

THE POLITICAL CONFLICT
IN WATERSHED DEVELOPMENT

by 149

RICHARD A. TRASKOWSKY

B. A., University of Kansas, 1950

A MASTER'S THESIS

submitted in partial fulfillment of the
requirements for the degree

MASTER OF ARTS

Department of Political Science

KANSAS STATE UNIVERSITY
Manhattan, Kansas

1967

Approved by:


Major Professor

TABLE OF CONTENTS

	Page
PREFACE	iii
Chapter	
I. FEDERAL AND STATE LEGISLATION	1
Federal Legislation	
The Political Conflict in Federal Legislation	
Kansas Legislation	
The Political Conflict in Kansas Legislation	
II. INITIAL CONSENSUS IN THE WATERSHEDS	20
III. CONFLICT WITHIN THE BUREAUCRACY	30
The Local Boards Versus the Soil Conservation Service	
The Local Boards Versus the Army Corps of Engineers	
The Citizens Versus the Local Boards	
IV. CONFLICTS AMONG THE INTERESTS	64
Uplanders Versus Bottomlanders	
Farmers Versus Urbanites	
V. ANALYSIS AND CONCLUSIONS	76
Factors Common to Both Districts	
Conclusions	
APPENDIX	96
BIBLIOGRAPHY	98

PREFACE

The purpose of this study is two-fold: first, to help the writer to be more aware of and to better understand the political processes, and second, to make a contribution, slight though it may be, to the field of political science. The subject of this study, watershed development, is considered appropriate to those purposes. The areas of political conflict have been many and often intense, particularly at the local level which is the main focus of this study. The interrelationships among local, state, and national governmental statutes, agencies, and personnel are many and complicated. Research regarding the political, as well as economic and sociological, considerations of this subject has been slight, due primarily to its relatively recent development. Furthermore, the writer finds this study to be personally interesting inasmuch as his home is located in an area that would be inundated by a proposed big dam and in a county in which there are two highly controversial watershed development projects.

Since much of the research associated with this study involved interviewing people, the number of individuals to whom the author is indebted is quite large. That indebtedness is hereby acknowledged and the many who have so generously given of their time are assured that the writer is genuinely

appreciative. Special recognition is due Professor Louis H. Douglas, Department of Political Science, Kansas State University, for his guidance and encouragement throughout the work on this project.

CHAPTER I

FEDERAL AND STATE LEGISLATION

The importance of watershed development in Kansas is directly related to the importance of water itself, both in Kansas and in the United States. The growing population and the resultant greater usage of water coupled with a generally declining supply of water has enhanced the importance of all measures pertaining to the conservation of that resource. It is the purpose of this introductory chapter to review some of those measures, especially those federal and state actions that deal directly with the establishment of watersheds.

Federal Legislation

One must understand however that efforts to conserve water are of more distant origin than the last decade. The story of world history tells us that man since the time of the earliest ancient civilizations has been concerned with water supply, soil conservation, and flood control--all vital topics in today's world. Concern about water conservation in the United States is generally assumed to have developed around the turn of the century. For example, in 1891 Congress moved toward providing for watershed protection

when it authorized setting aside the first forest reserves from the national domain.¹ The Organic Administration Act for National Forests² (1897) and the Weeks Act³ (1911) were both involved with watershed management although this early action was confined almost entirely to public lands and primarily toward preservation and improvement of forest cover.

The federal government became much more actively involved in all phases of conservation in the 1930's. The Soil Erosion Service in the Department of Interior was established in 1933.⁴ One of its initial programs was to carry out demonstration projects on small watersheds; these projects were successful in that they showed how certain physical measures could control erosion and decrease flooding and sedimentation. Of far-reaching significance was the creation of the Soil Conservation Service in the Department of Agriculture in 1935.⁵ It took over the activities of the Soil Erosion Service and has played a vital part throughout the story of watershed development. In order to cooperate with the newly created Soil Conservation Service, several states created legal subdivisions of government known as soil conservation districts. Today

¹U.S., Statutes at Large, XXVI, 1103.

²U.S., Statutes at Large, XXX, 35.

³U.S., Statutes at Large, XXXVI, Part 1, 961.

⁴U.S., United States Government Organization Manual (1966-67), published by The National Archives and Records Service, Washington, D.C., revised June 1, 1966, p. 693.

⁵Ibid., p. 283.

some 2800 soil conservation districts cover the farmlands of the nation and provide the vehicle by which individual farmers get technical and financial assistance from the federal government for conservation work. Specific recognition of the need for upstream watershed protection came with the Flood Control Act⁶ of 1936. This act, in addition to authorizing the Department of the Army to construct large dams for downstream flood control, authorized the Secretary of Agriculture to make surveys and to carry out works of improvement for runoff and waterflow retardation and soil erosion prevention on watershed areas. Surveys of many river basins were made and eleven projects were authorized in 1944 but no work was done until 1947 following the war.

All of the legislation discussed thus far and the water conservation activity associated with it fall into one of two categories. On the one hand were the federal public works programs: reclamation projects carried out by the United States Bureau of Reclamation, major river basin flood control projects carried out by the United States Army Corps of Engineers, and upstream watershed projects carried out by the Department of Agriculture. All of these were major programs, initiated, planned, and carried out by the federal government. Favorable experience had been gained in some of the largest river basins in controlling major floods through the construction of large dams and other major flood control structures.

⁶U.S., Statutes at Large, XLIX, Part 1, 1570.

On the other hand were the individual farmers. Working with the Soil Conservation Service, they sought to establish waterways, construct terraces, build ponds, and improve fertility on their privately owned land. The actual number of landowners participating in this program was generally small and therefore much land remained untreated. Furthermore no individual farmer was likely to construct a detention dam that would inundate much of his cultivable land even though it might be for the good of the whole watershed program. According to Gladwyn E. Young, Deputy Administrator of the Soil Conservation Service, "the conviction was growing that there was a definite need for a program to bridge the gap between work on individual farms and the major river improvement."⁷

It was at this point that Congress in 1953 authorized five million dollars for sixty-five pilot watersheds⁸ to serve as demonstrations of what could be practically accomplished by local organizations and the federal government working in partnership to achieve community watershed objectives. The program was to be administered by the Secretary of Agriculture. These pilot watersheds were to be widely scattered throughout the United States; however, five of them were to be located in Kansas. This would be the first specific watershed legislation

⁷Gladwyn E. Young, Deputy Administrator, Soil Conservation Service, U.S. Department of Agriculture, "Watershed Legislation-Federal Laws," Watershed Workshop, A Report on the Watershed Program in Kansas, Conference Proceeding Number 1, December 3-8, 1958 (Manhattan: Kansas State College, 1958), p. 7.

⁸U.S., Statutes at Large, LXVII, 214.

that would come within the scope of this paper.

There was at least some political conflict associated with the passage of the pilot program. Its chief sponsor was Congressman Clifford Hope of Kansas who went before the House Subcommittee on Agricultural Appropriations in the spring of 1953 to plead for its inclusion in the appropriations bill. Representative H. Carl Anderson, subcommittee chairman, and others on the subcommittee were agreeable to Mr. Hope's suggestion, and the pilot program passed the House only to be stricken in the Senate. Diligent work on the part of Mr. Anderson reinstated the program into the bill in conference. According to Mr. Leslie Johnson of the Soil Conservation Service, the opposition was led by the Corps of Engineers which feared that the pilot project would preempt part of its zone of authority. He said that the watershed advocates got carried away--they believed that their solution was the only solution. This caused downstream flood control and navigation groups--Corps of Engineers, Rivers and Harbors Congress, Mississippi Valley Association--to want to entrench. There was competition for jurisdiction and for funds.⁹

The single most fundamental piece of watershed legislation passed by the federal government is the Watershed Protection and Flood Prevention Act, Public Law 566, more commonly known as "P. L. 566" or the "Hope-Aiken Act"

⁹Interview with Leslie Johnson, Assistant State Conservationist, Soil Conservation Service, United States Department of Agriculture, March 10, 1966.

passed in August, 1954.¹⁰ Under the program established by this act, the responsibility for initiating watershed development lay with local groups with the federal role confined to technical and financial assistance in carrying out the program. To further avoid the appearance of federal dominance the act also specifies that all projects proposed by local organizations must be reviewed and approved by the state government concerned. The locally initiated and state approved application is then submitted to the Soil Conservation Service of the United States Department of Agriculture for approval and authorization of planning help. The Soil Conservation Service makes detailed field studies to determine what can be done, the structures needed, the cost, and the benefits. A most important point, one that is a basis for later conflict, is that the benefits, as determined by the Soil Conservation Service, must exceed the costs. Once a work plan is completed and approved, it is submitted to Congress for the authorization of funds. For flood prevention structures the federal government will pay all engineering and construction costs. Structures for other purposes (irrigation, drainage, public recreation, fish and wildlife development, industrial and municipal water supply) may merit some federal financial assistance depending upon rather complicated circumstances; the trend is toward more rather than fewer opportunities to get federal assistance for engineering

¹⁰U.S. Statutes at Large, LXVIII, Part 1, 666.

and construction. The local organization must obtain all land, issue contracts for construction, and maintain the structures once they are completed. The law provides, moreover, for full coordination between these locally sponsored projects and the federally planned and executed projects on our major rivers.

