

Approved _____ Date _____

MINUTES OF THE House Sub COMMITTEE ON Natural Resources

The meeting was called to order by Representative Dennis Spaniol at _____
Chairperson

3:30 ~~am~~/p.m. on February 9, 1987 in room 526-S of the Capitol.

All members were present except:

Representative Sifers

Committee staff present:

Ramon Powers, Legislative Research Department
Theresa Kiernan, Revisor of Statutes' Office
Betty Meyer, Committee Secretary

Conferees appearing before the committee:

Clark Duffy, Kansas Water Office
Ken Kern, State Conservation Commission
David Pope, Chief Engineer, Div. of Water Resources
Dr. Layher, Kansas Fish and Game Commission
Richard Jones, Kansas Association of Conservation Dists.
Steven Frost, SW Kansas Groundwater Management Dist.
Almeda Edwards, Ottawa, Kansas
Marsha Marshall, Kansas Natural Resources
Tom Stiles, Kansas Water Office
Kerry Wedel, Kansas Water Office
Marvin Henry for Col. Weed, Div. of Emergency Preparedness

Chairman Spaniol called the meeting to order.

Clark Duffy testified in favor of HB 2034 with changes in two major areas - 1. to encourage the installation of meters through cost-sharing and 2. to establish the administrative process to implement the program. (Attachment 1)

Ken Kern testified in favor of HB 2034 stating that without meters there are no means to realistically administer control of individual water rights. He stated that meters offer the opportunity to control water use withing established water rights. (Attachment 2)

David Pope testified he is neither of proponent or opponent of HB 2034. He stated their primary responsibility is to see that meters are installed according to specifications and maintained properly. (Attachment 3)

Dr. Layher testified in favor of HB 2034, HB 2036 and HB 2037, stating they are sound legislation, and encourage wise management of our water and water related resources. Chairman Spaniol allowed his testimony on all three bills because he came from out of town. (Attachment 4)

Richard Jones urged the implementation of the State Water Plan for the prudent management, conservation and development of the state's water resources. (Attachment 5)

Steven Frost testified that the state must provide incentive to every user for progressive implementation. He stated that no one can force people to save water. (Attachment 6)

Almeda Edwards asked that HB 2034 be amended to be retroactive to the date of legislation, April 12, 1984, and then recommended passage of HB 2034. (Attachment 7)

Marsha Marshall testified in opposition to HB 2034 stating people of the state of Kansas have a right to know how much water is being used, and users have a responsibility to know.

Hearings concluded on HB 2034. (Attachment 8)

Chairman Spaniol asked Ramon Powers to brief the committee on HB 2036.

Tom Stiles testified in support of HB 2036, but asked the Committee to consider the following amendments to the bill. 1. Lines 206-210. Delete the sentence referring to establishing minimum desirable stream flows on all stream reaches designated for recovery by the Chief Engineer. 2. Lines 240-242.

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

(Attachment 9)

CONTINUATION SHEET

MINUTES OF THE House Sub COMMITTEE ON Natural Resources

room 526-S, Statehouse, at 3:30 ~~am~~/p.m. on February 9, 1987

Delete the sentence referring to purchasing water rights from outside the state from funds appropriated to the State Conservation Commission by the legislature.

Ken Kern testified in support of HB 2036. (Attachment 10)

David Pope supports HB 2036 as a valuable tool to enable the state of Kansas to take positive actions to alleviate either aquifer or stream depletions in various parts of the state.

(Attachment 11)

Hearings concluded on HB 2036. STANDING COMM. 2/18/87

Chairman Spaniol asked Ramon Powers to brief the Committee on HB 2037.

Kerry Wedel testified that the Kansas Water Office strongly recommended passage of HB 2037 to encourage proper management of the flood plains along our states' rivers and streams.

Marvin Henry testified for Col. Weed in support of the passage of HB 2037. (Attachment 12)

David Pope testified the fiscal impact goes beyond notifying 136 entities - that the phone calls from entities seeking assistance, informational meetings and review of flood plain ordinances proposed would be time consuming.

(Attachment 13)

Dale Sandberg testified for Keith Krause in support of HB 2037, amending K. S. A. 12-734 and 48-928 which relate to flood plain regulation in the state of Kansas. (Attachment 14)

STANDING COMM. 2/18/87

Chairman Spaniol adjourned the meeting at 5:00 p.m.

Testimony on House Bill 2034
for
House Committee on Energy and Natural Resources

Kansas Water Office
February 1987

House Bill 2034

This bill would complete the implementation of the agricultural and industrial conservation sub-sections of the State Water Plan. House Bill 2034 would authorize a state cost-share program for any holder of a water right for irrigation or industrial uses who voluntarily installs or is required by the Chief Engineer or a groundwater management district to install a new water metering device.

Benefits of Meters

The need for reliable water use data for irrigators, industry and governmental agencies is generally recognized. Implicit within the benefits of metering water use is the recognition that metering is not an end in itself, but rather a means to an end--improved water management.

--For irrigators: irrigation scheduling, monitoring pumping plant efficiency, increased productivity, lower pumping costs and better information for future plantings.

--For industries: increased operational efficiency for improved productivity, lower production costs and better design information.

--For the state: a management tool for groundwater management districts, intensive groundwater use control areas, river systems management (minimum desirable streamflows, assurance program). Less water used, better data for management decisions and forecasting.

Drawbacks of Meters

- Meters are expensive to install, particularly in retrofit situations where modifications would be needed.
- Periodic maintenance is necessary.
- Administrative procedures for the collection and compilation of data are necessary.

