

MINUTES OF THE SENATE NATURAL RESOURCES COMMITTEE

The meeting was called to order by Chairman Carolyn McGinn at 8:30 a.m. on February 16, 2007, in Room 423-S of the Capitol.

All members were present.

Committee staff present:

Raney Gilliland, Kansas Legislative Research Department  
Emalene Correll, Kansas Legislative Research Department  
Art Griggs, Revisor of Statutes Office  
Judy Holliday, Committee Assistant

Conferees appearing before the committee:

Others attending:

See attached list.

Chairman McGinn brought the minutes of the February 1, 2, 8, and 9 before the Committee for approval. Senator Taddiken made a motion, seconded by Senator Ostmeyer to approve the minutes. The motion carried.

Chairman McGinn called the Committee's attention to balloon amendments on **SB 15, Establishing the Kansas dam rehabilitation program to provide cost-share assistance to rehabilitate certain deficient dams**, which had been previously distributed for the members' review.

Chairman McGinn told the Committee they would discuss **SB 123, Establishment of upper Arkansas river conservation reserve enhancement program (CREP)**, until about 9:20 and stop the discussion in order to take up **SB 15** again in hopes of moving it out of Committee.

Discussion resumed on **SB 123** and Chairman McGinn called attention to written testimony submitted by Groundwater District No. 3 (Attachment 1), and from Big Bend Groundwater Management District No. 5 in favor of **SB 123** (Attachment 2).

Senator Ostmeyer brought amendments to **SB 123** before the Committee (Attachment 3), one of which contained changes in certain bill language, and made a motion to move his amendment. There were questions by Committee members, and Chairman McGinn asked the Committee to discuss related amendments to see what could be grouped together.

Senator Huelskamp asked David Pope of the Kansas Water Office if the money received from the Colorado settlement was for the impacted area, and Mr. Pope responded that the area included for damages was from the Colorado state line to Garden City, which included an area north and south of the river thought to be in the CREP area.

Senator Ostmeyer explained his second amendment and stated that dryland crops should be allowed to be planted in these CREP areas. Senator Lee asked for clarification of the term "agricultural commodity" under the CRP program and if the definition excludes grass and cattle. Senator Ostmeyer answered that the term would include grain or grain products, but the Committee as a whole should be able to determine and have flexibility regarding grassland and grazing of cattle.

Senator Ostmeyer explained his third amendment which stated that no money would be expended on the CREP until it is appropriated by the Legislature, with a signed negotiated agreement with the USDA and the State of Kansas and presented to the Legislature, and the rules and regulations of the program presented to the Legislature. Senator Ostmeyer told the Committee he was concerned about an article in the Dodge City newspaper advertising for sign-up to the program which is not yet in effect and for which no money has been appropriated.

Senator Taddiken asked Senator Ostmeyer for clarification of the intent of his third amendment in which the wording "presented to the Legislature" should have "and approved" added. Senator Ostmeyer agreed that wording could be added after further discussion of the amendments.

## CONTINUATION SHEET

MINUTES OF THE Senate Natural Resources Committee at 8:30 a.m. on February 16, 2007, in Room 423-S of the Capitol.

Chairman McGinn offered her amendments which she said could work in conjunction with those by Senator Ostmeyer, and passed copies to Committee members (Attachment 4). Chairman McGinn explained the priority status language of her amendments and interpretation of federal law allowing it.

Senator Lee asked Tracy Streeter if money was appropriated for the proposed program, whether it could go into effect before next session. Mr. Streeter said he believed that Senator Ostmeyer's amendment would preclude use of the money before the next session, but that Chairman McGinn's would not. Senator Taddiken asked Mr. Streeter if the money came from the Colorado settlement and whether it could be used statewide rather than the affected area, and Mr. Streeter answered that the money had no restrictions. Senator Ostmeyer asked how quickly the federal money would be available, and Mr. Streeter said it is already available.

Chairman McGinn asked the Committee if there was agreement that the higher priority area is from Garden City west. There was discussion on whether Pawnee County should be added to the CREP area. Senator Ostmeyer remarked that the Committee needs to start somewhere and the small amount of money available needs to fix a big problem, so the area west of Garden City is a good start. Chairman McGinn told the Committee that as a compromise, with federal money and the Colorado money combined, they could move forward the Finney County west area with or without dryland farming. Senator Ostmeyer stated that if they move forward the money will be coming in and they could come back next year and rework provisions.

