

CHAPTER 1

STATE CONSERVATION COMMISSION, DIVISION OF CONSERVATION AND CONSERVATION DISTRICTS

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Introduction

The passage of the Soil Conservation Districts Law in 1937 by the Kansas Legislature established a new administrative agency, the State Conservation Committee (SCC). This legislation also provided for the formation of soil conservation districts, which correspond geographically to In 2011, the Division of Conservation (DOC) was created in the Kansas Department of Agriculture (KDA) to administer Conservation District Law (K.S.A. 2-1901 et.seq.), and the State Conservation Commission was reorganized to serve as a policy-making board to the Division of Conservation. Over time, significant changes have occurred concerning the names and organization of federal, state and local conservation agencies in Kansas – but their purpose has remained vital and mission-oriented for the service to our citizens and the protection of natural resources in the state.

Soil Conservation History

Early settlers to Kansas found nearly all the land was covered with a variety of grasses. The settlers brought “sod plows” with them to the plains of Kansas and plowed up pieces of the virgin prairie grasses to plant crops. The new land that was being cultivated was high in organic matter making it very fertile, absorbed water rapidly, and even resisted erosion for a while.

The price of wheat dropped after a few prosperous years of farming and substantially declined after the stock market crash of 1929. Farmers in Kansas continued to plow up acres including sub-marginal land to plant more wheat to offset their losses. The 1930’s brought a severe and sustained drought to the Great Plains area. The drought caused wheat crops to fail and allowed high winds to blow unprotected soil into huge black clouds of dust sometimes blotting out the sun and leaving drifts of dust covering fencerows, roads, homes, and barns. Hundreds of millions of tons of valuable topsoil blew away. Livelihoods were destroyed and numerous human and livestock deaths were attributed to breathing in the dust (dust pneumonia). There were 186 primary dust storms, known as black blizzards, reported. Southwest Kansas was among the hardest hit states during the period branded as the Dust Bowl Days or “the Dirty Thirties”.

Prior to the devastating conditions in the Dust Bowl, the White House was first warned about the dangers of soil erosion in 1908. In 1928 Hugh Howard Bennett, a soil scientist with the U.S. Department of Agriculture, published *Soil Erosion: A National Menace*, that resulted in Congress authorizing soil conservation experiment stations and establishing the Soil Erosion Services (SES) under the Department of the Interior. Hugh Howard Bennett was chosen to administer the new organization. The SES immediately launched a national program of erosion control on agricultural lands through demonstration projects, which included projects completed by workers from the Civilian Conservation Corps (CCC).

The dust storms continued to extend across the country and dust even sifted into the White House and onto the desk of President Franklin D. Roosevelt. April 14, 1935, would become known as “Black Sunday” when one of the worst dust storms ever hit the Great Plains area. The ecological catastrophe convinced Congress to pass the Soil Conservation and Domestic Allotment Act - - the first national soil conservation program – on April 27, 1935.

Congressional authorization of the Soil Conservation Act established the Soil Conservation Service (SCS) as the successor to the SES within the United States Department of Agriculture (now called the Natural Resources Conservation Service). Hugh Bennett became the first Chief of the SCS and became recognized as the “father of soil conservation.” The SCS was charged with developing a program to conserve and enhance the nation’s soil and water resources through technical and financial aid to farmers who agreed to implement soil conservation practices.

Two years later, SCS initiated the soil conservation district concept whereby the federal government would work through state-created soil conservation districts composed of local farmers. The thought behind this proposal was that a special district was needed to locally administer the soil conservation program based on local conditions and priorities, and that this would ease the reluctance of farmers to work with the federal government.

President Franklin Roosevelt agreed to adoption of the Standard State Soil Conservation Districts Law and sent a letter to all of the state governors on February 27, 1937, recommending legislation allowing the formation of soil conservation districts. Kansas Governor Walter Huxman signed the Soil Conservation Districts Law on April 2, 1937, and it became law on April 10, 1937. The Kansas Legislature provided for a five-member State Soil Conservation Committee and the formation of soil conservation districts.

Originally, the State Committee was composed of the Director of the State Extension Service, the Director of the State Agricultural Experiment Station, one person appointed by the United States Secretary of Agriculture - the State Coordinator (later known as the State Conservationist), and two persons (farmers) to be appointed by the Governor of Kansas. At this time, the State Committee was given two basic powers: (1) to encourage and aid farmers in the organization of soil conservation districts, and (2) to provide information, coordination, and assistance in the form of advice and consultation to the districts.

The soil conservation districts organized by this law would be locally governed by a board of district supervisors. This board, not federal officials, would be responsible for starting and managing a soil conservation program in the district. The federal government, in turn, would grant the districts equipment and technical assistance. The formation of soil conservation districts was also prompted by an SCS regulation that farmers would only be provided benefits offered by SCS through a district.

In 1938, the first Kansas Soil Conservation District was organized in Labette County, and the last one was formed in Shawnee County in 1954. A chronological listing of the 105 Kansas conservation districts appears in Appendix 1-E: Kansas Conservation District Date of Charter.

In 1972, the “State Soil Conservation Committee” was renamed “State Conservation Commission” and “soil conservation district” changed to “conservation district.” Not only have the names changed in Kansas, but the governing structure and programs have changed over the years. The Soil Conservation Service even experienced a name change in 1994 to the Natural Resources Conservation Service (NRCS).

Today the NRCS, SCC, DOC and conservation districts still reflect the original value of working together to promote and implement conservation on private working lands. Over time, interests have come to encompass all natural resource issues and districts have taken on larger roles. There are nearly 3,000 conservation districts across the United States working on today’s natural resource issues.

State Conservation Commission / Division of Conservation Overview

The State Conservation Commission (SCC) consists of nine members with an elected commissioner from each of five conservation areas; two ex-officio members representing KSU Research and Extension; one appointed member representing the Kansas Department of Agriculture (KDA) and one appointed member representing USDA, Natural Resources Conservation Service (NRCS). In 2011, the Kansas Governor issued an executive order to reorganize SCC into the Kansas Department of Agriculture (KDA). The administrative functions of SCC were transitioned to staff employees of KDA in a newly created Division of Conservation (DOC).

The nine elected and appointed members of SCC continue to serve in a policy oversight and guidance role

to DOC. DOC is supervised by an executive director who is appointed jointly by the Secretary of KDA and SCC. Both entities work cooperatively and collaboratively to protect and enhance Kansas' natural resources through the development, implementation, and maintenance of policies, guidelines, and programs designed to assist local governments and individuals in conserving the state's renewable resources.

DOC has the responsibility to administer the Conservation Districts Law (K.S.A. 2-1901 et seq.), the Watershed District Act (K.S.A. 24-1201 et seq.) and other statutes authorizing various programs. The agency budget is financed from the dedicated funding of the State Water Plan Special Revenue Fund, State General Fund, and fee funds.

DOC operates several subprograms that tie to its mission and to many stated goals of the Kansas Water Plan. One of the goals of DOC is to efficiently implement those subprograms that enhance and protect the state's natural resources. The agency pursues this goal by working with the 105 conservation districts and 74 organized watershed districts, other local, state and federal entities. Additional information may be found on DOC's website at www.agriculture.ks.gov.

The nine SCC commissioners serve according to K.S.A. 2-1904. Five members of the State Conservation Commission are elected by the conservation district supervisors at a time and place designated by the State Conservation Commission. Normally the elections take place during the Kansas Association of Conservation Districts Annual Convention held in Wichita in November. Below is additional information related to the terms and elections of Commissioners.

- Elected commissioners serve two-year terms.
- The method of election is by an area caucus of the district supervisors from each of the five administrative areas of Kansas.
- Areas I, III and V shall elect in odd years.
- Areas II and IV shall elect in even years.
- The elected commissioners take office on January 1-
- The SCC shall appoint a successor to fill an unexpired term of an elected commissioner. The successor shall be a resident of the same area as that of the predecessor.

Summary of State Conservation Commission and Division of Conservation Duties and Powers

The following is a summary of the duties and powers the Conservation Districts Law per K.S.A. 2-1904, 2-1907c, 2-1915, relative to conservation districts. Please refer to Appendix 1-D: Conservation Districts Law for the statutes known as the Conservation Districts Law.

1. To offer assistance to conservation district supervisors to carry out their powers and programs.
2. To keep supervisors informed of activities and experiences of all districts, and help districts work cooperatively.
3. To coordinate conservation district programs.
4. To secure cooperation and assistance of local, state and federal agencies in districts' work.
5. To disseminate information throughout the state concerning the activities and programs of the conservation districts.

6. To cooperate with and give assistance to watershed and other special purpose districts in the furtherance of conservation under the watershed protection and flood prevention programs.
7. To cooperate in and carry out activities and programs to conserve and develop the water resources of the state, and to maintain and improve the quality of such water resources.
8. To enlist cooperation and collaboration of public and private agencies at all levels with conservation districts.
9. To facilitate arrangements under which conservation districts may serve county governing bodies and other agencies in administering activities concerned with natural resource conservation.
10. Administer a program to provide state financial assistance to conservation districts equal to the county allocation, not to exceed \$25,000 per district.
11. Administer a program for cost-sharing assistance to landowners for establishing enduring conservation practices.
12. Develop and administer a program for protection of riparian and wetland areas.

Division of Conservation Programs

The mission of the Division of Conservation (DOC) is to administer conservation programs designed to enable local entities and individuals to protect and enhance Kansas' natural resources. DOC establishes the policies for administration and implementation of several programs within the provisions outlined by state statutes with input and guidance from the State Conservation Commission (SCC). DOC receives program funding primarily from the State Water Plan Fund. The agency operation and administration is funded from the State General Fund, and the Land Reclamation Program and Agricultural Liming Materials Program are fee funded.

The following is a brief description of all programs administered by the State Conservation Commission:

1. **Aid to Conservation Districts ("Matching Funds"):** K.S.A. 2-1907c provides authorization to request state financial assistance for each of the 105 conservation districts to assist in carrying out their duties prescribed under the Conservation Districts Law (K.S.A. 2-1901 et seq.). State assistance matches up to \$25,000 per district of the annual amount allocated to conservation districts by the board of county commissioners. Legislation passed to increase the state assistance from \$10,000 to \$25,000 in 2007. Financial assistance enables conservation districts to:
 - a. Maintain a local office.
 - b. Acquire secretarial help, office supplies and equipment.
 - c. Carry out information and education activities.
 - d. Coordinate programs with other districts and the State.
 - e. Provide liaison between landowners and federal, state and local programs.