Objectives of House Bill 2034

- Share the cost of the purchase of a water meter among those who benefit from the information received.
- Alleviate part of the financial burden of the water right holder is required to install a meter. Requirement is usually in "priority areas" as identified in basin plans. (The Upper Arkansas and Cimarron are especially interested in this legislation as a tool to achieve better management of water supplies.) The state usually requires meters in the following instances:

Conservation plan for new water right.

Conservation plan for water marketing contract.

Conservation plan for assurance district.

Conservation plan for interbasin transfer.

Intensive groundwater use control areas.

Minimum desirable streamflows.

- To encourage water right holders to voluntarily install meters.
- Establish the administrative process to implement the program.

Other Considerations

The State Water Plan originally envisioned a five-year program from ending on June 30, 1990. This period was designed to correspond with implementation of management programs recommended in the State Water Plan which could impose the requirement for installation of meters. Therefore, (it is suggested that consideration be given to applying this program retroactively for all water right holders who have been required to install a meter between April 12, 1984 and July 1, 1987.)



State Conservation Commission

109 S.W. 9th Street, Room 300

Telephone (913) 296-3600

Topeka, Kansas 66612

HOUSE ENERGY AND NATURAL
RESOURCES COMMITTEE
HOUSE BILL 2034
February 9, 1987

TESTIMONY BY
KENNETH F. KERN,
EXECUTIVE DIRECTOR

The State Water Plan designated the State Conservation Commission to administer a cost-share program for the purchase of new water meters for irrigation or industrial users.

House Bill No. 2034 provides for some reimbursement to water right holders who install metering devices. Meters provide water flow rate and quantity data essential for proper and efficient agricultural water use. The rate and amount of irrigation water applied is important in meeting consumptive use requirements of the crop without causing erosion to the land. Flow rate and amount are the first steps in determining how much water is being applied.

Not knowing how much water is applied can lead to either under- or over-irrigation. Under-irrigation is inefficient use of water due to the crop consumptive use requirements not being met. Over-irrigation is direct waste of water by either deep percolation or excess runoff. Inefficient irrigation results in already overdrafted aquifer waters being used for less than optimum crop production and energy use.

Meters also offer the opportunity to control water use within established water rights. Without meters there is no means to realistically administer control of individual water rights.

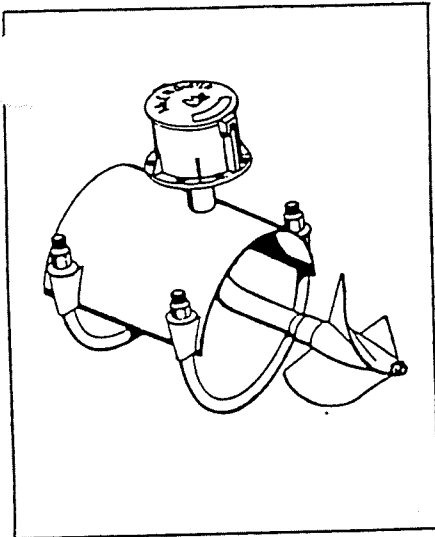
The Commission responsibilities include:

1. Coordination and development of rules and regulations.
2. Establishing policy & guidelines for state program.
3. Education of those involved in the cost-share program.
 - a. Conservation districts
 - b. Irrigators
 - c. Industrial water users.
4. Processing applications
5. Requesting certification from DWR for eligible applications
6. Line item request for funding
7. Payment of approved and funded applications.

Attached is a copy of water meter costs and various applications for use of meters.

The State Conservation Commission supports the passage of House Bill 2034.

McCrometer Model MO300



| Catalog Number | Nominal Size | Normal Range GPM | Shipping Weight | List Price |
|----------------|--------------|------------------|-----------------|------------|
| MO304-00 | 4" | 50-600 | 14 lbs. | 447.00 |
| MO306-00 | 6" | 90-1200 | 19 lbs. | 476.00 |
| MO308-00 | 8" | 100-1500 | 21 lbs. | 506.00 |
| MO310-00 | 10" | 125-1800 | 23 lbs. | 536.00 |
| MO312-00 | 12" | 150-2500 | 30 lbs. | 565.00 |
| MO314-00 | 14" | 250-3000 | 38 lbs. | 625.00 |
| MO316-00 | 16" | 275-4000 | 44 lbs. | 691.00 |
| MO318-00 | 18" | 400-5000 | 55 lbs. | 966.00 |
| MO320-00 | 20" | 475-6000 | 65 lbs. | 1,040.00 |
| MO322-00 | 22" | 650-7000 | 73 lbs. | 1,077.00 |
| MO324-00 | 24" | 700-8500 | 80 lbs. | 1,113.00 |
| MO330-00 | 30" | 1200-12500 | 110 lbs. | 1,262.00 |
| MO336-00 | 36" | 1500-17000 | 140 lbs. | 1,514.00 |
| MO342-00 | 42" | 2000-25000 | 170 lbs. | 1,766.00 |
| MO348-00 | 48" | 2500-30000 | 200 lbs. | 2,020.00 |

• **SPECIAL NOTE:** For O.D. pipe part number changes to MD304, MD306, etc. For larger sizes, please consult factory.

