legislation passed and signed by the Governor.

Best personal regards,

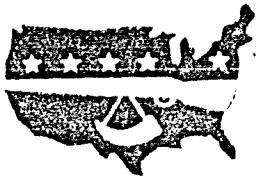
A handwritten signature in cursive script that reads "Ted Cunningham".

Ted Cunningham  
Executive Director

cc: K.O.U. Board of Directors

Attachment 1 -- 2/25/85  
Energy and Natural Resources

TLC/vlc



**THE WILDLIFE LEGISLATIVE FUND OF AMERICA**  
To protect the Heritage of the American Sportsman to hunt, to fish and to trap.

January 25, 1985

Ted Cunningham, Executive Director  
Kansas Outdoors Unlimited, Inc  
P.O. Box 470  
Herington, Kansas 67449

Dear Ted:

Enclosed please find our Model Legislation prohibiting hunter harassment. I apologize for the mix-up in getting this information to you. Enclosed are some materials that you should find useful and informative.

Ten states have enacted anti-hunter harassment laws. Arizona in 1981 was the nation's first state to pass one of these acts. Since then, Louisiana, Michigan, New Hampshire, Vermont, South Dakota, Nevada, Illinois, Maine and Pennsylvania have passed anti-hunter harassment legislation and these bills have been reintroduced in 8 states whose legislatures have just convened.

This anti-hunter harassment program is achieving dramatic results because concerned state agencies like Kansas are working with the WLFA to promote sportsmen's rights. Many of us are tired of always fighting defensive battles. We've gone on the offense to advance sportsmen's rights.

The WLFA provides services to the nation's sportsmen and sportsmen's groups currently being offered by no other organization. Our staff is comprised of experts in legislative lobbying, public relations and the law. Fighting for the right to hunt, fish and trap, and scientific wildlife management is our only purpose, and we have developed a winning track record in legislative lobbying, ballot issue campaigns, court suits, and public education programs.

If we can be of any further assistance, please do not hesitate to contact me.

Sincerely,

Thomas B. Addis  
Director of State Services

TBA/cm  
Enclosures

A proposed statute to prevent harassment of lawful hunting, trapping or fishing in the State of Kansas.

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

Section 1. Any person who intentionally interferes with or disrupts any lawful hunting, trapping or fishing activity within a wildlife area designated by the Kansas fish and game commission or upon other publicly owned property shall be guilty of a class C misdemeanor. Any person who intentionally harasses, drives or disturbs any game animal for the purpose of interfering with or disrupting a lawful hunting, trapping or fishing activity in such wildlife area or upon other publicly owned property shall be guilty of a class C misdemeanor.

Sec. 2. Any person who intentionally interferes with or disrupts any lawful hunting, trapping or fishing activity upon private land without the express written permission of the landowner or tenant shall be guilty of a class C misdemeanor. Any person who intentionally harasses, drives or disturbs any game animal for the purpose of interfering with or disrupting a lawful hunting, trapping or fishing activity upon such private land without the express written permission of the landowner or tenant shall be guilty of a class C misdemeanor.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.

MEMORANDUM

February 5, 1985

TO: House Energy and Natural Resources Committee  
FROM: Kansas Legislative Research Department  
RE: Summary of Testimony on the State Water Plan

Kansas Fish and Game Commission

The Commission supports a dynamic Plan. The Commission's fears that various fish and wildlife concerns would not be addressed, have been somewhat alleviated. They are confident the fish and wildlife section, to be developed next year, will address their concerns.

The Commission totally supports other sections of the Plan completed to date. They especially support rural flood management, multipurpose small lakes, better protection of waters from pollution, and formulation of minimum desirable streamflows.

State Conservation Commission

The Commission supports the Plan and is requesting funding in FY 1986 to implement certain recommendations.

A. Management Section

1. Multipurpose Small Lakes Program (Recommendations 17, 18, and 19). Favored by the Commission.
2. Rural Flood Management (Recommendation 28). The Commission is requesting \$300,000 in FY 1986 to implement Recommendation 28 and \$100,000 to implement Recommendation 29 for Watershed Planning Assistance.