- f. Utilize financial assistance for conservation practices, equipment and local administrative costs necessary for implementing financial assistance programs administered by DOC.
 - g. Obtain field help to supplement USDA technical assistance.
 - h. Keep landowners advised of conservation problems and solutions.
2. **Water Resources Cost-Share Program (WRCSP):** This program was authorized by the 1979 State Legislature by amending K.S.A. 2-1915 and was first funded in 1980. WRCSP provides cost-share assistance to landowners for the establishment of enduring conservation practices that reduce soil erosion, improve or protect water quality, and enhance water supplies. WRCSP is administered by the 105 conservation districts based on policy and procedures developed by DOC with input and guidance from SCC.
 3. **Non-Point Source Pollution Control Program (NPSPCP):** The 1989 Legislature approved a State Water Plan special revenue fund account and appropriated money for the protection and restoration of water resources from Non-Point Source (NPS) pollution. DOC develops the policies and procedures, as well as manages the program funds, with input and guidance from SCC. The 105 conservation districts implement the program at the local level providing financial assistance to landowners on a cost-share basis for installing practices that reduce soil erosion and improve water quality. Conservation districts in high workload Natural Resources Conservation Service (NRCS) management units receive funding for technical assistance.
 4. **Riparian and Wetland Protection Program (RWPP):** This program was authorized in 1989 by amending K.S.A. 2-1915. The major objective of the program is to design and install projects which demonstrate the effectiveness of riparian and wetland protection in terms of stream functions, water quality, and wildlife benefits. Several cost-share programs are organized under RWPP including the Sediment and Nutrient Reduction Initiative (SNRI) and the Riparian Quality Enhancement Initiative RQEI.
 5. **Watershed Planning Assistance:** Funds for planning assistance to watersheds assist in the promotion, organization, development and operations of the organized watershed districts in Kansas. Funds assist the federal government's technical planning efforts in the preparation of watershed plans and environmental impact statements for watershed districts and other special purpose districts as provided in K.S.A. 2-1904 (d). These plans are required for participation in the Federal Watershed Protection and Flood Prevention Act (P.L. 566) and must have Congressional authorization before installation (engineering and construction) funds become available from federal sources.
 6. **Watershed Dam Construction Program:** K.S.A. 2-1915 provides authorization for appropriation of state funds for cost-sharing assistance in the construction of detention dams and/or grade stabilization structures. The funds were first provided in FY 1977 and are utilized in organized watershed districts, drainage districts and other special purpose districts that have an approved district general plan for flood control and prevention. Program objectives are to stabilize streams to prevent degradation of the drainage area because of excessive erosion; provide protection to agricultural land, urban areas, transportation systems, and utilities from water and siltation damages as well as safety for people and/or domestic and wild animals; provide protection from siltation and pollution to water supply storage and streams; and improve upland wildlife habitat on agricultural land.

7. **Water Supply Restoration Program:** The 2007 Legislature amended K.S.A. 82a-2101 which authorizes DOC to provide financial assistance funding for the Water Supply Restoration Program (WSRP). This program is a voluntary, incentive-based water program designed to assist eligible sponsors to protect and restore public water supply systems where appropriate watershed restoration and protection are planned or in place. The program budget is financed from the Clean Drinking Water Fee Fund through the State Water Plan Fund.
8. **Multipurpose Small Lakes Program:** The program was enacted in 1985 as a result of recommendations in the State Water Plan to provide state cost-share assistance to a sponsor for construction or renovation of an eligible dam. Sponsor(s) must have taxing authority and power of eminent domain or be a public wholesale water district or rural water district. Multipurpose features of flood control, water supply, and/or recreation are eligible for cost-share assistance. The program was established to assist local entities that need flood control projects that have or will have a water supply need, and/or a need for recreational facilities.
9. **Water Right Transition Assistance Pilot Project Program (WTAP):** WTAP was authorized as a pilot project in 2006. Its purpose is to reduce the “Historic Consumptive Water Use” in targeted, high priority areas by providing financial grants for the permanent retirement of irrigation water rights. Compensation is determined by an available fixed, flat rate established annually by the SCC and a competitive bid price submitted by the owner.
10. **Conservation Reserve Enhancement Program (CREP):** In 2007, the use of Kansas vs. Colorado lawsuit damage award monies was authorized to permanently retire water rights in the Upper Arkansas River CREP, a 13-county project area in western and south-central Kansas. In this specialized version of the popular CRP program, the landowner agrees to permanently retire irrigation water rights and plant a permanent cover (i.e. native grass) on the contracted land. In return, the landowner receives a specialized 14-15 year rental rate from Farm Service Agency (FSA) and a sign-up incentive payment from DOC.
11. **Land Reclamation Program:** DOC is responsible for administering the Surface Mining Land Conservation and Reclamation Act. The Act requires that entities mining industrial materials or minerals of commercial value such as gypsum, clay, stone, sandstone, sand, shale, silt, salt, gravel or volcanic ash be licensed to operate a mine and reclaim mine sites upon completion of mining. To implement the Act, fee funded Land Reclamation Program was established in October, 1994. Licenses to mine aggregate were first issued in December of that year.
12. **Agricultural Liming Materials Program:** The Kansas Agricultural Liming Materials Act was enacted by the Legislature in 1976 to ensure that all liming materials produced and distributed in the state are manufactured, registered and labeled according to acceptable scientific and industry standards. Accordingly, every producer of liming materials to be sold in Kansas must be inspected, and the materials produced are required to be sampled and analyzed on a frequent periodic basis. DOC administers the act and now requires that all program licensing, registration and reporting be completed online. Each registrant must annually report the tonnage of liming material sold during the previous registration period and pay required fee which supports administration of the program.

State Conservation Commission Programs Manual

The policies and procedures of the cost-share programs administered locally by the conservation districts are provided in the *Division of Conservation Programs Manual*. A copy is available online once logged onto the Cost-Share and Information Management System (CSIMS). Annual revisions are emailed to conservation districts (normally in May).

Cost-Share and Information Management System (CSIMS)

The DOC Cost-Share and Information Management System (CSIMS) is an automated and integrated computer system designed to manage the state cost-share programs, and conservation district information for supervisors, employees, directory, and annual meetings. New conservation district employees authorized to process cost-share contracts contact the DOC to be set up as a user. An online CSIMS User's Guide is available once logged onto CSIMS.

Kansas Conservation Districts Overview

A conservation district is a governmental subdivision of the state of Kansas organized under provisions of the Conservation Districts Law, K.S.A. 2-1901 et seq. Kansas has 105 conservation districts organized along county boundaries. The governing body consists of five locally elected members known as supervisors. The supervisors hire staff to conduct and carry out the approved programs and activities.

The conservation district is the primary local unit of government responsible for the conservation of soil, water, and related natural resources. The purpose of a conservation district is to develop and implement programs to protect and conserve soil, water, farmland, grazing land, woodland, wildlife, riparian areas, and wetlands. Conservation districts work in partnership with agencies and organizations to coordinate technical, financial, and educational resources to promote conservation practices and technologies to assist people with properly managing natural resources. Funding comes from county and state allocations, with some districts generating funds by providing conservation goods and services. Conservation districts work closely with the NRCS who provide technical assistance, and most conservation district offices are co-located with NRCS offices.

Summary of Conservation District and Supervisor Powers

A conservation district organized under the provisions of K.S.A. 2-1901 et seq. and supervisors have the following powers, in addition to others granted in other sections of the Kansas Conservation Districts Law. Please refer to Appendix 1-D: Conservation Districts Law for the complete statute.

1. To conduct surveys, investigations and research. (K.S.A. 2-1908)
2. To conduct demonstrational projects within the district. (K.S.A. 2-1908)
3. To carry out erosion prevention and control measures within the district. (K.S.A. 2-1902 and 2-1908)
4. To cooperate with, and to furnish financial or other aid to land occupiers within the district. (K.S.A. 2-1908)
5. To acquire, manage and/or sell real or personal property. (K.S.A. 2-1908)

6. To make available agricultural and engineering machinery, equipment, fertilizer, seeds, etc. to land occupiers within the district. (K.S.A. 2-1908)
7. To develop comprehensive conservation plans and to bring them to the attention of land occupiers within the district. (K.S.A. 2-1908)
8. To own or manage soil and/or water conservation or related projects within the district or act as agent for other governmental agencies in acquiring such projects. (K.S.A. 2-1908)
9. To accept donations, gifts, and contributions, and to use in carrying on its operations. (K.S.A. 2-1908)
10. To sue and be sued. (K.S.A. 2-1908)
11. To make and execute contracts. (K.S.A. 2-1908)
12. To develop, amend and repeal rules and regulations. (K.S.A. 2-1908)
13. To require monetary or in-kind contributions as a condition for extending benefits under the Conservation Districts Law or the performance of work upon the lands and district. (K.S.A. 2-1908)
14. No provisions with respect to the acquisition, operation or disposition of property by other public bodies shall be applicable to a district unless the legislature shall specifically state. (K.S.A. 2-1908)
15. Shall not contract debts or obligations in the name of the district beyond current appropriations (K.S.A. 2-1908) except as provided in K.S.A. 10-116b which exempts certain agreements from the scope of the "Cash Basis Law."
16. To accept and expend funds donated to the district for purposes of providing at least 20% cost-share for the purchase of an eligible water right from the holder of the water right under the provisions of K.S.A. 2-1915, and amendments thereto. (K.S.A. 2-1908)
17. May cooperate with another district in the exercise of any and all powers listed within this section. (K.S.A. 2-1913)
18. To control invasive species within the district. (K.S.A. 2-1908)

Locally Led Conservation

Locally led conservation is based on the principle that local people make the best decisions for their own communities. Conservation districts governed and staffed by local people are the ideal facilitators for the locally led process. Districts are familiar with the land uses and needs in their communities, and they can build lasting relationships with their community stakeholders.

The natural resource needs of the local community, which may be a city, county, watershed, or multi-county region, are at the core of the locally led process. It involves the community in the assessment of those needs, as well as the solutions and priorities. The approach emphasizes voluntary, non-regulatory, incentive-based approaches before use of regulatory measures. Locally led is not a program; it is an

ongoing timeless approach that becomes a way of doing business, a way to effectively meet communities' needs and get the right kind of conservation on the ground where it is most needed.

“Locally led conservation is a grassroots effort to identify and resolve natural resource conservation concerns. It is essential in promoting and developing the stewardship ethic where people help each other in local communities to enhance and conserve those resources today for future generations,” according to Jack Majeres, National Association of Conservation Districts Secretary-Treasurer (2010).

Locally-led conservation involves taking steps so that the entire community is involved in both planning and implementation of natural resource projects. More information can be found in an article from the National Association of Conservation Districts (NACD): [www.nacdnet.org/resources/reports/locally_led\(spring10\).pdf](http://www.nacdnet.org/resources/reports/locally_led(spring10).pdf).

Local Work Groups

A local work group (LWG) convened by the local conservation district supports the locally led conservation effort. As of September 2010, the Local Work Groups (LWGs) are subcommittees to the State Technical Committee (STC) of the Natural Resources Conservation Service (NRCS). An STC is advisory in nature to the NRCS State Conservationist providing information, analysis, and recommendations on USDA activities and programs. Be sure to visit with the NRCS District Conservationist for more information.

LWGs can provide recommendations to the NRCS State Technical Committee on:

- Local and state resource concerns.
- Application and funding criteria.
- Eligible practices (including limits on funding or units).
- Payment percentage rates.
- Program policy based on resource data.

Kansas Association of Conservation Districts

The Kansas Association of Conservation Districts (KACD) was established in 1944 as the voice of the local conservation districts. KACD is a voluntary, nongovernmental, nonprofit, incorporated organization. KACD lobbies for the conservation of natural resources on behalf of Kansas conservation districts. Its members are the conservation districts located in the state's 105 counties. The KACD Board of Directors is composed of five elected members, each of whom represents one of five geographical areas of the state. An Executive Director manages the day-to-day administrative functions of the organization. KACD has nine standing committees. For more information, visit the KACD website: www.kacdnet.org.

Kansas Association of Conservation Districts Employees' Organization

The Kansas Association of Conservation Districts Employees' Organization (KACD-EO) is committed to working toward a professionally accepted and integrated work force dedicated to the cause of conservation. Some of the objectives of the KACD-EO include:

- To strengthen Kansas conservation district programs by providing assistance to any agency, association, organization, municipality, group, or individual who supports conservation.
- To provide assistance, information, and support to conservation districts and their employees and to their governing boards.
- To promote the professional development of conservation district employees.

