

# KANSAS DROUGHT OPERATIONS PLAN

---

*Governors Drought Team*



Kansas Water Office  
900 SW Jackson, Suite 404  
Topeka, Kansas 66612

*June 30, 2012*  
*Appendices update June 17, 2020*

---

## Table of Contents

Introduction .....	1
Kansas Climate .....	1
PART A – THE GOVERNOR’S DROUGHT RESPONSE TEAM	
Statutory Authority .....	3
Drought Response Team Structure and Functions.....	3
PART B – DROUGHT RESPONSE STAGES AND MONITORING	
Phased Drought Response .....	4
Kansas Drought Stages .....	5
Term of Declarations.....	6
Drought Monitoring.....	6
Drought Indicators.....	6
U.S. Drought Monitor.....	7
Climate and Crop Monitoring .....	7
Surface Water Conditions.....	8
PART C – DROUGHT RESPONSE ACTIONS	
Drought Response Agencies in Kansas .....	9
Governor/Governor’s Office .....	9
Kansas Water Office.....	9
Kansas Department of Agriculture–Division of Water Resources.....	10
Kansas Department of Agriculture-Emergency Management.....	10
Kansas Department of Emergency Management .....	10
Kansas Department of Wildlife, Parks and Tourism.....	10
Kansas Department of Health and Environment .....	10
State Fire Marshall .....	10
State Forester .....	10
Kansas Department of Administration-Facilities Operations.....	10
Kansas State University.....	10
Board of County Commissioners .....	10
County Emergency Boards.....	10
Public Water Supplier.....	11
U.S. Department of Agriculture .....	11
U.S. Army Corps of Engineers.....	11
U.S. Bureau of Reclamation.....	11
Kansas Drought Stages .....	11
Kansas Drought Watch.....	11
Kansas Drought Warning .....	12
Kansas Drought Emergency .....	12
Federal Disaster Declarations .....	12
Federal Assistance for Drought.....	13
U.S. Department of Agriculture .....	13
U.S. Department of Interior.....	14
U.S. Internal Revenue Service.....	14
National Drought Mitigation Center.....	14

**Table of Contents (continued)**

**PART D – PLAN APPROVAL AND REVISION**

Plan Revision and Updating..... 14  
References..... 14

**Figures**

1. Kansas Annual Normal Precipitation..... 2  
2. Kansas Climatological Divisions ..... 10  
3. Kansas reservoirs and MDS Gages ..... 11

**Tables**

1. 1971-2000 Normal Monthly and Annual Precipitation ..... 2  
2. Drought Stage Indicator Values ..... 3  
3. Kansas Phased Drought Response Summary ..... 7

**Appendices**

A. Governor’s Drought Response Team Members..... 16  
B. Drought Monitoring and Response Contacts ..... 17  
C. Legal and Institutional Framework ..... 19  
D. Sample Drought Stage Executive Orders..... 22  
E. Model Drought Emergency Ordinance/Resolution ..... 23

# **KANSAS DROUGHT OPERATIONS PLAN**

## **Governor's Drought Response Team**

### **INTRODUCTION**

Drought affects Kansas frequently, but differs from other natural disasters in that its onset is subtle and its impacts develop over time, rather than immediately as occurs with a tornado or a flood. Thus it is more difficult to recognize and plan for drought than for other natural disasters.

A drought period can last for months, years or even decades. Periods of drought are normal occurrences in all parts of Kansas. Drought in Kansas can adversely affect farming and ranching, surface and groundwater supplies and uses of surface waters for navigation and recreation. Because of these impacts, drought can have significant economic and environmental impacts. Drought can create favorable conditions for wildfires and wind erosion and the associated heat, dust and stress can all adversely affect health.

There are many definitions of drought. For the purposes of this Operations Plan drought is defined as "A period of abnormally dry weather that persists long enough to produce serious economic, environmental or social impacts."

While drought is a natural phenomenon, actions taken by individuals and by government at all levels can do much to reduce its impact. Kansas law requires the Kansas Water Office notify the Governor when drought conditions are present in the state and recommend assembly of the Governor's Drought Response Team. This Team is responsible for ensuring that adequate state resources are committed to drought response in a coordinated manner.

This Operations Plan focuses only on drought response, and outlines Kansas's proactive approach to ensure the health and safety of its citizens is protected during drought. Supporting information is provided in the Appendices.

The objectives of this Operations Plan are to:

1. Identify Governor's Drought Response Team membership and leadership.
2. Provide guidance for drought monitoring and communication of that information.
3. Establish drought stages.
4. Define the duties and responsibilities of State agencies in regard to drought.
5. Identify responsibilities for actions and response in regard to drought.
6. Provide mitigation/assistance information.

### **KANSAS CLIMATE**

Climatic conditions vary greatly across Kansas. Average annual total precipitation (Figure 1) varies from less than 16 inches in the far west to more than 40 inches in the southeast corner. Great variation around the average is common. Temperatures also vary greatly.

Approximately 70 percent of the annual precipitation in Kansas occurs during the growing season from April through September. On average, western Kansas receives measurable precipitation (0.01 inch or more) on about 70 days per year, while the southeast has about 100 days per year with measurable precipitation. Significantly, the wettest eight to 12 days account for 50 percent of the total annual precipitation illustrating the greatest contribution of thunderstorms to the total amount of precipitation received in Kansas.

Figure 1  
 Source: KSU Weather Data Laboratory  
 1981 - 2010 Annual Averages

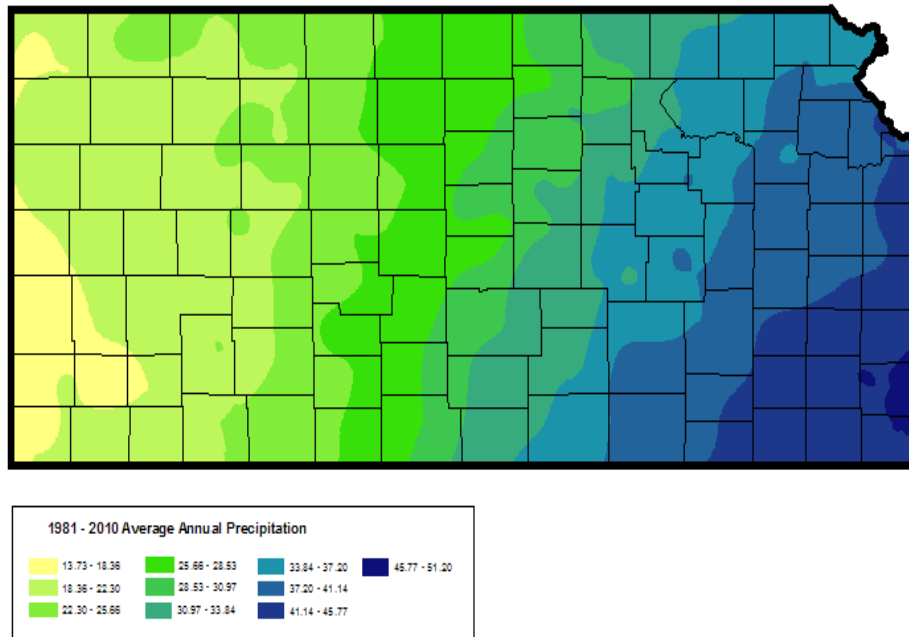


Table 1 shows the normal monthly precipitation at several locations throughout Kansas. These values illustrate the seasonal variability in precipitation across Kansas and indicate that mitigation of hydrologic drought impacts such as lowered reservoir levels or decreased stream flow is unlikely to occur during the winter.

TABLE 1 1971-2000 NORMAL MONTHLY AND ANNUAL PRECIPITATION SELECTED KANSAS LOCATIONS						
Month	Location					
	Goodland	Dodge City	Concordia	Wichita	Topeka	Chanute
January	0.41	0.62	0.66	0.84	0.95	1.28
February	0.39	0.66	0.73	1.02	1.18	1.90
March	1.18	1.84	2.35	2.71	2.56	3.47
April	1.30	2.25	2.45	2.57	3.14	3.83
May	3.49	3.00	4.20	4.16	4.86	5.29
June	3.19	3.15	3.95	4.25	4.88	5.05
July	2.87	3.17	4.20	3.31	3.83	4.24
August	1.80	2.73	3.24	2.94	3.81	3.96
September	1.57	1.70	2.50	2.96	3.71	3.95
October	0.90	1.45	1.84	2.45	2.99	4.03
November	0.69	1.01	1.45	1.82	2.31	3.06
December	0.41	0.77	0.86	1.35	1.42	1.89
Year	18.20	22.35	28.43	30.38	35.64	41.95

Values are in inches  
 Source: NOAA National Climatic Data Center

While the amount of precipitation received is vital in characterizing drought, the timing and intensity of precipitation as well as intensity and duration of high temperatures determines the effectiveness of precipitation events. Precipitation timing effects crop development at critical stages, water supply availability for peak municipal water use, boating needs and fish and wildlife habitat. Factors such as rainfall intensity and the number of rainstorms also influence runoff to lakes and streams as well as the effect on crops. The excessive heat, high winds and low relative humidity that are often associated with drought can significantly increase its severity.