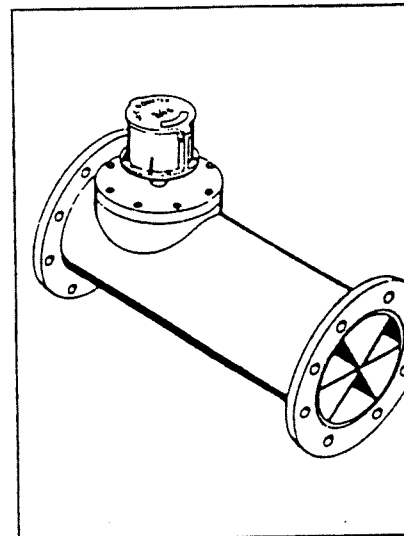
Model Number MO300 — Saddle Meter, furnished with "U" bolts. MAGNETIC DRIVE, INSTANTANEOUS FLOW INDICATOR, STRAIGHT-READING SIX DIGIT TOTALIZER. Fabricated carbon steel saddle completely coated with corrosion-resistant plastic coating. Neoprene flat gasket. When ordering, specify I.D. and O.D. of pipe in which meter is to be installed. Where straightening vanes are required, refer to accessories section. Operating pressure 150 psi.

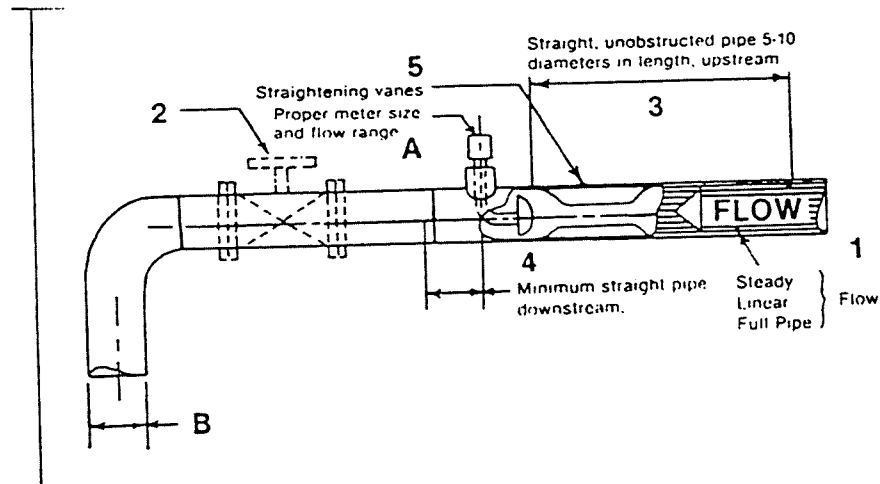
McCrometer Model MW500

| Catalog Number 150 P.S.I. | Nominal Size | Normal Range GPM | Overall Length | Shipping Weight | List Price |
|---------------------------|--------------|------------------|----------------|-----------------|------------|
| MW502-00 | 2" | 35-250 | 16" | 32 lbs. | 471.00 |
| MW501-00 | 2.5" | 35-250 | 16" | 32 lbs. | 471.00 |
| MW503-00 | 3" | 35-250 | 16" | 32 lbs. | 471.00 |
| MW504-00 | 4" | 50-600 | 20" | 68 lbs. | 694.00 |
| MW506-00 | 6" | 90-1200 | 22" | 115 lbs. | 806.00 |
| MW508-00 | 8" | 100-1500 | 24" | 135 lbs. | 964.00 |
| MW510-00 | 10" | 125-1800 | 26" | 197 lbs. | 1,263.00 |
| MW512-00 | 12" | 150-2500 | 28" | 325 lbs. | 1,520.00 |
| MW514-00 | 14" | 250-3000 | 42" | 465 lbs. | 1,689.00 |
| MW516-00 | 16" | 275-4000 | 48" | 530 lbs. | 1,920.00 |
| MW518-00 | 18" | 400-5000 | 54" | 744 lbs. | 2,151.00 |
| MW520-00 | 20" | 475-6000 | 60" | 890 lbs. | 2,680.00 |
| MW524-00 | 24" | 700-8500 | 72" | 1,293 lbs. | 3,494.00 |
| MW530-00 | 30" | 1200-12500 | 84" | 1,450 lbs. | 4,146.00 |
| MW536-00 | 36" | 1500-17000 | 96" | 1,650 lbs. | 4,975.00 |

• **SPECIAL NOTE:** For larger sizes, please consult factory.

Model Number MW500 — (150 psi) Main Line Fabricated Steel Flanged Tube Meter with integral straightening vanes. MAGNETIC DRIVE, INSTANTANEOUS FLOW INDICATOR, STRAIGHT-READING SIX DIGIT TOTALIZER. Flanges conform to ANSI B16.5, 150 psi standard for steel flanges.





MCCROMETER FLOW METER APPLICATIONS

AGRICULTURE AND TURF IRRIGATION

The McCrometer propeller meter is the most widely used flowmeter for Ag and Turf irrigation measurement due to its light weight, simple but rugged design with the added ability to accurately measure corrosive and debris-laden irrigation water. Instantaneous flow rate indicator feature allows quick and accurate monitoring of irrigation system performance.

Typical applications:

- Center Pivot Systems
- Sprinkler Irrigation Systems
- Drip Irrigation Systems
- Golf Course and Park Water Management
- Gravity Turnouts from Underground Pipelines
- Commercial Nurseries
- Chemical Feed
- Multi-Stage Pump Actuation and Control
- Valve Actuation
- Flow Input to Irrigation Controllers
- Remote Indication, Totalization, and Recording

MUNICIPAL POTABLE WATER SUPPLY

An excellent flowmeter for municipal water supply because of its high accuracy, low head loss, ease of maintenance, ability to handle sand-laden water without the need of strainers, low cost and reliability as compared to turbines or sonic flowmeters. Typical applications:

- Water Treatment Plants
- Water Intake Plants
- Elevated Storage Tanks and Bi-Directional Flow Measurement
- Transmission and Distribution Lines
- Remote Indicating, Totalizing, Recording
- Chemical Feed Control
- Flowrate Control
- Alarm Functions
- Valve Control
- Multi-Stage Pump Actuation and Control

