

151.110 Water resources policy -- Duties of cabinet.

- (1) (a) The conservation, development, and proper use of the water resources of the Commonwealth of Kentucky have become of vital importance as a result of population expansion and concentration, industrial growth, technological advances, and an ever increasing demand for water for varied domestic, agricultural, industrial, municipal, and recreational uses. It is recognized by the General Assembly that excessive rainfall during certain seasons of the year causes damage from overflowing streams. However, prolonged droughts at other seasons curtail industrial, municipal, agricultural, and recreational uses of water and seriously threaten the continued growth and economic well-being of the Commonwealth. The advancement of the safety, happiness, and welfare of the people and the protection of property require that the power inherent in the people be utilized to promote and to regulate the conservation, development, and most beneficial use of the water resources. It is hereby declared that the general welfare requires that the water resources of the Commonwealth be put to the beneficial use to the fullest extent of which they are capable, that the waste or nonbeneficial use of water be prevented, and that the conservation and beneficial use of water be exercised in the interest of the people. Therefore, it is declared the policy of the Commonwealth to actively encourage and to provide financial, technical, or other support for projects that will control and store our water resources in order that the continued growth and development of the Commonwealth might be assured. To that end, it is declared to be the purpose of KRS Chapters 146, 149, 151, 224, 262, and KRS 350.029 and 433.750 to 433.757 for the Commonwealth to permit, regulate, and participate in the construction or financing of facilities to store surplus surface water for future use; to conserve and develop the ground water resources of the Commonwealth; to require local communities to develop long range water supply plans; to protect the rights of all persons equitably and reasonably interested in the use and availability of water; to prohibit the pollution of water resources and to maintain the normal flow of all streams so that the proper quantity and quality of water will be available at all times to the people of the Commonwealth; to provide for the adequate disposition of water among the people of the Commonwealth entitled to its use during severe droughts or times of emergency; to prevent harmful overflows and flooding; to regulate the construction, maintenance, and operation of all dams and other barriers of streams; to prevent the obstruction of streams and floodways by the dumping of substances therein; to keep accurate records on the amount of water withdrawal from streams and watercourses and reasonably regulate the amount of withdrawal of public water; and to engage in other activities as may be necessary to conserve and develop the water resources of the Commonwealth of Kentucky, and to ensure adequate supply of water for domestic, agricultural, recreational, and economic development uses.
- (b) The cabinet shall:
1. Provide leadership in water use efficiency for all water uses;

2. Promote conservation;
 3. Offer technical assistance and conduct research;
 4. Be the lead agency with other state and local agencies to incorporate conservation measures and incentives into their programs;
 5. Sponsor "technology transfer sessions" on water conservation to commercial and industrial operations;
 6. Provide leadership to communities looking for information and methods for coping with the issues of growth and water supply;
 7. Provide leadership for on-farm and rural community drought and water assessment, monitoring, and improvement for agricultural purposes; and
 8. Have the authority to receive and disperse federal, state, and other funds for the purpose of on-farm and community drought and water assessment, monitoring, and improvements.
- (c) Subsection (1)(b) shall not be construed as changing the relationship between the cabinet and the Kentucky River Authority and their respective responsibilities for oversight of the Kentucky River as set out in KRS 151.700 and 151.720.
- (2) It is a finding of the General Assembly that groundwater is an important but vulnerable natural resource of this state, that the majority of rural Kentuckians rely exclusively on groundwater for drinking, and that groundwater is inextricably linked to surface waters which may also serve as a drinking water resource. It is also a finding that groundwater is a resource equally vital for agricultural, commercial, and industrial purposes and that useable groundwater is critical to the future development of these industries. Therefore, it shall be the policy of this state to manage groundwater for the health, welfare, and economic prosperity of all citizens.

Effective: July 15, 2016

History: Amended 2016 Ky. Acts ch. 39, sec. 2, effective July 15, 2016. -- Amended 1992 Ky. Acts ch. 239, sec. 1, effective July 14, 1992. -- Amended 1990 Ky. Acts ch. 307, sec. 1, effective July 13, 1990; and ch. 410, sec. 1, effective July 13, 1990. -- Amended 1986 Ky. Acts ch. 367, sec. 1, effective July 15, 1986. -- Amended 1978 Ky. Acts ch. 384, sec. 39, effective June 17, 1978. -- Created 1966 Ky. Acts ch. 23, sec. 2.