## **PART A – THE GOVERNOR’S DROUGHT RESPONSE TEAM**

The Governor is statutorily responsible (K.S.A. 48-924) for meeting the dangers to the state and people presented by disasters, including drought. Assembly of the Governor’s Drought Response Team is recommended by the Kansas Water Office when drought conditions are present. There is no statutory or regulatory guidance regarding the structure or function of the Governor’s Drought Response Team.

### **STATUTORY AUTHORITY**

Statutory authority assigning the responsibility for drought response is contained in the Kansas Emergency Management Act (K.S.A. 48-901 *et seq.*) and in the Kansas Water Office/Kansas Water Authority enabling statute (K.S.A. 74-2608).

- The Kansas Emergency Management Act (K.S.A. 48-924) states that the Governor shall be responsible for meeting the dangers to the state and people presented by disasters. Drought is included in the definition of a disaster (K.S.A. 49-904).
- The Kansas Water Office enabling statute (K.S.A. 74-2608) states that the Kansas Water Office, with Kansas Water Authority approval, has the responsibility for establishing guidelines to identify drought conditions. When drought conditions exist, the Kansas Water Office shall so advise the Governor and shall recommend assembling of the Governor’s Drought Response Team.
- When advised that drought conditions exist, the Governor shall be authorized to declare by proclamation that a state of drought exists (K.S.A. 48-924 (e)). This declaration can be for specific areas or communities, can be statewide, or for specific water sources. This declaration shall effect immediate implementation of drought contingency plans contained in state approved conservation plans including those for state facilities.

### **DROUGHT RESPONSE TEAM STRUCTURE AND FUNCTIONS**

As stated, Kansas statutes (K.S.A. 74-2608(d)) require that the Kansas Water Office notify the Governor and recommend assembling the Governor’s Drought Response Team when drought conditions exist within the State. The Governor’s Drought Response Team is responsible for implementing an interagency State Government response to drought that is properly coordinated with local and federal response activities at all drought stages.

Although no guidance regarding Team membership or structure is provided in the statutes, guidance regarding Team operations was previously developed in the Operations Plan approved in 2006.

Governor’s Drought Response Team members shall be management-level representatives from agencies and organizations with primary drought response duties. They must have the authority to commit agency staff and resources to drought response activities. The Governor’s Drought Response Team is chaired by the Director of the Kansas Water Office.

Governor’s Drought Response Team members are:

1. Kansas Water Office (Chair)
2. Governor’s Office
3. Adjutant General’s Department – Division of Emergency Management
4. Kansas Department of Agriculture
5. Kansas Department of Administration
6. Kansas Department of Health and Environment
7. Kansas Department of Wildlife, Parks and Tourism
8. Kansas State Fire Marshal
9. Kansas State University – Research & Extension
10. United States Army Corps of Engineers
11. United States Department of Agriculture – Farm Service Agency

Once assembled, the Governor's Drought Response Team shall discuss conditions on a regular basis to ensure that response activities remain coordinated and changes in drought conditions are properly addressed. Other agencies may provide advice to the Team.

Administrative Support - The Kansas Water Office shall provide primary staff support to the Governor's Drought Response Team. Included is scheduling of meetings, preparation and distribution of meeting materials, preparation of meeting summaries and preparation of reports. Other Governor's Drought Response Team members may be called upon for help in providing staff support as necessary.

Drought Monitoring – Monitoring is an on-going activity that is the statutory responsibility (K.S.A. 74-2608) of the Kansas Water Office. This Operations Plan contains guidelines which identify drought indicators to be used and monitoring information which may assist evaluating conditions. In carrying-out its drought monitoring responsibilities, the Kansas Water Office consults with the State Climatologist, the Kansas Department of Agriculture, the U.S. Department of Agriculture, the Kansas Department of Health and Environment, the Kansas Department of Wildlife, Parks and Tourism, the U.S. Geological Survey, U.S. Weather Service, National Drought Mitigation Center and others, as appropriate.

Long-range outlooks provided by the National Integrated Drought Information System within the National Oceanic and Atmospheric may be considered. These tools provide estimates of the likelihood of normal temperatures and precipitation to in-turn indicate an increased or decreased chance of drought or change in intensity.

When monitoring reveals drought conditions have developed or changed, the Kansas Water Office shall so advise the Governor. This advice shall include the appropriate drought stage and area affected.

Public Information - Providing the public with accurate, timely information on drought conditions in Kansas and response activities that are planned or underway is essential to meeting the purpose of this Operations Plan.

Preparation and distribution of press releases or other information announcing drought stage declarations by the Governor, drought related proclamations (Executive Orders) or requests for federal drought assistance by the Governor shall be the responsibility of the Governor's Office.

While Governor's Drought Response Team members may produce agency specific drought-related public information materials, development and maintenance of a Drought web page on the internet shall be the responsibility of the Kansas Water Office. This web page shall be maintained regardless of drought conditions and updated as appropriate. Web page content may include maps that summarize drought conditions; show county drought declarations by the Governor; and show county drought/disaster declarations by the President or the U.S. Secretary of Agriculture. Other pertinent information may be included as deemed appropriate by the Kansas Water Office. This may include information regarding drought, drought impacts, drought management in Kansas, specific drought response actions, local responsibilities or other applicable topics. Links to other web sites providing drought information should also be included.

## **PART B – DROUGHT RESPONSE STAGES AND MONITORING**

### **PHASED DROUGHT RESPONSE**

Kansas law (K.S.A. 74-2608(d)) requires the Kansas Water Office, with Kansas Water Authority approval, to establish guidelines for identifying when drought conditions exist within the State. The initial guidelines, approved in 1992, were keyed to threshold values of the Palmer Drought Severity Index (PDSI). PDSI provides measurement of the departure from normal moisture conditions that were standardized so that comparisons between locations and times periods can be made. No drought response stages were identified corresponding to the PDSI. The drought identification guidelines, provided in Table 2, were approved by the Kansas Water Authority on April 10, 2003. The indicators are standard parameters to evaluate drought also used on a national level but may be applied differently than to the three Kansas Stages.

TABLE 2  
DROUGHT STAGE INDICATOR VALUES

Drought Stage	Indicator						
	Palmer Drought Severity Index	Standardized Precipitation Index	Percent Normal Precipitation	Soil Moisture Percentile	Crop Moisture Index	Satellite Vegetative Health Index	7-Day Median Flow Percentile
Watch	-2.00 to -2.99	-0.80 to -1.29 (3 months)	70 % or below (3 months)	11 to 20	-2.0 to -2.99	26 to 35	11 to 20
Warning	-3.00 to -3.99	-1.30 to -1.59 (6 months)	65 % or below (6 months)	6 to 10	-3.0 to -3.99	16 to 25	6 to 10
Emergency	-4.00 or below	-1.60 or below (6 months)	60 % or below (6 months)	5 or below	-4.0 and below	15 or below	5 or below

The Kansas Emergency Management Act (K.S.A. 48-901 *et seq.*) defines a disaster as the occurrence or imminent threat of widespread or severe damage, injury or loss of life or property resulting from any natural or manmade cause, including drought.

Because of this specific statutory language regarding a “disaster,” a Drought Disaster stage is not included in this Operations Plan. It is assumed that response to a drought-related disaster such as failure of a water supply source would be handled through the established disaster management process of the Adjutant General’s Department – Kansas Division of Emergency Management after a Governor proclamation of a State of Disaster Emergency. Likewise, it is assumed the Rationing Stage of municipal water conservation plans would most likely be invoked during such a declared State of Disaster Emergency.

The Kansas Emergency Management Act (K.S.A. 48-924(e)) further states the Governor may declare a state of drought for specific areas or communities, for specific water sources or statewide. Since drought conditions may vary widely within a short distance and emergency management responsibilities begin at the municipal and county levels, it is recommended that declarations of drought stages identified in this Operations Plan be made by county.

Kansas Drought Stages – Drought can be of long duration and varying severity. As a result, drought impacts at a given location may vary over time, requiring different response actions. Because of this, a phased approach to drought response is appropriate. This Operations Plan identifies three drought stages to be used in a phased response to drought in Kansas. These stages are: Drought Watch, Drought Warning and Drought Emergency. In order to prevent confusion, these stages mirror the Water Watch, Water Warning and Water Emergency stages used in the *Kansas 2007 Municipal Water Conservation Plan Guidelines* (e.g. Drought Watch is equivalent to Water Watch in the Guidelines).

The stages identified in Table 3 consider impacts along with moisture/water resource conditions. Kansas drought response transitions from primarily local response under a Drought Watch, with increases in the state and federal roles at the Drought Warning and Drought Emergency stages.

The drought stage descriptions and impacts in Table 3 are a combination of U.S. Drought Monitor and the Municipal Guidelines. Impacts are shown for illustrative purposes only and may vary throughout the state or from time-to-time.