In response to questions, David Pope told the Committee that the affected area went through Finney County, not just to Garden City. Senator Taddiken remarked that he had looked at a geological survey map and it appeared the area extending from Gray County west would be in the affected area. The areas closed for further appropriation include those beyond the Great Bend area to the Colorado line, and the rules affect all of the proposed CREP area.

Chairman McGinn recommended to the Committee that her amendment could allow dryland farming if determined at a later date. Chairman McGinn stated that we could start receiving federal dollars in the most affected areas as a first priority for the money. Putting everything else in the secondary priority could make it contingent on dryland farming.

Chairman McGinn said once a first priority area has been designated, the Committee would know the impact of CREP and how far the dollars will go. This is a new program that can be changed year to year to best address the water usage. She asked for any further amendments. Senator Huelskamp passed out copies to the Committee (Attachment 5). Provisions of the amendments included the following: if the CREP program goes forward, prohibit any IGUCA in the CREP areas; clearly define water rights; and lands enrolled in CRP cannot not roll over into CREP. Chairman McGinn appointed a subcommittee of Senators Huelskamp, Lee, Francisco and McGinn to work together on some of the issues discussed before proceeding.

Chairman McGinn closed discussion on **SB 123**.

Discussion was opened on **SB 15**. Art Griggs passed out amendments from Senators Francisco and Huelskamp (Attachment 6). Senator Huelskamp explained his amendment that would ensure that money is focused on private individuals and not government entities. There was a motion by Senator Huelskamp, seconded by Senator Taddiken to accept the ballon to the Senator Huelskamp's amendment.

Senator Francisco expressed concern that small cities and towns located in a county without zoning would be impacted by development outside their city limits if the status of a dam changed, and that those small cities would not receive funds to repair the dam. Senator Taddiken told the Committee that he would be willing to work with staff to come up with an amendment that would exempt small cities of a certain class from having the burden of dam repair without assistance to pay for the repair.

A motion was made by Senator Taddiken, seconded by Senator Bruce, to approve **SB 15** as amended. The motion carried.

Chairman McGinn called the Committee's attention to the handout on the hunting incident report submitted by Chris Tymeson of Kansas Wildlife and Parks (Attachment 7), and that they would discuss it at the next

CONTINUATION SHEET

MINUTES OF THE Senate Natural Resources Committee at 8:30 a.m. on February 16, 2007, in Room 423-S of the Capitol.

Committee meeting. Chairman McGinn told the Committee they would be meeting on Tuesday, February 20, to wrap up bills pending before the Committee.

The meeting adjourned at 9:30 a.m.

# SENATE NATURAL RESOURCES COMMITTEE

## Guest Roster

2/16/07

(Date)

<b>BRAD HARRELSON</b>	<b>KFB</b>
Mary Jane Stankiewicz	KARA
Chel Ford	KWO
Kim Christiansen	Kansas Water Office
Greg Foley	SCC
Mark Him	SCC
Cherrie Nolden	KDWP
Steve Adams	KDWP
Tom Bruno	Bruno & Assoc's
Robin Jenkinson	GMD #1
Kent Askren	KFB
<b>Steve Swaffar</b>	<b>KFB</b>
Dennis Gaschler	Farm Service Agency
Emil Mushrush	Ks Farmers Union
<b>POD WINKLER</b>	<b>FARM SERVICE AGENCY</b>
CV Gotspradys	KD A
Tracy Stuhl	KWO
Leslie Kaufman	Ks Co-op Council
Mike Beam	Ks. Livestock Assn.
Allie Devine	" " "
Don Whittemore	Kansas Geological Survey
Rex Buchanan	" "
David L. Pope	KDA / DWR
MARK RUDE	GMD #3

**Please use black ink only!!**

BIG BEND GROUNDWATER MANAGEMENT DISTRICT NO. FIVE  
P O BOX 7  
STAFFORD KANSAS 67578  
620-234-5352

Comments to:  
The Senate Natural Resources Committee  
Concerning SB 123  
February 16, 2007

Chairperson McGinn and committee members, thank you for the opportunity to present our thoughts today in support of SB 123. As representative for the Groundwater Management District Number Five, I would like to convey our support for the establishment of the Conservation Reserve Enhancement Program within the Upper Arkansas River Basin and why this program is important to our members in the central part of the state.