The Political Conflict in Federal Legislation

The Watershed Prevention and Flood Control Bill was not enacted without political conflict. Again referring to Mr. Young's speech:

This legislation was actively supported by the National Association of Soil Conservation Districts, the American Farm Bureau Federation, the National Grange, National Farmers Union, U.S. Chamber of Commerce and all the national wildlife organizations, and others. Despite strenuous opposition from certain quarters, legislation was finally enacted and signed by the President in August 1954.¹¹

A study of the Congressional action on the bill reveals that the "strenuous opposition" developed primarily over the respective roles that the Departments of Agriculture, Army, and Interior were to play in the overall field of water conservation. The bulk of this Army-Interior opposition appears to have been presented in the Senate; the Defense Department did not request an opportunity to speak against the bill in a House committee hearing. However it was in the House as that body was considering the bill in the Committee of the Whole that Congressman Saylor of Pennsylvania spoke lengthily

¹¹Young, loc. cit.

and strongly against the bill. He began by pointing out that he was the only opponent of the measure and that he would yield to no one. His basic argument was that the Corps of Army Engineers and the Bureau of Reclamation of the Interior Department were already commissioned to develop and operate flood control, navigation, irrigation, and reclamation projects and that Public Law 566 by establishing the Department of Agriculture in the same field would create a multiplication of federal agencies which would be a violation of the Hoover Commission's recommendations for Executive Department reorganization. Congressman Saylor called attention to the friction, differences of opinion, lack of cooperation, and opposing views of cost allocation that had existed between the Corps and Interior and suggested that adding Agriculture to the picture would only further complicate matters. Furthermore Mr. Saylor said that neither the Corps of Engineers nor the Bureau of Reclamation was invited to comment on the bill in the House. The congressman then quoted General Sturgis, Chief of the Engineers, to the effect that the bill was not in the public interest, that it would lead to duplication and confusion in federal activities, and that it would lead to another large engineering agency in the federal government. Congressman Saylor further argued that the bill did not, but should, place the same restrictions and standards on the Secretary of Agriculture that are already on the Secretaries of Army and

Interior.¹²

This conflict was recognized by Congressman Carl Albert, Oklahoma, when he said:

For some unexplained reason in recent months upstream rivershed conservation has come under attack from certain exponents of large dams. There seems to be a feeling on the part of some that those who want upstream flood prevention are violently opposed to downstream flood control.¹³

Later in that same speech Mr. Albert indirectly explained part of the reason for the "attack" and at the same time pointed up the fact that money is often a source of political conflict:

It is...ridiculous that less than two percent of the flood-control dollar should be spent for flood prevention while more than 98 percent is spent for downstream flood control. It is our hope that the passage of this bill will reverse this trend.¹⁴

The legislative history of the Watershed Protection and Flood Control Act shows that the political conflicts were resolved through the time-honored process of give and take. For example, in Senate debate a limitation of 5000 acre-feet on the size of the structures to be constructed by the Department of Agriculture was reduced to 2000 acre-feet and in a conference committee it was raised to 2500. Opposition to P.L. 566 along the way caused Congress itself to retain authority for authorizing projects rather than

¹²U.S., Congressional Record, 83d Cong., 2nd Sess., 1954, C, Part 3, 3143.

¹³Ibid., 3142.

¹⁴Ibid.

handing over that authority to the Secretary of Agriculture. It was agreed that in certain instances projects would be submitted to the Corps of Engineers and the Bureau of Reclamation for review and comment prior to consideration by Congress.¹⁵

President Eisenhower, upon signing the act into law on August 17, 1954, said:

This legislation is significant because it gives new stimulus to local initiative and establishes for the first time a nation-wide program of conservation practices based on the concept that farms, streams, forests, and towns are all inter-related parts of a watershed. It recognizes in practical terms that the upstream part of the watershed, as well as the downstream part, must be taken into our plans if we are to have the water we vitally need and if we are to solve with maximum effectiveness three of our most challenging problems--soil erosion, floods and drought.¹⁶

Kansas Legislation

Kansas too has a long history of legislation pertaining to water, its use and its conservation. Some of the earliest legislation goes back one hundred years; most of the legislation during the state's first fifty years dealt with such subjects as irrigation, drainage and flood control. There was recognition all along of the complexity and interrelationship of many of the state's water problems. Information was needed regarding the extent of our water resources, the

¹⁵U.S., Legislative History of the Watershed Protection and Flood Prevention Act (Public Law 566, 83d Congress), United States Department of Agriculture, Office of the Solicitor, Forestry and Lands Division, October 1954, pp. 8-45.

¹⁶Ibid., p. 64.

characteristics of both low and flood flows and a general plan to guide development. Responding to this need the legislature in 1917 created the Kansas Water Commission which was to work out a general plan for the complete development of each watershed in the state.¹⁷ The objective, the systematic development of the state's water resources, was broad; however, the financing was so inadequate that a stream-gauging program was the only significant accomplishment. The functions of the Commission were combined with those of the State Irrigation Commissioner upon the establishment of the Division of Water Resources within the State Board of Agriculture in 1927. The depression of the 1930's and the war of 1940's made progress difficult but some planning work was initiated. The occurrence of the greatest floods of record in 1951, followed immediately by five years constituting the driest period of record in the state pointed to the need for a more active, more cooperative planning program that would involve all concerned federal and state agencies. These circumstances led in 1955 to the establishment of the State Water Resources Board as a planning agency in matters of flood control and water resources development.¹⁸ The two offices just discussed are often confused but both are important to this study. As they stand now the Division of Water Resources does administrative work in the State Board of Agriculture while the State

¹⁷Kansas, Session Laws (1917), c. 172.

¹⁸Kansas, Session Laws (1955), c. 356.

Water Resources Board is more involved with the systematic planning of the state's water resources.

Another Kansas legislative act that is appropriate to this study is the Water Storage Law,¹⁹ enacted first in 1929 and amended in 1941²⁰ and again in 1957.²¹ The law provides for a reduction in the assessed valuation of land for a period of years where reservoirs are created for the collection and storage of surface water. The principle upon which the law is based is that there is considerable public value in the storage of water on private property, providing that those who accept the compensation permit entry upon their property by the public in times of drought. The 1957 amendment extends the feature of reduced assessed valuation to situations where land is donated to a watershed district for the purpose of constructing flood detention reservoirs. The monetary reduction in assessed valuation is determined by the total storage capacity of the reservoir and is applied to the entire contiguous acreage owned by the landowner. This property tax savings serves as an inducement to the landowner to donate an easement that would otherwise have to be acquired and paid for by the watershed district through negotiation with the landowner or the process of eminent domain. The compensation thus provided will be only a partial payment, perhaps more than

¹⁹Kansas, Session Laws (1929), c. 205.

²⁰Kansas, Session Laws (1941), c. 400.

²¹Kansas, Session Laws (1957), c. 538.

one-half, but there is an added advantage: the landowner retains control over the access to and use of the pond, which he forfeits if the watershed district is forced to resort to land condemnation.