WASTEWATER TREATMENT

The preferred propeller meter for wastewater treatment plants because the unique self-cleaning design of the propeller support which prevents solids build-up. Typical applications:

- Return Activated Sludge
- Waste Water
- Chemical Feed
- Valve Actuation and Control
- Alarm Functions
- Multi-Stage Pump Actuation and Control
- Remote Indication, Totalization and Recording
- Bi-Directional Measurement

INDUSTRIAL / CHEMICAL / PETROLEUM

The McCrometer flowmeters are amazingly versatile flow meters capable of accurately measuring and controlling a wide range of industrial liquids and processes. Optional high grade stainless steel and high temperature plastics enable the flowmeters to accurately monitor corrosive and high temperature processes. Typical applications:

- Cooling Water
- In-Plant Water
- Plant Effluent
- Raw Water Intake
- Sea Water
- Mine Tailings
- Hot Water and Petroleum Mixtures
- Process Batching and Chemical Feed
- Alarm Functions
- Remote Indication, Totalization and Recording
- Multi-Stage Pump Actuation and Control
- Valve Control and Actuation
- Flow Control
- Bi-Directional Measurement

STATEMENT OF DAVID L. POPE
CHIEF ENGINEER-DIRECTOR
DIVISION OF WATER RESOURCES
KANSAS STATE BOARD OF AGRICULTURE
BEFORE THE NATURAL RESOURCES SUB-COMMITTEE
HOUSE COMMITTEE ON ENERGY AND NATURAL RESOURCES
ON
HOUSE BILL NO. 2034

FEBRUARY 9, 1987

Thank you, Chairman Spaniol and Members of the Sub-Committee, for the opportunity to appear before you today. I am David L. Pope, Chief Engineer-Director of the Division of Water Resources, Kansas State Board of Agriculture. I am not appearing at this hearing as either a proponent or opponent to House Bill 2034; however, I would like to make a few comments about the Bill.

As a matter of information, my office finds it necessary in some cases to require the holders of existing water rights or new permits for the appropriation of water to install water meters or other suitable measuring devices so that we may adequately discharge our administrative responsibilities under the Water Appropriation Act and other related statutes. Some examples of situations where water meters have been required by our office are: 1) on water right holders in some of the intensive groundwater use control areas established by our office; 2) on water right holders where there were special concerns regarding possible overuse, special problems relating to possible impairment or other unique problems; 3) some of the holders of water rights on the rivers where minimum desirable streamflow standards have been adopted by the Legislature; 4) special water quality use areas; and 5) new applicants for permits to appropriate water required to adopt a conservation plan.

Generally, our philosophy has been to require water meters only when special administrative problems require the need for this information from a regulatory standpoint. However, we highly encourage all water users to use any

means at their disposal, including water meters, to accurately determine the amount of water they are using.

Since the beginning of 1984, we have required over 1,000 meters to be installed. In addition, several of the groundwater management districts require meters on new wells, replacement wells and in other situations.

House Bill 2034 requires the Chief Engineer to certify that the water meter meets specifications adopted by the Chief Engineer and that it was installed in accordance with those specifications in order to qualify for the cost share assistance. We have estimated that we will need one more hydrologist I to administer this new program next fiscal year.

I do anticipate the need to continue requiring water meters in select circumstances in the future. At the current time, we have one rather large proposed intensive groundwater use control area pending designation. At this time we do not know if, in fact, this area will be designated as intensive groundwater use control area at all, whether any special controls will be established, or whether meters will be required. In addition, legislation is pending this year regarding the adoption of minimum desirable streamflow requirements on nine additional streams. While I would not necessarily anticipate that all of these situations will result in meters being required, potentially about 1,000 water users could be affected if all of them were required to install meters.

Chairman Spaniol, that concludes my remarks. I would be happy to answer any questions the Sub-Committee might have at this time.

PERSPECTIVES OF THE KANSAS FISH AND GAME COMMISSION
ON THE STATE WATER PLAN/HOUSE BILLS
2034, 2036, and 2037

Presented to the House Energy and Natural Resources Committee

February 9, 1987

The three referenced House Bills are sound pieces of legislation that further the goals of the Kansas State Water Plan. They encourage wise management of our water and water-related resources.

House Bill 2034 encourages the installation of metering devices through a state cost-share program for agricultural and industrial wells. Such monitoring devices can aid in the administration of water rights but more importantly, provide useful data to the water user which can be used in a manner to provide for sound water use management and conservation. Wise use of water is a key to maintaining water availability for all uses.

House Bill 2036 allows for the development of a State cost share program to buy back water rights. Those rights would only be bought back on a voluntary basis and only once the State has identified benefits to the State if such rights would aid stream or aquifer restoration. This bill could provide the State a "second chance" in some areas where past over-appropriation has depleted stream flows or aquifers beyond sound management levels.

House Bill 2037 encourages the development of flood plain regulations by cities and counties. Wise policies governing flood plain development will save the State monies through lessening impacts of floods and perhaps benefit fish and wildlife resources through flood plain planning which occur along streams.

The Kansas Fish and Game Commission supports these three pieces of legislation as they provide avenues for sound water policy and management for the benefit of all Kansans.

HOUSE COMMITTEE ON NATURAL RESOURCES
February 9, 1987

Testimony on House Bill 2034 - An act concerning water; relating to the financing of water meter installation.

I am Richard Jones, Executive Director of the Kansas Association of Conservation Districts.