This program will help us reach the objectives outlined in the State Water Plan where goals are set to reduce water use in the basin to reach sustainable yield.

The Middle Arkansas River Basin has been the subject of debate for a number of years as an area where water use reductions appear to be necessary. Stream flow and ground water fluctuations are continuously debated and methods of how to reach the goals are subject of controversy. Lack of and/or loss of stream flow is a concern to down stream users throughout this area of the state and is of concern to state agencies. There are two major wildlife refuges in this area that depend on these water resources. They also bring economic diversity to this area of the state.

There is considerable debate on this program relative to the potential impact to the local economies and agri-businesses. There is fear that there will be an impact to the county tax revenue, local businesses, federal payments to out of state landowners, and other economic concerns. However, there is also the issue related to administrative costs to continue monitoring these water rights. For every water right purchased or retired, it is one less that must be administered by state agencies thus saving state tax dollars. The economic study conducted does not address these savings.

We feel that the development of voluntary programs such as the CREP and other incentive based programs versus restricting individual water right owner's water use is more receptive to most producers.

We do support the allowance of dryland farming in the CREP area to help offset any economic impact. We feel participation would be greater with this option.

Other states are developing these programs to address their water resource issues. I am sure they weighed the benefits with the negatives. It is my understanding they are productive programs. Why wouldn't we want to benefit from these federal dollars as well?

*Senate Natural Resources  
February 16, 2007  
Attachment 1*

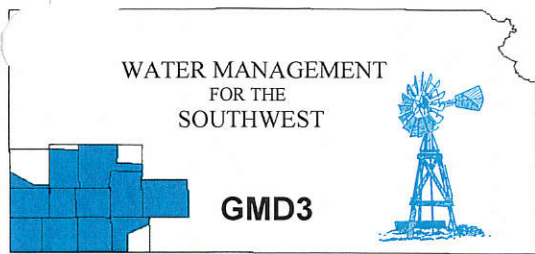
SB 123  
February 16, 2007  
Page 2

There is also the issue of the water saved being used by other producers. That might be the case in some areas, but not everywhere. There is discussion that the CREP will take away from the potential future production of corn. That will also likely occur if regulations and restrictions are put into place.

Again, this area of the state continues to be an area where stream/aquifer issues and the reduction of water use are of utmost importance to the state. The CREP will give us another tool to address these issues.

In closing, we ask that you support this voluntary, incentive based program. Thank you for considering this testimony and I would be happy to answer any questions as needed.

Respectively Submitted by:  
Sharon Falk, Manager  
Big Bend Groundwater Management District No. Five



**Southwest Kansas**  
**Groundwater Management District No. 3**  
409 Campus Drive, Suite 108  
Garden City, Kansas 67846-6158  
(620) 275-7147 phone (620) 275-1431 fax  
www.gmd3.org

Testimony in support of SB 123  
Senate Natural Resources Committee  
February 16, 2006, Room 423-S

By Mark Rude, Executive Director,  
Southwest Kansas Groundwater Management District No. 3

Chair McGinn and members of the committee, thank you for the opportunity to appear before you in support of SB 123. My name is Mark Rude, and I have served these past two years as the Executive Director of the Southwest Kansas Groundwater Management District No. 3 (GMD3) in Garden City, KS. I have 20 years of experience working with water right administration and water supply issues in the Upper Arkansas basin in Kansas and into Colorado.

**Significant change is occurring** with the groundwater supplies in the proposed CREP area and the set-up is both exciting and sobering. The exciting changes come from the growing economic value of the water we use in the Southwest Kansas. The price outlook for commodities is strong and major new energy projects for ethanol, bio-diesel and coal fired electric power generation are being built or under development. The water rights purchased for the proposed Sunflower Power Plants, for example, may come from 207 sand hill pivots to be retired from irrigation and the historic consumption converted to the new use. Additional acquisitions for that project are occurring. But the change is sobering because we know the water consumption is far from sustainable. Nearly half of the acres irrigated annually in Kansas are in Southwest Kansas; about 1.5 million acres. Annual use has averaged nearly 2 million acre feet in GMD3. With very little recharge back to the aquifers in GMD3, some groundwater areas included in the CREP area are 20 times over appropriated if sustainability is the standard.