**TABLE 3  
KANSAS PHASED DROUGHT RESPONSE SUMMARY**

Stage	U.S. Drought Monitor Description	Declared by	Possible Impacts	Response Summary <sup>1</sup>
Drought Watch	Moderate Drought	Governor	Some damage to crops and pastures; high rangeland fire danger; streams or reservoirs low; serious public water system water shortages not imminent, but likelihood of shortages growing.	Governor notified by Kansas Water Office; Governor's Drought Response Team activated; public notification; outdoor burning bans may be imposed; public water systems may implement Stage 1 Water Watch phase of municipal water conservation plan; Governor may request USDA disaster declaration for drought.
Drought Warning	Severe Drought	Governor	Crop or pasture losses likely; some stock water shortages; very high rangeland fire danger; public water system water shortages present; some streamflow targets not met.	Public water systems may implement Stage 2 Water Warning phase of municipal water conservation plan; Hay and Pasture Exchange activated; urgent surplus water contracts from state controlled storage authorized; Governor may request authorization for haying and grazing of Conservation Reserve Program acres; Governor may request USDA disaster declaration for drought.
Drought Emergency	Extreme and Exceptional Drought	Governor	Widespread major crop and pasture losses; extreme rangeland fire danger; stock water shortages; widespread public water system water shortages or restrictions; streamflow targets not met; reservoir supplies low.	Governor may declare outdoor burning ban upon advice of Adjutant General; public water systems may implement Stage 3 Water Emergency phase of municipal water conservation plans; emergency surplus water contracts from state controlled storage authorized; emergency water withdrawals from USACE reservoirs and state fishing lakes per MOU's authorized; USACE emergency water assistance possible; Governor may request Presidential disaster declaration and/or USDA disaster declaration for drought.
<sup>1</sup> See Part C for a more comprehensive listing of response actions. USACE = United States Army Corps of Engineers USDA = United States Department of Agriculture Adopted from U.S. Drought Monitor and Kansas 2007 Municipal Water Conservation Plan Guidelines.				

The Kansas Emergency Management Act (K.S.A. 48-924e) states that the Governor, when advised pursuant to K.S.A. 74-2608 and amendments thereto that conditions indicative of drought exist, shall be authorized to declare by proclamation that a State of Drought exists. The Drought Emergency Stage in this Operations Plan shall constitute a "State of Drought" as used in K.S.A. 48-924(e).

It is important to note that a State of Disaster Emergency could be declared by the Governor or local water use restrictions imposed due to local circumstances regardless of the state-declared drought stage in effect in a particular county.

Term of Declarations – Drought stage declarations shall remain in effect until rescinded by Executive Order of the Governor or superceded by a subsequent proclamation revising the drought stage status of those counties affected.

The *Kansas 2007 Municipal Water Conservation Plan Guidelines* reflect the drought response stages in this drought operation plan. No response activities other than those contained in local municipal water conservation plans are directly tied to these stages. How well individual plans are tied to the current Kansas stages depends on the guidelines in effect when a public water supplier developed, or last updated their conservation plan. It is recommended these conservation plans be reviewed and updated regularly.

## **DROUGHT MONITORING**

Drought Indicators – Table 3 shows the primary drought indicator values associated with the drought response stages used in this Operations Plan. Other available information may also be considered in determination of drought stages. This information includes, but is not limited to: soil moisture, crop condition, pasture and range condition stock water supplies information contained in the weekly Kansas Crop and Weather Report; minimum desirable stream flow status; and inflows, pool levels and water storage in federal and other reservoirs. Trends in indicator values and the season of the year are also important factors to consider in drought monitoring.

All indicators will not point to the same drought stage at one time. The indicators should be considered as, indicators, rather than as a hard and fast trigger, in deciding when to recommend declaration of a particular drought stage. The Director of the Kansas Water Office has discretionary authority to decide when to advise the Governor of the existence of drought conditions based upon these or other indicators, impacts, area of the state affected, season or other factors.

In recent years, many advances in drought monitoring and documentation have been made. Of particular significance was the introduction of the U.S. Drought Monitor in 1999. The more recent development of a National Integrated Drought Information System, the National Drought Mitigation Center and the High Plains Regional Climate Center, have made tools for monitoring conditions more readily available than in the past. Climatic information such as precipitation totals, departure from normal and percent of normal are readily available for daily, monthly and longer time periods for evaluation of conditions at a state level.

U.S. Drought Monitor – The U.S. Drought Monitor is produced weekly through a joint effort of the U.S. Department of Agriculture, The U.S. Department of Commerce – National Oceanic and Atmospheric Administration and the National Drought Mitigation Center. Advice from local experts throughout the nation, including the Kansas State Climatologist, is used in producing the Monitor. This composite drought map incorporates information and products from hundreds of experts from many entities and levels of government in an effort to represent the extent, magnitude, impacts and probability of occurrence.

The weekly summary Monitor map shows general drought conditions, including abnormally dry areas and areas included in four drought intensity categories: moderate, severe, extreme and exceptional drought (D0-D4). The key indicators used are the Palmer Drought Severity Index, soil moisture, weekly streamflow percentile, percent of normal precipitation (varying periods), the Standardized Precipitation Index (varying periods) and the Satellite Vegetation Health Index. However due to the evaluation on a weekly basis, precipitation is primarily compared to normal precipitation for that same week. Although utilizing several drought indicators used in the Monitor, Kansas prefers to consider longer periods of time and consecutive week's conditions in defining drought conditions within the state. Additional indicators are also used to “fine-tune” the Monitor to more precisely reflect Kansas conditions.

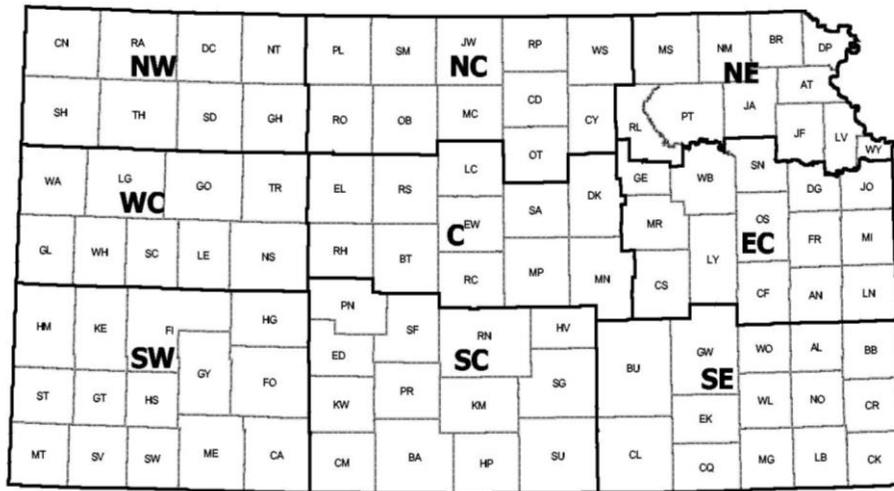
Although similar, there are some differences in the Kansas and Monitor categories. The Monitor includes an Abnormally Dry category that is not included as a Kansas drought stage. Abnormally Dry is analogous to mild drought under the Palmer Drought Severity Index classification (PDSI -1.00 to -1.99). This category occurs quite frequently and the impacts associated with it are generally well within the capability for individual or local response. Nevertheless, this category indicates that a drought may be developing or that impacts may be lingering following a drought.

Likewise, the Exceptional Drought category from the Monitor is not included in the Kansas Operation Plan. It is assumed that those responses appropriate to this level may start to be needed at the Drought Emergency Stage, thus this category is covered under the Drought Emergency Stage.

Climate and Crop Monitoring – Some monitoring information is commonly reported as point data or as an average for a climate division or crop reporting district. There are nine climate divisions and crop reporting districts in Kansas which are comprised of identical multi-county regions as shown in Figure 2. Precipitation data is reviewed through the High Plains Regional Climatic Center, National Weather Service and the State Climatologist. Crop and soil information is available through the U.S. Drought Portal and USDA National Statistic Service. Climate data, such as temperatures and precipitation, are also compared to normal to aid in considering crops and feed status. These may contribute to determining a drought stage declaration. (Crop growth stage, livestock needs and related water demands vary over time and with location.)

Figure 2

Kansas Climatologic Divisions and Crop Reporting Districts



Surface Water Conditions - Reservoir levels are monitored through U.S. Army Corp of Engineers as needed. The status of water conservation pools and state owned storage quantities within these federal lakes are also considered.

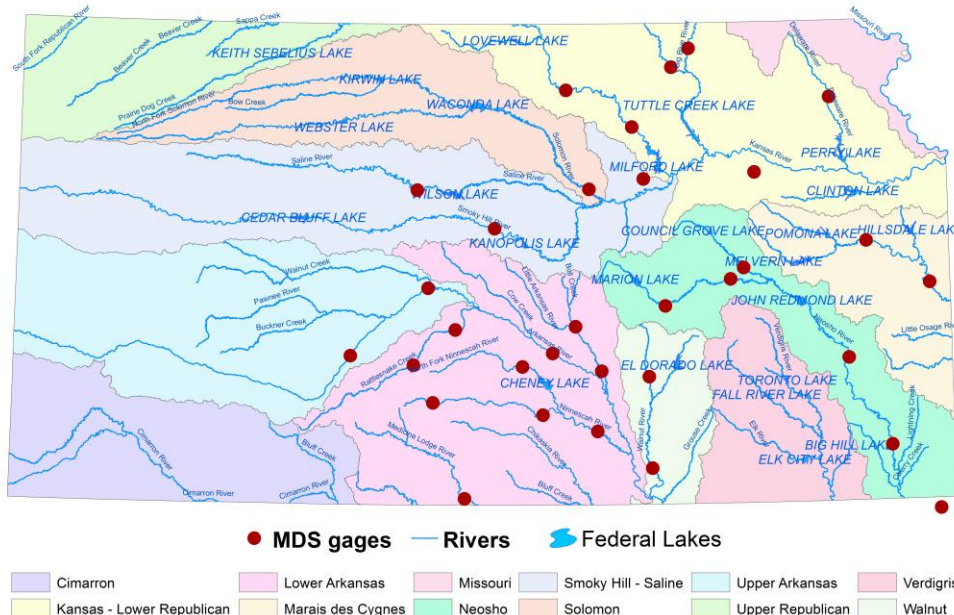
Streamflow is monitored through the USGS stream gage system. Consideration is given to stream flow compared to the locations seven day average as well as Kansas Minimum Desirable Streamflow (MDS) set for 33 locations in the state. Figure 3 shows the locations within the river basins at which routine MDS monitoring occurs.

