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October 9, 2014

Arkansas Natural Resources Commission  
101 East Capitol | Suite 350  
Little Rock, AR 72201

**RE: State Water Plan Draft Executive Summary**

Dear Commissioners:

The Agricultural Council of Arkansas is a non-profit trade association that was established in 1939 to tell the story of row crop agriculture in Arkansas, advocate on behalf of farmers and the agriculture industry, and improve the economies of the communities around us. Our membership is composed of family farms, agriculture related businesses, and others supportive of agriculture in Arkansas. We strive to advance policies that will ensure the continued success of agriculture in our state.

Today we write you this letter to first thank you for your sincere efforts to update the state's water plan. As users of water and citizens of Arkansas, our members understand the importance of water conservation for both quality and quantity purposes so that we may have a sustainable supply for future crops and future generations. We believe that it is wise for the state to take a comprehensive approach to develop a plan for all Arkansans that will allow for our economy to continue to prosper and ensure that we remain the natural state. We think this draft executive summary for the water plan, while not perfect, represents a good faith effort to set the state on a positive course for our future.

With this said, we have attached comments and suggestions that reflect our views on the executive summary as currently drafted. We hope you will appropriately weigh and consider our views as you look to improve the draft executive summary and work on future water plans. We appreciate the opportunity to provide input and comments throughout this process.

Sincerely,

A handwritten signature in black ink, appearing to read 'Rick Bransford'.

Rick Bransford  
President  
Agricultural Council of Arkansas

## **General Statements about the Water Plan**

### ***Data and Forecasting***

The Agricultural Council of Arkansas believes that the Water Plan should contain disclaimer language related to the data utilized for the plan, including supply and demand forecasting. Such language should reveal the likely inaccuracies of the data and clarify the assumptions taken into account with the forecast. Our primary concern with the data is that if not recognized as being anything more than a guess, that the data could be misinterpreted in a way that could lead to unwarranted regulations or laws, negatively impact property values, and cause other unintended or undesired consequences. We are happy to discuss some potential language for you to consider.

### ***Property Rights***

The Water Plan should not impede, or suggest regulation or laws that would impede, on private property rights, including land use and water use rights. We strongly oppose any proposal that would authorize new policies for restricting water use or allow for condemnation of private wells.

### ***Conjunctive Water Management***

The Water Plan should encourage additional surface water utilization from existing water reservoirs, on-farm collection, storage and distribution systems, and large irrigation projects from existing waterways.

### ***Excess Surface Water***

The Water Plan should make additional surface water available for agricultural purposes by increasing the amount of excess surface water available to non-riparian users. The Water Plan should not establish new methods for measuring stream flows and establishing allocations without justifiable scientific data, public input, and legislative approval.

### ***Incentivizing Water Conservation***

The Water Plan should recognize the benefits of existing incentives for farmers to adopt technologies, on farm-irrigation systems, land improvements, and other best management practices. The Water Plan should also encourage the expansion of these incentives. We know that substantial gains are already available through existing technologies and practices, and future technologies and best management practices will further reduce our water needs.

### ***Water Infrastructure***

The Water Plan should provide support for increasing funding for water infrastructure systems designed to provide additional surface water to farms in Arkansas. Such infrastructure includes large scale projects like the Grand Prairie Project, the Bayou Meto Project, and smaller scale projects on private properties. In addition, the Water Plan should continue to support studies that will lead to future surface water supply and distribution systems that can help agriculture.

### ***Education***

The Water Plan should encourage financial support for educating landowners and farmers of programs and best management practices that can enhance adoption of water conservation systems for agriculture. In addition, the Water Plan should support state-wide campaigns to raise awareness to water and conservation.

### ***Planning Process***

The Water Plan process in the future should incorporate the University of Arkansas System's Division of Agriculture's Cooperative Extension Service to a greater degree as they have a tremendous amount of expertise in public policy development through stakeholder involvement. They also lend exceptional knowledge on agricultural water use and water conservation. In addition, we suggest that the ANRC not allow for other state agencies to fund water planning processes if the agencies intend on being active in policy or planning development. Further, we believe that inter-agency meetings on the water plan and water policy should be open

to all stakeholders in the future. With regard to contracting with technical experts for plan development, we encourage the ANRC to contract with planning consultants from the State of Arkansas to the maximum extent possible. Lastly, we would like to see stakeholder interest groups in the future receive a voice with weight that reflects their water needs as well as the economic impact that they provide. The agriculture group feels that it was slighted in some of the public meetings when “dots” were allocated among the designated stakeholder groups tasked with setting water plan priorities.