**Middle Ground Opportunity** is what this program offers. If we want to mitigate the potential slippery slope of water management through the courts or rapid consumption to extinction, this program is the shot we

*Senate Natural Resources  
February 16, 2007  
Attachment 2*

have at that target. Under this proposal, for about \$35 of one time leveraged damage funds, we can save one acre foot of pumping for each year there remains a practical aquifer in that area. This program will extend the aquifer supply in GMD3 in a very cost effective manor for Kansas. If we don't get this kind of tool implemented and reduce the rate of decline, we risk having additional impairment complaints, dissatisfaction over the continued declining water supply and risk handing over to the courts the job of water management. The proposed CREP has been thoughtfully developed with input by the state water agencies, with significant input from many organizations and strong agreement by FSA. Kansas has a clean shot at a \$154 million water conservation program using just \$5 million of the damage funds from the area. This is a "Bird in the Hand" type of opportunity. It's not perfect. We should continue the work to ease the restrictions on dryland cropping for participating fields. Significant changes could send the process back to square one under a 07 farm bill.

Much of the land in the target area is sand hill fields that have no dryland alternative other than grass. These fields are the most difficult land for water right owners to transition to less water consumption; the soils can not store the needed moisture for dryland crops. We need this program as an option for those producers to get off the consumption treadmill if they so choose, and enhance the future supply for other existing and future projects.

GMD3 is committed to the prevention of allocation overpumping and have taken action beyond the work with the DWR BRO program to insure unlawful diversions do not occur. We want to insure that real savings for the future is the result of the damage funds expenditures.

Thank you for the opportunity to speak today and I will readily stand for questions at the appropriate time.



# SENATE BILL No. 123

By Committee on Ways and Means

1-18

9 AN ACT concerning water; providing for establishment of an upper Ar-  
10 kansas river conservation reserve enhancement program.

11

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

13 Section 1. (a) As used in this section:

14 (1) "Farm services agency" means the United States department of  
15 agriculture farm services agency.

16 (2) "Arkansas river corridor" means those portions of the upper Ar-  
17 kansas river basin within Hamilton, Kearny, Finney, Gray, Ford, Ed-  
18 wards, Pawnee, Stafford, Barton and Rice counties.

19 (b) Upon execution of an agreement between the state of Kansas and  
20 the farm services agency for implementation of an upper Arkansas river  
21 conservation reserve enhancement program (CREP), the state conser-  
22 vation commission and the Kansas water office are hereby authorized to  
23 establish such program. The program shall be a joint state-federal pro-  
24 gram, to be administered for the state by the state conservation  
25 commission.

26 (c) The CREP shall have the purpose of reducing withdrawal de-  
27 mands on the high plains aquifer, improving water quality, protecting  
28 public water supplies and enhancing wildlife habitat. The program shall  
29 provide for voluntary retirement of water rights in the Arkansas river  
30 corridor, in accordance with: **(1) A program prepared and submitted by  
31 the state conservation commission and the Kansas water office and pre-  
32 sented to the senate committee on natural resources and the house com-  
33 mittee on agriculture and (2) rules and regulations adopted by the state  
34 conservation commission.** ←

35 (d) The state conservation commission shall adopt rules and regula-  
36 tions for the implementation and administration of the CREP. Such rules  
37 and regulations shall include, but not be limited to, eligibility require-  
38 ments for and conditions of participation in the program and incentives  
39 to participate in the program.

40 Sec. 2. This act shall take effect and be in force from and after its  
41 publication in the statute book.

the following criteria: (1) Priority shall be given to applications from water users within regions designated by the Kansas water office as critical to interstate water compact compliance; (2) priority shall be given to applications from water users within existing or proposed intensive groundwater use control areas as designated by the state department of agriculture; (3) priority shall be given to applications from water users along the Arkansas river corridor; and (4) grazing and production of crops, forage, cellulosic or biomass materials shall be permitted as provided by federal law.

Senate Natural Resources  
February 16, 2007  
Attache #3  
Sen. Ostreyer

2007

propamendArt

Proposed Amendment to  
SENATE BILL NO. 123

New Sec. \_\_\_ To the extent permitted by federal law, CREP applications may be accepted that permit the use of the land for agricultural purposes such as planting of agricultural commodities including, but not limited to, grains, cellulosic or biomass materials, alfalfa, grasses, legumes or other cover crops.

