

THE STATE  OF KANSAS

WATER RESOURCES BOARD

Suite 303  
503 Kansas Avenue  
Telephone (913) 296-3185  
TOPEKA, KANSAS 66603

April 21, 1981

The Honorable James Abdnor  
South Dakota Senator  
Chairman, Water Resources Subcommittee  
4202 Dirksen Building  
Washington, D.C. 20510

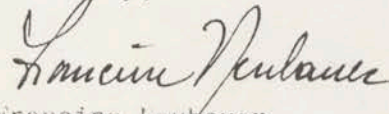
Attention: Ms. Debbie Perry

Dear Senator Abanor:

Attached is testimony on behalf of the Kansas Water Resources Board which we would like submitted as part of the hearings of the Water Resources Subcommittee of the Senate Environment Committee.

Thank you for this opportunity to respond.

Sincerely,



Francine Leubauer  
Executive Director

FL:th

Attachment

cc:  Kansas Congressional Delegation

Missouri River Basin Commission

#### KANSAS WATER RESOURCES BOARD TESTIMONY

Mr. Chairman: We are pleased to have the opportunity to present our comments on some of the matters being dealt with by this Subcommittee. The State of Kansas is fortunate to have an enviable national reputation in the development and management of its water and related land resources. Our state's policies and programs reflect many years of concern for soil and water stewardship that have come about through a fruitful state-federal partnership approach. In recent years, however, we have witnessed a steady deterioration in the bond that has allowed this relationship to work. We are now alarmed that the progress and success of this effort is being eroded by indecision. In our opinion, this Subcommittee represents a prime opportunity for a beachhead attack on the rampant complacency which currently engulfs our nation's water programs. We therefore urge you and the members of the Water Resources Subcommittee to carefully weigh the comments we have prepared in the light of fairness and sensitivity to not just the citizens of the State of Kansas, but to all of us as citizens of this great and bountiful nation as well.

We are greatly concerned about the lack of direction and focus being given our nation's water resources. In particular, we are dismayed because no real progress is being made on revisions to P.L. 89-80. During the past six years, numerous amendments have been proposed by the states through the Interstate Conference on Water Problems, Western States Water Council, National Governor's Association and other water-related groups and organizations. Other than generating a lot of discussion and controversy, we have not seen any deliberate attempt to forge a new or revised P.L. 89-80.

The so-called state-federal partnership approach to policy development, coordination procedures, and organizational structure among federal water agencies we view as mostly rhetoric with little action. For years, the states have been admonished to get their house in order. We feel we have carried out our responsibilities to the extent possible given the current situation with respect to the Water Resources Council, the current status of river basin commissions, and of course, an extremely conservative fiscal policy. In addition to these rather recent developments, it must be remembered that we are just now beginning to recover from a chaotic period of administration by executive order and a plethora of ambiguous rules and regulations. Against this rather dismal backdrop of disorganization at the federal level are many dedicated people who sincerely want to get on with the task of managing and developing our nation's water and related land resources the way they know how. This dedication and enthusiasm, however, is being undermined by endless delays and indecision at the federal level.

In addition to these general concerns, we are becoming acutely anxious over the status of Titles I, II and III of P.L. 89-80. In our



opinion and based on the Water Resources Council's past record, we have no rationale for favoring a similar organization. We continue to hope for some bold initiatives on the part of the current administration to resolve once and forever this dilemma.

We have yet to see a realistic alternative to the concept embodied in Title II. The regional coordination among and between state and federal agencies generated by a strong regional entity just makes good sense. Hammering out the exact blueprint for each and every one of these groups will certainly be a formidable task. However, we firmly believe the long-range results to be well worth the effort.

Title III, is at best, an enigma. Until the states can be assured of some continuity of funding, and that funding is apportioned according to something more tangible than a judgment call, we are hard-pressed to be enthusiastic about its future.

Another issue that needs to be resolved as soon as possible is the apparent stalemate surrounding Section 221 of P.L. 91-611. We are referring specifically to what has been termed the "Kansas Language" provisions regarding state-federal repayment agreements for the cost of water supply storage in federal reservoirs.

The State of Kansas has signed several repayment agreements with the federal government through the Corps of Engineers, and has made annual payments on this storage for seven years. Our state's F.Y. 1982 payment for water supply storage will be in excess of 1.6 million dollars. If the Kansas Water Marketing Program is to remain successful, we must secure additional storage capacity in Corps of Engineers projects. But now, after almost 8 years of repayment experience, the requirements of Section 221 places us in a position of being unable to negotiate future repayment agreements. Try as we may, we are at a loss to comprehend the logic of this action. Congress is demanding from state and non-federal entities a purely unilateral commitment. This situation has been addressed on several occasions and in testimony before Congressional Committees. To date, however, Congress has merely listened with a deaf ear, and has essentially taken no action toward working out an equitable solution. This apparent deadlock is a genuine insult to the integrity of the State of Kansas - especially in light of our demonstrated willingness and capability to fulfill our current repayment agreements. Therefore, we urgently seek the deliberations of this Committee to bring about a speedy resolution of this problem.

We must also take issue over the proposed Office of Water Policy to be established under the Secretary of the Department of Interior. We agree to some extent with the concept but certainly not within the framework as currently proposed. We have no documentation regarding the duties and responsibilities for such an office, but are convinced that Congress should be responsible for deciding upon establishment of the office, and its duties and responsibilities. Water policy development and administration covers a broad spectrum of agencies and activities,

and we have serious reservations about vesting this authority in any one single existing agency. Water resources are a concern not only of Interior, but Defense and Agriculture. We suggest that water policy development and administration of all federal agencies be coordinated through one clearinghouse.

In closing, we urgently implore this Subcommittee to organize for action on these key issues. They must be resolved if we are to get our water programs back on track. We cannot emphasize too strongly the need, through some early tangible results, to reassure the states that this administration can and will provide the leadership and support so sorely needed in charting those new directions.

JG:th