Stream flow and reservoir condition are indicative of watershed and basin conditions.

Initial drought monitoring and reporting will be by county but may consider the 12 river basins used in the Kansas Water Planning Process or other watersheds as appropriate.

Figure 3

Kansas Reservoirs and Minimum Desirable Streamflow (MDS) Gages



## **PART C – DROUGHT RESPONSE ACTIONS**

Drought response actions may be taken by individuals or by local, state or federal government. Kansas's response at earlier, less severe stages of drought emphasizes heightened awareness for individual and local government actions. As drought intensifies, state and federal actions increase.

Response to drought is provided through many state programs and associated authorities or responsibilities. State drought stage determination and declarations are primarily the responsibility of the Kansas Water Office and the Governor. Several activities are specifically assigned to state government programs or actions applicable to drought response are ongoing and do not require a drought declaration to trigger their authorization or implementation, while some actions are tied to specific state drought stages.

The actions described by agency in the next section are intended to provide general outline of responsibilities. Many of these actions are not specifically required, but may occur if needed.

### **DROUGHT RESPONSE AGENCIES in KANSAS**

#### **Governor/Governor's Office:**

- Issues executive order declaring Drought Stage (Watch, Warning, or Emergency) by county on advice of Director of the Kansas Water Office.
- Request Secretarial federal agricultural disaster designation based on drought from the U.S. Department of Agriculture (USDA) for affected counties. This is usually based on State Emergency Board recommendation.
- Issues press release announcing state Drought Declaration or request for federal disaster designation.
- Requests U.S. Army Corps of Engineers Emergency Water Assistance (Emergency Stage).
- Requests U.S. Bureau of Reclamation drought assistance under the Reclamation States Emergency Drought Relief Act of 1991.
- Issues Executive Order declaring outdoor burn ban or restrictions in designated emergency stage counties on advice of the Adjutant General.
- Issues press release announcing burning ban declaration.
- Issues Executive Order to facilitate hay and other feed transport in designated counties or the state.
- Issues State Declaration of Disaster Emergency for a county, providing for assistance with response efforts. Generally not applied to drought but could occur related to water supply.
- Requests Presidential disaster designations. These do not generally apply to drought.

#### **Kansas Water Office:**

- Director notifies Governor of drought conditions, assembles Drought Team.
- Recommends issuance of Drought Declaration stages by county.
- Provides stakeholder information regarding local actions.
- Coordinates applications for surplus water supply contracts from state owned water supply storage in U.S. Army Corps of Engineers reservoirs.
- Enters into Urgent Surplus Water Contracts in designated counties under Water Marketing authority (Warning and Emergency stages).
- Utilizes Memorandum of Understanding with Kansas Department of Wildlife, Parks and Tourism for emergency supplies from State Fishing Lakes under Emergency Stage.
- Utilizes Memorandum of Understanding with U.S. Army Corps of Engineers for emergency water withdrawals from U.S. Army Corps of Engineers reservoirs under Emergency Stage.

**Kansas Department of Agriculture - Division of Water Resources:**

- Administers water rights on streams not meeting minimum desirable streamflow targets.
- Protects senior water rights and water releases from reservoir storage against unauthorized use.
- Manages water appropriations including term and temporary permits and flex accounts. Applies penalties for use in excess of appropriation.
- Under emergency stage, grants temporary permits to appropriate water for emergency use.

**Kansas Department of Agriculture - Emergency Management**

- Participates on State Emergency Board of Farm Service Agency
- Advises Governor on requesting federal agricultural disaster designations.

**Kansas Department of Emergency Management (KDEM)**

- Participates on State Emergency Board of Farm Service Agency
- Advises Governor on requesting federal agricultural disaster designations.
- Advises the Governor on issuing outdoor burning ban in designated counties.
- Advises the Governor on State of Emergency Declarations.
- Coordinates water supply issues under State Declarations of Disaster Emergency (not the same as Emergency Drought Stage). May include assistance for pumping, hauling or treating water.

**Kansas Department of Wildlife, Parks and Tourism**

- Monitors State lakes water levels and overall health.
- Coordinates information with KWO and other agencies.
- Provides emergency water supply from state fishing lakes under memorandum of Understanding with KWO.

**Kansas Department of Health and Environment**

- Monitors lake water quality, issues public health warnings and advisories related to blue-green algae.
- Coordinates public water supply water availability and conservation efforts status with KWO in drought effected areas.

**State Fire Marshal:**

- Advises the Adjutant General (KDEM) regarding need for outdoor burning bans and restrictions.

**State Forester:**

- Advises the Adjutant General (KDEM) regarding need for outdoor burning bans and restrictions.

**Kansas Department of Administration - Facilities Operations:**

- Implement applicable Stage (1, 2 or 3) Water Watch reductions in water use at state owned or leased facilities per local water conservation plan.

**Kansas State University:**

- Provides drought management information to farmers and ranchers.
- State Climatologist records and interprets weather data and forecasts.
- Cooperates with Kansas Farm Bureau on hay and pasture exchange.

**Board of County Commissioners**

- Issues proclamation declaring outdoor burning ban based on local conditions.
- Issues proclamation declaring a local disaster emergency.

**County Emergency Boards**

- Monitors crop condition in county and submits a USDA Flash Situation Report to the USDA State Emergency Board (SEB) to estimate potential crop losses.

### **Public Water Supplier (City Commission / Council or Rural Water District Board)**

- Monitor water supply and implement Stage (1, 2 or 3) Water Watch activities as per local water conservation plan. Stage level may reflect State Drought Stages but should be tied to local supply conditions.
- Common activities are a public information campaign and voluntary or mandatory reductions in water use.
- Review and revise local conservation plan to fit water supply periodically.

### **USDA Farm Service Agency (FSA):**

- Coordinates with county emergency boards to evaluate crop condition (Flash Reports).
- Recommends to Governor the counties for federal agricultural disaster designation.
- Provides USDA Secretary with data supporting drought designations.
- Opens CRP lands for emergency haying and grazing based on FSA criteria.
- Operates programs to address feed supply of livestock under drought conditions.

### **U.S. Army Corps of Engineers:**

- Provides emergency water withdrawals from federal reservoirs as per memorandum of understanding with Kansas Water Office.
- Provides Emergency Water Assistance, initiated with written request from Governor. May include the transport of emergency supplies of clean drinking water for human consumption and construction of wells (at state/tribal/local expense)

### **U.S. Bureau of Reclamation:**

- Provides drought assistance upon written request of Governor. May include construction, management, and conservation activities that minimize, or can be expected to minimize, losses and damages resulting from drought conditions. Assistance may include temporary contracts to make available project and non- project water and use of Reclamation facilities for the storage and conveyance of water.

## **KANSAS DROUGHT STAGES**

Several state government programs or actions applicable to drought response are ongoing and do not require a drought declaration to trigger their authorization or implementation. Examples include the administration of minimum desirable streamflows (MDS) by DWR and reservoir level management by the Kansas Water Office. However, MDS administration and reservoir release to meet downstream needs are considered when state drought stages are declared. Factors used in determining a Kansas Drought Watch, Drought Warning or Drought Emergency stage have been explained in more detail on page 5 of this Operations Plan. This section highlights the agencies roles and response actions specifically triggered by each drought stage.

## **KANSAS DROUGHT WATCH**

A “Watch” is an alert that water conditions warrant watching, supplies should be evaluated.

- Serves to heighten awareness of conditions and need to conserve through the declaration and associated press release.
- Serves to notify water suppliers that water conservation measures should be considered, usually Stage 1 of conservation plan initiating voluntary conservation and educational activities. Applies to cities, rural water districts, housing developments, trailer parks and others.
- Requires state owned or operated facilities to initiate Stage 1 Water Watch of their water conservation plan.
- Serves as notice to Local Emergency Boards to consider submitting a Flash report to the State Emergency Board of Farm Services Agency if crop losses are anticipated or have occurred due to drought.
- Serves as notice to local authorities that Burn bans may be warranted by climatic conditions (city or county).

## **KANSAS DROUGHT WARNING**

A “Warning” is an alert that water conditions are worsening, supplies should be evaluated, especially for water suppliers, but also other water users.

- All activities under a Watch apply.
- Serves to notify water users to evaluate water supply and initiate conservation measures if not already doing so.
- Serves to notify public water suppliers to consider Stage 2 Water Warning actions in their conservation plans. Initiate voluntary or mandatory conservation.
- Urgent Surplus Water Contracts are authorized in designated counties through Kansas Water Office Water Marketing.
- Requires state owned or operated facilities to initiate Stage 2 Water Warning of their water conservation plan.