*Senate Natural Resources*  
*February 16, 2007*  
*ATTACHMENT 4*

A

ag123pa

Senate Bill No. 123  
Proposed New Section

New Sec. \_\_. The state conservation commission shall utilize a competitive bid process for selection of CREP participants based on a dollar amount per acre.

Sen. Huelskamp

Senate Natural Resources  
February 16, 2007  
ATTACHMENT 5

R

ag123-2

Senate Bill No. 123  
Proposed New Section

New Sec. \_\_. No more than 20% of the acreage in the CREP may  
be in any one county.

Senate Bill No. 123  
Proposed New Section

New Sec. \_\_. Lands enrolled in the conservation reserve program as of January 1, 2007, shall not be eligible to be in the CREP.

D

Senate Bill No. 123  
Proposed New Section

Sec. 2. (a) Only water right holders in good standing may participate in the CREP.

(b) To be a water right holder in good standing, the following criteria must be met:

(1) At least 51% of the maximum annual quantity authorized to be diverted under the water right of the water right holder has been used by the holder in three of the most recent five years;

(2) in the last 10 years the water right holder shall not have exceeded the maximum annual quantity authorized to be diverted under the water right of the water right holder; and

(3) the water right holder has submitted the required annual water use report as required by K.S.A. 82a-732, and amendments thereto, for the most recent 10 years.

Senate Bill No. 123  
Proposed new section

Sec. 2. The state conservation commission shall submit a CREP report annually to the senate committee on natural resources and the house committee on agriculture. Such report shall contain a description of program activities and shall include:

- (a) The total water savings for each year from the CREP;
- (b) the acreage in the CREP;
- (c) the dollar amounts received and expended for the CREP;
- (d) the economic impact of the CREP; and
- (e) such other information as the state conservation commission shall specify.

F

pal23

New Sec. . No land in the CREP shall be in an area designated as an intensive groundwater use control area pursuant to K.S.A. 82a-1038 and amendments thereto after July 1, 2007.

Sen. Huelskamp

5-6



# SENATE BILL No. 15

z15c1

By Special Committee on Agriculture and Natural Resources

1-5

**Note:** These balloon amendments were adopted February 8, except the page 2, line 41 insert

9 AN ACT concerning the state conservation commission; relating to dam  
10 safety; creating the Kansas dam rehabilitation program; amending  
11 K.S.A. 2006 Supp. 2-1915 and repealing the existing section.  
12

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

14 Section 1. K.S.A. 2006 Supp. 2-1915 is hereby amended to read as  
15 follows: 2-1915. (a) Appropriations may be made for grants out of funds  
16 in the treasury of this state for terraces, terrace outlets, check dams, dikes,  
17 ponds, ditches, critical area planting, grassed waterways, tailwater recov-  
18 ery irrigation systems, precision land forming, range seeding, detention  
19 and grade stabilization structures and other enduring water conservation  
20 practices installed on public lands and on privately owned lands, *dam*  
21 *rehabilitation projects* and, the control and eradication of sericea lespe-  
22 deza as provided in subsection (n) of K.S.A. 2-1908, and amendments  
23 thereto, on public lands and on privately owned lands. Except as provided  
24 by the multipurpose small lakes program act, any such grant shall not  
25 exceed 80% of the total cost of any such practice.

26 (b) A program for protection of riparian and wetland areas shall be  
27 developed by the state conservation commission and implemented by the  
28 conservation districts. The conservation districts shall prepare district pro-  
29 grams to address resource management concerns of water quality, erosion  
30 and sediment control and wildlife habitat as part of the conservation dis-  
31 trict long-range and annual work plans. Preparation and implementation  
32 of conservation district programs shall be accomplished with assistance  
33 from appropriate state and federal agencies involved in resource  
34 management.