## **Additional Comments by Section**

### **Section 2: Key Findings**

We believe that the data projections for supply and demand are lacking in accuracy and are, in fact, very likely to be inaccurate, especially in the out years of the forecast and gap analysis due to inaccuracy in data and misguided assumptions made in forecasting. The University of Arkansas’s Report (An Evaluation of the Water Demand Forecast Report for the Arkansas Water Plan) identified the many flaws in the data and gap analysis from the Water Plan’s Demand Forecast Report. Specifically, the University’s report states that “the value and quality of the data in the Water Use Data Base (WUDB) is very suspect and appears unreasonable...the data (in forecasting) does not appear to reflect climatic or seasonal expected variations, account for geographical differences, and appear unreasonable. The data from the water user database is likely overestimating actual water use...we believe there are major systemic issues in the water use reporting system...we question the value and quality of this information from the water user database for water planning purposes. It seems projecting increases in all crops ...may overestimate actual future irrigation development.” [Pages 14, 32-33] Disclaimer language should point out this problem.

The final two bullet points in the summary suggest that Arkansas should depart from the Arkansas Method. This was not the sentiment of the agriculture group nor the bulk of the other stakeholders involved in the Water Plan stakeholder meetings. We strongly believe that the state should not depart from the current methodologies without substantial scientific proof of need to depart, ample discussion from affected parties, and review and approval from the general assembly.

### **Section 3: Issues and Recommendations**

*3.1 Recommendation #1* We strongly oppose the proposed language to seek authority to condemn wells that do not install meters. This in effect amounts to mandated metering, which we oppose. The plan should not include any mandates.

*Implementation Plan* We believe that land improvement incentives, including precision land leveling, can have a substantially positive impact on water demand. This should be supported by the plan along with on-farm storage systems, tail water recovery systems, and the purchase of water conservation technologies such as PHAUCET, PipePlanner, flow meters, surge valves, remote on-off switches, and other irrigation systems, technologies, and BMPs.

We believe the implementation plan should also explicitly offer support for the Grand Prairie Irrigation Project and the Bayou Meto Irrigation Project. It should also study additional future surface water projects of similar size and scale for collection, storage and distribution.

*3.2 Drought Contingency Response Priority Issue* We believe that agriculture should be heavily represented in the development or implementation of any drought contingency plan through stakeholder

input and through participation by the Arkansas Agriculture Department. Agriculture should be the second highest priority behind public drinking water needs in drought scenarios.

*3.3 Excess Water for Nonriparian Withdrawal and Use Priority Issue* We believe that any adjustment to available excess surface water should be above the current 25 percent. The amount available, if changed, should be made clear. We support the 1990 Water Plan's suggested increase to 75 percent of excess water. Any change in this should continue to require legislation. We do not support the proposal to depart from the Arkansas Method without substantial scientific proof of need to depart, ample discussion from affected parties, and review and approval from the general assembly. The Arkansas Agriculture Department and Arkansas Natural Resources Commission should consult in any discussion or study to adjust available excess surface water or adjust flow regimes. The General Assembly should maintain its authority over any proposed changes to methods measuring or determining flow regimes and available excess surface water.

*3.5 Improving Water Quality through Nonpoint Source Management Priority Issue* We believe the Arkansas Agriculture Department should be participants in water quality review processes and developing solutions to any identified water quality challenge.

*3.6 Public Awareness and Education Priority Issue* We believe non-profit organizations should help participate in public education efforts. One suggestion we have is to establish a water awareness month in the summer to encourage conservation and awareness for all water users.

*3.9 Tax Incentives and Credits for Integrated Irrigation Water Conservation Priority Issue* We strongly believe in this concept and the important impact these incentives can have on water conservation. The Water Plan should support existing incentives and look to improve and expand on what is on the books today. These incentives should be made available to all landowners and should cover a broad range of water conservation methods. In addition, we support grants and cost sharing from the state and federal government for water conservation efforts. On Recommendation #5, we suggest listing any conservation non-profit as eligible for developing awareness programs. The Water Foundation is listed along with the Conservation Districts, but we are not aware of the Water Foundation.

*3.10 Supporting Issue 1: Water Use Reporting* We agree that improved data is necessary for future water plans and better forecasting. We support the establishment of a Technical Working Group that maintains significant representation from agriculture and water users. Additional sample measurements could help improve accuracy of data and forecasting.