B. Conservation Section

1. Agricultural Water Conservation (Recommendations 37, 38, 39, 40). The Commission supports these recommendations including the request for \$600,000 for FY 1986 to enhance the existing Water Resources Cost-Share Program. Under Recommendation 40, the Committee supports amending legislation to allow conservation districts to levy up to 2 mills to a maximum of \$55,000 plus \$7,500 for district operations expenditures.

C. Quality Section

1. Agriculture Runoff (Recommendation 59). The Commission requested \$600,000 for FY 1986 which will be handled the same as Recommendation 27.

The Commission is requesting an additional 4.5 F.T.E. to administer recommended programs.

Division of Water Resources, State  
Board of Agriculture

The Division participated in the development of the Plan and believes it represents the most comprehensive water resources planning document thus far compiled in Kansas.

Many of the issues in the Plan are complex and proposed solutions could have far-reaching impacts. Many proposals suggest policy and regulatory changes that will require increased staffing to perform the duties required. Most decisions cannot be made until basin planning is completed, statutory changes are made, or decisions are made by the federal government.

State Association of Kansas Watersheds

The State Association of Watersheds adopted a resolution at their 34th annual meeting in support of the State Water Plan as drafted.

Representative Ken Grotewiel

Representative Grotewiel raises concerns about the conservation section of the Plan. He feels that the relationship between price and use of water is not adequately explored. He finds no mention of how local building codes could be used to effect use. There is no discussion of the chief engineer's power to limit senior water right holders, or how the chief engineer is selected.

There is little on targeting of funds for soil conservation and watershed development. Representative Grotewiel is also concerned about the use of the word "conservation" and the contradictory "conservation ethics" that appear in the Plan.

Jan Garton, Manhattan, Kansas

She commends the Office for development of a continuous planning process, but argues that the Office ignored the causes of the present water problem by not analyzing current uses of water.

Ms. Garton calls for a major overhaul of the water appropriations law. She argues that the Plan endorses the depletion of groundwater supplies used to irrigate crops unsuited to the region.

Ms. Garton recommends that the Water Office implement a sustained yield policy for groundwater resources, that the Water Office investigate the impact of phasing out irrigation using groundwater supplies upon the future of water supplies in western Kansas, and that 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.

In separate testimony concerning minimum desirable streamflows, Ms. Garton recommends:

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 National Wildlife Refuge 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.

#### The Kansas River Alliance

The Alliance supports the Plan in general, but with certain comments:

##### A. Management.

1. Missouri River Management (Recommendation 1) — The Alliance supports formation of an agreement or compact among basin states.
2. Large Reservoir Management (Recommendations 3, 4, and 5) — The Alliance supports the recommendation especially the assurance program. The members urge acquisition of any additional supply storage in federal reservoirs and believes storage should be controlled by the state.
3. Large Reservoir Management (Recommendations 6 and 7) — The Alliance recommends and will participate in action to purchase storage in existing reservoirs at original cost; however, it is concerned about trading storage among reservoirs if it involves trading outside river basins.



4. Water Marketing (Recommendations 11 and 12) — The Alliance agrees that the present marketing program needs to be revised.
5. Large Reservoir Finance (Recommendations 13, 14, 15, and 16) — The Alliance believes State General Funds should be included to finance any "pool" of water supply because such a pool includes esthetics and recreational values.
6. Multipurpose Small Lake Programs (Recommendations 18 and 19) — The Alliance believes the same criteria apply to small lake programs as would apply to large reservoirs, i.e., commitment from future users.
7. Minimum Desirable Streamflows (Recommendations 20, 21, and 22) — The Alliance supports establishment of minimum desirable streamflows to be developed along with the assurance program.
8. Local Planning Policy (Recommendation 30) — The Alliance definitely supports the concept of basin advisory committees.

#### B. Conservation

The Alliance views conservation as efficient management, not mandatory curtailment. The only effective reduction of water use would be reduction of urban and rural irrigation.

The Alliance agrees with Recommendations 33 and 34 that strict management plans be required where needed as identified in the basin planning process. However, it believes that it would be impractical to require such detailed plans.