Although the problem of water rights is not directly involved with the works related to watershed development, it is an associated and interesting topic that deserves brief mention in this study. From the beginning the long-established common law doctrine of riparian rights (landowner owns bed of stream and water in it) prevailed in this state, but as early as 1886 legislation was enacted prescribing the appropriation doctrine with regard to priority of right. The courts, however, held to the riparian doctrine, and it was not until 1945 that water users were able to establish their rights on a priority basis with the passage of the Water Appropriation Act.²² This act, upheld in both the Kansas²³ and United States Supreme Courts,²⁴ establishes the principle that all water within the state belongs to the people of the state as a whole and that the state may therefore regulate the use of that water. An individual may not claim ownership of this water but he may, by following a procedure laid down in the law, establish a legal right to appropriate it for beneficial use. According to R. V. Smrha, the Division of Water Resources administers

²²Kansas, Session Laws (1945), c. 390.

²³Baumann v. Smrha, 145 F. Supp. 617, 618, 619, 621, 625.

²⁴352 U.S. 863, 775. Ct. 96, 1 L. Ed. 2d 73.

the law more as an educating process rather than a policing action. Water users need to develop an understanding of and a mutual respect for each other's water rights.²⁵

The single most important Kansas law pertaining to this study is the Kansas Watershed District Act of 1953.²⁶ Topographically, a watershed includes all of the land from ridge to ridge that drains into a particular stream. It includes the people who reside in the area and those that own or operate the land within its boundaries. Even more, it is the sum total of all the property and natural resources within the area. Technically a watershed district is a special purpose district created under Kansas law for the purpose of alleviating erosion and floodwater or sediment damages, and for the conservation, development, utilization, and disposal of water. It may be any size as long as it includes all of the drainage above a selected point on a stream. Inclusion of incorporated cities is optional.

The organization of a watershed district involves a great deal of local initiative. First, a group of leaders,

²⁵R. V. Smrha, Chief Engineer, Division of Water Resources, Kansas State Board of Agriculture, "Watershed Legislation--State Laws," Watershed Workshop, A Report on the Watershed Program in Kansas, Conference Proceeding Number 1, December 3-8, 1958 (Manhattan: Kansas State College, 1958), p. 13. The author speaks from first hand knowledge in this matter for he is the holder of an appropriation right to irrigate from Lyons Creek; he was furthermore threatened with a lawsuit over the use of that right during the dry 1950's.

²⁶Kansas, Kansas Statutes Annotated (1964), c. 24, sec. 24-1201-24-1233.

called a steering committee, obtains an official delineation of the proposed boundary and then circulates a petition among the landowners requesting organization of a district. If 20% of the landowners representing 25% of the acreage sign such a petition and it is approved by the Secretary of State and the Chief Engineer, Division of Water Resources, State Board of Agriculture, the steering committee forms from its body a board of directors who call an election among the qualified voters of the district on the question of organization. Qualified voters include any qualified elector of the district and anyone twenty-one years of age or over owning land within the district although not a resident therein; a simple majority vote is required for organization. After the initial organization the board members are elected by the qualified voters for three-year terms. This board is then responsible for the operation of the district.

A watershed district, actually a subdivision of Kansas government, is similar to other units of government. It is created along natural drainage lines and has the continuity of life, power, authority, and resources to accomplish its objectives of soil and water resources control and development. Its taxation powers include an initial one-time authorization to issue no-fund warrants up to two mills on the total taxable valuation for organizational expenses. Thereafter watershed districts may budget, levy, and spend under public accounting procedures an annual amount equal to two mills

for general purposes of administration, developmental activities and operations. In addition bonds up to 10% of the valuation of the district may be issued provided they are approved by an election of the taxpayers. In that same election the taxpayers would decide whether the bonds were to be retired by a general tax levy or by a special benefit assessment against the landowners of the district. A watershed district may also exercise the power of eminent domain and may contract for the construction of projects. In some cases the district will cooperate or contract with others engaged in similar work, including agencies of local, state, and federal government. Watershed districts, established under the Kansas Watershed District Act, are ideally suited to sponsor federal programs such as the previously discussed Watershed Protection and Flood Prevention Act. State law requires that the general plan for the district, worked out cooperatively with the federal government under P.L. 566, must be made available for public inspection and hearing. Likewise, public hearings must be held regarding the method of financing local costs and if 20% of the landowners request it, a referendum must be held.

The Political Conflict in Kansas Legislation

There was little opposition to the Kansas Watershed District Act of 1953. The record flood of 1951 caused many Kansans to be concerned with the prevention of another such disaster. According to Leslie Johnson, it was Mr. Fred J.

Sykes who pointed out that Kansas did not have the organization to carry out the federal legislation being considered by Congress. "It was a bomb," Mr. Johnson said in emphasizing the need for local entities of government.²⁷ Many had thought that the already existing soil conservation districts would serve as the units of government to carry out the watershed program but they had a major shortcoming: they were all organized on a county basis whereas watersheds transcended county lines.

Mr. Clarence Rupp pointed out that 1953 was a most favorable year for the passage of watershed legislation. Besides the vivid memory of the 1951 flood, there was also the knowledge that the Corps of Army Engineers was going ahead with its major reservoir projects. Mr. Rupp said, "There was lively support in counties close to Corps developments." In support of the watershed act Rupp listed the Kansas State Chamber of Commerce, the Kansas Association of Watersheds, the Farm Bureau and other farm groups.²⁸

Many knowledgeable people in this matter pointed out that this study would be incomplete without contacting William H. Avery. Mr. Rupp, for example, referred to him as the "major architect of the 1953 Act." Mr. Avery was vice-chairman of the Water Resource Committee in the Kansas

²⁷Interview with Leslie E. Johnson, Assistant State Conservationist, Soil Conservation Service, USDA, March 10, 1966.

²⁸Interview with Clarence Rupp, Director of Research, Kansas Farm Bureau, June 6, 1966.

House in 1953 and was chairman of the subcommittee that drafted the bill. He confirmed the beliefs of Mr. Johnson, Mr. Rupp, and others that there was no opposition to the bill. Mr. Avery emphasized that, economically, times were good. Rainfall had been adequate in the late 1940's and was more than adequate of course in 1951. Prices were good enough. There was an "anti-federal government" mood in the state; local government was ready to "go it alone." Insofar as water was concerned, the people were thinking in terms of flood protection, not water supply, which later became the big issue in the dry, middle 1950's. In explaining the lack of opposition, Mr. Avery emphasized that timing was all important: "Two years before or after 1953 might have found some opposition to the watershed act, but not just then." When questioned as to why downstream interests were not opposed to the act, he explained that people from Kansas City and Burlington in a public hearing on the bill wanted to be recorded in favor of the Corps program, although they were not actually opposed to the watershed concept. As to why the Kansas State Chamber of Commerce supported the bill, Mr. Avery further explained that they had never opposed the big-dam plan and that by January, 1953:

Things began to fall into place. Objective observers concluded that there was a place for both programs, that they complemented each other. Downstream interests saw it as good politics to go along. The whole thing developed as a kind of consensus.²⁹

²⁹Interview with William H. Avery, February 4, 1967.

The federal and state laws discussed in this chapter provide the framework for the study of the local political conflict that is to follow in succeeding chapters. Reviewing briefly, the two laws of greatest consequence are the Watershed Protection and Flood Prevention Act, P.L. 566, which provides substantial federal assistance in the construction of flood control works within a watershed and the Kansas Watershed District Act, which created the watershed district as a unit of government that could carry out the provisions of P.L. 566. An intentionally superficial survey of the political conflict surrounding the passage of the federal and state laws must now give way to a more intensive study of the average man's effort to implement those laws at the local level.

CHAPTER II

INITIAL CONSENSUS IN THE WATERSHEDS

More than most other units of government, a watershed district is a product of local action. The state will "create" it and breathe the life of governmental power into it only after leaders within the watershed have formed a steering committee, successfully circulated a petition, and secured a majority vote from the citizens of the proposed district. This is neither easily nor quickly done. One must therefore ask "Why is it done at all?" Who are these leaders? What is their motivation? How long does it take? What problems are encountered? What is the citizen reaction to the project? It is to these questions that we now turn.