Kansas Association of Conservation Districts represents 105 county conservation districts in Kansas. Conservation districts provide assistance to landowners and operators for the protection and improvement of the soil, water, plant and animal resources. This assistance is provided to irrigated as well as dry land agricultural lands. Conservation districts are governed by a five member board of supervisors made up of local farmers and ranchers.

The Kansas Association of Conservation Districts urges the implementation of the State Water Plan for the prudent management, conservation and development of the state's water resources. The Kansas Association of Conservation Districts supports the passage of House Bill 2034 which would encourage the installation of meters for irrigation and industrial water uses.

One of the goals of the soil and water conservation programs of the state conservation districts is to work with the landowner to increase crop yields by promoting optimum infiltration of precipitation or irrigation waters into the root zone of the soil where it is available to crop plants. The main objective of good irrigation management is to apply the right amount of water needed for production at the right time and in the proper

quantities. A meter to measure water use is an important tool for the successful implementation of the a good management and conservation plan for irrigated lands.

The Kansas Association of Conservation Districts supports the approach taken in House Bill 2034 to encourage the voluntary installation of meters and to assist in the purchase of meters for those required install meters by the Chief Engineers. The conservation districts stand ready to work with the State Conservation Commission and the Division of Water Resources in the administration of this program. In summary the Kansas Association of Conservation Districts supports the passage of House Bill 2034.

Mr. Chairman and Fellow Committee Members,

Thank you for an audience this afternoon. I appreciate the opportunity to offer some comments regarding House Bill Nos. 2034 and 2036 which are before you.

My name is Steven Frost. I am present to represent the interests of the Southwest Kansas Groundwater Management District, as well as those of both the Western Kansas and Big Bend groundwater management districts. I also speak for my personal interests as a member of the Upper Arkansas Basin Advisory Committee and Garden City Regional Planning Commission.

Regarding House Bill 2034, Mr. Chairman, I wish you to be aware of the conceptual support which the water management districts' bring to the hearing. The Southwest District is the largest of its kind in the United States; nearly 11,000 large capacity wells operate within a land base of 5.8 million acres; our water use exceeds 2.5 million acre-feet annually; the water conservation potential is obviously enormous. Our district, as well as our sister districts and constituents, have recognized water meters in our strategies as good management tools and efficiency aids. We have implemented fair and reasonable regulations to promote their installation and use. (What remains is to provide incentive to every user for a progressive program of implementation.) We support this bill for that reason. The Upper Arkansas and Cimarron basin advisory committees have both recommended positively for this legislation. I feel provisions for voluntary participants should be retained.

I also wish to speak in favor of House Bill No. 2036. This legislation has the potential for real impact in each of the groundwater management districts. When viewed in a long-term sense, it especially appears to have great application to the Arkansas River Basin because of our problems of aquifer and streamflow depletions. These really need no explanation. The Southwest District will continue to be a focus of attention as the issues of aquifer restoration and stream recovery are finally applied to the interrelationships of groundwater and surface water.

This legislation initiates conjunctive use management. This bill provides a much needed mechanism for reversing the long standing trend of development to excess. It allows water districts and local entities to make a positive, actual physical contribution to critically depleted areas. And importantly, it affords the state an opportunity to legally recover water rights without an undue or unjust taking.

Thank you for your time and consideration.

TESTIMONY ON H.B. 2034

by

Almeda Edwards
R.2, Ottawa, Ks.

House Energy & Natural Resources Comm.
Natural Resources Subcommittee

Feb.9, 1987

Mr. Chairman and members of the committee, I appreciate the opportunity to appear before you to comment on H.B. 2034.

I am Almeda Edwards. My husband and I farm just north of Ottawa and irrigate almost 300 acres of cropland. We pump from a rock quarry on our property, where we impound water from a wet-weather creek during periods of heavy rain. We began irrigating in 1969, we have senior water rights for this use, and we report the amount of water pumped each year as required by law. Our storage capacity is about 240 acre feet and we pump about 75,000,000 gallons during an average dry summer.

Legislation identified as S.B. 735 was passed in the 1984 session, effective April 12, 1984, allowing the establishment of minimum desirable streamflow regulations for four basin areas including that of the Marais des Cygnes River.

From this legislation, the Chief Engineer-Director of Division of Water Resources, State Board of Agriculture determined it necessary that meters be installed on any pumps used for appropriating water anywhere in the drainage basin of the river, except for domestic uses.

By certified mail, we and other irrigators of record, received letters from David Pope, Chief Engineer-Director, dated June 13, 1984, accompanied by an official order, also dated June 13th, and a water meter specification sheet, directing that meters were required subject to the order and were to be installed on or before August 1, 1984. Any extension of time required a request stating reasons, followed by written approval from the Chief Engineer. There was no procedure suggested in the event you simply thought your own location did not warrant the use of meters.

Although our irrigation project had no effect on minimum streamflow of the Marais des Cygnes, we figured it was just another example of the high cost of regulation.

We ordered two meters for our pumps and also, on the same invoice, two for a neighbor caught in a similar situation. The meters cost \$536.00 each. They were in place by August 1st as ordered. They will, in no way, return their cost in increased efficiency of our operation. They are, at best, a convenience for filling out reports to the State.

I am here today to ask that you amend H.B. 2034 to be retroactive to the date of the legislation which resulted in the order affecting the irrigators in the first four basins, namely April 12, 1984.

IF funds are available for cost-sharing, the 1984 date is more equitable for all appropriators affected by the Water Plan.

If such an amendment is made, I ask that you recommend passage of H.B. 2034.

I will be happy to respond to any questions you may have.