The Alliance notes that cost-share for meters is not recommended for municipal users.

#### C. Quality

1. Public Water Supply Protection (Recommendations 55 and 57) — The Alliance agrees with protection plans, but is concerned about who is responsible for requiring conformance and who would pay for protection facilities.
2. Oil and Gas Regulatory Program — (Recommendation 60) — The Alliance supports increased regulatory activities.
3. Countywide Water/Wastewater Plan (Recommendation 61) — The Alliance asks who is the ultimate authority in establishing such a plan?
4. Groundwater Information System and Mineral Intrusion (Recommendations 63 and 64) — The Alliance supports both recommendations.

D. Development

1. The Alliance is a strong believer in basin planning and management and is anxious to participate in basin planning activities.

Kansas Section, American Water Works  
Association

The Kansas Section of the Association supports adoption of the Plan. In particular, it supports the assurance program as a sound method of marketing state-owned water and urges early adoption of legislation to implement the program. (The section notes that drought contingency plans do not provide for use of water by industries.)

The Kansas section states that a major deficiency of the present marketing program is that contracting entities do not acquire property, property rights, or reservation rights to water thereby limiting long term bonding capabilities.

It also defends the historic role of the state in contracting for water supply storage in large federal reservoirs. It does not want the state to relinquish that role as proposed in the Plan.

The Kansas section encourages the Legislature to give it responsibility for formulating municipal conservation plans that meet the objectives identified in the State Water Plan.

Required municipal water conservation measures do not need to reduce Kansan's quality of life, the Kansas section notes.

The Kansas section strongly supports formation of basin advisory groups so local interests are honored in the planning process. The basin advisory groups should take a leading role in basin planning.

Kansas Natural Resources Council

The Council views the Plan as a good beginning although it has concerns about the conservation section.

The Council objects to the continued use of supply management tools in treating the supply problem in Kansas. It objects to the definition of conservation in the Plan, stating that the definition is an excellent definition of water planning.

It is suggested that demand management be used to create future supplies by using water more efficiently. If planners disregard the vast potential to conserve, when the bill comes due for a new supply project the demand may disappear completely.

The Council believes that the constitutional questions surrounding mandating conservation for existing water right holders be addressed directly in the water planning process.

The Council asks, where is the public in basin planning? It recommends that a public interest category be included on every basin advisory board, because demand management requires consensus that public interest representation can provide.

#### Sierra Club — Kansas Chapter

The Sierra Club states that the Kansas Legislature should adopt a set of goals and policies for the use of the state's water and direct state agencies to meet those goals. Second, the Legislature could adopt a strengthened version of the Plan as presented by the Authority.

The Kansas Chapter specifically recommends that:

1. The Plan shall include clear and concise policies and goals governing the management, conservation, and development of the state's water resources.
2. The conservation section of the Plan be strengthened and include the following policies:
  - a. water resources already developed shall be used to the maximum extent before new sources are developed;
  - b. water development plans shall achieve maximum practicable conservation and efficient use of the water of the state; and
  - c. water shall be reclaimed and reused to the maximum extent feasible.
3. The Plan shall include a requirement for research directed towards the policies and goals of the State Water Plan.
4. Each basin planning advisory group should be elected by the citizens of the basin.

#### The League of Women Voters of Kansas

The League endorses the Plan as a very good beginning towards a continuous coordinated management effort. However, it states that there is no mention of when state conservation plans would be adopted or who would implement them. There are no incentives for conserving and no penalties for failure to conserve. Metering is not proposed in the Plan as a conservation measure, and planned depletion is not addressed.

The League notes that economic incentives may be necessary to insure better compliance with water quality mandates in the Plan.

The importance of local planning is not given sufficient emphasis, according to the League. Representatives who serve only the public interest should be included in basin plan development.

Finally, the League's water study and consensus focused on the Appropriation Act which members believe must be altered so as to provide that some water uses can take priority over the first in time concept, especially in drought conditions. This issue is not confronted in the Plan.

The League believes the conservation, quality, and local input (public interest) should receive more indepth attention.