The basis for the remainder of this study is the research of the development of two watersheds. Both were selected on the advice of state and federal officials familiar with watershed development in Kansas; both have had substantial political conflict but neither is atypical of watersheds in Kansas. One is the Turkey Creek Joint Watershed District No. 32, Dickinson and Marion Counties, Kansas, chartered August 19, 1959. The other is the Lyons Creek Joint Watershed District No. 41, Geary, Dickinson, Marion and Morris Counties, Kansas, chartered February 8,

1961. Both creeks flow north to the Smoky Hill River; Turkey Creek's mouth is at Abilene and Lyons Creek's is at Junction City. They are part of the Kaw River basin.¹

More than any other single question, the author has been intrigued by the one dealing with the local leaders and their motivation. The question is basic because the success or failure of the watershed program depends on this leadership. Furthermore the core leadership in the organization of a district quite naturally carries through to become the guiding or driving force in the board of directors as the watershed later faces some death-dealing blows.

Those who are in a position to appraise the success or failure of many watershed organizational endeavors verify

¹See appendix for a map of the Lyons Creek Watershed District. A perusal of the map, which is actually part of the "general plan" for the development of the watershed, will reveal the following: the highly irregular overall boundary of the district which includes parts of four counties, the division of the district into fifteen "reaches" or subdistricts, the location of proposed structures (detention dams) for flood control and/or water supply, and the area to be benefited by flood damage reduction. The shaded "area to be benefited" would also indicate the location of bottomlanders along the main stream and its tributaries; the unshaded area would be that of the uplanders. The city of Herington, barely distinguishable on the map, is located just to the west of the large, circled No. 11. The proposed Corps of Engineers Woodbine Dam would be located about where the large, circled No. 3 is on the map; its reservoir would extend south from that point for a distance of approximately ten miles along the shaded areas. The appendix also contains an outline map of the Turkey Creek Watershed District. This map is much less complicated compared with the Lyons Creek map, but it does show in great detail the main stream with all of its tributaries. The reader may find it helpful to refer to this footnote and the map occasionally as the above subjects are considered in the text.

the importance of sound local leadership. Charles F. Bredahl, Executive Secretary of the Kansas State Soil Conservation Committee, stressed the importance of "good leadership." He said that the chances for success are better if the leaders go slower and are surer of their moves. He further stated that some of the conflicts of watershed development could have been avoided if "common farmers had used more business-like methods."² It was not his intention to degrade the average farmer, but merely to stress the fact that the farmer is often less familiar with financial, technical, and legal problems than is the city businessman.

When asked about the motivational forces for the initiation of a watershed district, Leslie Johnson of the USDA Soil Conservation Service categorized his answer as follows. First, there are dedicated soil conservationists who want an organization and funds to carry out soil and water conservation. Second, especially in the late 1940's and early 1950's opposition to the Corps' big-dam projects was running high. A third factor is that cities often see it as a way to broaden the economic base of the area; much money will be spent locally, which will be good for the whole community. Finally, particularly in eastern Kansas, there has been increasing concern regarding the supply of water for both

²Interviews with Charles F. Bredahl, Executive Secretary, Kansas State Soil Conservation Committee, December 29, 1965, and February 4, 1966. Some of the direct quotations in this and succeeding chapters will not be identified in order to protect the author's sources and to keep confidences.

agricultural and urban use. Mr. Johnson then cited examples across the state to support his contentions. In one case ardent upland conservationists did an effective job in getting land treatment and a Corps-proposed reservoir on the stream brought in the bottomlanders; the result was a strong overall organization. In a different situation a small-town banker showed great local leadership in organizing a watershed district that not only would bolster the economy of the community but also would provide flood control protection to the town, the lowland irrigated flood plain, and the railroad that serviced the area. Mr. Johnson's contention is that "these kinds of public improvements start out as an idea in the minds of dedicated individuals." He admits that some proposed projects have never progressed beyond the steering committee stage, but suggests that when this happens, it is because the leaders have failed to convince the people that what they are going to get will be worth the cost:

Often people are merely carried away with the expected benefits of the program and are not well informed as to the details of the cost and procedures involved; this doesn't help sell a watershed project. A city has experts in promotion and public relations push everything they try to do. Farmers on the local level don't do this. Contributing further to the difficulty of putting together a closely-knit team of leaders for a watershed district is the fact that representatives from the various reaches of a district that stretches along a creek for thirty miles or more may very well turn out to be ten or fifteen farmers who don't even know each other!³

³Interview with Leslie E. Johnson, Assistant State Conservationist, Soil Conservation Service, USDA, March 10, 1966.

The author's study of the specific motivations for leadership in two selected watersheds both bears out the observations of these knowledgeable state and federal officers and raises some other questions. In the case of the Turkey Creek watershed a minister was one of the most active leaders and his rural church brotherhood served as a vehicle for stimulating interest in the community. There was a genuine interest in saving the land, the God-given land. The minister had seen the results of such a program in another state and wished to do it in his community. There was some interest in flood control but not much in water supply. Big-dam opposition was not a motivating factor in the beginning for it was neither known nor suspected that the Army Engineers would propose a major flood control project on their creek.

Their first general meeting, at which their steering committee was formed, was "very well attended." A special effort had been made to invite county-wide political and business leaders as well as the work unit conservationist from the Soil Conservation Service and the county agricultural agent. The speakers all emphasized the importance of soil and water conservation; the meeting was "very educational."⁴ But more important to this study is the fact

⁴An account of this meeting is recorded in the minutes of the steering committee of the Turkey Creek Watershed. Meeting held at New Basel Church, RFD, Abilene, Kansas, April 10, 1956. Minutes located at the home of Grant Engle, RFD, Abilene, Kansas.

that everyone interviewed agrees that there was no opposition to the idea of organizing a watershed district. There was, in short, initial consensus in the watershed.

The motivating force in the Lyons Creek watershed was primarily the desire to avoid a repetition of damage done by the 1951 flood. Of course this necessarily implies soil and water conservation, but the fact that the most active leaders in the early organization of the district were bottomlanders testifies to the paramount importance of flood control as a motivating force. Again in this case there was no knowledge that a Corps reservoir would later be proposed on their creek but the early leaders of the district fatefully chose as the program for their very first public informational meeting a slide presentation of the fight against Tuttle Creek.⁵ Little did they know that they too would engage the Army Engineers in a prolonged struggle against a big dam.

The favorable public reaction in these initial meetings within each of the watersheds caused the steering committees of both to request from the Division of Water Resources the official delineations of the watersheds and the sub-watersheds and to begin circulating the petitions required for chartering. Although the law requires that

⁵An account of this meeting is recorded in the minutes of the steering committee of the Lyons Creek Watershed. Meeting held at Lyona Methodist Church, RFD, Junction City, Kansas, September 23, 1951. Minutes located at district office, Woodbine, Kansas.

only twenty percent of the landowners representing twenty-five percent of the acreage sign the petitions to call for an election on the question of organizing a district, the steering committees of both watersheds wanted a considerably higher percentage.

The process of circulating the petitions is lengthy and costly. In one case the steering committee spent three years in circulating the petitions and their lawyer spent two more years in validating the signatures. Members of the steering committees who actually carried the petitions said that they worked slowly and carefully, that they often found no one at home, and that the person confronted with the petition often wanted to "think about it" or would "sign if his neighbor did." One upland owner and renter almost lost his rented land when his landlord, who disliked terraces, learned that he had signed a petition. The total time elapsed from the first public informational meeting to chartering in one watershed was ten years and in the other seven. The delay is partially explained by the waning interest during the dry years of the middle 1950's; however the announcement by the Corps of Engineers in 1958 that big dams were proposed for both of the creeks immediately revitalized the program. The total cost of petitioning in one watershed was \$4000 and it was \$1500 in the other.⁶

⁶Sources of information include personal interviews listed in the bibliography and studies of the minutes of steering committee meetings of the Lyons Creek and Turkey Creek Watersheds.

A part of the organizing process, after the petitions are approved by the state government and the voters of the proposed district concur with its establishment, is the selection of the board of directors. It is quite natural and usual for the steering committee to become the new board of directors; it was so in the watersheds studied. Furthermore, in each there was one man above all the others who played a dominant leadership role: he was one of the very first instigators of the watershed idea; he was chairman of the steering committee; he became president of the board of directors, and he serves in that capacity yet today. Why will a man give so freely of so much of his time and effort over a fifteen-year period to a cause which brings him no direct financial remuneration? Why will he give up so many of his evenings with his family and why will he occasionally let his own farm work slide while he works for the watershed? Why will he subject himself to the personal abuse that is often associated with political conflict?

