

Approved \_\_\_\_\_  
Date 4-1-86

MINUTES OF THE SENATE COMMITTEE ON ENERGY & NATURAL RESOURCES

The meeting was called to order by Senator Merrill Werts at  
Chairperson

8:00 a.m./~~p.m.~~ on MARCH 27, 1986 in room 123-S of the Capitol.

All members were present except:

Senator Kerr - Excused

Committee staff present:

Ramon Powers - Research  
Don Hayward - Revisor  
Nancy Jones - Secretary

Conferees appearing before the committee:

Bob Binder, Kansas Water Authority  
Rich McGee, Kansas Livestock Association  
Bill Fuller, Kansas Farm Bureau

HB 2722 - Relating to minimum desirable streamflow

Bob Binder, testifying as a proponent, stated since the inception of the Kansas Water Authority, the organization has conducted public meetings throughout the state to gain input on concerns and inform citizens about each stage of development of the State Water Plan. Issues concerning water which are presented to the Legislature are thought out carefully with regard to the economic, social, environmental and aesthetic values. Minimum streamflow was initiated to provide a minimum base flow during critical times and the program has worked satisfactorily for three years. This year the Authority is addressing seven solid base streams to provide adequate quantity and quality water for usage of municipalities, industry and recreational facilities. Mr. Binder stated a concern expressed by the public if the possible conflict with conservation practices. Actually, minimum stream flow and soil conservation work together for greater enhancement of land and streams. Soil conservation practices also provide recharge of the streams. Passage of this bill is encouraged for continued implementation of the State Water Plan.

Written testimony on HB 2703 of Hugh Armstrong, Chairman, Conservation Commission, Kansas Water Authority, was distributed to Committee members.  
(Attachment A).

Testifying as an opponent, Rich McKee stated the proposed bill appears to ask for more water runoff for additional minimum streamflows, while farmers and ranchers have worked hard to decrease water runoff as a conservation objective. Secondly, some streamflow levels are determined by control of water from neighboring states upstream from Kansas. Mr. McKee expressed a concern that the proposed recommendations are based on the livelihood of fish rather than citizens. He contends there is a broader aspect to this bill, in that tributary streams can also be affected. (Attachment B).

Speaking as an opponent, Bill Fuller related that a policy position adopted by the Kansas Farm Bureau is the need for additional study of the impact of minimum desirable streamflow applications before designation of new streams to be controlled. A further concern is that conservation practices will diminish with more control given to bureaucracy. Protection of the water rights of farmers is vital as value of the land is associated with productivity and availability of water is a main component. Mr. Fuller also suggested a slow down in expansion of the number of streams under minimum streamflow control. (Attachment C).

Discussion by the Committee concerned effects to the State Water Plan without this legislation, possible decrease in land values with more water control, and the serious interest of the Fish & Game Commission in the proposed legislation.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON ENERGY & NATURAL RESOURCES,  
room 123-S, Statehouse, at 8:00 a.m./~~XX~~ p.m. on MARCH 27, 1986

Mr. Binder detailed the procedures of spawning flows and flood control stating a good monitoring system of storm runoff is needed along with less federal control of water release. Concerns were expressed regarding lack of reservoirs on streams being considered for minimum streamflow regulation and precedence by senior water right holders during critical periods.

Motion was made to recommend HB 2722 favorably by Senator Feleciano, seconded by Senator Langworthy. Motion failed on a show of hands.

Meeting adjourned. The next meeting will be April 1, 1986.

3/27/86  
Guest List

Paul Pope	DWR, 1023A	Topeka
Robert J. Bender	KWA	Stays
Tom Stiles	KWO	Topeka
Ch Ruffy	"	"
Bill Anderson	Water Dist #1 of Jo Co	Mission
Marsha Marshall	KVRC	Topeka
Bill Juller	Ks. Farm Bureau	Namhattan
Rich McKee	Ko. A.	Topeka

Prepared Statement for Hearing on HB 2703 (Substitute)  
Senate Energy and Natural Resource Committee  
March 26, 1986

Chairman Werts, members of the Committee and friends, I thank you for this opportunity to speak to you today in favor of HB 2703 that you are considering.

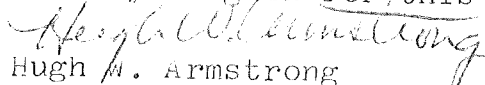
I have been a member of the Kansas Water Authority since its inception and it has been a privilege to work with such a dedicated group of unselfish and non-parochial men and women as we considered our water resource problems. We have worked together harmoniously to address the water needs of every citizen of Kansas and until those needs are met our task will not be complete.

We soon learned that it must not only be a Comprehensive and Coordinated plan but a Continuous planning process as well. We worked toward that end and in 1985 we sent to you the first four increments of this Plan with the Conservation increment one of its most important parts. Included in this increment was the recommendation for Conservation Planning, which is the very essence of HB 2703.

During the two years spent in planning the Conservation increment we met in most every area of the state soliciting the support and ideas of every Kansan. The response was unbelievable and with their help and of many water related agencies and organizations we developed the plan of operations we felt necessary to conserve in the best possible way our water resources.

We believe that is vital to future of Kansas and its people and is set forth in this piece of proposed legislation. We are recommending it where ever it is needed and feasible in the Agricultural, Municipal and Industrial use. While the House Committee has changed somewhat our intent I am urging you to give it serious consideration today and, if possible, approving it and pressing for passage by the whole legislative body. We believe it is a step in the right direction in this whole planning process and if changes need to be made in the future they can be considered at that time.