151.112 Planning process for management and development of water resources.

- (1) The cabinet shall develop a comprehensive and systematic planning process for the long-range management and orderly development of the Commonwealth's water resources. The planning process shall generate over each biennium a plan for the implementation of specific goals and management objectives for the cabinet to achieve in meeting the Commonwealth's water needs. The biennial plan shall serve as the basis for the cabinet's budgeting process in allocating resources to the state's water resource programs. The planning process shall be developed to:
 - (a) Protect, conserve, develop, and utilize the water resource in a manner consistent with the Commonwealth's duties for management of natural resources, the public's right to clean water, and the preservation of the natural, scenic, cultural, historic, and aesthetic values of the environment;
 - (b) Provide a coordinated framework for cooperation among federal, interstate, state, and local government agencies in the planning and management of water resources, in a manner consistent with KRS Chapter 147 and KRS 224.10-100(13);
 - (c) Be both anticipatory of future needs and reactive to problems;
 - (d) Provide for public involvement in the establishment of the comprehensive and systematic planning process, in plan development and implementation, and the allocation and prioritizing of resources for water resource management and development; and
 - (e) Establish a process for the collection and coordination of data regarding surface and ground water availability and quality, including the presence of point and nonpoint sources of pollution, instream flow information, withdrawal and use information, an assessment of flood damage and storm water management problems, and an identification and assessment of future data needs.
- (2) The continuous planning process shall include goals and objectives for ground and surface water quantity and quality management in order to assess the effectiveness of current programs in addressing the comprehensive water needs of the Commonwealth and to gauge the need for new or different programs to recommend to the General Assembly for legislation.

Effective: July 15, 1986

History: Created 1986 Ky. Acts ch. 367, sec. 2, effective July 15, 1986.

151.113 Kentucky Water Resources Board.

- (1) The Kentucky Water Resources Board is hereby created for the purposes of assisting the cabinet in the implementation of KRS 151.110 and 151.112. The board shall be attached to the cabinet for administrative purposes.
- (2) The Kentucky Water Resources Board shall:
 - (a) Assist the cabinet in conducting research and developing recommendations to enhance the quality of water resources accessible for agricultural production in the state;
 - (b) Research emerging water resources issues, including the adequacy of water supplies available for agricultural production and in rural Kentucky;
 - (c) Examine potential actions to address deficiencies in water supplies identified by the board;
 - (d) Make recommendations for developing new and reliable water sources for key areas of farm production in Kentucky;
 - (e) Develop and provide the cabinet with recommendations regarding water use efficiency for all agricultural water uses;
 - (f) Develop recommendations for a strategy to promote water conservation in agricultural uses;
 - (g) Develop and provide recommendations to the cabinet, the Department of Agriculture, and the Soil and Water Conservation Commission regarding on farm and rural community drought and water assessment, monitoring, and improvements for agricultural purposes; and
 - (h) Request technical assistance from the following groups in order to establish a process for the collection and coordination of data on surface and ground water availability, water quality, the presence of point and nonpoint sources of pollution, instream flow, water withdrawal and use, flood damage and storm water management, and the identification and assessment of future data needs:
 1. Kentucky Geological Survey;
 2. United States Geological Survey;
 3. Kentucky Water Resources Institute;
 4. Interagency Technical Advisory Committee on Groundwater;
 5. Soil and Water Conservation Commission; and
 6. Any other water group the board deems necessary.
- (3) The Kentucky Water Resources Board shall consist of eleven (11) members as follows:
 - (a) The secretary of the cabinet or the secretary's designee, who shall serve as chair;
 - (b) The Commissioner of the Kentucky Department of Agriculture or the Commissioner's designee, who shall serve as vice chair;
 - (c) The dean of the University of Kentucky College of Agriculture, Food, and Environment or the dean's designee;
 - (d) Six (6) members appointed by the Governor as follows:
 1. One (1) member selected from a list of three (3) submitted by the Kentucky Association of Conservation Districts, who shall serve an initial term of four (4) years;
 2. One (1) member selected from a list of three (3) submitted by the Kentucky Chamber of Commerce, who shall serve an initial term of four (4) years;

3. One (1) member selected from a list of three (3) submitted by the Kentucky County Judge/Executive Association, who shall serve an initial term of three (3) years;
 4. One (1) member selected from a list of three (3) submitted by the Kentucky Farm Bureau, who shall serve an initial term of three (3) years;
 5. One (1) member selected from a list of three (3) submitted by the Kentucky League of Cities, who shall serve an initial term of two (2) years; and
 6. One (1) member selected from a list of three (3) submitted by the Kentucky Rural Water Association, who shall serve an initial term of two (2) years; and
- (e) The board shall have two (2) nonvoting liaisons who are members of the General Assembly, one (1) of whom shall be a member of the House of Representatives appointed by the Speaker of the House of Representatives, and one (1) of whom shall be a member of the Senate appointed by the President of the Senate.
- (4) Members appointed under subsection (3)(d) of this section shall serve a term of four (4) years and may be reappointed. A person appointed to fill a vacancy occurring prior to the expiration of a term shall be appointed for the remainder of that term.
 - (5)
 - (a) The Kentucky Water Resources Board shall meet at the call of the chair and members shall not receive compensation for serving on the board.
 - (b) Six (6) members of the board shall constitute a quorum for the purposes of doing business.

Effective: July 15, 2016

History: Created 2016 Ky. Acts ch. 39, sec. 1, effective July 15, 2016.

Legislative Research Commission Note (7/15/2016). During codification, the Reviser of Statutes has combined the duties of the Kentucky Water Resources Board that appeared in subsections (2) and (6) of 2016 Ky. Acts ch. 39 into one list of duties in subsection (2) of this statute under authority of KRS 7.136(1)(a).