When asked specifically about his own self-motivation, each of the leading figures in the watersheds studied gave strikingly similar answers. One man replied that he had always been interested in soil conservation and that some countries force their people to take care of the soil. Admittedly he was an uplander, but he nevertheless recognized an obligation--in fact, two obligations: one, to save the

soil for future generations and, two, to try to keep his water from harming those below him in the watershed. As an active organizer and supporter of rural telephone and electric service, he had repeatedly been exposed to the flood damage to those utilities. As a taxpayer he wanted to save on the expense of maintaining roads and bridges. He contended that watershed treatment would enhance land values, particularly bottomland. "Later, after the dam was proposed, it had a psychological effect on me. I have seen whole communities fall apart the moment a big dam is authorized."⁷ The other watershed leader, who is a bottomlander but lives below a proposed big dam, also mentioned soil and water conservation as motivating factors, but stressed his opposition to the extension of federal power that would go with a big dam. He had earlier lived in the area of a Corps project and had come to the conclusion that a watershed program is not only less costly and wasteful, but also far superior in that local people would plan and control their own destiny.⁸

Further questioning (if not prodding) by the author evoked additional interesting comment from these men about their motivation. One of them confessed that there was an aura of power and glory associated with heading the watershed.

⁷ Interview with Grant Engle, President, Turkey Creek Watershed District, February 16, 1967.

⁸ Interview with Hayes Beck, President, Lyons Creek Watershed District, May 10, 1966.

As he put it:

Not only do I know our U.S. Congressmen, governor, and state legislators, but they know me. They call me on the party telephone line to inform me of their action or to ask my advice. That is really something! It doesn't happen to very many citizens in this country.

Both men said they were gratified to serve the public. One said that he was seriously contemplating entering politics, and the other said he "would probably have enjoyed a career in politics." It was while on this subject of motivation that one of these men's wives interceded--the only time during a three and one-half hour interview. She said, "I'll tell you why. He likes to be in things. He likes to fight!"

It is on this note that we now leave the initial period of consensus in the watershed and the study of the leaders and their motivations. Arenas of conflict lie ahead.

CHAPTER III

CONFLICT WITHIN THE BUREAUCRACY

Although the atmosphere of consensus within the watershed districts prevailed for some time after they were chartered, a bureaucratic conflict soon developed. The boards of directors challenged both the Soil Conservation Service and the Army Corps of Engineers. Later, the boards themselves were challenged by their own citizens. It is the purpose of this chapter to examine these three areas of bureaucratic conflict.

The Local Boards Versus the Soil Conservation Service

The boards of directors almost immediately found themselves involved in a conflict with a federal agency, the Soil Conservation Service of the United States Department of Agriculture. This conflict had two facets: first, getting the Soil Conservation Service to do what was desired, and later, getting SCS to proceed with reasonable haste in the face of a threat to the watershed by a Corps project.

The boards of directors of both districts studied disagreed with the Soil Conservation Service on the amount of benefit that could be claimed by their respective watershed programs.

The Kansas Watershed District Act prescribes that:

Upon the incorporation of the watershed district the board shall cause work to be commenced on the preparation of the general plan of the district. In addition to the general plan there shall be prepared an estimate of costs as to installation, maintenance and operation of the proposed works and information as to the location and extent of areas that would be benefited by the proposed works.¹

It was the function of the Soil Conservation Service to perform the engineering studies necessary to determine the number and location of the proposed works and their estimated costs and benefits. This is a most critical matter for if benefits, especially, are found to be inadequate, the feasibility of the plan itself will be in doubt and federal funds for the construction of the flood control structures may never be forthcoming.

In the case of one district, the potential benefit accorded to the watershed was almost nothing. The general plan submitted by the Soil Conservation Service provided for only five structures, all located in the upper reaches of the watershed, instead of the approximately twenty that the board had expected. The members of the board were disappointed and were "very cold" toward the presentation of the plan by the SCS personnel. The board did not actually reject the plan but requested that SCS "reconsider" the plan along the lines suggested by the board. A few months later the SCS engineers presented a second plan which included fifteen structures and

¹Kansas, Supplement to General Statutes, (1961), c. 24, sec. 1213.

provided control over 39% of land in the district. This second plan was accepted but disillusionment and distrust of the Soil Conservation Service was to linger for several years. Rightly or wrongly, the board believed that the Soil Conservation Service arbitrarily decided that the Corps would probably build a big dam on the stream and that the watershed program would be feasible only in the extreme upper reaches of the watershed.²

An associated and critical problem developed in this same district involving the Soil Conservation Service. Because the SCS personnel were busy on other projects, part of the engineering study was farmed out to a private firm. According to the chairman of the board, a "greenhorn" engineer showed the contour map to people without differentiating between the "normal" pool and the "flood" pool. Contour maps are confusing to the layman and it was not explained that the flood pool would result only occasionally and then only temporarily. The engineer further complicated the matter by telling the people that "no one should allow a dam that would flood all this land." As soon as the board became aware of this, the Soil Conservation Service was called and the young engineer was fired by the private firm. But irreparable damage had been done, and from the board's viewpoint, the Soil Conservation Service, although not totally at fault, must be held responsible.³

²Interview with Gene Meuli, Vice-President, Turkey Creek Watershed District, March 10, 1966.

³Interview with Grant Engle, President, Turkey Creek Watershed District, February 16, 1967.

A study of the minutes of the directors' meetings of the other watershed district reveals that it, too, conflicted with the Soil Conservation Service as to the benefits that were to accrue to the watershed program. The directors offered to entertain the engineers at a dinner meeting at which time SCS would present the plan. It was done but the directors were displeased. The minutes record that it was "only half a plan." There were only sixteen structures and they were so far upstream that they could only be of benefit to the Corps-proposed big dam on the creek. There was almost no watershed benefit at all. The board at a later meeting moved to reject the plan, "stating the reasons as diplomatically as possible."⁴ According to the president of the board, the Soil Conservation Service explained that "regulations" determined what it could do. The president then made a trip to Washington, D.C., where he learned that what the Kansas office of the Soil Conservation Service had said and done was only its own policy and had no basis in federal regulations. The board was then able to get SCS to "do a little better but they still dragged their feet."⁵

In an interview with the assistant state conservationist of the Soil Conservation Service these criticisms by the local watershed boards were put to him directly for answer. His explanation was brief but clear. The SCS personnel are engineers,

⁴Minutes of Board of Directors' Meetings, Lyons Creek Watershed District, June 6, 1963, to September 23, 1963.

⁵Interview with Hayes Beck, President, Lyons Creek Watershed District, May 10, 1966.

not politicians. Their studies are hydrological. They measure flood depths, water run-off, and soil erosion; they study the flood history of an area and make flood frequency estimates for the future. Their engineers, technicians, and statisticians convert all such information to dollars to compare the cost of a watershed to the benefit to be expected by it. "The Soil Conservation Service is objective." Of course, he admitted, there are always "elements of compromise"; there is no need for SCS to devise a project that the local people are completely unwilling to accept. SCS must reach an agreement with the local boards if anything is to be done; however, "there is a limit." When asked whether he, himself, favored the watershed approach or the big dam approach, his answer was that "Watersheds are no substitute for big dams. It just depends on who is to get the benefit--those in the bottom of the watershed or those on downstream."⁶

From the viewpoint of the watersheds' boards of directors the conflict with the Soil Conservation Service ran deeper than just getting an adequate benefit assessment for the watershed approach. Time was a vital factor, particularly for one of the watersheds which often seemed to be losing a battle with the Army Engineers. The race was to determine whether the watershed board could get their plan authorized by Congress before the reservoir project was given the green light. The

⁶ Interview with Leslie E. Johnson, Assistant State Conservationist, Soil Conservation Service, USDA, March 10, 1966.