McCROMETER FLOW METERS

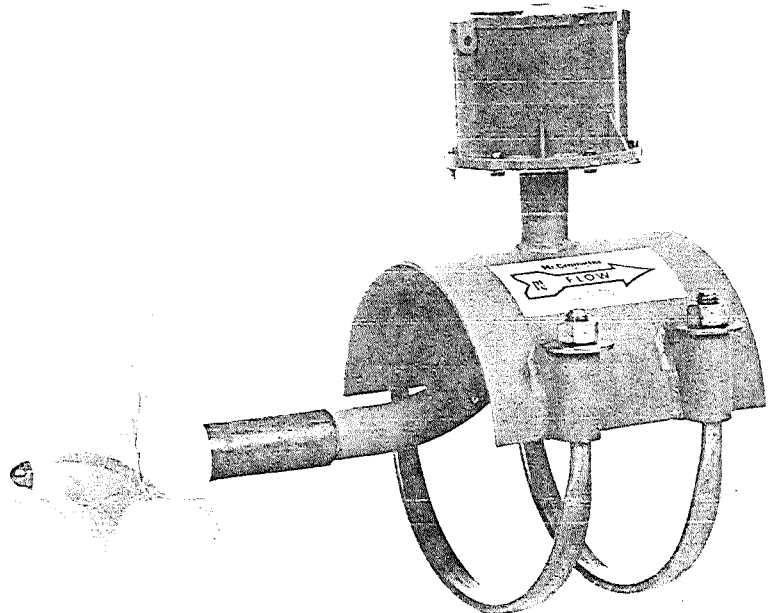
This might be of interest to those who have never seen a meter. They are only warranted by the manufacturer for one year.

Bolt-On Saddle Meter Model No. MO300

GENERAL

Model MO300 Bolt-on Saddle Meters are manufactured of standard parts as found in McCrometer Main-line Meters, but using a fabricated steel saddle assembly coated with plastic. The Model MO300 is manufactured to comply with applicable provisions of the American Water Works Association Standard No. C704-70 for propeller type flowmeters. The steel saddle is not subject to fatigue as cast saddles are, and is flexible enough to conform to out-of-true pipe. The plastic coating protects the saddle and drop pipe from corrosion and scale build-up.

Meters to be mounted with weld-on clips and bolts (in lieu of "U" bolts) are available on special order. Magnetic Drive, Instantaneous Flowrate Indication, Straight Reading Totalizer are standard production.



Kansas Natural Resource Council

Testimony before the House Energy and Natural Resources Committee
Presented by Marsha Marshall
Concerning HB 2739, relating to cost sharing of meters.

February 18, 1986 ^(HB 2034) (Feb. 9, 1987)

Cost sharing is an inappropriate and wasteful use of state funds. First, it is absolutely unnecessary. The legislature clearly has the power to require metering without providing cost sharing funds, and there is a growing constituency which favors that action. For example, GMD's #2 and #5 are rapidly moving toward requiring metering of all users, and the Division of Water Resources is requiring metering in Intensive Groundwater Use Control Areas and along depleting streams.

Second, some people who would have access to the funds do not need the financial aid of the state. Since there is such fierce competition for state dollars, it would be poor fiscal policy to allocate funds to a program that doesn't require the money, and to some people who don't have a compelling need for those funds.

By statute, Kansas waters are dedicated to the people of the state. People thus have a right to know how much water is being used, and users have a responsibility to know. With all due respect and concern for the financial hardships of farmers or industry, we submit that the value of water pumped greatly exceeds the price of meters. If we are truly moving into an era where the use of water carries with it the responsibility to use it wisely, then that responsibility must include knowing how much is used.

Much of the funding that has been proposed for implementation of the water plan will positively affect people in the eastern half of the state, while our most serious water problems are evident in the western half, profoundly affecting the state's agricultural community. As legislators, you need to identify ways of allocating funds to the agricultural community as a whole which address the devastating water depletion problems that these people are facing. Better use of state funds to assist this sector might include providing information about converting to dryland farming, and about water efficient technologies and practices.

February 9, 1987

Testimony of Kansas Water Office
to House Energy and Natural Resources Committee
on House Bill 2036: Water Right Purchase Cost-Share Program

Members of the Committee:

The Kansas Water Office supports House Bill 2036 as a step toward implementing the stream recovery - aquifer restoration sub-section of the State Water Plan. It creates a program to buy back surface and groundwater rights from willing sellers. (The goal of the bill is to provide management tools to correct depletion problems in streams and aquifers.)

Bill Provisions

The provisions of this bill are:

1. It is a voluntary program for water right holders to offer their water rights back to the state.
2. It creates a cost-share program for the State Conservation Commission to administer funds (up to 80 percent) for purchasing the water right.
3. A local entity (city, groundwater management district and conservation district) must provide at least 20 percent of the water right purchase price negotiated by the entity and the rightholder.
4. It applies to rights in areas which have been closed to further appropriation by the Chief Engineer and designated as needing stream recovery or aquifer restoration.
5. The right must be certified by the Chief Engineer to be eligible for the cost-share program.

6. The right is placed in the custodial care of the state and the water available under the terms of that right will not be available to further appropriation.
7. Water rights outside the state could be purchased after evaluation by the Chief Engineer.

Concepts

This bill is an attempt to begin reducing the demand for water in areas where demands far exceed supplies. Since water rights are property rights, the logical course of action would be to provide financial incentives to anyone wishing to return their water right. Considerable local input is necessary since the local entity will negotiate the purchase price and pay at least 20 percent of that price.

Custodial care means the terms of the right will remain intact and the water it was authorized to withdraw will remain in the system. The right will not be abandoned nor will that water which would have been diverted be placed back into the pool of available water for future appropriation.

Applications

The basin plans of the State Water Plan refer to the need for this program in various ways.