#### Ken Fenwick, Larned, Kansas

Mr. Fenwick is concerned with the minimum desirable streamflow section of the Plan. He notes that "zero runoff" farming practices, streambed growth, and the failure of Colorado to release water down the Arkansas have prevented minimum streamflows. He feels that minimum levels will be adjusted later as the higher population density of eastern Kansas requires more water. Farming interests should have a big part in setting minimum streamflows.

#### League of Kansas Municipalities

The League disagrees with a number of aspects of the Plan; however, it believes that the general policy plan reflects an outstanding effort to address the water supply and water quality needs of the people of the state.

##### A. Local Planning.

The League strongly believes that the local planning advisory committees not be similar in composition to the Kansas Water Authority; if that occurs the League believes the municipal water interests (78 percent of all Kansans live in cities) would be under-represented. Although the League endorses the Authority's general plan for representation on local planning committees, it records its reservations to the Plan. One reservation is that at present municipal representation includes rural water districts, and no limit is placed on the selection of the six other members of the committee.

##### B. Large Reservoir Management

The League generally endorses the proposals in this subsection of the Plan with one reservation. It strongly opposes any suggestion that the state government preclude local units of government from negotiating directly with the federal government for the purchase of water storage in existing and future federal reservoirs.

C. Water Marketing

The League supports the aggressive marketing of water supply to municipal and industrial customers. It also supports short-term sale of water for irrigation as long as such sales do not take precedence over emergency contracts with municipal users.

The League supports modification of the 50 percent take-or-pay provisions in the marketing law and opposes the current interest charge on the net amount of moneys advanced from the general fund and the 2.5 cent per thousand gallons surcharge. The League urges review of other provisions of the rate structure.

D. Large Reservoir Finance

The League believes the state of Kansas should play a lead role in financing of major water supply improvements by use of bonds and other methods. It is troubled by the failure of the Plan to specify the source of funding for the reserve or "savings" fund.

E. Small Lakes Program

The League supports state assistance and participation in the construction of small lakes with water supply features.

F. Urban Flood Management

The League endorses the Plan's recommendations.

G. Rural Flood Management

The League endorses Recommendation 28, if the state truly would make available funding for cost-sharing assistance to cities as well as watershed districts.

H. Agricultural Water Conservation

The League opposes any effort to grant conservation districts independent taxing authority. Taxes levied on a countywide basis should be levied by the board of county commissioners.

I. Municipal Water Conservation

The League believes that it is not proper to have state-mandated municipal water conservation planning. It supports the state promulgating water conservation planning guidelines and providing technical assistance in developing and implementing municipal water conservation programs. With state assistance, municipalities will adopt water conservation programs.

The League has adopted a policy position recommending that the Legislature grant authority to cities to implement conservation measures applicable to users of a municipal utility system as well as other water users within a city (i.e., private wells) as part of a formally adopted municipal water conservation program.

J. Water Supply Protection and Aquifer Protection

The League is troubled by the fact that no effort has been made to assess the financial impact of recommending preparation of environmental plans by local units of government. It endorses the environmental performance zoning recommendations in the final Plan. The League believes it is essential to give cities additional extraterritorial zoning power in order to regulate well installation and other activities that threaten municipal water quality supplies.

K. Oil and Gas Regulatory Program

The League strongly supports these recommendations in the Plan and believes the state should not wait until FY 1987 to implement them.

L. Countywide Wastewater Management Plans

The League believes that any mandate of countywide wastewater management plan be contingent on state support of a 50-50 cost-share of the program.

M. New subdivisions and Wastewater Plans

The League generally endorses the recommendations of this subsection.

Kansas Independent Oil and Gas Association

The Association vigorously opposes assessing the oil and gas industry \$800,000 for enhancement of the oil and gas regulatory program.

It recommends removing Recommendation No. 60 and allowing a restudy of the issue to take place beginning in May, 1985 and continuing through the summer.

The Kansas Rural Center

A. Conservation

The Center supports recommendations to enhance state funding of agricultural soil and water conservation and watershed programs. The Center also supports the concept of requiring conservation plans by irrigators.