cooperation of SCS was vital, but again from the watershed board's position, it was not forthcoming. It was at this point that a rather unusual procedure was followed, but evidently with success. The president of the watershed district flew to Washington, D.C., for a second time. In addition to several others, he discussed his problem with his Congressman. The Congressman suggested that the watershed president return home and make an appointment to take the State Conservationist, the top man in SCS, to dinner. The idea was to get him alone and to get him away from the SCS offices. The president should then mention that his Congressman had suggested that the State Conservationist be apprised of the situation as the watershed directors saw it. It should be explained how SCS had slowed them in developing their plan and how time was of the essence in the conflict with the Engineers. This was all done in a lengthy, leisurely, private dinner meeting. The outcome was that the State Conservationist agreed to "go all out." He promised that SCS would do "two years work in six months."⁷

The facts indicate that the watershed boards of directors won both phases of their bureaucratic conflict with the Soil Conservation Service. In both districts substantially increased benefit was gained for the watershed approach by taking a firm position against the first plan submitted by SCS. In the case of the one district SCS did move ahead rapidly after

⁷ Interview with Hayes Beck, President, Lyons Creek Watershed District, May 10, 1966.

promising to do so. The victories were achieved, however, at the expense of serious personality clashes between members of the two bureaucracies. Several members of each watershed board have expressed dissatisfaction, even distrust, of one particular member of SCS. The best they can say of him is that he "might be all right now, but he sure wasn't at first." Some accuse him of being bitter because he didn't get the top position in SCS a few years ago. Others say he is pro-big dam. On the other hand, one of the top SCS officials who has worked directly with both presidents almost shouted his exasperation when asked about his relations with one of them: "That man is an enigma to me! I'll never understand him!" Another SCS comment regarding a watershed official: "He is a man in search of a horse."

In concluding this part of the bureaucratic conflict, it should be recorded that these differences between the directors and SCS went largely unnoticed by the citizens of the district. Of course, it was generally known that their board had rejected a plan, but the average citizen didn't know just what plan it was or why it had been rejected or what would be done next. The average citizen would be vociferous indeed in other areas of political conflict but not here.

The Local Boards Versus the Army Corps of Engineers

The conflict between the watershed directors and the Corps of Army Engineers has already been alluded to in this chapter.

It will also be recalled that in neither watershed studied was a Corps reservoir a motivating factor in the inception of the watershed district. Once proposed however, the directors of both districts led the fight against the projects. In one watershed the Engineers later withdrew their big-dam proposal, but in the other the struggle is continuing at the time of this writing. The watershed directors offered more than just opposition, as had been the case regarding other Corps projects in Kansas; they offered an alternative--the watershed approach.

The nature of this conflict was quite different from that just discussed involving the Soil Conservation Service. Regarding SCS, the contacts between it and the directors were personal and direct and the effort was to persuade each other to take a specific action. Not so with the Engineers. There seldom was a face to face confrontation; there was no attempt by one party to induce the other to give up his position. The conflict was to determine which contestant would win the support of a third party--Congress, the state legislature, the governor, or the Kansas Water Resources Board.

The position and method of operation of the Army Engineers are well known. Their purpose in Kansas is primarily two-fold: flood protection and water supply, and these are for the cities along the state's major streams. Consequently, support for the Corps' program is strongest in such Kaw River cities as Manhattan, Topeka, Lawrence, and Kansas City. The memory of the 1951 flood is still vivid; a growing population emphasizes the need

for an assured water supply for domestic and industrial uses. The Engineers are objective and impersonal; their studies merely indicate that a particular structure would reduce the flood flow by a certain amount; they don't know anyone living in the pools of their recommended reservoirs and therefore they can and do have a detached attitude toward the displacement of homesteads, churches, cemeteries, and towns. Since the Engineers are part of the Executive Branch, they are not usually thought of as an interest group. They may testify but the efforts to wield influence are largely left to those who will benefit by the Corps program.⁸

The position of the watershed board is considerably different. They are directly and immediately and personally concerned if a big dam is proposed in their district. It becomes a race against time for if Congress should authorize a big dam, the potential benefit remaining to the P.L. 566 program would be greatly reduced. The watershed board must show that its program is more desirable. The arguments offered generally include the following: the watershed treatment approach will be considerably less costly (in one watershed studied, \$4.5 million v. \$17.5 million); it will be almost as effective in controlling floods; it will not dislocate people; it will not remove property from the local property tax rolls; and it will

⁸For a revealing account of the techniques used by the Army Corps of Engineers see Arthur Maass, Muddy Waters: The Army Engineers and the Nation's Rivers (Cambridge, Massachusetts: Harvard University Press, 1951).

keep the water where it falls and store it in the ground, which is the best reservoir of all.⁹

The conflict then was to determine which side would claim the allegiance of the governor and the Kansas Water Resources Board, of the Kansas Senate and House of Representatives and more particularly the Water Resources Committee of the House, and of the United States Senators and Congressmen from Kansas.

The tactics utilized included trips and calls to the State House and Capitol Hill. The watershed directors scheduled bus tours of watersheds in various stages of completion so as to convince the third-party decision-makers as to the validity of the watershed treatment program. The big-dam advocates pointed with alarm at floods on the streams where proposed projects were not yet authorized. This was an especially galling development to the directors of the watershed because on several occasions Topeka and Kansas City newspapers reported that their creek was out of its banks when in fact it had risen only a few feet. The directors also scheduled the equivalent of testimonial dinners at which the decision-makers were feted and then propagandized by all of the various officials the directors could muster in support of their program. These "officials" often included county commissioners, mayors of

⁹The case for the watershed approach is well stated by Elmer T. Peterson, Big Dam Foolishness: The Problem of Modern Flood Control and Water Storage (New York: The Devin-Adair Company, 1954).

cities and towns within the watershed, directors from neighboring watershed districts, county agents, presidents and directors of soil conservation districts, the president of the State Association of Kansas Watersheds, and representatives of the press.

There was always an element of urgency running throughout this conflict, particularly from the position of the watershed directors. This helps to explain part of the intensity of the conflict with the Soil Conservation Service mentioned earlier. A good example of the pressure on the watershed directors was related by the president of one. The watershed president was contacted by one of Kansas' United States Senators and told that somehow the watershed's plan would have to be authorized by Congress in the then current session or the Senator could no longer support it. The Senator stated that he had got the big dam out of the hopper three times but that he couldn't oppose the dam any longer. He was losing too many votes from Kansas City and other downstream areas on his watershed stand.¹⁰

Another good example that will tend to sum up the various characteristics involved in this political conflict between the board of directors and the Corps of Engineers is a hearing held by the Water Resources Committee of the Kansas House and attended by the author. The issue was whether or not to include two Corps-proposed big dams (one to be in one of the watersheds being studied by the author) in the state's water plan. Inclusion

¹⁰ Interview with Hayes Beck, President, Lyons Creek Watershed District, May 10, 1966.

would signal Congress to authorize them. The committee chairman designated one day for the proponents of the Corps projects and another day for the opponents. On the day scheduled for the proponents, the watershed president was in attendance and his presence was noticed by one of the committee members just before the hearing began. That legislator was not particularly friendly to the watershed position and he asked that the watershed president be excluded from the hearing on the grounds that his only purpose was to be better able to prepare a rebuttal when his turn came. The watershed president admitted later that that was exactly why he was there, but the committee chairman allowed him to stay nonetheless. The proponents included delegations from each of the major cities along the Kaw plus delegations from south central Kansas in support of the other reservoir under consideration. The leader of the Kaw delegations was a prominent Kansas City banker. Their arguments were essentially those already mentioned--flood control and water supply.

Two days later the opponents of the big-dam proposal presented their case. The watershed president wanted a show of force and had over fifty people from his district in attendance. At one point in the hearing they were all asked to stand, an effort to impress the committee with the citizen-interest in the district. After a moderately lengthy speech in which he refuted the contentions of the big-dam advocates and argued positively for the watershed treatment solution, the

president called in turn upon the mayor of a small city that would benefit by increased water supply from a major structure in the watershed plan, the president of the State Association of Kansas Watersheds, the director of research of the Kansas Farm Bureau, and another member of his own board of directors. During the questioning by committee members, one legislator from Topeka asked a number of pointed, almost barbed, questions and finally asked what the Kansas Water Resources Board recommended. The chairman told him that a representative from that board would testify before the committee during the following week.¹¹

After the hearing adjourned the author sought out the watershed president to get his impression of the proceedings. The president was confident of victory. The single most vocal supporter of the big dam program came to the watershed president after the hearing and admitted that the hearing had convinced him to favor the watershed solution. The committee chairman was opposed to including the big dam. The president said he had a firm commitment from the Kansas Water Resources Board to the effect that they would not at this time recommend the inclusion of the big dam.¹² Even so it was not total defeat for the Army Engineers; their big dam in the south-central part

¹¹Kansas House of Representatives, Committee on Water Resources, Hearing on the Inclusion of the Woodbine and Towanda Reservoirs in the Kansas State Water Plan, Topeka, Kansas, March 9, 1967.

