

**Testimony on Division Role, Responsibilities, and Budget
to the House Committee on Water
by Earl Lewis, Chief Engineer
Kansas Department of Agriculture, Division of Water Resources
January 27, 2021**

Good morning Chairman Highland and members of the committee, I appreciate the opportunity to appear before you here today to discuss the role, responsibilities, and budget of the Kansas Department of Agriculture's Division of Water Resources. My name is Earl Lewis and I serve as the state's Chief Engineer related to water resources.

I understand that to further the committee's work, each agency is to provide information outlining the division's mission, statutory obligation, and budget. Below is information on each of these items.

Mission

The Division of Water Resources is within and part of the Kansas Department of Agriculture. As such, we share the agency's overall mission:

The Kansas Department of Agriculture is committed to a balanced approach of:

- Serving Kansas farmers, ranchers, agribusinesses and the consumers/customers they serve;
- Providing an environment that enhances and encourages economic growth of the agriculture industry and the Kansas economy; and
- Advocating for and promoting the agriculture industry, the state's largest industry, employer and economic contributor; while
- Helping to ensure a safe food supply, protecting natural resources, promoting public health and safety, protecting animal health, and providing consumer protection to the best of our ability.

The Division of Water Resources also supports the agency's goals, most notably "Fulfilling and upholding statutory and regulatory obligations fairly, transparently, efficiently and effectively." The Division of Water Resources administers 30 laws and responsibilities including the Kansas Water Appropriation Act which governs how water is allocated and used; statutes regulating the construction of dams, levees and other changes to streams; the state's four interstate river compacts; as well as coordinating the national flood insurance program in Kansas.

Reporting Structure

As the head of the Division of Water Resources, I report to the Secretary of Agriculture, who in turn reports to the Governor. Within the Division there are three program areas: Water Appropriation, Water Management Services, and Water Structures. Each of these programs is led by a program manager who reports to me as Chief Engineer.

The headquarters of the agency, and therefore the division headquarters, is located in Manhattan. In addition, the Division has field offices located in Topeka, Stafford, Stockton and Garden City. Each field office is led by a water commissioner who reports to the Water Appropriations Program Manager. There is also a Parsons satellite office that is considered part of the Topeka Field Office from an organizational perspective.

Statutory Obligation

As mentioned above, the Division implements all or parts of 30 state statutes. Primary statutes and the program that implements them are:

| Program | Statute | Year | K.S.A. |
|---------------------------|--|------|-----------------|
| Water Appropriation | Water Appropriation Act | 1945 | 82a-701 et seq |
| | Groundwater Management District Act | 1972 | 82a-1020 et seq |
| | Water Plan Storage Act | 1974 | 82a-1301 et seq |
| | Water Transfer Act | 1983 | 82a-1501 et seq |
| | Water Assurance Program Act | 1986 | 82a-1330 et seq |
| | Water Banking Act | 2001 | 82a-761 et seq |
| Water Management Services | Republican River Compact | 1943 | 82a-518 |
| | Kansas-Colorado Arkansas River Compact | 1949 | 82a-520 |
| | Kansas-Oklahoma Arkansas River Compact | 1966 | 82a-528 |
| | Kansas-Nebraska Big Blue River Compact | 1971 | 82a-529 |
| Water Structures | Levee Law | 1929 | 24-126 et seq |
| | Obstruction in Streams | 1929 | 82a-301 et seq |
| | Watershed District Act | 1953 | 24-1201 et seq |
| | Floodplain Zoning | 1991 | 12-766 |

Budget

The budget of the Division of Water Resources is funded by a mix of the State General Fund, State Water Plan Fund, user fees, and federal grants. Additional information is contained in the table below.

| Division of Water Resources Revenue | FY21 | FY22 |
|---|----------------------|----------------------|
| SGF - State General Funds | \$ 3,914,847 | \$ 3,898,469 |
| SWP - Interstate | \$ 685,138 | \$ 473,184 |
| SWP - Water Use Study | \$ 136,839 | \$ 72,600 |
| SWP - Basin Management | \$ 838,906 | \$ 584,023 |
| Water Structures Fund | \$ 91,727 | \$ 95,043 |
| Water Structures - State Highway Fund | \$ 104,611 | \$ 105,790 |
| Water Appropriations Certification Fee Fund | \$ 1,066,425 | \$ 1,005,303 |
| USGS Gage Agreement | \$ 16,200 | \$ 16,200 |
| Arkansas River Gaging | \$ 77,970 | \$ 77,710 |
| USGS LIDAR Grant | \$ 200,000 | \$ - |
| NRCS LIDAR Grant | \$ 800,000 | \$ - |
| FEMA CTP Grant | \$ 3,856,758 | \$ 4,322,897 |
| FEMA Dam Safety Grant | \$ 155,933 | \$ 158,500 |
| National Floodplain Insurance Grant | \$ 135,558 | \$ 146,851 |
| Total | \$ 12,080,912 | \$ 10,956,570 |

| Division of Water Resources Expense | FY21 | FY22 |
|--|----------------------|----------------------|
| Salary | \$ 5,525,574 | \$ 5,539,816 |
| Rents | \$ 297,831 | \$ 299,576 |
| Communication | \$ 146,025 | \$ 153,982 |
| Professional Services | \$ 5,386,854 | \$ 4,398,437 |
| Other Contractual | \$ 153,222 | \$ 161,060 |
| Other OOE | \$ 571,406 | \$ 403,699 |
| Total | \$ 12,080,912 | \$ 10,956,570 |

Thank you again for the opportunity to appear before you today. I'll be happy to stand for questions at the appropriate time.