B. Management

The Center supports the concept of basin planning, based on local participation and involvement. It is concerned that under the guidelines adopted for local basin committee make-up, irrigation is perceived as the only agriculture in the state (only 10 percent of farms in the state irrigate), and the representation of certain interests (public, environmental, and fish and wildlife) are discouraged. The Legislature should pay close attention to this part of the Plan.

C. Other Comments

The Center notes that the Plan contains no summary of state water policies, such as long term policies or goals. The 65 recommendations summarizing the plan of action do not stand as a policy statement.

The Center recommends that a definite policy and goals statement be drafted to accompany the Plan.

Margaret J. Miller, Wichita, Kansas

Ms. Miller believes that the two main issues to be addressed by the Legislature in implementing a State Water Plan are water conservation and protection from water pollution.

Donna Hinderliter, Wichita, Kansas

Ms. Hinderliter questions the effectiveness of the overall structure of the Plan. She feels that strict controls over our present water supply are needed now, particularly as it pertains to the use of the Ogallala aquifer. She also feels that the rampant use of fertilizers, pesticides, and herbicides should be addressed and solutions proposed.

Ms. Hinderliter is also concerned about the role of individuals and local groups in the basin management committees.

Kansas Canoe Association

The Association supports the summary of recommendations. However, the Association believes that Kansans must rethink the "use it or lose it" philosophy of water resources management and turn to "demand management" of water.

The Association supports the development section, but notes that the issue of recreation in basin plan development is not addressed. It feels that that recreational use, as a nonconsumptive water use, can live hand-in-hand with consumptive uses.

### Kansas Farm Bureau

The Farm Bureau is most interested in maintaining local input as basin plans are developed. The entities that have some responsibility for managing our water, such as groundwater management districts, watershed districts, and others, should continue to play an important role in the planning process, especially on basin advisory committees.

The Farm Bureau firmly believes that the state has a role in some of the cost-sharing programs for soil and water conservation. It urges the Legislature to make those investments.

There should be additional planning for transfers where those can be shown as feasible.

The Farm Bureau supports a strong conservation ethic.

Farm Bureau recognizes the need for reasonable standards to protect and maintain the quality of our surface waters and groundwaters. It is not, however, convinced that establishment of "minimum desirable streamflows" is the solution to water quality problems. The Farm Bureau believes additional study of the economic and environmental impact of legislation or regulation requiring minimum streamflows is necessary. It opposes additional minimum streamflow designations until such studies are completed.

### Northwest Kansas Groundwater Management District No. 4

The district objects to a recent change in the Quality Section — Oil and Gas Regulatory Program. The district feels that the KDHE and SCC should not author this important section of the Plan. The original wording was more appropriate on this issue.

The district also believes that there should be clearer language in the Basin planning subsection of the development section regarding the interaction and involvement levels of the advisory groups. (It opposes the Water Office developing the planning documents and having the advisory groups review them.)

### Wichita, Water Resources Committee

The following summarizes the Committee's position and recommendations.

#### A. Management Section

##### 1. Large Reservoir Management

The Committee recommends the purchase now of all available suitable water in existing federal reservoirs, to avoid price escalation. Purchasing storage only if an ultimate user commits to that storage is short sighted in view of overall long term state needs, according to the Committee. This policy is also inconsistent with the Multipurpose Small Lakes Program under which the state will develop small lakes in cases where a local entity is either "unable or unwilling to assume the financial obligations."



2. New Reservoirs

The Kansas Water Office is to be commended for its proposal to finance new reservoirs without federal participation. The Committee recommends as a part of the New Reservoirs policy the purchase of flowage easements to prevent continued development in the proposed reservoir area once a reservoir site has been selected.

The Committee recommends repeal of K.S.A. 82a-938, the listing of major reservoirs in Kansas; however, a thorough review should be made of the impact of such action on the continuing development of authorized reservoirs, such as the Corbin and Douglass reservoirs, which may have "grandfather" financial benefits from either state or federal governments.

The Committee believes that a rank ordering of projects must be developed through the basin planning process. Wichita/Sedgwick County, or any other area, must not be penalized if other basin plans are not submitted in a timely manner.