The Executive Committee is made up of two elected representatives per KACD area plus one committee member selected by the general membership. Advisors include a representative from NRCS, DOC and KACD. The organization's publication, *YOU BOOK*, is a guidebook for Kansas Conservation District Employees. More information about KACD-EO may be found on the KACD website: www.kacdnet.org.

Information and Education

One of the most important responsibilities of conservation districts is to educate people of all ages about stewardship practices and the wise use of natural resources. Information and education are critical to the success of any conservation program. Informing and educating the public on environmental issues is critical to an informed citizenry. Education is a key component to fostering better management and protection of the natural resources.

Information and education, while related, have different objectives. Information provides issue specific awareness. Information efforts involve disseminating facts about new programs or technologies to various audiences. Landowners and operators need help to understand and apply conservation values and practices. The general public must be reached to help them understand their stake in conservation and contribute their financial, political, and volunteer support to district programs. Local, state, and federal legislators may need to be informed on conservation implications of issues they address. Information campaigns may involve meetings, district newsletters, letters, brochures, news releases, etc.

Education programs are more detailed efforts, which focus on training individuals in specific skills. Education provides knowledge, skills, and motivation. Educational activities that a conservation district may provide include school programs, workshops, tours, water festivals, public service announcements (PSAs), demonstrations, etc.

“Environmental education is a learning process that increases people's knowledge and awareness about the environment and associated challenges, develops the necessary skills and expertise to address the challenges, and fosters attitudes, motivations, and commitments to make informed decisions and take responsible action.” (United Nations Environmental, Scientific, and Cultural Organization, Tbilisi Declaration, 1978)

Two Kansas non-profit organizations that assist with educational efforts are:

- Kansas Association for Conservation and Environmental Education (KACEE), www.kacee.org.
- Kansas Foundation for Agriculture in the Classroom, www.ksagclassroom.org.

Additional information and education resources are available from:

- Kansas Association of Conservation Districts Conservation Education and Youth Committee, www.kacdnet.org (click on Committees, Conservation Education & Youth or Kansas Envirothon).
- Division of Conservation, Kansas Department of Agriculture, www.agriculture.ks.gov (select Divisions & Programs, Division of Conservation, and click on Conservation Education Resources).
- Kansas Natural Resources Conservation Service, www.ks.nrcs.usda.gov.
- National Association of Conservation Districts, www.nacdnet.org (click on District Resources or Stewardship & Education).

Partnerships

As conservation districts establish priorities and direct action on local natural resource concerns, they can accomplish more when they cooperate and partner with a variety of different groups, such as county governments, state and federal agencies, non-profit organizations, and other conservation districts. Many agencies and organizations have a strong interest in the same mission of conservation districts in conserving natural resources. Assistance can be set up formally through a “Cooperative Agreement” or a “Memorandum of Understanding”. Districts can also involve groups more informally by appointing their representatives as advisors or committee members. These relationships are important as conservation districts work to address natural resource concerns of local landowners. The following statement adapted from Pete Nowak sums it up well: “The function of the conservation district is to take available technical, financial, and educational resources, whatever their source, and focus or coordinate them so that they meet the needs of the local land user for conservation of soil, water, and related resources.”

Note: See Appendix 1-F: Cooperating Agencies and Organizations for a brief description of some common partners of conservation districts.

Kansas Conservation Partnership Agreements

The United States Department of Agriculture (USDA), Natural Resources Conservation Service (NRCS), State of Kansas, Division of Conservation (DOC), Kansas Association of Conservation Districts (KACD), and each conservation district have entered into agreements that establish partnerships to carry out common goals and objectives to conserve and develop the nation’s natural resources. These partnership agreements identify the roles and responsibilities of the respective organizations in the Kansas Conservation Partnership. The basis for cooperation is contained in three key documents jointly formulated and mutually agreed upon. These documents are summarized below:

- **Mutual Agreement** between the USDA, State of Kansas, and each conservation district establishes the framework for cooperation in the conservation of natural resources and the alliance for nondiscrimination. This was signed in May and June of 1996 by the USDA Secretary of Agriculture, Governor of the State of Kansas, and the chairperson of each conservation district.
- **Cooperative Working Agreement** between the NRCS, DOC, and KACD supplements the Mutual Agreement. It states how the partnership of NRCS, SCC & DOC, and the conservation districts will work together regarding the roles and responsibilities, personnel, technical standards, use of equipment, facilities, etc. It was signed in July 1996 by the NRCS State Conservationist, State Conservation Commission Executive Director, and the KACD President representing the 105 conservation districts.
- **Memorandum of Understanding and Cooperative Agreement** between the NRCS and each conservation district are companion agreements designed to supplement the Cooperative Working Agreement. These two joint agreements compliment and clarify the specific roles and responsibilities of NRCS and the conservation district. They address the assistance one party receives from the other, program delivery, technical standards, facilities, equipment, and compliance with the Civil Rights Act. This should be reviewed every year and modified as needed. It is normally signed by the District Conservationist, Assistant State Conservationist, conservation district chairperson, and the State Conservationist.

Appendix 1-B: SCC Commissioners and DOC Staff

State Conservation Commission

Elected Commissioners

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Chairperson

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Hakim Saadi, Watershed Program Manager
Vacant, Surface Mined Land Reclamation Program Manager

Email convention for DOC Staff: *first name.last name@ks.gov* (e.g., Andrew.lyon@ks.gov)

Appendix 1-C: DOC Contact List

Division of Conservation Contact List

Division of Conservation, Kansas Department of Agriculture
 1320 Research Park Drive, Manhattan, Kansas 66502
 Telephone: 785.564.6620
 Fax: 785.564.6778
www.agriculture.ks.gov

The DOC welcomes and encourages your questions. The following list contains the contact people for various agency programs, policy, administrative and general questions. Regular office hours are 8 a.m. to 4:30 p.m., Monday through Friday.

Name	Position	Phone
Andrew Lyon	Executive Director	785-564-6621
Steve Frost	Assistant Director / Water Conservation Programs Manager	785-564-6622
Christy Koelzer	Administrative Specialist / Program Manager	785-564-6626
David Jones	Water Quality Program Manager	785-564-6623
Hakim Saadi	Watershed Programs Manager (Topeka Forbes Field Office)	785-291-3099
Kristin Kloft	Riparian & Wetland Program Manager	785-564-6624
Marsha Setzkorn-Meyer	Conservation District Program Coordinator, Resource Planner	785-564-6625
Cathy Thompson	CSIMS Program Consultant	785-564-6619

TOPIC	PRIMARY CONTACT	SECONDARY CONTACT
LEGISLATIVE		
<i>KDA Liaison</i> - legislative issues and legislative appropriations for agency programs, Federal and State agency interaction, Natural Resources policy issues.	Andrew Lyon	Steve Frost
CONSERVATION DISTRICT ADMINISTRATION		
Laws, guidelines, budgets, audits, financial management, personnel management, and Conservation District handbook.	Steve Frost	Marsha Setzkorn-Meyer
Minutes, board meetings, annual reports, and annual work plans.	Marsha Setzkorn-Meyer	Christy Koelzer Cathy Thompson
<i>Reviews and training:</i> office review, cost-share review, District Manager training.	Marsha Setzkorn-Meyer	Dave Jones
Matching funds, including procedures for collection and status or requests for payment.	Cathy Thompson	Steve Frost

Supervisor elections, resignations, results of elections, Oath of Office, deceased supervisors, and Annual Meetings.	Christy Koelzer	Cathy Thompson
<i>Information updates:</i> Website, social media, personnel and supervisor information updates.	Christy Koelzer	Cathy Thompson
Cost-share processing (<i>Non-Point Source Pollution Control Program {NPSPCP}</i> and <i>Water Resources Cost-Share Program {WRCSP}</i>): inquiries regarding District programs, county allocations, applications, amendments, cancellations, payments, cancellation of uncommitted funds, reallocations, landowner information, and encumbered year cost-share contracts.	Cathy Thompson	Dave Jones
<i>Policy</i> regarding eligible practices, average costs, maintenance agreements, TMDL implementation, special provisions, and all other program policies and procedures regarding the NPSPCP and WRCSP.	Dave Jones	Marsha Setzkorn-Meyer Cathy Thompson
CONSERVATION TECHNICIAN		
Technical assistance, contract procedures, fund disbursement, and NPS-5 questions.	Steve Frost	Dave Jones
Personnel training activities, No-Till and soil health.	Dave Jones	Steve Frost
RIPARIAN, WETLANDS & STREAMBANK PROTECTION PROGRAMS		
<i>Riparian and Wetlands Protection Program (RWPP):</i> policy and procedures concerning technical issues, cost-share processing and financial questions.	Kristin Kloft	Steve Frost Dave Jones
<i>Streambank Protection Program (SbPP):</i> policy and procedures concerning technical issues, cost-share processing and financial questions.	Kristin Kloft	Steve Frost Dave Jones
SEDIMENT & NUTRIENT REDUCTION INITIATIVE (Formerly Buffer Initiative)		
<i>Kansas Water Quality Buffer Initiative:</i> Policy and procedures regarding eligible areas, eligible practices, enrollment process, and other inquiries.	Steve Frost	Dave Jones

WATER CONSERVATION, WTAP, CREP		
Water Conservation; <u>Water Right Transition Assistance Program (WTAP); Conservation Reserve Enhancement Program (CREP).</u>	Steve Frost	Dave Jones
LAND RECLAMATION & AG LIME		
Land Reclamation and Agriculture Lime Administration.	Christy Koelzer	Steve Frost
FLOOD CONTROL & LAKES PROGRAM		
<u>Watershed Dam Construction Program (WDCP):</u> Cost-share assistance for the construction of new flood detention dams, rehabilitation and inundation mapping. <u>Watershed Districts:</u> Statutes, regulations, guidelines, financial reports, minutes, Handbook, Operation and Maintenance inspections.	Hakim Saadi, P.E.	Andrew Lyon
<u>Water Supply Restoration Program (WSRP) and the Multipurpose Small Lakes Program (MPSLP):</u> Statutes, regulations, and applications for cost-share assistance.	Hakim Saadi, P.E.	Andrew Lyon

Appendix 1-D: Conservation Districts Law

Executive Reorganization Order 74-5

74-5,126. Powers, duties and functions of conservation commission transferred to department of agriculture; appointment of executive director. (a) On the effective date of K.S.A. 2013 Supp. 74-5,112 through 74- 5,132, and amendments thereto, the division of conservation is hereby established within the Kansas department of agriculture. The division of conservation shall be a continuation of the state conservation commission and the executive director of conservation shall be a continuation of the executive director of the state conservation commission. The division shall be administered under the supervision of the secretary of agriculture by the executive director of the division of conservation, who shall be the chief administrative officer of the division. The executive director of the division of conservation shall be jointly appointed by the secretary of agriculture and the state conservation commission and shall serve at the pleasure of the secretary and the state conservation commission. The executive director of the division of conservation shall be in the unclassified service under the Kansas civil service act and shall receive an annual salary fixed by the secretary of agriculture, with the approval of the governor. (b) All of the powers, duties and functions of the existing state conservation commission and the existing executive director of the state conservation commission are hereby transferred to and imposed upon the conservation division of the Kansas department of agriculture and the executive director of the conservation division, respectively.

Article 19.-CONSERVATION DISTRICTS

2-1901. Title to act; "soil conservation district" defined. This act may be known and cited as the conservation districts law. All soil conservation districts now formed and hereafter formed shall be conservation districts, and wherever in the name of such districts the words, "soil conservation district" appears the same is hereby changed to "conservation district." Whenever in the statutes of this state the term "soil conservation district" shall appear, the reference shall be deemed to be "conservation district."