## **KANSAS DROUGHT EMERGENCY**

An “Emergency” is an alert that water conditions are severe, supplies should be re-evaluated. This stage provides opportunities for emergency water supplies.

- All activities under Warning apply.
- Serves to notify public water suppliers to consider Stage 3 Water Emergency actions in their conservation plans. Initiate voluntary or mandatory conservation or rationing depending on supply status.
- Water Marketing and Water Assurance customers may be required to initiate conservation measures by Kansas Water Office.
- State Emergency Term Permits for water supply issued in designated counties may be obtained from Division of Water Resources upon need determination.
- Requires state owned or operated facilities to initiate Stage 3 Water Emergency of their water conservation plan.
- Emergency withdrawals from U.S. Army Corp of Engineers reservoirs may be arranged through Kansas Water Office (under Memorandum of Understanding with Kansas Water Office).
- Emergency withdrawals from state fishing lakes may be arranged through Kansas Water Office (under Memorandum of Understanding with Kansas Water Office).
- Water Supply Assistance from U.S. Army Corp of Engineers to transport emergency supplies or construct wells to meet minimum public health and welfare requirements. (Initiated by Governor’s request.)
- Construction, management, and conservation assistance from U.S. Bureau of Reclamation to minimize, losses and damages resulting from drought conditions may be obtained. (Initiated by Governor’s request).
- Governor may declare burn ban.

## **FEDERAL DISASTER DECLARATIONS**

Federal drought assistance may be authorized through an agricultural disaster declaration by the U.S. Secretary of Agriculture. The Secretary of the Interior is also authorized to provide temporary assistance upon finding that such assistance is merited.

Documentation of drought conditions and their effect on crops are coordinated through USDA Farm Service Agency (FSA), a part of the U.S. Department of Agriculture (USDA). Through 2011, the process included documentation of local conditions (Flash Report) by a County Emergency Board coordinated by the local USDA Farm Service Agency office. County Flash Reports are forwarded to the FSA State Office and State Emergency Board for consideration. Damages and losses prompting disaster designations must be due to a natural disaster; and a minimum 30-percent production loss of at least one crop in the county must have occurred. Recommendations of the State Emergency Board are coordinated with the Adjutant General’s Department – Division of Emergency Management and the Kansas Department of Agriculture who inform the Governor. The Governor may then request a USDA Secretarial Agricultural Disaster Declaration due to drought, which when declared opens those counties to federal assistance. Following the 2011 drought, FSA has proposed an addition to their process intended to expedite drought disaster declarations at the federal level based on the U. S. Drought Monitor categories and their duration in a county.

## FEDERAL ASSISTANCE FOR DROUGHT

U.S. Department of Agriculture (USDA) - Emergency Farm Loans and Disaster Debt Set-Aside are provided to help producers with recovery from production and physical losses in agricultural disaster areas. Agricultural Assistance Acts are enacted periodically by Congress to provide assistance to certain agricultural producers and emergency disaster assistance to certain livestock producers that suffered losses during specified times (2003, 2007, 2009). U.S. Farm Bills have also contained programs to address disaster designations, or make available specific exceptions or activities within disaster areas. Applicable programs and opportunities vary over time. A new Farm Bill is expected to be enacted in 2012, since the 2008 Farm Bill has expired, so programs and eligibility may change from that described in this section.

Secretarial agricultural disaster designations immediately trigger the availability of low-interest FSA *Emergency Loans* to eligible producers in all primary and contiguous counties. FSA borrowers, unable to make scheduled payments on debt may be authorized to have certain set asides in primary or contiguous counties. Farmers in eligible counties have eight months from the date of the declaration to apply for loans to help cover part of their actual losses. FSA will consider each loan application on its own merits, taking into account the extent of losses, security available and repayment ability.

The *Supplemental Revenue Assistance Payments (SURE)* Program was authorized by the 2008 Farm Bill (Food, Conservation, and Energy Act of 2008) to provide assistance to producers suffering crop losses due to natural disasters occurring through September 30, 2011. A qualifying loss is at least 10 percent production loss affecting one economically significant crop due to a declared disaster. Production losses outside a declared disaster county may be eligible if the losses are equal or greater than 50 percent of normal production on that farm.

USDA has also made the *Emergency Conservation Program and Federal Crop Insurance* programs available to assist farmers and ranchers in disaster designated areas. FSA programs such as Livestock Compensation, Livestock Assistance and Livestock Indemnity programs have also used designations as an eligibility requirement in the past.

Other assistance may be available if the producer or operation meets eligibility requirements of that program. The individual programs rather than a disaster designation determine county eligibility for programs such as:

- The *Crop Disaster Program* which provides payments to producers of qualifying agricultural commodities who suffered losses in excess of 35 percent due to damaging weather or related conditions.
- *Emergency Haying and Grazing* of Conservation Reserve Program (CRP) acreage may be authorized to provide relief to livestock producers in areas affected by a severe drought or similar natural disaster. Emergency authorization for CRP acreage determined utilizing the U.S. Drought Monitor with some habitat/nesting restrictions.
- *Livestock Forage Program* provides financial assistance to producers suffering grazing losses due to drought or fire on or after January 1, 2008, and before October 1, 2011. Fire losses must have occurred on federally managed lands. Eligibility is based on U.S. Drought Monitor drought severity and duration.
- Emergency funding (cost-share) and technical assistance for farmers/ranchers to rehabilitate farmland damaged by natural disasters (*FSA Emergency Conservation Program*).
- *Noninsured Crop Disaster Assistance Program (NAP)* which provides financial assistance to producers of uninsurable crops when due to natural disasters.

Small businesses and small agricultural cooperatives that have suffered substantial economic injury resulting from a physical disaster or an agricultural production disaster designated by the Secretary of Agriculture may be eligible for the Small Business Administration's *Economic Injury Disaster Loan Program (EIDL)*. An EIDL can help businesses meet necessary financial obligations that the business could have met had the disaster not occurred.

EIDL assistance is only available to those businesses or private, non-profit organizations determined, by the Small Business Administration, to be unable to obtain credit elsewhere. The Small Business Administration can provide up to



\$2.0 million in disaster assistance to a business. This loan cap includes both economic injury and physical damage assistance. The loan amount is based on actual economic injury and financial needs. The loan will provide operating funds until the business or private, non-profit organization recovers. The loan will be made for specific and designated purposes.

U.S. Department of the Interior - The Reclamation States Emergency Drought Relief Act of 1991 provides broad authority to the U.S. Secretary of the Interior to utilize the facilities of the Bureau of Reclamation and the resources of the Department of the Interior to provide drought assistance. The assistance may be for non-financial assistance for purchase of water, or for the storage or conveyance of water. There are seven Bureau of Reclamation projects in Kansas.

In order for a state to receive assistance, the Governor must submit a letter to the Commissioner of the Bureau of Reclamation or the Secretary of the Interior requesting drought assistance. A new request must be submitted each year.

U. S. Internal Revenue Service (IRS) – Provides some tax flexibility in regard to the sale or exchange of livestock in excess of the usual business practice, due to drought, flood, or other weather-related conditions in an area eligible for federal assistance. This is considered an involuntary conversion for tax purposes. The replacement period for these ends 4 years after the close of the first tax year in which any part of the gain from the sale or exchange. The IRS may extend the replacement period on a regional basis if the weather-related conditions continue for longer than 3 years. If the livestock is replaced, the reporting of gain may be postponed if weather related conditions caused the area to be designated as eligible for assistance by the federal government. The designation can be made by the President, the Department of Agriculture (or any of its agencies), or by other federal departments or agencies

National Drought Mitigation Center – Information to evaluate drought is now provided nationally. In 2006, the National Integrated Drought Information System (NIDIS) Act was signed into law. It is a coordination program to improve awareness and fill information gaps related to drought monitoring, forecasting, planning and preparedness. The web site [www.drought.gov](http://www.drought.gov) contains nationwide data for monitoring and prediction of drought as well as some planning tools. Some information is available at the state level.

## **PART D – PLAN APPROVAL AND REVISION**

The Governor shall be responsible for approval of the overall Operations Plan. As provided by statute (K.S.A. 74-2608d), the Kansas Water Authority must approve the guidelines for determining when conditions indicative of drought exist. These guidelines are embodied within the Phased Drought Response and Drought Monitoring subsections of this Operations Plan.

Plan Revision and Updating - Agencies and organizations that are members of the Governor’s Drought Response Team are responsible for reviewing this Operations Plan to ensure that it accurately and completely reflects their responsibilities and for providing revisions as appropriate. Recommended changes should be provided to the Chair of the Governor’s Drought Response Team.

Editorial changes and minor revisions that do not represent a substantive change from the approved Operations Plan may be made with the approval of the Governor’s Drought Response Team Chair.

The Governor’s Drought Response Team should review the entire Operations Plan and update the Plan, as necessary, to ensure that it adequately reflects the agency organizational structure and administrative policies then in effect. Such an updated Operations Plan should be approved by the Governor.

## REFERENCES

Internal Revenue Service, *Publication 225 (2011), Farmer's Tax Guide*.

Kansas Office of Revisor, *Kansas Statutes Annotated*, [http://www.kslegislature.org/li/b2011\\_12/statute/](http://www.kslegislature.org/li/b2011_12/statute/).