¹²Interview with Hayes Beck, President, Lyons Creek Watershed District, March 9, 1967.

of the state was recommended favorably by both the Water Resources Board and by the committee.

The Citizens Versus the Local Boards

Thus far in this chapter the watershed district directors have been presented as Davids against the Goliath bureaucracies of the Soil Conservation Service of the United States Department of Agriculture and the Corps of Army Engineers of the United States Department of Defense. But the board of directors was itself a bureaucracy. Occasionally there was conflict between the board and its employees or within the board itself, but more often and more serious were the conflicts between the lay citizens of the district and their "bureaucratic" board of directors.

A watershed district does not employ very many persons, usually only a lawyer and a manager, sometimes a secretary. In both watersheds studied the directors at times felt that the lawyers charged too much. The farmers who made up the boards said they appreciated the education required and the time expended by the lawyers, but they were a bit shaken by fees that accumulated at the rate of fifteen or more dollars per hour. This problem prompted one board to consider means of tightening control over their lawyer; they decided to require an itemized list of expenses from him.¹³ Charles Bredahl suggested another problem when he said, "Much political conflict could have been

¹³Minutes of Board of Directors' Meetings, Lyons Creek Watershed District, March 10, 1964.

avoided if lawyers were more versed in watershed law."¹⁴ In one watershed at least three attorneys were contesting over the meaning of the Watershed District Act at various times. In one case two lawyers, supported by their factions, went to the Supreme Court of Kansas; the issue: the position of one comma in the law! One of the board presidents acknowledged that their lawyer was "not too efficient" and there was serious consideration regarding his replacement. Another director said simply, "Our lawyer has caused trouble for us." Neither district, however, changed lawyers.

Conflicts between the boards and their managers have been somewhat similar to those involving their attorneys. Managers have been accused of drawing too much salary for "just sitting." One board found it necessary to limit their lawyer to strictly legal matters and allow the manager jurisdiction over all others; the board further instructed both the lawyer and the manager to leave the big dam out of all their discussions with citizens of the district.¹⁵ From the manager's viewpoint, one said that one of his hardest jobs was to educate the directors. He had earlier worked up a slide presentation for the public and then another for the directors. "Finally, the cobbler's

¹⁴Interview with Charles F. Bredahl, Executive Secretary, Governor's Watershed Review Committee, State of Kansas, December 29, 1965.

¹⁵Minutes of Board of Directors' Meeting, Lyons Creek Watershed District, March 10, 1964.

children will get shoes," he said.¹⁶ One manager was removed to a different capacity by the board; the other manager resigned after several years' service. Neither has been replaced at the time of this writing.

Conflicts within the boards of directors studied have only once been serious enough to be significant. As would be expected in a group of fifteen or twenty men, not all are of the strong, dominant, leadership type. A perusal of the attendance record of one of the watersheds showed that some of the directors attended fewer than one-half of the directors' meetings.¹⁷ In one of the watersheds the president has on occasion "run roughshod" over some of the directors that questioned his wisdom; he told them, "You are just against progress."

The outstanding exception to an amiable, cooperative relationship among board members occurred in one district when the board suddenly found a maverick elected to their midst. This occurred some ten years after the inception of the watershed district and four years after chartering; conflict in several matters had by then become intense. Many citizens felt that the board of directors was a "closed society" that needed to be broken open. The whole episode is considered to be both sufficiently interesting and significant to recount in some detail.

It was recognized in a board meeting that at the upcoming

¹⁶Interview with Henry A. Knackstedt, Manager, Lyons Creek Watershed District, May 10, 1966.

¹⁷Attendance Record, Board of Directors, Lyons Creek Watershed District for calendar years 1964-1966 inclusive.

annual meeting five directors' positions were subject to election. The board proceeded to suggest the names of five men, one in each of the subdistricts of the watershed, to serve as a nominating committee. None of the five was a director. The president then "exercised his power as chairman" to strike two of the names suggested because, allegedly, they were not in sympathy with the watershed program. This left a three-man nominating committee which later nominated the five incumbent directors and no others. However, one of the incumbents told the board and let it be known in his subdistrict that he really did not wish to serve again. The watershed manager went to the director's home and prevailed upon the man to run; he would win, could then resign, and the president of the board would appoint someone to his liking to the board. This was agreed to by the incumbent.

The stage was thus set for the annual meeting and the election of directors. Ballots had been prepared which listed the names of the five incumbents and provided a line for a write-in candidate. The nominating committee chairman reported that his committee offered the five incumbents, and the chairman of the meeting called for nominations from the floor. It was at this point that the leader of the faction opposing the board of directors got the floor and addressed the one incumbent: "You do not intend to serve even if elected, do you?" The man only shook his head indicating that he did not. His name was then withdrawn; the leader of the opposition was

nominated, and another less well-known man, sympathetic with the board's policies, was nominated. In the election the leader of the opposition won a seat on the board. In a different sub-district an opposition candidate, also nominated from the floor, narrowly missed defeating an incumbent. Members of the opposition faction attributed this loss to the fact that the incumbent's name was already printed on the ballot; in the race where the opposition won, both names were write-ins.

Opinions differ as to the effect of having opposition on the board of directors. Other board members say the opposition director is totally ineffective; the position taken is always in direct contrast to that of the majority. One director said that the "maverick" even seems to wait until he is sure he knows what the board is thinking so as to be certain to be in opposition to them. Another director said that they tolerate him in their midst but disregard him as much as possible. The crowning criticism of the man was that he was a "Catholic or even possibly an atheist." The author was unable to detect just which was the more condemning.

One instance of a board having an opposition member may be described more fully. This opposition director was not naive; he knew exactly where he stood with relation to the other board members. He admitted that it would be frustrating to have one's motions voted down but suggested that it was considerably more disheartening to see one's motions always fail for lack of a second. That was his situation. Of course, his

big value was to his faction: they could at least make themselves heard and they were provided a better opportunity to know what was happening. However, the director claimed that he could make a positive contribution if given the chance. He cited one example in which he pointed out a technical error in the preparation of the budget and explained how it should have been done. The board disregarded him as usual, but the next day took the matter to a commercial firm. The result? It cost the board \$88.00 to learn that the director was right. Twice during the interview with this director he blurted out that the other board members were Communists: "We are fighting Communists all over the world and we've got them right here in our own watershed! What else can you call them--Communist dictators! They won't listen to the wishes of the people." This was his most condemning invective against his life-long neighbors.¹⁸

This preceding discussion of the conflict within the board of directors leads naturally into what is probably the most serious area of political conflict in the development of these watersheds: the conflict between the board and the lay citizens of the district. The vast majority of these citizens have repeatedly emphasized that they do not oppose soil and water conservation. The author has never detected a long-standing personal grudge between any of these citizens and members of the boards. It should also be acknowledged that not

¹⁸Interview with William Kingsbury, Member, Board of Directors, Turkey Creek Watershed District, April 3, 1967.

all of the citizens in the watershed are in conflict with directors, but it will be shown that a significant percentage is. These conflicts are not to be confused with rural-urban or uplander-bottomlander conflicts; these will be dealt with in a later chapter. Perhaps the best way to describe this conflict is in the words of some of the citizens: "We just don't like their tactics." What are these "tactics" that so incense the citizenry?

A most important and basic conflict involves the matter of nominating and electing board members. This was alluded to in the preceding description of the tactics used by one board in an unsuccessful attempt to keep an opposition director from being nominated and elected. A similar development in the other watershed will show even more vividly the tactics used by the men in power.