2-1902. Legislative determination. It is hereby declared, as a matter of legislative determination:

A. *The condition.* That the farm and grazing lands of the state of Kansas are among the basic assets of the state and that the preservation of these lands is necessary to protect and promote the health, safety, and general welfare of its people; that improper land-use practices have caused and have contributed to, and are now causing and contributing to, a progressively more serious erosion of the farm and grazing lands of this state by wind and water; that the breaking of natural grass, plant, and forest cover have interfered with the natural factors of soil stabilization, causing loosening of soil and exhaustion of humus, and developing a soil condition that favors erosion; that the topsoil is being blown and washed out of fields and pastures; that there has been an accelerated washing of sloping fields; that these processes of erosion by wind and water speed up with removal of absorptive topsoil, causing exposure of less absorptive and less protective but more erosive subsoil; that failure by any land occupier to conserve the soil and control erosion upon said person's lands causes a washing and blowing of soil and water from said person's lands onto other lands and makes the conservation of soil, control of erosion, prevention of floods and management, control and protection of water and water quality on such other lands difficult or impossible.

B. *The consequences.* That the consequences of such soil erosion in the form of soil-blowing and soil-washing are the silting and sedimentation of stream channels, reservoirs, dams, ditches, and harbors; the loss of fertile soil material in dust storms; the piling up of soil on lower slopes, and its deposit over alluvial plains; the reduction in productivity or outright ruin of rich bottom lands by over wash of poor subsoil material, sand, and gravel swept out of the hills; deterioration of soil and its fertility, deterioration of crops grown thereon, and declining acre yields despite development of scientific processes for increasing such yields; loss of soil and water, which causes destruction of food and cover for wild life; a blowing and washing of soil into streams which silts over spawning beds, and destroys water plants, diminishing the food supply of fish; a diminishing of the underground water reserve, which causes water shortages, intensified periods of drought, and causes crop failures; an increase in the speed and volume of rainfall runoff, causing severe and increasing floods, which bring suffering, disease, and death;

Appendix 1-D: Conservation Districts Law (continued)

impoverishment of families attempting to farm eroding and eroded lands; damage to roads, highways, railways, farm buildings, and other property from floods and from dust storms; and losses in navigation, hydroelectric power; municipal water supply, irrigation developments, farming, and grazing.

C. *The appropriate corrective methods.* That to conserve soil resources and control and prevent soil erosion and reduce flood damages and to provide for the conservation, development, utilization and disposal of water, it is necessary that land-use practices contributing to soil wastage and soil erosion be discouraged and discontinued, and appropriate soil-conserving land-use practices and structural works of improvement be adopted and carried out; that among the procedures necessary for widespread adoption, are the carrying on of engineering operations such as the construction of terraces, terrace outlets, check-dams, dikes, ponds, ditches, detention dams, grade stabilization structures, channel improvements, floodways, water resource developments and the like; the utilization of strip cropping; lister furrowing, contour cultivating, and contour furrowing; land irrigation; seeding and planting of waste, sloping, abandoned, or eroded lands to water-conserving and erosion-preventing plants, trees, and grasses; forestation and reforestation; rotation of crops; soil stabilization with trees, grasses, legumes, and other thick-growing soil-holding crops, retardation of runoff by increasing absorption of rainfall; and retirement from cultivation of steep, highly erosive areas and areas now badly gullied or otherwise eroded.

D. *Declaration of policy.* It is hereby declared to be the policy of the legislature to provide for the conservation, use and development of the soil and water resources of this state, and for the control and prevention of soil erosion, flood damages and injury to the quality of water, and thereby to preserve natural resources, control floods, prevent impairment of dams and reservoirs, assist in maintaining the navigability of rivers and harbors, preserve wild life, protect the tax base, protect public lands, and protect and promote the health, safety, and general welfare of the people of this state.

2-1903. Definitions. As used in this act:

(1) “District” or “conservation district” means a governmental subdivision of this state, and a public body corporate and politic, organized in accordance with the provisions of this act, for the purposes, with the powers, and subject to the restrictions hereinafter set forth.

(2) “Supervisor” means one of the members of the governing body of a district, elected or appointed in accordance with the provisions of this act.

(3) “Commission” means the conservation program policy board created in K.S.A. 2-1904, and amendments thereto, including the state conservation commission continued in existence by K.S.A. 74-5,128, and amendments thereto.

(4) “State” means the state of Kansas.

(5) “Agency of this state” includes the government of this state and any subdivision, agency or instrumentality, corporation or otherwise, of the government of this state.

(6) “United States” or “agencies of the United States” includes the United States of America, the natural resources conservation service of the United States department of agriculture and any other agency or instrumentality, corporate or otherwise, of the United States of America.

(7) “Government” or “governmental” includes the government of this state, the government of the United States and any subdivision, agency or instrumentality, corporate or otherwise, of either of them.

(8) “Division” means the division of conservation established within the Kansas department of agriculture in K.S.A. 74-5,126, and amendments thereto.

(9) “Director” means the executive director of the division.

(10) “Invasive plant species” means a species of plant not native to Kansas whose introduction, presence or spread does or is likely to cause economic harm, environmental harm or harm to human health.

(11) “Secretary” means the secretary of the Kansas department of agriculture

Appendix 1-D: Conservation Districts Law (continued)

2-1904. State conservation commission; members; terms; records; seal; powers and duties; rules and regulations; compensation and expenses; employees; office and supplies. (a) There is hereby established, to serve as a conservation program policy board of the state and to perform the functions conferred upon it in this act, the state conservation commission. The state conservation commission shall succeed to all the powers, duties and property of the state soil conservation committee. The commission shall consist of nine members as follows:

(1) The dean of the Kansas state university college of agriculture located at Manhattan, Kansas shall appoint two designees to serve on the commission as members. One designee shall represent an agricultural experiment station and one shall represent the cooperative extension service.

(2) The secretary shall request the secretary of agriculture of the United States of America to appoint one person, and the secretary shall appoint one person, each of whom shall be residents of the state of Kansas to serve as members of the commission. These members shall hold office for four years and until a successor is appointed and qualifies, with terms commencing on the second Monday in January beginning in 1973.

(3) Five members of the commission shall be elected by the conservation district supervisors at a time and place to be designated by the commission. The method of electing such members to be conducted as follows: The state is to be divided into five separate areas. Area No. I to include the following counties: Cheyenne, Rawlins, Decatur, Norton, Phillips, Smith, Osborne, Rooks, Graham, Sheridan, Thomas, Sherman, Wallace, Logan, Gove, Trego, Ellis and Russell. Area No. II to include: Greeley, Wichita, Scott, Lane, Ness, Rush, Pawnee, Hodgeman, Finney, Kearny, Hamilton, Edwards, Ford, Gray, Haskell, Grant, Stanton, Morton, Stevens, Seward, Meade, Clark, Comanche and Kiowa. Area No. III to include: Jewell, Republic, Mitchell, Cloud, Lincoln, Ottawa, Ellsworth, Saline, Rice, McPherson, Reno, Harvey, Kingman, Sedgwick, Sumner, Harper, Barber, Pratt, Barton and Stafford. Area No. IV to include: Washington, Marshall, Nemaha, Brown, Doniphan, Clay, Riley, Pottawatomie, Jackson, Atchison, Jefferson, Leavenworth, Wyandotte, Johnson, Douglas, Shawnee, Wabaunsee, Geary, Dickinson, Morris, Osage, Franklin and Miami. Area No. V to include: Marion, Chase, Lyon, Coffey, Anderson, Linn, Bourbon, Allen, Woodson, Greenwood, Butler, Elk, Wilson, Neosho, Crawford, Cowley, Chautauqua, Montgomery, Labette and Cherokee. Areas II and IV shall elect members in even-numbered years and Areas I, III and V shall elect members in odd numbered years for two-year terms. The elected commission members from Areas I, III and V shall take office on January 1 of the even-numbered years. The remaining two elected members of the state commission from Areas II and IV shall take office on January 1 of the odd-numbered years. The method of election is to be by area caucus of the district supervisors of each of the five separate areas of Kansas. The commission shall give each district notice of the time and place of such annual election meeting by letter if a member is to be elected to the commission from that area that year. The selection of a successor to fill an unexpired term shall be by appointment by the commission. The successor who is appointed to fill the unexpired term shall be a resident of the same area as that of the predecessor.

(b) The commission shall keep a record of its official actions and shall review all rules and regulations proposed by the division that are necessary for the execution of its the division's functions under this act. 5

(c) In addition to the powers and duties conferred in this section, the commission shall have the powers and duties not delegated to the division pursuant to K.S.A. 74-5,126, and amendments thereto.

(d) The commission shall designate its chairperson and, from time to time, may change such designation. A majority of the commission shall constitute a quorum, and the concurrence of a majority in any matter within their duties shall be required for its determination. Members of the commission attending meetings of such commission or attending a subcommittee meeting thereof authorized by such commission shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223, and amendments thereto. The commission shall provide for keeping of a full and accurate record of all proceedings and of all resolutions, rules and regulations and orders issued or adopted.

(e) The commission together with the division shall make conservation program policy decisions to be approved by the secretary, including modification of current conservation programs, creation of new conservation programs and annual budget recommendations.

(f) The division in consultation with the commission shall have the following duties and powers:

(1) To offer such assistance as may be appropriate to the supervisors of conservation districts, organized as provided hereinafter, in the carrying out of any of their powers and programs;

(2) to keep the supervisors of each of the several districts organized under the provisions of this act informed of the activities and experience of all other districts organized hereunder and to facilitate an interchange of advice and experience between such districts and cooperation between them;

(3) to coordinate the programs of the several conservation districts organized hereunder;

(4) to secure the cooperation and assistance of the United States and any of its agencies and of agencies of this state, in the work of such districts and to contract with or to accept donations, grants, gifts and contributions in money, services or otherwise from the United States or any of its agencies or from the state or any of its agencies in order to carry out the purposes of this act;

(5) to disseminate information throughout the state concerning the activities and programs of the conservation districts organized hereunder and to encourage the formation of such districts in areas where their organization is desirable;

(6) to cooperate with and give assistance to watershed districts and other special purpose districts in the state of Kansas for the purpose of cooperating with the United States through the secretary of agriculture in the furtherance of conservation pursuant to the provisions of the watershed protection and flood prevention act, as amended;

(7) to cooperate in and carry out, in accordance with state policies, activities and programs to conserve and develop the water resources of the state and maintain and improve the quality of such water resources;

(8) to enlist the cooperation and collaboration of state, federal, regional, interstate, local, public and private agencies with the conservation districts;

(9) to facilitate arrangements under which conservation districts may serve county governing bodies and other agencies as their local operating agencies in the administration of any activity concerned with the conservation of natural resources; and

(10) to take such actions as are necessary to restore, establish, enhance and protect natural resources with conservation easements for the purpose of compensatory mitigation required under section 404 of the federal clean water act, including:

(A) Accepting, purchasing or otherwise acquiring conservation easements, as defined in K.S.A. 58-3810, and amendments thereto, on behalf of watershed districts for the purpose of protecting compensatory mitigation sites;

(B) contracting with engineering consultants, surveyors and construction contractors for the purpose of restoration, establishment and enhancement of natural resources; and

(C) establishing fees for the acquisition and administration of conservation easements held on behalf of watershed districts, accepting such fees from state and local government agencies, and assuming responsibility to ensure the terms of the conservation easement are met, as approved by the department, for the length of term of the easement for which fees have been accepted.