Thank you again for this opportunity,

  
Hugh W. Armstrong  
Chairman, Conservation Committee

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S. ENR

(A)



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STATEMENT  
OF THE  
KANSAS LIVESTOCK ASSOCIATION  
TO THE  
SENATE COMMITTEE  
ON ENERGY AND NATURAL RESOURCES  
SENATOR MERRILL WERTS, CHAIRMAN  
WITH RESPECT TO HB 2722  
MINIMUM DESIRABLE STREAM FLOWS  
PRESENTED BY  
RICH MCKEE  
EXECUTIVE SECRETARY, FEEDLOT DIVISION  
MARCH 26, 1986

Mr. Chairman, members of the committee, my name is Rich McKee. I am here representing the members of the Kansas Livestock Association. KLA is a state wide voluntary association of livestock producers. Our association represents cattle, swine and sheep producers. A large percentage of our membership is also engaged in crop production activities. For many years our association has actively participated in the legislative process to represent the best interest of Kansas agriculture in general and the livestock producing segment specifically. We appreciate the chance to appear before your committee to share with you some of our views and

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(B)

experiences relative to Minimum Desirable Stream Flows.

**The Kansas Livestock Association opposes HB 2722.** This bill increases the conflicting signals being sent out by various agencies of both state and national government. For years our members have worked very closely with the soil conservation service in an effort to decrease water runoff from agricultural land. We are proud to say that to a great extent this objective has been met due to the continual efforts of inovative and practical management techniques. The continued request for the establishment of additional Minimum Desirable Stream Flows sends conflicting signals to the farmers and ranchers who nurture and care for the land and water resources they have available. On the one hand, we've placed our best foot forward in working with the soil conservation service to prevent water runoff. While at the same time this proposed bill seemingly ask's for more water runoff.

Secondly, stream flow levels are greatly determined by the decisions of our neighboring states on how much water they will release. Establishing Minimum Desirable Stream Flows requirments by Kansas statute will not have any effect on the amount of water released by state's that are "upstream" from Kansas.

In reviewing this proposed bill our members questioned the basis for these additional minimum stream flow recommendations. Frankly, the concern our membership has is that these proposed additional minimum stream flows seem to be based on the livelihood of fish rather than the citizens of the state. While KLA **does not** object to the fish population benefitting from the state water plan we do not feel that minimum stream flow recommendations should be based primarily on concerns for fish.

Finally, Mr. Chairman in discussing Minimum Desirable Stream Flows are

members ask, "by enacting this legislation are we denying the right of Kansans to use water only to allow residents of other states to use what we legislate what must flow out of our fine state?"

The Kansas Livestock Association appreciates the opportunity to present it's position to your committee. If there are any questions from the committee I would gladly attempt to provide an answer. Thank you.



# PUBLIC POLICY STATEMENT

SENATE ENERGY AND NATURAL RESOURCES COMMITTEE  
Senator Merrill Werts, Chairman  
March 26, 1986

RE: H.B. 2722 - Adding Streams to be Covered by the Minimum  
Desirable Streamflow Provisions

Presented by:  
Bill R. Fuller, Assistant Director  
Public Affairs Division  
KANSAS FARM BUREAU

Mr. Chairman and Members of the Committee:

I am Bill Fuller, Assistant Director of the Public Affairs Division of Kansas Farm Bureau. I am speaking on behalf of the farmers and ranchers who are members of our organization. We appreciate this opportunity to express our opposition to H.B. 2722 which adds nine Kansas streams to the list of waterways that must meet minimum desirable streamflow requirements.

Let me indicate to you that agriculture, the largest user of water in Kansas, is vitally concerned with every aspect of water law in the state. In fact, the voting delegates at our last Annual Meeting of Kansas Farm Bureau adopted a number of policy positions on Kansas water issues. Included was a statement concerning:

## Water Quality Standards

We recognize the need for reasonable standards to protect and maintain the quality of our surface waters and ground water. We are not convinced that establishment of "minimum desirable streamflows" is the solution to water quality problems. We believe additional study of the economic and environmental impact of legislation or regulation requiring minimum streamflow is necessary. We oppose additional minimum streamflow designations until such studies are completed.

..."

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S. ENR

(c)



As you recall Kansas Farm Bureau has opposed the establishment of minimum desirable streamflow legislation in the past. However, that water is already over the dam. Today, we are opposing the expansion of the number of streams that must meet these minimum requirements.

Kansas farmers and ranchers are concerned about how the government is going to make water flow in streams and rivers where little or no water exists today. We hope the policy is to protect the water that exists in Kansas rivers and streams today. KFB members are concerned and fearful that somewhere in this process of designating minimum streamflows, the bureaucracy may diminish the use of conservation practices in order to make water flow. We believe it is extremely important that terraces, waterways, minimum tillage be continued and expanded to conserve soil and water. Any other move would be counterproductive, not only to agriculture, but to every citizen.

Another reason Kansas farmers continue to monitor the progress of minimum desirable streamflow legislation relates to the possibility of losing water rights. Water rights are considered property rights. The loss of water rights could hurt the value of a farmer's land because such rights are associated with land productivity.

Farm Bureau members are somewhat encouraged by the recent recommendations on policy being debated as part of the 1986 Water Plan as it is being studied by the Kansas Legislature and eventually submitted to the Governor. These recommendations read:

"...the state should identify minimum desirable streamflows on those streams with sufficient opportunity to achieve such streamflows and with real needs to be protected from future appropriation of water ... the state should not subject existing water rights with priority dates on or before April 12, 1984, to the Administration of minimum desirable streamflows."

In closing, I must repeat that KFB policy opposes the establishment of additional water courses for minimum desirable streamflow designation until an exhaustive study has been made of the economic and environmental impact of such designation, maintenance and administration of minimum streamflows. Thank you for this opportunity to express our concerns. I will attempt to answer any questions you may have.