1. Stream recovery in areas which have been closed to appropriations, such as the intensive groundwater use control area along the Smoky Hill.
2. Aquifer restoration in intensive groundwater use control areas such as McPherson.

3. Aquifer restoration in alluvial valleys closed to further appropriation such as along Sappa Creek in Decatur County.
4. Aquifer restoration in areas where depletion equals or exceeds 50 percent of the saturated thickness such as in areas in the Ogallala.

Amendments to House Bill 2036

1. Lines 206 to 210. Delete the sentence referring to establishing minimum desirable streamflows on all stream reaches designated for recovery by the Chief Engineer.

Since this program applies to areas where no further water appropriations will be approved, there is no need to establish minimum desirable streamflows.

2. Lines 240 to 242. Delete the sentence referring to purchasing water rights from outside the state from funds appropriated to the State Conservation Commission by the Legislature.

There may be alternative methods to financing such water right purchases and it is premature to designate a specific financing method for such purchases.

In summary, the Kansas Water Office supports House Bill 2036 as a strategy for managing water in critical areas of the state.



State Conservation Commission

Telephone (913) 296-3600

109 S.W. 9th Street, Room 300

Topeka, Kansas 66612

HOUSE ENERGY AND NATURAL
RESOURCES COMMITTEE
HOUSE BILL 2036
February 9, 1987

TESTIMONY BY
KENNETH F. KERN
EXECUTIVE DIRECTOR

The State Conservation Commission would be the implementing and administrating agency for the cost-share program developed for the purchase of water rights.

The Commission's responsibilities include:

1. Coordination and development of administrative rules and regulations.
2. Establishing policy & guidelines for state program.
3. Education of those involved in the cost-share program.
 - a. Conservation Districts
 - b. Groundwater Management Districts
 - c. Holders of water rights
4. Processing applications.
5. Requesting certification from DWR for eligible applications.
6. Line item request for funding.
7. Payment of approved and funded applications.

Attached is a flow chart of the proposed water rights purchase program.

The State Conservation Commission supports the passage of House Bill 2036.

Water Rights Purchase Program

DRAFT

Water Right Holder →

- Negotiate Agreement
1. Right must be in an intensive groundwater use control area and if a surface right, it must be a certified vested right on a stream designated for recovery by Division of Water Resources.
 2. Agree on purchase price.
 3. Holder agrees to return right to state.
 4. Entity agrees to pay 20 percent.

← Local Entity or Conservation District with Donated Funds

1. File Application (Right Holder)
 - A. To conservation district
 - B. Terms of agreement
 - C. By August 1 of each year

2. Process application (State Conservation Commission)
 - A. Certify eligibility
 - B. Affirm price and cost-share
 - C. Request state funding
 - D. By September 15 each year

← Division of Water Resources

3. Sign contract (State Conservation Commission/Right Holder)
 - A. Purchase right
 - B. Retire right
 - C. After July 1 each year

← Local Entity
← Division of Water Resources

STATEMENT OF DAVID L. POPE
CHIEF ENGINEER-DIRECTOR
DIVISION OF WATER RESOURCES
KANSAS STATE BOARD OF AGRICULTURE
BEFORE THE NATURAL RESOURCES SUB-COMMITTEE
HOUSE COMMITTEE ON ENERGY AND NATURAL RESOURCES
ON
HOUSE BILL NO. 2036

FEBRUARY 9, 1987

Thank you Chairman Spaniol and Members of the Sub-Committee for this opportunity to appear.

House Bill 2036 would implement the Stream Recovery and Aquifer Restoration Subsection of the State Water Plan. It provides for the Division of Water Resources to evaluate opportunities to recover streamflow in streams which have undergone severe depletion and, where a high probability of success exists, develop strategies for recovery. It also allows the Division of Water Resources to evaluate groundwater aquifers and determine whether such aquifers are in need of recovery.

A State Conservation Commission administered cost-share program would then be used to purchase groundwater or surface water rights from willing sellers to protect and enhance the streams or aquifers. House Bill 2036 provides for an 80/20 cost-share program with the state paying 80%. A local entity, such as a Groundwater Management District, would pay the other 20%.

House Bill 2036 limits cost-share purchase of rights to:

1. Active vested or certified water appropriation rights that have not been abandoned.
2. Groundwater rights in an area where the rate of withdrawal of groundwater equals or exceeds the rate of recharge and the Chief Engineer has closed the area to further appropriation and designated the area as one in need of aquifer restoration.

3. Groundwater or surface water rights within a stream reach designated by the Chief Engineer as being in need of stream recovery that has been closed to further appropriations.
4. Holders of water rights who have agreed to return the water right to the custodial care of the State.
5. Situations where a local entity indicates its willingness to pay at least 20% of the negotiated purchase price of the water right.

I would note that the responsibility to designate certain areas as being in need of aquifer restoration and certain stream reaches as being in need of stream recovery is a complex one, due to the need for detailed understanding of the hydrology of each aquifer or stream system.

The Division of Water Resources supports House Bill 2036 authorizing purchase of water rights on a cost-sharing basis because we feel that this Bill will provide a valuable tool to enable the State of Kansas to take some positive actions to alleviate either aquifer or stream depletions in various parts of the state of Kansas.

Thank you, Chairman Spaniol and Members of the Sub-Committee, for this opportunity to appear. I would be happy to answer any questions.

Testimony on House Bill 2037
House Committee on Energy and Natural Resources

Kansas Water Office
February 9, 1987

House Energy and Natural Resources Committee
February 9, 1987

Testimony of the Kansas Water Office on House Bill 2037 - an act concerning floodplain regulation.