(g) There is hereby established in the state treasury the compensatory mitigation fund to be administered by the department of agriculture. All expenditures from the compensatory mitigation fund shall be for conservation. All expenditures from the compensatory mitigation fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of agriculture or the designee of the secretary. The secretary of agriculture shall remit all moneys received by or for the secretary under this section to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the compensatory mitigation fund.

(h) All costs associated with compensatory mitigation, including, but not limited to, the costs of any litigation or civil fines or penalties, shall be paid by the watershed district for which the division holds the conservation easement.

(i)(1) Except as provided in paragraph (2), the Kansas department of agriculture shall not expend moneys appropriated from the state general fund or from any special revenue fund or funds for the purpose of accepting, purchasing or otherwise acquiring conservation easements on behalf of watershed districts.

(2) The Kansas department of agriculture may expend moneys in the compensatory mitigation fund established by this section for the purpose of accepting, purchasing or otherwise acquiring conservation easements on behalf of watershed districts and for the administration of such conservation easements.

(j) The division shall not accept, purchase or otherwise acquire any conservation easement other than for the purposes of this section

Appendix 1-D: Conservation Districts Law (continued)

2-1907. Supervisors; qualifications; terms; meetings; vacancies; chairperson; quorum; expenses; employees; powers and duties; bonds for employees; records; removal of supervisor. The governing body of the district shall consist of five supervisors who are qualified electors residing within the district. The supervisors who are first elected shall serve for terms of one, two and three years according to the following plan: The two persons receiving the highest number of votes in the election shall hold office for three years; the two persons receiving the next highest number of votes shall hold such office for a term of two years; and the remaining supervisor shall hold office for a term of one year. In the event of a tie vote, such terms shall be decided by lot. Nothing in this section shall be construed as affecting the length of the term of supervisors holding office on January 1, 1995. Successors to such persons shall be elected for terms of three years. An annual meeting of all qualified electors of the district shall be held in the month of January or February. Notice of the time and place of such meeting shall be given by such supervisors by publishing a notice in the official county paper once each week for two consecutive weeks prior to the week in which such meeting is to be held. At such meeting the supervisors shall make full and due report of their activities and financial affairs since the last annual meeting and shall conduct an election by secret ballot of all of the qualified electors of the district there present for the election of supervisors whose terms have expired. Whenever a vacancy occurs in the membership of the governing body the remaining supervisors of the district shall appoint a qualified elector of the district to fill the office for the unexpired term. The supervisors shall designate a chairperson and may from time to time change such designation. A supervisor shall hold office until a successor has been elected or appointed and has qualified. A majority of the supervisors shall constitute a quorum and the concurrence of a majority of the supervisors in any matter within their duties shall be required for its determination. A supervisor shall receive no compensation for services, but may be entitled to expenses, including traveling expenses, necessarily incurred in the discharge of duties. The supervisors may employ a secretary, technical experts, and such other officers, agents, and employees, permanent and temporary, as they may require, and shall determine their qualifications, duties and compensation. The supervisors may call upon the county attorney of the county in which a major portion of the district lies, or the attorney general for such legal services as they may require. The supervisors may delegate to their chairperson, to one or more supervisors, or to one or more agents, or employees such powers and duties as they may deem proper. The supervisors shall furnish to the division, upon request, copies of such rules, regulations, orders, contracts, forms, and other documents as they shall adopt or employ, and such other information concerning their activities as it may require in the performance of its duties under this act. The supervisors shall provide for the execution of surety bonds for all employees and officers who shall be entrusted with funds or property; shall provide for the keeping of a full and accurate record of all proceedings and of all resolutions, regulations, and orders issued or adopted; and shall provide for an annual audit of the accounts and receipts and disbursements. Any supervisor may be removed by the secretary in consultation with the commission upon notice and hearing in accordance with the provisions of the Kansas administrative procedure act, for neglect of duty or malfeasance in office, but for no other reason. The supervisors may invite the legislative body of any municipality or county located near the territory comprised within the district to designate a representative to advise and consult with the supervisors of the district on all questions of program and policy that may affect the property, water supply, or other interests of such municipality or county.

2-1907b. Finance of operation of conservation district; moneys from county general fund; tax levies; use of moneys. The board of county commissioners, upon request of the board of supervisors of the conservation district, may pay to the district moneys from the county general fund for the supervisors to carry out their duties under this act. In addition to moneys from the county general fund, the board of county commissioners may levy an annual tax against the taxable tangible property within the district, not to exceed 2 mills or \$55,000 whichever is less, to provide additional moneys for the operation of the conservation district.

Appendix 1-D: Conservation Districts Law (continued)

The levy shall be sufficient to pay a portion of the principal and interest on bonds issued under the authority of K.S.A. 12-1774, and amendments thereto, by cities located in the county, which levy may be in addition to all other tax levies authorized by law and not subject to or within any tax levy limit or aggregate tax levy limit prescribed by law. Funds appropriated or allocated under the provisions of this section and K.S.A. 2-1907c, and amendments thereto, shall be used to carry out the activities and functions of the district including cost of travel and expenses of supervisors and employees of the district, educational materials, conservation awards, annual meeting expenses, excluding meals, and membership dues to conservation related organizations. Such funds shall not be used for prizes, or incentives for achievements or attendance at meetings or for travel or expenses for anyone other than supervisors and employees of the district.

2-1907c. Same; amount of moneys provided by county, certification to state; state financial assistance; budget request, limitation; disbursement and distribution. On or before September 1 of each year, each conservation district shall submit to the division a certification of the amount of money to be furnished by the county commissioners for conservation district activities for the ensuing calendar year. Such amount shall be the same as authorized for such purposes in each approved county budget. For the purpose of providing state financial assistance to conservation districts, the division in the regular budget request, as a line item for the forthcoming fiscal year, shall submit a special request for an amount equal to the sum of the allocations of each county to each conservation district, but in no event to exceed the sum of \$25,000 per district. This \$25,000 limitation shall be applicable for fiscal year 2008, and thereafter, subject to appropriations therefor. The Kansas department of agriculture division of conservation, as soon as practicable after July 1 of the following year, shall disburse such moneys as may be appropriated by the state for this purpose to each conservation district to match funds allocated by the commissioners of each county. Distribution shall be prorated in proportion to county allocations in the event that appropriations are insufficient for complete matching of funds. Municipal accounting procedures shall be used in the distribution of and in the expenditure of all funds.

2-1908. Conservation districts; powers. A conservation district organized under the provisions of K.S.A. 2-1901 et seq., and amendments thereto, shall constitute a governmental subdivision of this state, and a public body corporate and politic, exercising public powers, and such district, and the supervisors thereof, shall have the following powers, in addition to others granted in other sections of this act:

(a) To conduct surveys, investigations, and research relating to the character of soil erosion, soil and grassland health, flood damage, water quality and the preventive and control measures needed, to publish the results of such surveys, investigations, or research, and to disseminate information concerning such preventive and control measures. In order to avoid duplication of research activities, no district shall initiate any research program except in cooperation with the government of this state or any of its agencies, or with the United States or any of its agencies;

(b) to conduct demonstrational projects within the district on lands, owned or controlled by this state or any of its agencies, with the cooperation of the agency administering and having jurisdiction thereof, and on any other lands within the district upon obtaining the consent of the occupier of such lands or the necessary rights or interests in such lands, in order to demonstrate by example the means, methods, and measures by which soil and soil resources may be conserved, and soil erosion in the form of soil blowing and soil washing may be prevented and controlled; and to demonstrate by example, the means, methods, and measures by which water and water resources may be conserved, developed, used and disposed of to alleviate drought, to maintain and improve water quality and to reduce flooding and impaired drainage;

(c) to carry out preventive and control measures within the district including, but not limited to, engineering operations, methods of cultivation, the growing of vegetation, changes in use of land, and the measures listed in subsection C of K.S.A. 2-1902, and amendments thereto, on lands owned or controlled by this state or any of its agencies, with the cooperation of the agency administering and having jurisdiction thereof, and on any other lands within the district upon obtaining the consent of the occupier of such lands or the necessary rights or interests in such lands;

Appendix 1-D: Conservation Districts Law (continued)

(d) to cooperate, or enter into agreements with, and within the limitations of appropriations duly made available to it by law, to furnish financial or other aid to, any agency, governmental or otherwise, or any occupier of lands within the district, in the carrying on of erosion-control flood prevention, soil and grassland health initiatives, water quality and water management operations within the district, subject to such conditions as the supervisors may deem necessary to advance the purposes of this act;

(e) to obtain options upon and to acquire, by purchase, exchange, lease, gift, grant, bequest, devise, or otherwise, any property, real or personal, or rights or interest therein; to maintain, administer, and improve any properties acquired, to receive income from such properties and to expend such income in carrying out the purposes and provisions of this act; and to sell, lease, or otherwise dispose of any of its property or interests therein in furtherance of the purposes and the provisions of this act;

(f) to make available, on such terms as it shall prescribe, to land occupiers within the district, agricultural and engineering machinery and equipment, fertilizer, seeds, and seedlings, and such other material or equipment, as will assist such land occupiers to carry on operations upon their lands for the conservation of soil resources, soil and grassland health, protection of water quality and for the prevention and control of soil erosion;

(g) to develop comprehensive plans for the conservation of soil and water resources and for the control and prevention of soil erosion, flood damages, impaired drainage, the effects of drought within the district and the maintenance and improvement of water quality, with such plans specifying in such detail as may be possible, the acts, procedures, performances, and avoidances that are necessary or desirable for the effectuation of such plans, including the specification of engineering operations, methods of cultivation, the growing of vegetation, cropping programs, tillage practices, and changes in use of land, and to publish such plans and information and bring them to the attention of occupiers of lands within the district;

(h) to take over, by purchase, lease, gift or donation, and to administer, any soil-conservation, erosion-control, soil and grassland health, erosion-prevention, flood prevention, water quality or water management project located within its boundaries undertaken by the United States or any of its agencies, or by this state or any of its agencies subject to the authority of the authorizing state or federal agency; to manage, as agent of the United States or any of its agencies, or of this state or any of its agencies, any soil-conservation, erosion-control, or erosion-prevention, flood prevention or water management project within its boundaries; to act for the district or as agent for the United States, or any of its agencies, or for this state or any of its agencies, in connection with the acquisition, construction, operation, maintenance, or administration of any soil-conservation, erosion-control, soil and grassland health, erosion-prevention, flood prevention, water quality or water management project within its boundaries; to accept donations, gifts and contributions in money, services, materials or otherwise, from the United States or any of its agencies, or from this state or any of its agencies, and from persons, firms, corporations or associations, and to use or expend such moneys, services, materials or other contributions in carrying on its operations;

(i) to sue and be sued in the name of the district; to have a seal, which seal shall be judicially noticed; to have perpetual succession unless terminated as hereinafter provided; to make and execute contracts and other instruments, necessary or convenient to the exercise of its powers; to make, and from time to time amend and repeal, rules and regulations not inconsistent with this act, to carry into effect its purposes and powers;

(j) as a condition to the extending of any benefits under this act, to or the performance of work upon, any lands not owned or controlled by this state or any of its agencies, the supervisors may require contributions in money, services, materials, or otherwise to any operations conferring such benefits, and may require land occupiers to enter into and perform such agreements or covenants as to the permanent use of such lands as will tend to prevent or control erosion thereon;

(k) no provisions with respect to the acquisition, operation or disposition of property by other public bodies shall be applicable to a district organized hereunder unless the legislature shall specifically so state; 9

(l) the supervisors of any district shall not contract debts or obligations in the name of the district beyond the current appropriation made available to the district by the division or federal grants or other financial sources;

(m) to accept and expend funds donated to the district for purposes of providing at least 20% cost-share for the purchase of an eligible water right from the holder of the water right under the provisions of K.S.A. 2-1915, and amendments thereto; and

(n) to control invasive species within the district.