35 (c) Subject to the provisions of K.S.A. 2-1919, and amendments  
36 thereto, any holder of a water right, as defined by subsection (g) of K.S.A.  
37 82a-701, and amendments thereto, who is willing to voluntarily return all  
38 or a part of the water right to the state shall be eligible for a grant not to  
39 exceed 80% of the total cost of the purchase price for such water right.  
40 The state conservation commission shall administer this cost-share pro-  
41 gram with funds appropriated by the legislature for such purpose. The  
42 chief engineer shall certify to the state conservation commission that any  
43 water right for which application for cost-share is received under this

Senate Natural Resources  
February 16, 2007  
ATTACHMENT C

Sens. Francisco, Huelskamp

1 section is eligible in accordance with the criteria established in K.S.A. 2-  
2 1919, and amendments thereto.

3 (d) (1) Subject to appropriation acts therefor, the state conservation  
4 commission shall develop the Kansas water quality buffer initiative for  
5 the purpose of restoring riparian areas using best management practices.  
6 The executive director of the state conservation commission shall ensure  
7 that the initiative is complementary to the federal conservation reserve  
8 program.

9 (2) There is hereby created in the state treasury the Kansas water  
10 quality buffer initiative fund. All expenditures from such fund shall be  
11 made in accordance with appropriation acts upon warrants of the director  
12 of accounts and reports issued pursuant to vouchers approved by the  
13 executive director of the state conservation commission or the executive  
14 director's designee. Money credited to the fund shall be used for the  
15 purpose of making grants to install water quality best management prac-  
16 tices pursuant to the initiative.

17 (3) The county or district appraiser shall identify and map riparian  
18 buffers consisting of at least one contiguous acre per parcel of real prop-  
19 erty located in the appraiser's county. Notwithstanding any other provi-  
20 sions of law, riparian buffers shall be valued by the county or district  
21 appraiser as tame grass land, native grass land or waste land, as appro-  
22 priate. As used in this subsection (3), "riparian buffer" means an area of  
23 stream-side vegetation that: (A) Consists of tame or native grass and may  
24 include forbs and woody plants; (B) is located along a perennial or inter-  
25 mittent stream, including the stream bank and adjoining floodplain; and  
26 (C) is a minimum of 66 feet wide and a maximum of 180 feet wide.

27 (e) The state conservation commission shall adopt rules and regula-  
28 tions to administer such grant and protection programs.

29 (f) Any district is authorized to make use of any assistance whatsoever  
30 given by the United States, or any agency thereof, or derived from any  
31 other source, for the planning and installation of such practices. The state  
32 conservation commission may enter into agreements with other state and  
33 federal agencies to implement the Kansas water quality buffer initiative.

34 (g) *Within the limits of appropriations therefor, the state conservation  
35 commission shall develop and administer the Kansas dam rehabilitation  
36 program in consultation with the chief engineer of the division of water  
37 resources of the Kansas department of agriculture.*

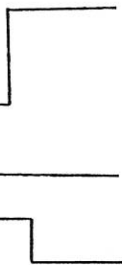
38 ~~(h) Any dam permit holder may apply for cost-share assistance to~~  
39 ~~rehabilitate or remove unsafe high and significant hazard dams or low~~  
40 ~~hazard dams that are reclassified to high or significant hazard dams re-~~  
41 ~~lated to downstream development.~~

42 (i) The division of water resources of the Kansas department of ag-  
43 riculture shall assist the state conservation commission by reviewing and

owner

for dam rehabilitation, to purchase and raze or relocate residential structures, or for engineering solutions to address

State agencies and political or taxing subdivisions in this state shall not be eligible for cost-share assistance pursuant to this section.



1 recommending a dam priority order for applications for participation in  
2 the program based on the following criteria:

- 3 (1) The highest severity of potential impact of dam failure;
- 4 (2) the greatest risk of failure due to the dams' deficiencies; and
- 5 (3) which deficiencies were a result of downstream development be-

6 yond the control of the dam owner.  
7 (j) Any dam ~~permit holder~~ may apply to the state conservation com-  
8 mission for cost-share assistance in the amount of 70% of the rate pre-  
9 scribed pursuant to subsection ~~(k)~~, and if engineering costs are incurred,  
10 an additional 10% of the rate prescribed ~~pursuant to subsection (k)~~

owner

(h)

11 (k) ~~The cost-share grant awarded pursuant to subsection (j) shall be~~  
12 ~~in an amount not to exceed a rate approved by the state conservation~~  
13 ~~commission for the least expensive alternative that such commission de-~~  
14 ~~termines properly addresses the problem or problems identified with such~~  
15 ~~dam. Dam owners shall not be required to implement such least expensive~~  
16 ~~alternative.~~

If the engineered solution is to purchase and raze or relocate residential structures in the inundation area of the dam, a cost share grant may be awarded for the purchase and razing or relocating of all residential structures in the inundation area if:  
(1) An easement prohibiting future development for the inundation area is acquired and recorded with the register of deeds; and (2) other terms and conditions of the state conservation commission, if any, are met.