3. Water Marketing

A policy recommendation is made in the Plan to market municipal and industrial water for short term irrigation purposes. The policy deserves thorough consideration but should not be approved if any doubt exists as to its long term impact, the Committee contends. State efforts could best be exercised in purchasing existing federal storage to meet future needs, rather than seeking reauthorization of existing water under state control.

The Committee supports the graduated use schedule since it is consistent with the current marketing program and provides an important incentive for prospective water purchasers.

4. Large Reservoir Finance

The Committee supports a revenue bond financing approach to develop needed new reservoirs. The proposed savings account will assist in development so long as funds are sufficient to develop future reservoirs. Funds should be co-mingled into one account while being segregated for either the conservation fund or the "savings account" to ensure the lowest possible interest rate on state projects.

5. Multipurpose Small Lakes Program

According to the Committee, the emphasis placed on the small lakes program is disproportionate to the benefits it may potentially offer. Development of numerous small lakes could result in health and financial burdens for the state.

The Plan remains vague on the definition of a small lake. This should be clarified.

An alternative to the small lakes program may be to purchase existing federal storage and construct pipelines to areas of need. Also, the Committee recommends the state conduct a cost/benefit analysis of all possible solutions before proceeding with any small lake development.

6. Minimum Desirable Stream Flows

Minimum stream flows are desirable so long as water is available for release and a higher priority for water use does not exist, according to the Committee. Water supply, according to the Plan, is the major consideration for future reservoir projects. Minimum stream flows must be a secondary consideration and should not preclude continuing development of proposed water supply projects. Potential projects on the Rattlesnake Creek and Ninnescah River are two examples.

7. Urban Flood Management

Flood plain management and regulation are generally accepted as the most effective ways to prevent future urban flood damages. In Kansas, the major tool for flood plain management is the National Flood Insurance Program (NFIP). The federal role is diminishing and NFIP has already identified and mapped all urban flood plains where the risk of damage is significant. Thus, according to the Committee, little can be gained by extending the mapping.

The NFIP offers subsidized flood insurance to all residents of communities which participate and threatens sanctions against residents of communities which do not. Reactivating a State Coordinator could be a powerful force in assisting communities to complete detailed studies when needed and in advocating that results of those studies be accepted by and made part of the regulatory data base of the NFIP. The Committee questions whether or not this section should be in the Plan.

8. Rural Flood Management

The three policy issues mentioned are directed toward land improvement activities initiated by the federal government as part of its soil conservation program and are not flood management issues. The Committee questions whether or not this section should be in the Plan.

9. Local Planning Policy

The Committee supports the basin advisory committees with representation consistent with the primary water needs within each basin, while considering the demographic makeup of each basin. Basin advisory committees should work in coordination with the Kansas Water Office staff and other local officials. The emphasis should be on local development and planning rather than state direction.

This approach requires the Kansas Water Office to:

- a. Coordinate local planning activities between basins.

- b. Provide technical data as needed from a common research data base.
- c. Monitor the basin advisory committee's activities, providing guidance and other assistance as needed to ensure coordination.
- d. Be in a facilitating rather than lead role.

According to the Committee, since the State Water Plan mandates creation of basin advisory boards and requires the formulation of basin water plans, it seems reasonable the state should provide financial assistance. The financial assistance should be directed to appropriate local entities to enable them to complete the planning process. This assistance would include consultant services, if needed.

Basin advisory committees should also have major responsibilities in recommending specific research projects in their basins to facilitate long term water resource planning. State funding for local research should be made available to basin advisory committees, as needed.

The Committee supports submittal of basin plans for legislative approval in 1987. The state must recognize that only partial plans may be available from each basin since less than two years will be available for plan preparation.

#### 10. Research

The Committee supports the emphasis placed on research as it is the foundation of successful basin planning. It encourages use of a common data base and research methodology for all basin plans. Selection of an existing methodology recognized by various planning groups would be appropriate, rather than developing a new approach. The Committee supports the suggestion in the Plan for research into technologies to improve ground water quality for domestic use and research into mineral intrusion problems associated with the Ninnescah River and Rattlesnake Creek.