Appendix 1-D: Conservation Districts Law (continued)

2-1914. Publicly owned lands. Agencies of this state [which] shall have jurisdiction over, or be charged with the administration of, any state-owned lands, and of any county, or other governmental subdivision of the state, which shall have jurisdiction over, or be charged with the administration of, any county-owned or other publicly owned lands, lying within the boundaries of any district organized hereunder, shall cooperate to the fullest extent with the supervisors of such districts in the effectuation of programs and operations undertaken by the supervisors under the provisions of this act. The supervisors of such districts shall be given free access to enter and perform work upon such publicly owned lands. The provisions of land-use regulations adopted pursuant to K.S.A. 2-1909 shall have the force and effect of law over all such publicly owned lands, and shall be in all respects observed by the agencies administering such lands.

2-1915. Conservation structures and practices, grants; riparian and wetland protection programs; return of water right, cost-share grants; water quality buffers, grants, valuation of land. (a) (1) Appropriations may be made for grants out of funds in the treasury of this state for:

(A) Terraces, terrace outlets, check dams, dikes, ponds, ditches, critical area planting, grassed waterways, irrigation technology, precision land forming, range seeding, soil and grassland health, detention and grade stabilization structures and other enduring water conservation and water quality practices installed on public lands and on privately owned lands; and,

(B) the control of invasive species on public lands and on privately owned lands.

(2) Except as provided by the multipurpose small lakes program act and other programs approved by the secretary, any such grant shall not exceed 80% of the total cost of any such practice.

(b) A program for protection of riparian and wetland areas shall be developed by the division and implemented by the conservation districts. The conservation districts shall prepare district programs to address resource management concerns of water quality, erosion and sediment control and wildlife habitat as part of the conservation district long-range and annual work plans. Preparation and implementation of conservation district programs shall be accomplished with assistance from appropriate state and federal agencies involved in resource management.

(c) Subject to the provisions of K.S.A. 2-1919, and amendments thereto, any holder of a water right, as defined by K.S.A. 82a-701(g), and amendments thereto, who is willing to voluntarily return all or a part of the water right to the state shall be eligible for a grant not to exceed 80% of the total cost of the purchase price for such water right. The division shall administer this cost-share program with funds appropriated by the legislature for such purpose. The chief engineer shall certify to the division that any water right for which application for cost-share is received under this section is eligible in accordance with the criteria established in K.S.A. 2-1919, and amendments thereto.

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(d) (1) Subject to appropriation acts therefor, the division shall develop the Kansas water quality buffer initiative for the purpose of restoring riparian areas using best management practices. The director shall ensure that the initiative is complementary to the federal conservation reserve program and update any applicable standards from time to time as necessary for the continued success of the program.

(2) There is hereby created in the state treasury the Kansas water quality buffer initiative fund. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the director or the director's designee. Moneys credited to the fund shall be used for the purpose of making grants to install water quality best management practices pursuant to the initiative.

(3) The county or district appraiser shall identify and map riparian buffers consisting of at least one contiguous acre per parcel of real property located in the appraiser's county. Notwithstanding any other provisions of law, riparian buffers shall be valued by the county or district appraiser as tame grass land, native grass land or waste land, as appropriate. As used in this paragraph, "riparian buffer" means an area of stream-side vegetation that:

(A) Consists of tame or native grass and may include forbs and woody plants;

(B) is located along a perennial or intermittent stream, including the stream bank and adjoining floodplain; and

(C) is a minimum of 66 feet wide and a maximum of 180 feet wide. (e) The division, with the approval of the secretary, shall adopt rules and regulations to administer such grant and protection programs. Prior to submission of any proposed rules and regulations of the division to the director of the budget, the secretary of administration and the attorney general in accordance with the rules and regulations filing act, K.S.A. 77-415 et seq., and amendments thereto:

Appendix 1-D: Conservation Districts Law (continued)

(1) The director shall submit such proposed rules and regulations to the commission; and

(2) the commission shall review and make recommendations to the director and the secretary regarding such proposed rules and regulations.

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

2-1916. Petition for discontinuance of district; hearings; election; publication of result; certificate of dissolution. At any time after five years after the organization of a district under the provisions of this act, 10% of the occupiers of land lying within the boundaries of such district may file a petition with the division praying that the operations of the district be terminated, and the existence of the district discontinued. The division may conduct such public meetings and public hearings upon such petition as may be necessary to assist it in the consideration thereof. Within 60 days after such a petition has been received by the division, the division shall give due notice of the holding of a referendum, and shall supervise such referendum, and issue appropriate regulations governing the conduct thereof, the question to be submitted by ballots upon which the words “For terminating the existence of the _____ (name of the soil conservation district to be here inserted)” and “against terminating the existence of the _____ (name of the soil conservation district to be here inserted)” shall be printed, with a square before each proposition and a direction to insert an × mark in the square before one or the other of said propositions as the voter may favor or oppose discontinuance of such district. All occupiers of lands lying within the boundaries of the district shall be eligible to vote in such referendum. Only such land occupiers shall be eligible to vote. No informalities in the conduct of such referendum or in any matters relating thereto shall invalidate said referendum or the result thereof if notice thereof shall have been given substantially as herein provided and said referendum shall have been fairly conducted. The division shall publish the result of such referendum and shall thereafter consider and determine whether the continued operation of the district within the defined boundaries is administratively practicable and feasible. If the division shall determine that the continued operation of such district is administratively practicable and feasible, it shall record such determination and deny the petition. If the division shall determine that the continued operation of such district is not administratively practicable and feasible, it shall record such determination and shall certify such determination to the supervisors of the district. In making such determination, the division shall give due regard and weight to the attitudes of the occupiers of lands lying within the district, the number of land occupiers eligible to vote in such referendum who shall have voted, the proportion of the votes in such referendum in favor of the discontinuance of the district to the total number of votes cast, the approximate wealth and income of the land occupiers of the district, the probable expense of carrying on erosion control operations within such district, and such other economic and social factors as may be relevant to such determination, having due regard to the legislative 11 findings set forth in K.S.A. 2-1902, and amendments thereto, except that the division shall not have authority to determine that the continued operation of the district is administratively practicable and feasible unless a majority of the votes cast in the referendum shall have been cast in favor of the continuance of such district. Upon receipt from the division of certification that the division has determined that the continued operation of the district is not administratively practicable and feasible, pursuant to the provisions of this section, the supervisors shall immediately proceed to terminate the affairs of the district. The supervisors shall dispose of all property belonging to the district at public auction and shall pay over the proceeds of such sale to be covered into the state treasury. The supervisors shall thereupon file an application, duly verified, with the secretary of state for the discontinuance of such district and shall transmit with such application the certificate of the division setting forth the determination of the division that the continued operation of such district is not administratively practicable and feasible. The application shall recite that the property of the district has been disposed of and the proceeds paid over as in this section provided, and shall set forth a full accounting of such properties and proceeds of the sale. The secretary of state shall issue to the supervisors a certificate of dissolution and shall record such certificate in an appropriate book of record in the secretary of state’s office. Upon issuance of a certificate of dissolution under the provisions of this section, all ordinances and regulations adopted and in force within such districts shall be of no further force and effect. All contracts, to which the district or supervisors are parties, shall remain in force and effect for the period provided in such contracts. The division shall be substituted for the district or supervisors as party to such contracts.

Appendix 1-D: Conservation Districts Law (continued)

The division shall be entitled to all benefits and subject to all liabilities under such contracts and shall have the same right and liability to perform, to require performance, to sue and be sued thereon, and to modify or terminate such contracts by mutual consent or otherwise, as the supervisors of the district would have had. Such dissolution shall not affect the lien of any judgment entered under the provisions of K.S.A. 2-1911, prior to its repeal, nor the pendency of any action instituted under the provisions of such section, and the committee shall succeed to all the rights and obligations of the district or supervisors as to such liens and actions. The state soil conservation committee shall not entertain petitions for the discontinuance of any district nor conduct referenda upon such petitions nor make determinations pursuant to such petitions in accordance with the provisions of this act, more often than once in 5 years

2-1917. Invalidity of part. If any provisions of this act, or the application thereof to any person or circumstances, is held invalid, the remainder of the act and the application of such provision to other persons or circumstances shall not be affected thereby.

2-1918. Inconsistent laws. Insofar as the provisions of this act are inconsistent with the provisions of any other law, the provisions of this act shall be controlling.

2-1919. Cost-share limitations; purchase of surface water right outside the state. (a) Except as provided by subsection (b), any application for cost-share for the purchase of the water right under the provisions of K.S.A. 2-1915, and amendments thereto, shall be subject to the following limitations:

(1) The water right is an active vested or certified water appropriation right that has not been abandoned under the provisions of K.S.A. 82a-718, and amendments thereto;

(2) (A) in the case of a water right for diverting groundwater, such water right is 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 appropriations and designated the area as being in need of aquifer restoration; (B) in the case of a water right for diverting groundwater or surface water, such water right is within a stream reach where the chief engineer has closed the stream reach to further appropriations and designated the stream reach as being in need of stream recovery;

(3) a local entity has provided an assurance that it will pay at least 20% of the purchase price negotiated by the entity and the holder of the water right; and

(4) the holder of the water right agrees to return the water right to the custodial care of the state.

(b) In the case of a purchase of a surface water right from outside the state, such purchase shall be considered and evaluated by the chief engineer on the basis of the potential of the water right to provide stream recovery within a designated stream reach.

2-1920. Conservation district capital outlay fund; use of moneys. (a) There is hereby authorized to be established in every conservation district of the state a fund which shall be called the capital outlay fund. The fund shall consist of any moneys deposited therein from funds received according to provisions of the conservation district law.

(b) Any moneys in the capital outlay fund of the conservation district may be used for the purpose of acquisition, construction, reconstruction, repair, remodeling, additions to, furnishing and equipping of buildings necessary for district operations, including architectural expenses incidental thereto and the acquisition of building sites and the acquisition of other equipment to carry out the activities and functions of the district.

(c) The conservation district board of supervisors is hereby authorized to invest any portion of the capital outlay fund, which is not currently needed in investments authorized by K.S.A. 12-1675, and amendments thereto. All interest received on any such investment shall be credited to the capital outlay fund.

Appendix 1-D: Conservation Districts Law (continued)

2-1930. Program established; administration; funding; contracts with landowners; grants, availability, priority.

(a) As used in this section:

(1) “Division” means the division of conservation established within the Kansas department of agriculture in K.S.A. 74-5,126, and amendments thereto;

(2) “historic consumptive water use” means an amount of use of a water right as calculated pursuant to subsection (k); and

(3) “program” means the water right transition assistance program.

(b) There is hereby established the water right transition assistance program. The program shall be administered by the division. The Kansas department of agriculture division of water resources and recognized local governing agencies, including groundwater management districts, shall cooperate in program implementation. The program shall be administered for the purpose of reducing historic consumptive water use in the target or high priority areas of the state by issuing water right transition grants based on competitive bids for privately held water rights.

(c)

(1) The division may receive and expend funds from the federal or state government, or a private source for the purpose of carrying out the provisions of this section. The division shall carry over unexpended funds from one fiscal year to the next.

(2) The maximum amount paid by the division shall not exceed a base rate per acre-foot of historic consumptive water use made available under the water right to be dismissed or permanently reduced. The division, in consultation with the commission, shall establish an annual base rate after considering recommendations from the chief engineer and the groundwater management districts regarding market conditions.