Kansas Water Office. *2007 Kansas Municipal Water Conservation Plan Guidelines*. Second Edition, August 2007.

Kansas Weather Data Library, Climatic maps and data, <http://www.ksre.ksu.edu/wdl/> .

National Drought Mitigation Center, US Drought Monitor, <http://droughtmonitor.unl.edu/> .

National Oceanic and Atmospheric Administration, *Comparative Climate Data For the United States Through 2009*, The National Climatic Center, no date.

Svoboda, Mark *et al.* *The Drought Monitor*. Bulletin of the American Meteorological Society, Vol. 83, No. 8, August 2002.

Texas Drought Preparedness Council. *State of Texas Drought Preparedness Plan*. Approved January 4, 2001.

USDA, Disaster and Drought assistance web page, November 30, 2011,  
[http://www.usda.gov/wps/portal/usda!/ut/p/c4/04\\_SB8K8xLLM9MSSzPy8xBz9CP0os\\_gAC9-wMJ8QY0MDpxBDA09nXw9DFxcXQ-cAA\\_2CbEdFAEUOjoE!/?navid=DISASTER\\_ASSISTANCE](http://www.usda.gov/wps/portal/usda!/ut/p/c4/04_SB8K8xLLM9MSSzPy8xBz9CP0os_gAC9-wMJ8QY0MDpxBDA09nXw9DFxcXQ-cAA_2CbEdFAEUOjoE!/?navid=DISASTER_ASSISTANCE)

US Department of Interior-Bureau of Reclamation, *Reclamation States Emergency Drought Relief Act of 1991*, <http://www.usbr.gov/drought/>

## APPENDIX A

### GOVERNOR'S DROUGHT TEAM

(Updated June 2020)

<b>Governor's Drought Response Team</b>	
<p>Earl Lewis, Director (Chair)            Kansas Water Office            901 S Kansas Ave.            Topeka, KS 66612-1249            (785) 296-3185  <a href="mailto:earl.lewis@kwo.ks.gov">earl.lewis@kwo.ks.gov</a></p>	<p>Dr. Ernie Minton, Director            Research and Extension Service            Kansas State University            115 Waters Hall            Manhattan, KS 66506-4008            (785) 532-7137  <a href="mailto:eminton@ksu.edu">eminton@ksu.edu</a></p>
<p>Office of Governor Laura Kelly            Will Lawrence, Chief of Staff            Capitol Building, Room 259 S            300 SW 10<sup>th</sup> Ave.            Topeka, KS 66612-1590            (785) 296-3232  <a href="mailto:will.lawrence@ks.gov">will.lawrence@ks.gov</a></p>	<p>Brad Loveless, Secretary            Kansas Department of Wildlife, Parks and Tourism            1020 S Kansas Ave., Room 200            Topeka, KS 66612-1327            (785) 296-2281  <a href="mailto:brad.loveless@ks.gov">brad.loveless@ks.gov</a></p>
<p>Dr. Lee Norman, Secretary            Kansas Dept. of Health and Environment            Curtis State Office Building            1000 SW Jackson, Suite 540            Topeka, KS 66612            (785) 296-0461  <a href="mailto:lee.norman@ks.gov">lee.norman@ks.gov</a></p>	<p>Maj. Gen. David Weishaar            Kansas Adjutant General State Defense            Building            2800 SW Topeka Blvd.            Topeka, KS 66611-1287            (785) 646-0001  <a href="mailto:david.a.weishaar.mil@mail.mil">david.a.weishaar.mil@mail.mil</a></p>
<p>Dr. DeAngela Burns-Wallace, Secretary            Kansas Department of Administration            Curtis State Office Building            1000 SW Jackson St., Suite 500            Topeka, KS 66612-1300            (785) 296-3011  <a href="mailto:deangela.wallace@ks.gov">deangela.wallace@ks.gov</a></p>	<p>Doug Jorgensen, State Fire Marshal            Kansas State Fire Marshal            800 SW Jackson St., Suite 104            Topeka, KS 66603-3714            (785) 296-0654            Main phone (785) 296-3401  <a href="mailto:doug.jorgensen@ks.gov">doug.jorgensen@ks.gov</a></p>
<p>David Schemm, State Executive Director            USDA Farm Service Agency            3600 Anderson Ave.            Manhattan, KS 66503-2511            (785) 539-3531  <a href="mailto:David.schemm@ks.usda.gov">David.schemm@ks.usda.gov</a></p>	<p>Mike Beam, Secretary            Kansas Department of Agriculture            1320 Research Park Drive            Manhattan, KS 66502            (785) 564-6700  <a href="mailto:mike.beam@ks.gov">mike.beam@ks.gov</a></p>
<p>Jud Kneuvean            Chief, Readiness and Contingency Operations            Office            US Army Corps of Engineers, K.C. District            601 E 12<sup>th</sup> St., Room 115(DD-E)            Kansas City, MO 64106            (816) 389-2381  <a href="mailto:Eugene.J.Kneuvean@usace.army.mil">Eugene.J.Kneuvean@usace.army.mil</a></p>	<p>William Smiley            Chief Emergency Mgmt and Security Office            U.S. Army Corps of Engineers, Tulsa District            1645 S 101<sup>st</sup> St E Ave            Tulsa, OK 74128-4629            (918) 403-9857  <a href="mailto:William.e.smiley@usace.army.mil">William.e.smiley@usace.army.mil</a></p>

## APPENDIX B

### DROUGHT MONITORING AND RESPONSE CONTACTS (Updated June 2020)

ASSISTANCE / INFORMATION NEEDED	NAME / ORGANIZATION	CONTACT INFORMATION
<b>Emergency Assistance</b>		
Equipment for pumping, hauling and treating water for public water systems. Corps of Engineers' emergency assistance to public water systems.	Jonathan York Response & Recovery Branch Director Adjutant General's Department Kansas Division of Emergency Management	(785) 274-1406 <a href="mailto:jonathan.r.york5.nfg@mail.mil">jonathan.r.york5.nfg@mail.mil</a> (785) 207-1371 (cell) <u>Emergency 24-hours</u> (785) 646-2501 1-800-905-7521
<b>Drought Monitoring</b>		
Climate and weather information; outlook	Mary Knapp State Climatologist Kansas State University	(785) 532-7019 <a href="mailto:mknapp@ksu.edu">mknapp@ksu.edu</a>
Crop and livestock conditions; Weekly Crop-Weather Report	Doug Bounds State Statistician USDA – National Agricultural Statistics Service, KS	785) 260-1508 (800) 582-6443 <a href="mailto:doug.bounds@nass.usda.gov">doug.bounds@nass.usda.gov</a>
Kansas Climate Summary and Drought Report	Gary Koons Kansas Water Office	(785) 296-3185 <a href="mailto:gary.koons@kwo.ks.gov">gary.koons@kwo.ks.gov</a>
<b>Environmental Impacts</b>		
Fish kills; habitat loss; state fishing lakes	Steve Adams Kansas Department of Wildlife, Parks and Tourism	(785) 296-2281 <a href="mailto:steve.adams@ksoutdoors.com">steve.adams@ksoutdoors.com</a>
<b>Federal Declarations</b>		
Presidential major disaster declarations	Angee Morgan, Deputy Director KS Division of Emergency Management	(785) 274-1409 <a href="mailto:angelynn.t.morgan@us.army.mil">angelynn.t.morgan@us.army.mil</a>
USDA county disaster declarations; emergency haying and grazing	Rod Winkler USDA Farm Service Agency	(785) 539-3531 <a href="mailto:rod.winkler@ks.usda.gov">rod.winkler@ks.usda.gov</a>
<b>Governor's Drought Response Team</b>		
Team Chair	Earl Lewis, Director Kansas Water Office	(785) 296-3185 <a href="mailto:earl.lewis@kwo.ks.gov">earl.lewis@kwo.ks.gov</a>
Staff Support	Gary Koons Kansas Water Office	785) 296-3185 <a href="mailto:gary.koons@kwo.ks.gov">gary.koons@kwo.ks.gov</a>
<b>News Media Enquiries</b>		
	Sam Coleman Governor's Office	(785) 296-3232 <a href="mailto:Sam.Coleman@ks.gov">Sam.Coleman@ks.gov</a>
	Katie Patterson-Ingels Kansas Water Office	(785) 296-3185 <a href="mailto:katie.ingels@kwo.ks.gov">katie.ingels@kwo.ks.gov</a>
	Jane Welch Adjutant General's Department	(785) 274-1190 <a href="mailto:Jane.e.welch1.nfg@mail.mil">Jane.e.welch1.nfg@mail.mil</a>
	Heather Lansdowne Kansas Department of Agriculture	(785) 564-6700 <a href="mailto:Heather.lansdowne@ks.gov">Heather.lansdowne@ks.gov</a>
	Samir Arif Department of Administration	(785)296-6866 <a href="mailto:samir.arif@ks.gov">samir.arif@ks.gov</a>
<b>Water Conservation</b>		
Municipal water conservation plans and practices	Kirk (TJ) Tjelmeland Kansas Water Office	(785) 296-3185 <a href="mailto:kirk.tjelmeland@kwo.ks.gov">kirk.tjelmeland@kwo.ks.gov</a>
<b>Water from Reservoirs</b>		
Surplus Water Marketing Program contracts: emergency use of federal reservoirs and state fishing lakes	Nathan Westrup Kansas Water Office	(785) 296-3185 <a href="mailto:nathan.westrup@kwo.ks.gov">nathan.westrup@kwo.ks.gov</a>



## APPENDIX C

### LEGAL AND INSTITUTIONAL FRAMEWORK

Drought response must take place within the established legal and institutional framework for doing so. An overview of this framework, including related plans is presented here. Some of the more significant statutes in this regard follow.