#### B. Conservation Section

##### 1. Agricultural, Municipal and Industrial Water Conservation

Conservation programs for irrigators, municipalities, and industries are needed, according to the Committee. The Kansas Water Office should establish guidelines while permitting voluntary plan selection and development at local levels. The Kansas Water Office should be responsible for enforcement of conservation plans for water purchased from the state rather than the chief engineer. If state water is not involved, local governments should have this responsibility.

Metering should be required for agricultural, municipal, and industrial uses. The 50 percent cost sharing program for industries and irrigators should encourage additional metering for improved water management. A similar program should exist for municipalities to encourage more efficient management of all water resources.

Conservation programs should also be required for water obtained from the multipurpose small lakes program.

The Plan currently suggests voluntary or mandatory conservation programs as the only options. In times of severe conditions, pricing controls may be more effective and acceptable to users rather than mandatory rationing.

### C. Quality Section

#### 1. Overview of Existing Policy

The Committee supports the overall concept of the quality section which is to recommend new policies as possible additions to the Water Quality Management Plan, rather than duplicating existing legislation and regulation.

#### 2. Organic Chemicals in Public Drinking Water

The Committee supports monitoring water for priority pollutants in order to preserve or improve the quality of water in the state. It is concerned, particularly as it relates to small communities, with costs for the volume and frequency of testing and possible corrective action should a problem be identified.

#### 3. Public Water Supply Protection Plan for Small Water Impoundments

The multipurpose small lakes program has the potential of developing health, management, and financial burdens for the state. Protection of existing and future small lakes is important. Land use around public water supplies should be at the direction of local governments following generally accepted land use practices. Control of the potential sources of surface water contamination will be difficult. The Committee recommends thorough review of possible approaches before policy implementation.

#### 4. Public Water Supply Aquifer Protection Plan

Aquifer protection is important. Land use around public aquifers should be at the direction of local governments following generally accepted land use practices. Control of the potential sources of ground water contamination will be difficult. The Committee recommends thorough review of possible approaches before policy implementation.

5. Oil and Gas Regulatory Program

A number of state geologists are currently on staff with oil and gas responsibilities. The Committee recommends utilizing existing personnel to accomplish the intent of this section.

6. Countywide Water/Wastewater Management Plans

The Committee supports the policy recommendation except that all counties should prepare plans not just those with population in excess of 30,000. Storm water should be excluded from the management plans.

7. New Subdivision Water/Wastewater Plan

It is appropriate that local units of government have control over the certification process as it relates to wastewater management and new subdivisions. Jurisdictions which presently have zoning ordinances and subdivision regulation may wish to incorporate a section which would assure the protection of water quality. The state could certify the local regulations and review procedures under which the individual plats are received, reviewed, and approved.

In rural counties and small communities without zoning and subdivision controls, state assistance may be necessary to develop a review and control system for ensuring that new development does not have an adverse impact on water quality.

8. A State Groundwater Information System

The Committee supports this policy recommendation as it complements the section on research. Data obtained must have a practical application rather than the gathering of statistics.

9. Mineral Intrusion

Use of \$7 million in federal funds is recommended in the Plan, and the U.S. Geological Survey is extensively involved in the state. In view of this, research and development assistance should be obtained from the U.S. Geological Survey in addition to the Kansas Geological Survey.

D. Development Section

1. Basin Planning

Local planning is essential for effective and meaningful basin plans to be developed. Planning guidelines are essential so that each basin utilizes common methodologies and data.

2. Lower Arkansas Basin

The Committee agrees with and supports the seven issues presented. Additional research is needed into mineral intrusion affecting the Norwich and Kingman sites. While considerable water exists in the overall basin, the plan acknowledges that much of it has quality problems and also that Sedgwick County has an immediate need for a new major resource such as the Corbin Reservoir and/or the Milford Pipeline project. The Douglass Lake project has been proposed to meet water needs primarily of rural and small town residents in a three county area and, as such, should be listed in the Walnut Basin section. The Committee retains an interest in the project and will continue to be active in supporting its development.