(d) The division may enter into water right transition assistance program contracts with landowners that will result in the permanent reduction of part or all of a landowner’s historic consumptive water use by action of the chief engineer as provided for in subsection (f).

(e) All applications for permanent irrigation water right retirements shall be considered for funding. Permanent retirement of partial water rights shall only be approved by the Kansas department of agriculture division of water resources when the local groundwater management district has the metering and monitoring capabilities necessary to ensure compliance with the program.

(f) Applications for permanent water right retirement shall be prioritized for payment based on the following criteria:

(1) The applicant’s bid price;

(2) the timing and extent of the impact of the application on aquifer restoration or stream recovery;

(3) the impact on local water management strategies designated by the board of each groundwater management district or by the chief engineer for each target area; and

(4) where rights with similar hydrologic impacts are considered, priority should be given to the senior right as determined under the Kansas water appropriation act.

(g) Water rights enrolled in the program for permanent retirement shall require the written consent of all landowners and authorized agents to voluntarily request permanent reduction or permanent dismissal and forfeiture of priority of the enrolled water right. Upon enrollment of the water right into the program, the chief engineer of the Kansas department of agriculture division of water resources shall concurrently permanently reduce or permanently dismiss and terminate the water right in accordance with the terms of the contract.

(h)(1) The division shall make water right transition grants available only in areas that have been designated as:

(A) Target areas by the groundwater management districts and the chief engineer of the Kansas department of agriculture division of water resources; or

(B) target areas outside the groundwater management districts by the chief engineer of the Kansas department of agriculture division of water resources.

(2) Each target area shall be in a groundwater aquifer, aquifer sub-unit, surface water basin, subbasin or stream reach that the chief engineer has closed to further appropriations except for domestic use, temporary permits, term permits for five years or less and small-use exemptions for 15 acre-feet or less, if the use, permit or exemption does not conflict with this program. 13

(3) The designation of each target area shall include the identification of a historic consumptive water use retirement goal. When such goal is reached, the target area shall be delisted.

(4) The designation of each target area shall include the identification of sub-regions that are to be prioritized for retirements among competing bids.

Appendix 1-D: Conservation Districts Law (continued)

(i) Contracts accepted under the program shall result in a net reduction in historic consumptive water use in the target area. Except as provided for in subsections (l) and (m), once a water right transition assistance program grant has been provided, the land authorized to be irrigated by the water right or water rights associated with that grant shall not be irrigated permanently. Water right transition assistance program contracts shall be subject to such terms, conditions and limitations as may be necessary to ensure that such reduction in historic consumptive water use occurs and can be adequately monitored and enforced.

(j) Only vested or certified water rights that are in good standing shall be eligible for water right retirement grants.

(k)(1) The historic consumptive water use of a water right shall be determined by either:

(A) Calculating the average amount of water consumed by crops as a result of the lawful beneficial use of water during the 10 preceding calendar years of actual irrigation and multiplying the average reported water use for the 10 selected years by a factor of 0.85 for center pivot sprinkler irrigation systems, 0.75 for flood or gravity irrigation systems and 0.95 for subsurface drip irrigation systems, but not to exceed the net irrigation requirements for the 50% chance rainfall for the appropriate county as shown in K.A.R. 5-5-12; or

(B) calculating the available pumping capacity of a water right by multiplying a flow rate test for each point of diversion applied to be retired under the water right by a theoretical pumping duration of 100 days multiplied by an efficiency factor of 0.85 for center pivot sprinkler irrigation systems, 0.75 for flood or gravity irrigation systems and 0.95 for subsurface drop irrigation systems, but not to exceed the authorized quantity of the water right or the net irrigation requirements for the 50% chance rainfall for the appropriate county as shown in K.A.R. 5-5-12. Flow rate tests must have been conducted not less than one year prior to the application date and certified as acceptable by the local groundwater management district or the chief engineer; or

(2) The applicant may also submit an engineering study that determines the average historic consumptive water use as an alternative method if it is demonstrated to be more accurate for the water right or water rights involved.

(l) Enrollment of an entire water right or a portion of a water right where land associated with the quantity is being permanently reduced from the water right in the program shall not subsequently prohibit irrigation of the land that, prior to enrollment, was authorized by the water right or water rights if irrigation can be lawfully allowed by another water right or permit pursuant to the rules and regulations and consideration of any future changes to other water rights that may be proposed to be transferred to such land.

(m) If more than one water right overlaps the place of use authorized by the water right proposed to be enrolled in the program, then all overlapping water rights shall be enrolled in the program or the landowners shall take the necessary lawful steps to eliminate the overlap with the water right to be enrolled. The burden shall be on the landowner to provide sufficient information to substantiate that the proposed use of water by the resulting exercise of all water rights involved will result in the net reduction amount of historic consumptive water use by the water right or water rights to be enrolled. The division may require such documentation to be provided by someone with special knowledge or experience related to water rights and such operations.

(n) The division shall adopt rules and regulations as necessary for the administration of this section. When adopting such rules and regulations, the division shall consider cropping, system design, metered water use and all other pertinent information that will permit a verifiable reduction in historic consumptive water use and permit alternative crop or other use of the land so that the landowner's economic opportunities are taken into account.

(o) The division shall hold a meeting in each target area designated after July 1, 2012, prior to entering into any water right transition assistance program contract for the permanent retirement of part or all of landowner water rights in such target area. Such meetings shall inform the public of the possible economic and hydrologic impacts of the program. The division shall provide notice of such meetings through publication in local newspapers of record and in the Kansas register.

(p) The provisions of this section shall expire on July 1, 2022.

2-1931. Penalty for violation of act or contract. (a) Any person who commits any of the following may incur a civil penalty as provided by this section:

(1) Any violation of the Kansas water right transition assistance program act or any rule and regulation adopted thereunder; and

Appendix 1-D: Conservation Districts Law (continued)

(2) any violation of term, condition or limitation defined and or imposed within the contractual agreement between the division and the water right owner.

(b) Any participant who violates any section of a water right transition assistance program contract shall be subject to either one or both of the following: 14

(1) A civil penalty of not less than \$100 nor more than \$1,000 per violation. Each day shall constitute a separate violation for purposes of this section; and

(2) repayment of the grant amount in its entirety plus a penalty at 6% of the full grant amount.

(c) Any penalties or reimbursements received under this act shall be reappropriated for use in the water right transition assistance program.

(d) No civil penalty or order for repayment shall be imposed except upon the written order of the secretary or the secretary's designee. Such order shall state the violation, the penalty to be imposed and the right of the person to appeal to the secretary. Any person, within 15 calendar days after notification, may make written request to the secretary for a hearing in accordance with the provisions of the Kansas administrative procedure act. The secretary shall affirm, reverse or modify the order and shall specify the reason therefor.

(e) Any person aggrieved by an order of the secretary made under this section may appeal such order to the district court in the manner provided by the Kansas judicial review act.

(f) The provisions of this section shall expire on July 1, 2022.

2-1933. Conservation reserve enhancement program; criteria; reports; Kansas conservation reserve enhancement program fund. (a) As used in this section, "division" means the division of conservation established within the Kansas department of agriculture in K.S.A. 74-5,126, and amendments thereto.

(b) The division shall administer the conservation reserve enhancement program (CREP) on behalf of the state of Kansas pursuant to agreements with the United States department of agriculture for the purpose of implementing beneficial water quality and water quantity projects concerning targeted watersheds to be enrolled in CREP.

(c) There is hereby established in the state treasury the Kansas conservation reserve enhancement program fund, which shall be administered by the division. All expenditures from the Kansas conservation reserve enhancement program fund shall be for the implementation of CREP pursuant to agreements between the state of Kansas and the United States department of agriculture. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of agriculture or by the secretary's designee.

(d) The division may request the assistance of other state agencies, Kansas state university, local governments and private entities in the implementation of CREP.

(e) The division may receive and expend moneys from the federal or state government or private sources for the purpose of carrying out the provisions of this section. All moneys received shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the Kansas conservation reserve enhancement program fund. The division shall carry over unexpended moneys in the Kansas conservation reserve enhancement program fund from one fiscal year to the next.

(f) The division may enter into cost-share contracts with landowners that will result in fulfilling specific objectives of projects approved in agreements between the United States department of agriculture and the state of Kansas.

(g) The division shall administer all CREPs in Kansas subject to the following criteria:

(1) The aggregate total number of acres enrolled in Kansas in all CREPs shall not exceed 40,000 acres;

(2) the number of acres eligible for enrollment in CREP in Kansas shall be limited to ½ of the number of acres represented by federal contracts in the federal conservation reserve program that have expired in the prior year in counties within the particular CREP area, except that if federal law permits the lands enrolled in the CREP program to be used for agricultural purposes, such as planting agricultural commodities, including, but not limited to, grains, cellulosic or biomass materials, alfalfa, grasses or legumes, but not including cover crops, then the number of acres eligible for enrollment shall be limited to the number of acres represented by contracts in the federal conservation reserve program that have expired in the prior year in counties within the specific CREP area;

Appendix 1-D: Conservation Districts Law (continued)

(3) no more than 25% of the acreage in CREP may be in any one county, except that the last eligible offer to exceed the number of acres constituting a 25% acreage cap in any one county shall be approved;

(4) no whole-field enrollments shall be accepted into a CREP established for water quality purposes; and

(5) lands enrolled in the federal conservation reserve program as of January 1, 2008, shall not be eligible for enrollment in CREP.

(h) (1) For a CREP established with the purpose of meeting water quantity goals, the division shall administer such CREP in accordance with the following additional criteria: (A) No water right that is owned by a governmental entity shall be purchased or retired by the state or federal government pursuant to CREP; and (B) only water rights in good standing are eligible for inclusion under CREP.

(2) To be a water right in good standing:

(A) At least 50% of the maximum annual quantity authorized to be diverted under the water right that has been used in any three years within the most recent five-year period preceding the submission for which irrigation water use reports are approved and made available by the division of water resources of the Kansas department of agriculture; 15

(B) the water rights used for the acreage in CREP during the most recent five-year period preceding the submission for which irrigation water use reports are approved and made available by the division of water resources, shall not have:

(i) Exceeded the maximum annual quantity authorized to be diverted; and

(ii) been the subject of enforcement sanctions by the division of water resources; and

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

(i)(1) The Kansas department of agriculture shall submit a CREP report to the senate committee on agriculture and natural resources and the house committee on agriculture at the beginning of each annual regular session of the legislature containing a description of program activities for each CREP administered in the state and including:

(A) The acreage enrolled in CREP during fiscal year 2008 through the most current fiscal year to date;

(B) the dollar amounts received and expended for CREP during fiscal year 2008 through the most current fiscal year to date;

(C) an assessment of meeting each of the program objectives identified in the agreement with the farm services agency; and

(D) such other information specified by the Kansas department of agriculture.

(2) For a CREP established with the purpose of meeting water quantity goals, the following information shall be included in such annual report:

(A) The total water rights, measured in acre-feet, retired in CREP from fiscal year 2008 through the current fiscal year to date;

(B) the change in groundwater water levels in the CREP area during fiscal year 2008 through the most current fiscal year to date;

(C) the annual amount of water usage in the CREP area from fiscal year 2008 through the most current fiscal year to date; and

(D) the average water use, measured in acre-feet, for each of the five years preceding enrollment for each water right enrolled.

(j) The Kansas department of agriculture shall submit a report on the economic impact of each specific CREP to the senate committee on agriculture and natural resources and the house of representatives committee on agriculture every five years, beginning in 2017. The report shall include economic impacts to businesses located within each specific CREP region.