K.S.A. 48-901 *et seq* - The Kansas Emergency Management Act addresses the preparation for and the carrying out of all emergency functions other than those functions for which military forces or other federal agencies are primarily responsible, to prevent, minimize and repair injury and damage resulting from disasters. Drought is included in the disaster definition.

The Kansas Emergency Management Act established the Commission on Emergency Planning and Response to facilitate a coordinated effort for mitigation, preparedness, response and recovery from emergencies and disasters in Kansas. This 13-member Commission consists of six state agency head members and seven members appointed by the Governor to represent cities, counties, and business and industry.

K.S.A. 82a-927 - The State Water Resources Planning Act establishes long-range goals for the management, conservation and development of the waters of the state. Drought-related goals pertaining to sound management of water, prevention of the waste of water and water conservation are included. Policies for achieving these long-range goals (K.S.A. 82a-928) are also included.

K.S.A. 82a-701 *et seq* - The Kansas Water Appropriation Act provides the statutory guidance for the appropriation of the waters of the state for beneficial use. Issues covered include waste of water, water conservation plans and minimum desirable stream flows.

K.S.A. 82a-733 allows the Chief Engineer to require water right holders to adopt and implement a water conservation plan upon finding that such plans will assure public benefit and promote the public interest. Priority should be given to: 1) Users that share a common drought vulnerable source; 2) users whose use is significantly higher than their peers; and 3) users who apply for state administered grants, loans or cost-share moneys for water related projects.

K.S.A. 82a-733 allows the Chief Engineer to delegate to any city which has conservation plans meeting state guideline the authority to require domestic users within the city to adopt and implement conservation plans and practices.

K.S.A. 82a also provides for water conservation plans. They are required for anyone: 1) Purchasing water from the State Water Marketing Program (K.S.A. 82a-1311a); 2) participating in the Water Assurance District Program (K.S.A. 82a-1348); 3) sponsoring or purchasing the public water supply portion of a Multipurpose Small Lakes Program project (K.S.A. 82a-1608); transferring water under the Water Transfers Act (K.S.A. 82a-1502); or applying for a loan from the State Revolving Fund (K.S.A. 65-163g).

K.S.A. 82a-1305b gives the Kansas Water Authority power to authorize the Director of the Kansas Water Office to dispose of surplus waters from state-owned water supply storage in federal reservoirs. Surplus contracts may not exceed a period of one year, nor shall they be in excess of 10 percent of the yield capability from the conservation water supply capacity of the reservoir, unless the Governor has declared that an emergency exists.

K.S.A. 82a-1406 gives the Kansas Water Authority discretionary authority to exempt weather modification activities from fee requirements where the activities are of an emergency nature for the protection of the public health, safety and welfare due to drought.

K.S.A. 82a-1414 gives the Director of the Kansas Water Office power to grant a weather modification permit on an emergency basis without prior publication of any required notice in instances of drought creating an emergency condition.

K.S.A. 12-16, 117 provides for municipalities (city, county or township) to establish a policy regarding provision of assistance to other municipalities and public safety agencies located in other municipalities within Kansas or outside Kansas. Ordinances must include a procedure for provision of assistance during times of disaster. Drought is included in the definition of disaster.

K.S.A. 19-3001 provides for contingency of the Board of County Commissioners declaration by resolution that a drought emergency exists. They are authorized (to spend such amount as necessary for the purchase of pumping equipment for operation of drought relief wells or for pumping from streams. Spending for other machinery equipment and materials necessary for the construction of drought relief water supply projects is also authorized, as is the activity itself (K.S.A. 19-3003).

K.S.A. 82a-408 states that the majority of the Board of County Commissioners of any county may by resolution declare that a drought emergency exists and shall determine the location of surplus waters within the county and prescribe rules and regulations for obtaining this water. Land owners, upon notice, shall allow entry to obtain water.

## **RELATED DROUGHT PLANNING**

The following state and local plans complement this Governor's Drought Response Team Operations Plan.

State Hazard Mitigation Plan – This document is a comprehensive strategy to create an effective, long-term approach to eliminate or reduce the vulnerability of Kansas communities to the human, economic and environmental impacts of disasters. The document was developed under the guidance of the Kansas Hazard Mitigation Team with coordination by the Kansas Division of Emergency Management. Drought was given a moderate rating in planning significance and ranked 16 of 22 in hazard ranking.

Kansas Water Plan – The *Kansas Water Plan*, updated annually, is prepared by the Kansas Water Office and approved by the Kansas Water Authority. This Plan documents how the state intends to best achieve the proper utilization and control of the water resources of the state. The Plan is prepared in accordance with and under authority of K.S.A. 82a-901 *et seq.*, the State Water Resources Planning Act. An annual planning process that includes ample opportunity for public review and comment is followed in developing the Plan.

Past policy recommendations have been vital to the development and implementation of several key drought mitigation programs in Kansas. Where necessary, future drought mitigation or response issues will be addressed in the *Kansas Water Plan*.

The Kansas Water Authority, a 23 member entity. Thirteen voting members represent various water users, while heads of state agencies with water-related duties serve in an *ex officio* capacity. The Governor appoints 11 voting members, including the Chair.

Municipal Water Conservation Plans – Guidelines for the development of water conservation plans by municipalities and rural water districts were approved by the Kansas Water Authority in 1990. The Kansas Water Office provides free technical assistance for plan development through a contract with the Kansas Rural Water Association. Plan development is optional except as required by law or order of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture. Over 500 municipal water conservation plans have been developed pursuant to the state guidelines and approved by either the Division of Water Resources or the Kansas Water Office.

Public Water System Emergency Response (Water Supply) Plans – Emergency Water Supply Plans assist public water systems to provide an adequate supply of potable water during emergency conditions, including inadequacy of source of supply due to drought. All public water systems are required to develop these plans to satisfy requirements of K.A.R. 28-15-18 as authorized by K.S.A. 65-171m. Plans are approved by the Kansas Department of Health and Environment.

Local Emergency Operations Plan – Kansas law requires that each county maintain a disaster agency responsible for emergency preparedness and coordination of response to disasters. Each county is also required to maintain an Emergency Operations Plan that has been approved by the Division of Emergency Management. Kansas Planning Standards have been developed by the Division of Emergency Management to aide in the development and review of

Local Emergency Operations Plans. One section of the Kansas Planning Standards focuses on services and infrastructure that may be affected as a consequence of a disaster, including public water supply.

State Emergency Operations Plan – The purpose of this plan is to coordinate emergency response among state agencies. The plan is a requirement for receiving federal disaster assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (PL 93-288 as amended). The plan development is coordinated through the Kansas Division of Emergency Management within the Adjutant General's Department under Chapter 48, Article 9 of Kansas Statutes. The Federal Emergency Management Agency approves the State Emergency Operations Plan following sign-off by the Governor and the affected agency heads. The plan is updated every five years.



**Sample**

**APPENDIX D**

**SAMPLE EXECUTIVE ORDER**

901 S. Kansas Avenue  
Topeka, KS 66612



Phone: (785)-296-3185  
Fax: (785)-296-0878  
[www.kwo.org](http://www.kwo.org)

Tracy Streever, Director

Sam Brownback, Governor

**EXECUTIVE ORDER 11-xx**

**WHEREAS**, the Director of the Kansas Water Office has informed me, pursuant to K.S.A. 74-2608, of the drought conditions within the state; and

**WHEREAS**, there is every indication that the present drought conditions will not abate in the near future; and

**WHEREAS**, these drought conditions may in fact become more severe; and

**WHEREAS**, the Kansas Emergency Management Act, K.S.A. 48-924, states that the Governor shall be responsible for meeting the dangers to the state and its people from disasters, including drought.

**NOW THEREFORE**, pursuant to the authority vested in me as Governor of the State of Kansas, I hereby:

1. Declare a Drought Watch, Drought Warning or Drought Emergency for the counties indicated below; and
2. Authorize and direct all agencies under the jurisdiction of the Governor to implement the appropriate Watch, Warning or Emergency level drought response actions assigned to them in the Operations Plan of the Governor's Drought Response Team.

Drought Watch Counties:  
(insert counties)

Drought Warning Counties:  
(insert counties)

Drought Emergency Counties:  
(insert counties)

This document shall be filed with the Secretary of State as Executive Order No. 11-xx and shall become effective immediately.

This Executive Order shall remain in effect for those counties so identified until rescinded by Executive Order or superceded by a subsequent Executive Order revising the drought stage status of those counties affected.

