

SENATE BILL No. 147

By Committee on Agriculture

2-8

1 AN ACT concerning water; relating to the Republican river compact;
2 disposition of moneys recovered from certain litigation; amending
3 K.S.A. 2010 Supp. 82a-1804 and repealing the existing section.
4

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

6 Section 1. K.S.A. 2010 Supp. 82a-1804 is hereby amended to read
7 as follows: 82a-1804. (a) Moneys recovered by the state of Kansas from
8 the states of Nebraska or Colorado to resolve disputes arising under the
9 Republican river compact shall be deposited in the state treasury and
10 credited as follows:

11 (1) 100% of moneys from both Nebraska and Colorado shall be
12 credited to the interstate water litigation fund created by K.S.A. 82a-
13 1802, and amendments thereto. Whenever moneys are credited to the
14 interstate water litigation fund pursuant to this subsection ~~(a)(1)~~, the
15 director of accounts and reports shall transfer ~~all such moneys an amount~~
16 *equal to the total of any expenses, incurred by the state in any litigation*
17 *brought by the state of Kansas against the states of Nebraska or*
18 *Colorado to resolve disputes arising under the Republican river compact*
19 *and in preparation for such litigation, plus an additional 5% of the total*
20 *moneys received from both Nebraska and Colorado in such litigation*
21 *from the interstate water litigation fund to the interstate water litigation*
22 *reserve account of the state general fund until the balance in the interstate*
23 *water litigation reserve account of the state general fund equals*
24 *\$20,000,000*. The attorney general shall certify to the director of accounts
25 and reports any expenses incurred by the state in any litigation brought by
26 the state of Kansas against the states of Nebraska or Colorado to resolve
27 disputes arising under the Republican river compact and in preparation
28 for such litigation.

29 (2) ~~Once the balance in the interstate water litigation reserve account~~
30 ~~of the state general fund equals \$20,000,000 moneys recovered from~~
31 *Nebraska and Colorado have been transferred and credited to the*
32 *interstate water litigation reserve account of the state general fund,*
33 *pursuant to subsection (a)(1), all moneys remaining recovered from*
34 *Nebraska shall be credited to the Republican river water conservation*
35 *projects — Nebraska moneys fund as directed by subsection (b) of this*
36 *section, and all moneys remaining recovered from Colorado shall be*

1 credited to the Republican river water conservation projects — Colorado
2 moneys fund as directed by subsection (c) of this section.

3 (b) There is hereby established in the state treasury the Republican
4 river water conservation projects — Nebraska moneys fund to be
5 administered by the director of the Kansas water office.

6 (1) One-third of the money deposited to this fund shall be credited to
7 the state water plan fund for use for water conservation projects, with
8 priority given to conservation projects that directly enhance the ability of
9 the state of Kansas to remain in compliance with the Republican river
10 compact; and

11 (2) two-thirds of the money deposited in this fund shall be expended
12 only for conservation projects, utilization efficiency, administrative
13 requirements and delivery projects, and similar types of projects set forth
14 in subsection (d), in those areas of the state lying in the lower Republican
15 river basin between the Kansas/Nebraska border and Milford dam in all
16 or parts of Clay, Cloud, Dickinson, Geary, Jewell, Mitchell, Republic,
17 Riley, Smith and Washington counties.

18 (c) There is hereby established in the state treasury the Republican
19 river water conservation projects — Colorado moneys fund to be
20 administered by the director of the Kansas water office.

21 (1) One-third of the money deposited to this fund shall be credited to
22 the state water plan fund for use for water conservation projects; and

23 (2) two-thirds of the money deposited in this fund shall be expended
24 only for conservation projects, utilization efficiency, administrative
25 requirements and delivery projects, and similar types of projects set forth
26 in subsection (d), in those areas of the state lying in the upper Republican
27 river basin in northwest Kansas in all or parts of Cheyenne, Decatur,
28 Norton, Phillips, Rawlins, Sheridan, Sherman and Thomas counties.

29 (d) The types of projects that may be funded under subsections (b)
30 and (c) include:

31 (1) Efficiency improvements to canals or laterals managed and paid
32 for by an irrigation district or projects to improve the operational
33 efficiency or management of such canals or laterals;

34 (2) water use efficiency upgrades;

35 (3) implementation of water conservation of irrigation and other
36 types of water uses;

37 (4) implementation of water management plans or actions by water
38 rights holders;

39 (5) water measurement flumes, meters, gauges, data collection
40 platforms or related monitoring equipment and upgrades;

41 (6) artificial recharge, funding a water transition assistance program;
42 the purchase of water rights for stream recovery or aquifer restoration and
43 cost share for state or federal conservation programs that save water;

1 (7) maintenance of the channel and the tributaries of the Republican
2 river;

3 (8) reservoir maintenance or the purchase, lease, construction or
4 other acquisition of existing or new storage space in reservoirs;

5 (9) purchase, lease or other acquisition of a water right; and

6 (10) expenses incurred to construct and operate off-stream storage.

7 Sec. 2. K.S.A. 2010 Supp. 82a-1804 is hereby repealed.

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