17 (l) An applicant who is not a dam permit holder shall be eligible to  
18 apply for cost-share assistance under the Kansas dam rehabilitation pro-  
19 gram subject to the following:

- 20 (1) Such applicant shall submit a rehabilitation plan to the chief en-  
21 gineer of the division of water resources of the Kansas department of  
22 agriculture in a form prescribed by such chief engineer;
- 23 (2) such rehabilitation plan shall comply with policies and procedures  
24 adopted by the chief engineer of the division of water resources of the  
25 Kansas department of agriculture; and
- 26 (3) cost-share assistance funds shall not be remitted until such appli-  
27 cant is granted a permit pursuant to K.S.A. 82a-301, and amendments  
28 thereto.

29 (m) As used in subsection (g) through (n) of this section, "dam permit  
30 holder" means any person, partnership, association, corporation, agency  
31 or political subdivision of the state government or other entity who holds  
32 a permit pursuant to K.S.A. 82a-301, and amendments thereto.

33 (n) ~~The state conservation commission shall adopt rules and regula-~~  
34 ~~tions to implement the Kansas dam rehabilitation ~~act~~~~

35 Sec. 2. K.S.A. 2006 Supp. 2-1915 is hereby repealed.  
36 Sec. 3. This act shall take effect and be in force from and after its  
37 publication in the statute book.

As used in this act, "dam" shall have the meaning ascribed thereto in K.S.A. 82a-301, and amendments thereto.  
(o)

program

## Hunting Incident Report Summary

<u>Causes</u>	<u>2005</u>	<u>2006</u>	
Swinging on game	9	8	(1)*
Victim Moved into Line of Fire	2	1	
Failure to Properly ID Target (mistaken for game)	1	2	
Careless handling	6	4	(1)*
Faulty Equipment	1		
Fall from Tree Stand while shooting	1		
<b>Total</b>	<b>20</b>	<b>15</b>	<b>(2)*</b>

No fatalities either year

### Type of Firearm

Shotgun	15	14	(2)*
Rifle	3	1	
Handgun	0	0	
Bow	2	0	
<b>Total</b>	<b>20</b>	<b>15</b>	<b>(2)*</b>

### Game Hunted

Upland Birds	11	10	(2)*
Doves	1	1	
Waterfowl	1	1	
Turkey	2	2	
Deer	4	0	
Prairie Dogs	<u>1</u>	<u>1</u>	
<b>Total</b>	<b>20</b>	<b>15</b>	<b>(2)*</b>

\* Media report. Official report not received.

Chris Tymeson, KDWP

*Senate Natural Resources  
February 16, 2007  
ATTACHMENT 7*

**Texas Hunter Education License Information  
Deferral Program/Apprentice License**

<u>License Year</u>	<u>Total Licenses Under Program</u>	<u>New Buyers</u>
2004	10,056	7,224
2005	10,256	6,468
2006	11,022	7,163
Totals	31,334	20,855

## Hunting Accident History

Year	Total Accidents	Fatal
1962	31	5
1963	37	5
1964	25	2
1965	30	5
1966	37	5
1967	43	4
1968	31	7
1969	50	7
1970	46	4
1971	40	3
1972	46	3
1973	30	3
1974	30	3
1975	42	3
1976	50	3
1977	53	3
1978	62	1
1979	34	1
1980	40	1
1981	58	3
1982	36	1
1983	50	3
1984	32	0
1985	38	2
1986	31	2
1987	38	0
1988	51	2
1989	56	3
1990	41	2
1991	36	1
1992	21	0
1993	35	2
1994	44	0
1995	21	1
1996	23	0
1997	27	1
1998	25	1
1999	32	1
2000	19	0
2001	18	1
2002	16	4
2003	13	2
2004	26	2
2005	20	0
2006	<u>**15</u>	<u>0</u>
	1579	102

\*\*2 unconfirmed media reports not included