House Bill 2037 would implement part of the Urban Flood Management Sub-section of the State Water Plan. The primary purpose of the recommendation contained in this sub-section is to encourage local communities to properly manage their river floodplains. This involves implementing regulations to guide future urban development in floodprone areas to prevent future flood damages. Floodplain regulations are an important part of a comprehensive floodplain management program.

A floodplain can be defined as an area adjacent to a river or stream that is subject to flooding. The floodplain is made up of two parts: 1.) the floodway and 2.) the flood fringe. The floodway is the flood corridor including the stream channel through which the majority of floodwaters will pass. The flood fringe is outside the floodway and receives the shallow and low velocity floodwaters.

Urban development involving buildings or fill material within the floodway can block floodwaters during a flood event which can result in additional damage to surrounding structures outside the floodway due to a rise in the flood level. Proper regulation of the floodplain restricts the type of development that can occur within the floodway and provides for proper protection of new structures in the flood fringe areas. This approach offers communities an opportunity to avoid future flood

damages by limiting the amount of damageable property that is subject to a particular flood event.

The recommendations contained in the Urban Flood Management Sub-section of the State Water Plan are designed to be coordinated with the National Flood Insurance Program. This program, established in 1968, provides flood insurance and assistance to identified floodprone communities which have met federal floodplain regulation requirements. Failure of an identified community to participate in the program results in various federal financial sanctions within the identified floodplain area.

Although most of the identified floodprone communities in Kansas have implemented floodplain regulations, many have not. House Bill 2037 would require the Chief Engineer of the Division of Water Resources to notify these communities of their floodprone status. After notification, the communities would be responsible for determining whether or not to adopt floodplain regulations. If a community determines not to adopt floodplain regulations, it would also accept the financial responsibility of providing state flood disaster assistance within that community if a flood occurs. Communities which have floodplain regulations would not be affected by this legislation. It should be noted that several cities and counties in southeast Kansas who were identified as floodprone and not participating in the National Flood Insurance Program were affected by a major flood disaster in October 1986.

Local cities and county governments are responsible for the safety and welfare of their citizens and must accept the responsibility of properly managing urban development on the floodplains within their communities. (The Kansas Water Office strongly recommends passage of House Bill 2037 to encourage proper management of the floodplains along our state's rivers and streams.)

STATEMENT OF DAVID L. POPE
CHIEF ENGINEER-DIRECTOR
DIVISION OF WATER RESOURCES
KANSAS STATE BOARD OF AGRICULTURE
BEFORE THE NATURAL RESOURCES SUB-COMMITTEE
HOUSE COMMITTEE ON ENERGY AND NATURAL RESOURCES
ON
HOUSE BILL NO. 2037

FEBRUARY 9, 1987

Chairman Spaniol and Members of the Sub-Committee, I thank you for this opportunity to appear concerning House Bill 2037 relating to floodplain regulations.

Under Kansas State Law the Division of Water Resources is currently required to review and approve floodplain ordinances and regulations. The Division of Water Resources has also been designated by the Governor as National Flood Insurance Coordinator for the State of Kansas.

Although the Division of Water Resources has carried out this responsibility for many years, until 1983 there was a full-time position available to carry out these coordination responsibilities. In 1983 the Legislature rescinded approval for that position, and the responsibilities were shifted to another staff member on a part-time basis.

In addition to the responsibilities for floodplain regulation and administration already assumed by the Division of Water Resources, House Bill 2037 would require the Division of Water Resources to notify flood prone cities or counties of their flood prone status, which would impact approximately 136 counties and cities. If the entity so notified failed to enact and enforce floodplain regulations within one year of notification by the Chief Engineer, then the entity would be required to reimburse the state for costs directly associated with flood disaster assistance provided by state agencies, as determined by the Adjutant General.

Although the notification of 136 entities would not in itself be any great burden on the Division of Water Resources staff nor require additional positions, the phone calls from entities seeking assistance, informational meetings and review of floodplain ordinances and regulations proposed by the cities and counties would be extremely time consuming.

House Bill 2037 would appear to provide a strong incentive for local cities and counties to participate in the floodplain management program. However, I personally have reservations about providing the notifications required in the Bill, unless we have adequate staff to respond to the requests for assistance to explain the program and review the proposed regulations.

At the current time I do not believe the Division of Water Resources can assume the responsibilities set forth for it under House Bill 2037 unless the staff position deleted by the 1983 Legislature is restored.

Thank you Chairman Spaniol for this opportunity to appear. I would be happy to answer any questions you might have.

TOPEKA FLOOD CONTROL
and CONSERVATION ASSOCIATION, Inc.
2014 NW Topeka Ave.
Topeka, Kansas 66608
February 7, 1987

Mr. Chairman and Members of the Energy and Natural Resources
Committee:

The Topeka Flood Control and Conservation Association, Inc.
supports the concepts expressed in H.B. 2037, amending
K.S.A. 12-734 and 48-928 which relate to flood plain
regulation within the State of Kansas. This is a preventive
measure. We are certain that an ounce of prevention is still
worth a pound of cure, even in 1987.

We respectfully recommend that H.B. 2037 include language
which will indicate to cities or counties who do not enact
or enforce flood plain regulations, how they must raise the
money when they subsequently incur costs which must be
repayed to the State. Such language could be added as
subsection (m) under Sec. 3.

We would also respectfully recommend that budgetary
authorization and appropriations be provide for the routine
costs associated with the administration of H.B. 2037 by the
State agencies when it is enacted.

We thank you for the opportunity to express our support and
recommendations relative to this important measure.

Keith S. Krause, President

Keith S. Krause

Dale Sandberg for