Appendix 1-E: Kansas Conservation District Date of Charter

1. Labette	06/22/1938	54. Dickinson	07/27/1945
2. Lyon	09/15/1939	55. Ellis	09/17/1945
3. Osage	09/15/1939	56. Norton	10/01/1945
4. Pawnee	01/24/1940	57. Douglas	10/02/1945
5. Brown	01/25/1940	58. Hamilton	02/28/1946
6. Geary	01/30/1940	59. Montgomery	03/04/1946
7. Coffey	02/01/1940	60. Crawford	03/06/1946
8. Morris	02/01/1940	61. Ford	05/01/1946
9. Wilson	02/02/1940	62. Elk	05/02/1946
10. Allen	02/06/1940	63. Rawlins	05/02/1946
11. Grant	05/06/1940	64. Reno	05/03/1946
12. Marshall	06/05/1940	65. Mitchell	05/22/1946
13. Doniphan	04/25/1941	66. Finney	05/27/1946
14. Franklin	04/25/1941	67. Johnson	06/05/1946
15. Ness	04/28/1941	68. Rooks	06/26/1946
16. Trego	06/16/1941	69. Russell	07/10/1946
17. Neosho	04/19/1943	70. Jefferson	09/14/1946
18. Sumner	06/03/1943	71. Clay	10/18/1946
19. Stafford	06/17/1943	72. Barton	10/24/1946
20. Sherman	06/21/1943	73. Gray	04/21/1947
21. Thomas	06/28/1943	74. Clark	05/15/1947
22. Jewell	07/02/1943	75. Jackson	05/15/1947
23. Pratt	07/09/1943	76. Harvey	06/05/1947
24. Edwards	08/04/1943	77. Logan	06/05/1947
25. Rice	08/20/1943	78. Wichita	06/06/1947
26. Atchison	09/15/1943	79. Ottawa	07/26/1947
27. Decatur	01/20/1944	80. Lincoln	01/26/1948
28. Nemaha	01/20/1944	81. Leavenworth	02/13/1948
29. Saline	01/20/1944	82. Linn	02/19/1948
30. Sheridan	02/09/1944	83. Haskell	03/09/1948
31. Phillips	03/10/1944	84. Kearny	04/20/1948
32. Ellsworth	03/16/1944	85. Greeley	06/10/1948
33. Chase	04/28/1944	86. Riley	06/10/1948
34. Graham	04/28/1944	87. Meade	06/22/1948
35. Lane	04/28/1944	88. Gove	08/10/1948
36. Osborne	04/28/1944	89. Morton	09/21/1948
37. Woodson	05/26/1944	90. Seward	10/04/1948
38. Anderson	06/03/1944	91. Comanche	10/11/1948
39. Scott	06/20/1944	92. Washington	01/07/1949
40. Cherokee	10/21/1944	93. Cheyenne	04/21/1949
41. Cowley	01/17/1945	94. Stanton	04/21/1949
42. McPherson	01/23/1945	95. Hodgeman	05/23/1949
43. Butler	01/29/1945	96. Stevens	06/17/1949
44. Kiowa	01/29/1945	97. Barber	06/28/1949
45. Pottawatomie	02/15/1945	98. Wabaunsee	10/07/1949
46. Cloud	02/25/1945	99. Smith	11/14/1949
47. Sedgwick	04/03/1945	100. Greenwood	01/28/1950
48. Marion	04/19/1945	101. Chautauqua	02/03/1950
49. Harper	04/28/1945	102. Kingman	03/13/1950
50. Bourbon	05/11/1945	103. Wallace	05/24/1950
51. Republic	06/09/1945	104. Wyandotte	04/23/1953
52. Miami	06/27/1945	105. Shawnee	03/22/1954
53. Rush	07/02/1945		

Appendix 1-F: Cooperating Agencies and Organizations

Federal Agencies

U.S. Army Corps of Engineers (Corps)

The U.S. Army Corps of Engineers plans and constructs reservoirs and local measures to control floods and improve navigation. It is active in flood control, hydroelectric power, municipal and industrial water supplies, and recreation as well as planning for all functions of water resource development. The Corps is also involved in wetland delineation.

Farm Services Agency (FSA)

FSA administers cost sharing programs to farmers implementing conservation. USDA policy invites district supervisors to participate with county FSA committees in developing county programs. FSA also provides aerial photos for conservation work, assistance for land treatment and development, and natural disaster relief.

Environmental Protection Agency (EPA)

Established in 1970, EPA is charged with protecting and enhancing the environment today and for future generations to the fullest extent possible under the laws enacted by Congress. EPA controls and abates pollution by establishing regulations in the areas of air, water, solid waste, noise, radiation, and toxic substances. EPA is also involved in wetland delineation.

U.S. Fish and Wildlife Service (FWS)

FWS is responsible for wild birds, mammals (except certain marine mammals), and certain sport fisheries. FWS conducts research activities, conducts environmental impact assessments, and manages wildlife refuges. FWS is also involved in wetland planning and delineation.

Natural Resources Conservation Service (NRCS)

NRCS has a long and extensive tradition of work with conservation districts. NRCS provides personnel, equipment, office space, and counsel to districts. It also provides free technical assistance with conservation practices and planning to land users.

Resource Conservation and Development (RC&D)

An RC&D expands opportunities for conservation districts, local units of government, and individuals to improve their communities in multi-county areas. The program can assist them in enhancing their economic, environmental, and social well-being.

U.S. Geological Survey (USGS)

USGS conducts studies on public lands as well as research in geology, geophysics, hydrology, cartography, and related sciences. It also studies natural hazards, such as earthquakes and volcanoes, and identifies flood hazard areas.

Appendix 1-F: Cooperating Agencies and Organizations (continued)

State Agencies

Division of Water Resources (DWR), Department of Agriculture

DWR administers programs dealing with water right issues and works with Groundwater Management Districts throughout Kansas. DWR seeks to provide sound management of the state's water supplies. Their programs are designed to control, conserve, regulate, allot, and aid in the distribution of water resources. Program activities include review of channel changes, review of dam and levee construction plans, issuance of permits, inspection of dams and levees, and development of flood plain regulations. DWR also provides computerized water data to those needing such information.

Kansas Department of Health and Environment (KDHE)

KDHE administers state and federal environmental laws and programs to protect the public health and environment. KDHE, Division of Environment administers various programs related to public water supplies, nonpoint source pollution, wastewater treatment systems, livestock waste management, air quality, groundwater protection, hazardous waste, and solid waste management. KDHE seeks to achieve the environmental goals and legislative mandates that are regulatory in nature.

Kansas Department of Wildlife and Parks (KDWP)

KDWP has natural resource responsibilities and its mission is to address the state's outdoor recreational opportunities and natural resource protection. The operational structure of the department consists of the line divisions of Park and Public Lands, Fisheries and Wildlife, Law Enforcement as well as the support divisions of Administrative and Executive Services. These line and support divisions have the responsibility of managing department lands and waters, enforcing wildlife laws, managing and researching wildlife resources, maintaining environment and wildlife education efforts and addressing various federal and state mandates, such as acts relating to threatened and endangered species.

Kansas State University Research and Extension

Extension agents and specialists are available to counsel, educate and train conservation districts in economics, engineering, agronomy and soils, animal sciences, entomology, food science and technology, forestry and range management, home economics, horticulture, plant pathology, sociology, veterinary science and many other areas. Most counties have an extension office which serves as the local contact for conservation districts to request extension assistance. Kansas Cooperative Extension Service is also responsible for 4-H, which can be an excellent vehicle for youth conservation education programs.

Kansas Forest Service (KFS)

KFS offers a range of services, including technical assistance to rural landowners, community tree boards, federal excess property to rural fire districts, and conservation tree sales.

Kansas Water Office (KWO)

KWO is the water planning and marketing agency for the state KWO is administered by a director, who is appointed by the governor for a four-year term. The 23 member Kansas Water Authority is part of KWO and advises the governor, the legislature, and the KWO Director on water policy issues. The Water Authority has ongoing responsibility for approval and revision of the State Water Plan.

Appendix 1-F: Cooperating Agencies and Organizations (continued)

State Conservation Commission (SCC)

SCC is composed of nine members who provide policy input and guidance to the Kansas Department of Agriculture's Division of Conservation. The five conservation areas of the state each elect one member. The remaining four members are ex officio and are selected as follows: the U.S. Secretary of Agriculture and the Kansas Secretary of Agriculture each appoint one member, and the director of the Cooperative Extension Service and the Director of the Agricultural Experiment Station each appoint one member.

Division of Conservation (DOC)

As a division within the Kansas Department of Agriculture, DOC assists the state's 105 conservation districts, 74 active watershed districts, and one drainage district by coordinating district programs; serving as liaison to state, federal and local agencies; preparing information and promotional material; and training district personnel. In addition, DOC working closely with other local, state and federal agencies and the private sector, develops and assists in the implementation and administration of programs to conserve the natural resources of Kansas. DOC also provides a state match for county funds for conservation district operations.

Local Government

County Government

All conservation districts in Kansas are organized along precinct lines within official counties, and while there is no legal relationship between these two governmental subdivisions of state government, counties can be helpful in several ways. Counties can provide: funding, use of equipment; cooperation on county parks and other county owned land; subdivision reviews and cooperative educational activities. County contacts include: commissioners, engineer, highway superintendent, health officer, planning commission, parks and recreation department, weed department and others.

Municipal Government

As organized municipalities, cities and towns can provide cooperative funding, co-sponsorship of projects, technical and planning assistance. Urban conservation programs can include: tree planting, flood runoff prevention, fertilizer and pesticide management, recreation, cooperative educational activities, improved water quantity and quality. Municipal contacts include: mayor, council, planners, recreation boards, engineers and others.

Kansas Association of Conservation Districts (KACD)

KACD is a non-profit, non-governmental organization of the 105 conservation districts in Kansas. KACD is made up of five areas of conservation districts and serves as a state voice for conservation districts on state policy, legislation, communication, and funding for conservation activities. Each area elects a supervisor to serve as area director on the KACD board. KACD also provides forums to inform, train and educate supervisors and recognize outstanding district individuals and programs. The KACD website is www.kacdnet.org.

Kansas Association of Conservation Districts Employees' Organization (KACD-EO)

The KACD-EO was organized in 1973 to assist in the implementation of district programs and activities by establishing and maintaining a standard of quality for conservation district employees. The organization promotes professionalism and assists in educating district employees. The executive committee is made up of 11 elected district employees (2 from each KACD area and one member at large) and 3 advisors (1 each from the SCC, NRCS and KACD).

Appendix 1-F: Cooperating Agencies and Organizations (continued)

National Association of Conservation Districts (NACD)

NACD is a non-profit, governmental organization representing over 3,000 districts and their state associations in the 50 states, Puerto Rico, and the Virgin Islands. NACD lobbies for federal conservation legislation and funding in congress. It also provides brochures, reports, conservation films, training and education. The NACD website is www.nacdnet.org.

National Conservation District Employees Association

NCDEA is a 501©3 non-profit association that represents the 8,000 conservation district employees across the nation. They promote professionalism, provide education, and promote sound partnerships within the conservation districts. The NCDEA website is <https://ncdea.us/>.

Private Organizations and Businesses Assistance may also be obtained from other sources. Private organizations such as fishing and hunting clubs, sportsman associations, and environmental groups often have a strong interest in promoting conservation. Examples of helpful organizations include:

- Business associations
- Commodity organizations
- Garden clubs
- Service clubs and organizations
- Boy and Girl Scouts
- Chambers of commerce
- Wildlife and recreation associations
- National FFA Organization
- Environmental organizations
- Ducks Unlimited
- Pheasants Forever