**IT IS SO ORDERED,**

**BY THE GOVERNOR:** \_\_\_\_\_

**DATED:** \_\_\_\_\_

**Secretary of State:** \_\_\_\_\_

**Assistant Secretary of State:** \_\_\_\_\_

## APPENDIX E

### MODEL WATER DROUGHT EMERGENCY ORDINANCE (Modify for a resolution for a Rural Water District)

Ordinance No. year-1

An ordinance authorizing the declaration of one of three progressive stages of a water supply conservation and / or water supply shortage which shall conserve or curtail the use of water within the City of Hometown (“the City”); establishing three stages of water conservation measures for the City; a water watch, warning or emergency; establishing procedures and voluntary and mandatory conservation measures; authorizing the issuance of administrative regulations; and prescribing certain penalties.

#### **Be it Ordained by the Governing Body of the City of Hometown.**

Section 1. Purpose. The purpose of this ordinance is to provide for a progressive water supply conservation program, including the declaration of a water supply watch, warning or emergency and the implementation of voluntary and mandatory water conservation measures throughout the city in the event such a watch, warning or emergency is declared by the governing body of the City.

#### Section 2. Definitions.

- (a) “Water”, as used in this ordinance, shall mean water available to the City of Hometown for treatment by virtue of the City’s water rights, water supply, water supply contracts or any treated water introduced by the City into its water distribution system, including water offered for sale at any coin-operated site.
- (b) “Customer”, as used in this ordinance, shall mean the customer of record using water for any purpose from the City’s water distribution system and for which either a regular charge is made or, in the case of coin sales, a cash charge is made at the site of delivery.
- (c) “Waste of water”, as used in this ordinance, includes, but is not limited to:
  - (1) permitting water to escape down a street, roadway or other surface intended for vehicle driving purposes, and / or any gutter, ditch, or other surface drain; or
  - (2) failure to repair a controllable leak of water due to defective plumbing.
- (d) The following classes of uses of water are established for the purposes of this ordinance:

#### **Class 1:**

Water used for outdoor watering; either public or private, for gardens, lawns, trees, shrubs, plants, parks, golf courses, playing fields, swimming pools or other recreational areas; or the washing of motor vehicles, boats, trailers, or the exterior of any building or structure.

#### **Class 2:**

Water used for any commercial, agricultural or industrial purposes, except water actually necessary to maintain the health and personal hygiene of bona fide employees of such businesses or interests while such employees are engaged in the performance of their duties at their place of employment.

#### **Class 3:**

Domestic usage, other than that which would be included in either classes 1 or 2.

#### Class 4:

Water necessary only to sustain human life and the lives of domestic livestock pets and maintain standards of hygiene and sanitation.

Section 3. In the event that the governing body of the City or the City's designated official determines that the City's water supply may be in subject to a shortage in supply or the governing body of the City determines there is need for conservation of City's water resources for any reason, the City may begin the progressive three (3) stage water conservation program by declaring a water watch as described in section 3(a) or, in times of need and / or duress, the governing body of the City may choose to declare any section of the program described in section 3 in effect at any time:

(a) Stage 1: Declaration of Water Watch. Whenever the governing body of the City finds that conditions indicate that the probability of a drought or some other condition causing a major water supply shortage is rising, it shall be empowered to declare, by resolution, that a water watch exists and that it shall take steps to inform the public and ask for voluntary reductions in water use. Such a watch shall be deemed to continue until it is declared by resolution of the governing body to have ended. The resolutions declaring the existence and end of a water watch shall be effective upon their publication in the official city newspaper.

(b). Stage 2: Declaration of Water Warning. Whenever the governing body of the City finds that drought conditions or some other condition causing a major water supply shortage are present and supplies are starting to decline, it shall be empowered to declare by resolution that a water warning exists and that it will recommend restrictions on nonessential uses during the period of warning. Such a warning shall be deemed to continue until it is declared by resolution of the governing body to have ended. The resolutions declaring the beginning and ending of the water warning shall be effective upon their publication in the official city newspaper.

(c). Stage 3: Declaration of Water Emergency. Whenever the governing body of the City finds that an emergency exists by reason of a shortage of water supply needed for essential uses, it shall be empowered to declare by resolution that a water supply emergency exists and that it will impose mandatory restrictions on water use during the period of the emergency. Such an emergency shall be deemed to continue until it is declared by resolution of the governing body to have ended. The resolutions declaring the existence and end of a water supply emergency shall be effective upon their publication in the official city newspaper.

Section 4. Voluntary Conservation Measures. Upon the declaration of a water watch or water warning as provided in Sections 3(a) or 3(b), the mayor (or the city manager) is authorized to call on all water consumers to employ voluntary water conservation measures to limit or eliminate nonessential water uses including, but not limited to, limitations on the following uses:

- (a) Class 1 uses of water.
- (b) Waste of water.

Section 5. Mandatory Conservation Measures. Upon the declaration of a water supply emergency as provided in Section 3(c), the mayor (or the city manager or authorized city official) is also authorized to implement certain mandatory water conservation measures, including, but not limited to, the following conservation measures:

- (a) Suspension of new connections to the City's water distribution system, except connections of fire hydrants and those made pursuant to agreements entered into by the City prior to the effective date of the declaration of the emergency;
- (b) Restrictions on the uses of water in one or more classes of water use as described in section 2(d), wholly or in part;
- (c) Restrictions on the sales of water at coin-operated facilities or sites;
- (d) The imposition of water rationing based on any reasonable formula including, but not limited to, the percentage of normal use and per capita or per consumer restrictions;
- (e) Complete or partial bans on the waste of water; and
- (f) Any combination of the measures in sections 5(a-e) as the governing body of the City or authorized city official may deem appropriate and / or necessary.

Section 6. Emergency Water Rates. Upon the declaration of a water supply emergency as provided in Section 3(c), the governing body of the City shall have the power to adopt emergency water rates by ordinance designed to conserve water supplies. Such emergency rates may provide for, but are not limited to:

- (a) Higher charges for increasing usage per unit of use (increasing block rates);
- (b) Uniform charges for water usage per unit of use (uniform unit rate); or
- (c) Extra charges in excess of a specified level of water use (excess demand surcharge).

Section 7. Regulations. During the effective period of any water supply emergency as provided for in Section 3(c), the mayor (or city manager or water superintendent or other authorized city official) is empowered to promulgate such regulations as may be necessary to carry out the provisions of this ordinance, any water supply emergency resolution, or emergency water rate ordinance. Such regulations shall be subject to the approval of the governing body at its next regular or special meeting.

Section 8. Violations, Disconnections and Penalties.

- (a) If the mayor, city manager, water superintendent, or other authorized city official or officials charged with implementation and enforcement of this ordinance or a water supply emergency resolution learn of any violation of any water use restrictions imposed pursuant to Sections 4 or 6 of this ordinance, a written notice of the violation shall be affixed to the property where the violation occurred and the customer of record and/ or any other person known to the City to be responsible for the violation and / or the correction of said violation shall be provided with either actual or mailed notice. Said notice shall describe the violation(s) and order that the noted violation(s) be corrected, cured or abated immediately or within such specified time as the City determines is reasonable for such correction, cure or abatement under the circumstances. In the event the order is not cured within the time period given in the notice, the City may terminate water service to the customer subject to the following procedures:
  - (1) The City shall give the customer notice by mail or actual notice that water service will be discontinued within a specified time due to the violation(s) and that the customer will have the opportunity to appeal the termination by requesting a hearing scheduled before the City governing body or a city official designated as a hearing officer by the City governing body;
  - (2) If such a hearing is requested by the customer charged with the violation, the customer shall be given a full opportunity to be heard by the City governing body or the city official designated as a hearing officer by the City governing body before termination is ordered; and
  - (3) The City governing body or the city official designated as a hearing officer by the City governing body shall make findings of fact and order whether service should continue or be terminated.
- (b) A fee of fifty dollars (\$50.00) shall be paid for the reconnection of any water service terminated pursuant to subsection (a). In the event of subsequent violations, the reconnection fee shall be two-hundred dollars (\$200) for the second reconnection and three hundred dollars (\$300) for any subsequent additional reconnections within a one year period.
- (c) Violations of this ordinance shall be a municipal offense and may be prosecuted in Municipal Court. Any person so charged and found guilty in Municipal court of violating the provisions of this ordinance shall be guilty of a municipal offense. Each calendar day in which a violation is observed shall constitute a separate offense. The penalty for an initial violation shall be a mandatory fine of one hundred dollars (\$100). In addition, such customer may be required by the Court to serve a definite term of confinement in the city or county jail which shall be fixed by the Court and which shall not exceed 30 days. The penalty for a second or subsequent conviction shall be a mandatory fine of two hundred dollars (\$200). In addition, such customer shall serve a definite term of confinement in the city or county jail which shall be fixed by the Court and which shall not exceed 30 days.

Section 9. Emergency Termination. Nothing in this ordinance shall limit the ability of any properly authorized city official from terminating the supply of water to any or all customers upon the determination of such city official that emergency termination of water service is required to protect the health and safety of the public or for any other emergency as required or authorized by ordinance or as deemed necessary of the City by such city official or the governing body of the City.

Section 10. Severability. If any provision of this ordinance is declared unconstitutional, or the application thereof to any person or circumstance is held invalid, the constitutionality of the remainder of the ordinance and its applicability to other persons and circumstances shall not be affected thereby.

Section 11. This ordinance shall become effective upon its publication in the official city newspaper.

**Passed by the governing body this xx day of month, year.**

---

(Mayor's Signature)

ATTEST:

---

(City Clerk's Signature)