About three weeks before a scheduled annual meeting the author, a citizen of the district and correctly known to favor the policies of the board, was asked to serve on the nominating committee. The committee, consisting of one of the "establishment" directors, another man in sympathy with the board and the author, met to consider possible nominees. The director stated at the outset that the election could be crucial, that conflict in the district was so great that the opposition might try to unseat the president himself. From two to four possible nominees were selected from each subdistrict in which a director's term expired. The incumbent directors themselves were all

renominated. Specific consideration was given to whether or not the person suggested was likely to be favorable to what the board was doing. Was he known to favor soil and water conservation? Did he have terraces on his farm? Was he "progressive"? If the answers were believed to be "yes," he was listed as a possible nominee. If "no," he was not. The committee was careful not to choose anyone who was scheduled to have a large detention structure on his farm. At one point the director produced from the desk in the district's office a petition against the board's policies and names were checked against it lest an opponent be nominated.

During the following three days the director on the committee sought the acceptance of the potential nominees but got no one to run against the incumbents. Their reasons for declining were of two categories: they didn't wish to run against their friends and neighbors or they didn't know anything about it and didn't wish to go into it cold. The committee convened a second time and agreed to the following: first, that an honest effort had been made to get someone to run against the incumbents; second, that no one could be found who would do so; and third, that the incumbents should be nominated, unopposed, by the committee.

On the night of the annual meeting the author was asked to make the report of the nominating committee. He first apologized for the committee's inability to secure nominees to run against the incumbents; the incumbents were then nominated.

Ballots were already prepared with the incumbents listed followed by a place for write-ins. There were no nominations from the floor. The acting chairman during the election proceedings declared nominations closed. It was moved to cast a unanimous ballot for the ticket and it was done. The election had moved quickly and smoothly and quite satisfactorily from the board's point of view.

Criticism of the nominating and electing procedure erupted immediately upon adjournment of the meeting however. The author, as figurehead chairman of the nominating committee, was sought out by the man who is generally recognized to be the most severe critic of the board's policies. "Why didn't you ask me to run?" he said. He knew that the director on the committee had called on several men in his subdistrict to be a candidate and he knew that none of those contacted was known to be unfavorable to the board's policies. The nominating committee's action was all a "farce"; the committee didn't want any opposition to the board. Obviously, the man had the committee analyzed perfectly.

When it was suggested that he could have been nominated from the floor, the man began the second part of his criticism: the election procedure was illegal. He argued that in no other tax-supported organization is a nominating committee used. Either candidates file for the office and printed ballots are used with write-ins possible in the voting booth, or all nominations are from the floor and printed ballots are not used. He asked if the election would have been delayed long enough to

print his name on the ballots if he had been nominated from the floor. If his name had not been printed as were the incumbents, he would have been at a definite disadvantage. Furthermore, his name should have been listed first on half the ballots. "Our featured speaker tonight said we must stand up for our rights lest corrupt politicians take over. That's what I'm doing."¹⁹

This criticism was conveyed to the president of the board. His answer was:

Our lawyer says the law doesn't say exactly what election procedure is to be followed and that the way we do it is all right. If he had stood up and moved to disregard the nominating committee's report and have all nominations from the floor, I would have declared him out of order.²⁰

The statement just quoted suggests another "tactic" often criticized: the use of power sometimes arbitrarily, by the presiding officer. Several references have already been made regarding this matter: running roughshod over fellow directors, writing off critics as merely opposing progress, and reducing the number on a nominating committee, to name three. At a public meeting in one of the districts the president declared a somewhat obnoxious young man out of order. Many in the crowd clapped and stomped their feet in approval, but the father of the young man told the author that the president owed his son an apology, that the board had their manager and lawyer there

¹⁹Statement by Loren Hinkle, Hope, Kansas, following Annual Meeting, Lyons Creek Watershed District, February 13, 1967.

²⁰Statement by Hayes Beck, President, following Annual Meeting, Lyons Creek Watershed District, February 13, 1967.

to speak for them and that the opposition had a right to be heard through their chosen spokesman. Another excellent example occurred at a hearing on a proposed watershed district plan. To be heard a citizen of the district is required to write a letter to the board prior to the hearing in which he asks to make a statement. At the hearing the chairman calls on each person in turn and the statements are recorded verbatim without comment by the board. Following the formal statements, there is usually a question and answer period in which the citizens have a chance to learn more about their watershed district. At this particular hearing only two men made formal statements. The chairman then said the board would receive some questions from the floor but that the discussion would be terminated at eight-thirty sharp. The author, sitting in the audience, immediately sensed the hostility of many to the ruling made by the chair. One man said that he took off an evening and drove fifteen miles to come to the meeting and that he was going to ask his questions no matter what time it was. Another man asked why have a meeting if the board isn't going to explain what is happening. In answer to a question by the author after the meeting, the chairman explained that the law didn't require them to take any questions from the floor at all; anyway, they wanted to have a directors' meeting yet that evening as soon as the people cleared out.²¹

Another minor but irritating conflict between the citizens

²¹Hearing on General Plan, Lyons Creek Watershed District, Woodbine Grade School, Woodbine, Kansas, January 23, 1967.

and the board involved the openness of board meetings. After a public meeting in a school in one of the districts, the board intended to have a meeting and hinted several times that a couple of hangers-on should leave. They did not leave; they decided that they paid taxes on the school building too and they were not going to be run off. Finally, the directors held their meeting with the visitors in attendance. In another case a man who frequently attended board meetings as a visitor said he did so to try to "keep the directors honest." In one of the districts the board commonly met in the basement of the manager's home. As one such meeting was apparently just getting started, a few citizens unexpectedly arrived. According to one of the citizens there were only four directors present; they all beat a hasty retreat upstairs where several telephone calls were made. After thirty minutes or so had elapsed, enough directors to comprise a quorum returned and the meeting proceeded. In this same environment--the manager's basement--the onlookers had no chairs, so they sat on some boxes or the floor, but not for long. At later board meetings the visitors arrived, paraded through the manager's home and into his basement, each carrying his own folding chair! The president of the board was not overly enthusiastic about the presence of the opposition faction at the board meetings. He said that they sometimes got so loud that he had to call for order.

Perhaps the most serious tactical conflict between the citizens and their bureaucratic board of directors involved

the petitioning process. It will be recalled that Kansas watershed law requires the circulation of a petition by the steering committee prior to the issuance of a charter. Once created the first major duty of the board is to present a plan for the development of the watershed; again the law provides that petitions may be circulated which will force a referendum on the plan submitted by the board.

Several problems involving the petitioning process were common to both districts. In some cases the men carrying the petitions didn't fully understand what was at issue and therefore could not answer questions or, worse, gave either misleading answers or outright misinformation. Petition carriers were accused of telling prospective signers that certain citizens had signed or had promised to sign when in fact they had not. There was also the matter of verifying the validity of signatures; some were found not to be bonafide landowners or qualified electors, and women often used their husbands' given names instead of their own in their signatures. The board threw these out, of course.

Of greater significance was the allegation in one district that the petitions to charter were substituted by the directors (steering committee at that time). Those who made this charge said that the original petitions called for nothing more than that the individual landowners should install such waterways, terraces, and ponds as they saw fit with the aid of the federal government, a program used by farmers over the

country for many years. It is further alleged that the petitions were so constructed that the part with the signatures could be disengaged from the part containing the statement being petitioned and that this was in fact done and that the substituted statement called for the establishment of a watershed district under the Kansas Act and the Hope-Aiken (P.L. 566) program. The president of the board said the charges were totally unfounded and that original petitions, as circulated, are on file in Topeka and may be inspected by anyone. Citizen distrust of their board existed nonetheless.

Both watersheds studied have been involved with a petitioning process that goes to the very life of the program: the method of financing. The law provides that after the general plan is adopted by the board, a public hearing shall be held and that opponents shall then have thirty days in which to submit petitions requiring the board to hold a referendum on the method of financing. The substance of this issue will be dealt with in a later chapter under the heading of conflicts between uplanders and bottomlanders. Here the emphasis is on the tactical conflict between the citizens and the board of directors. With what success can citizens use the petition against their local bureaucracy?

The public hearing on the general plan for one district produced a large crowd and fourteen men who made formal statements opposing some aspect of the plan. The board had solicited several organizations to send representatives to speak

in favor of the plan, but the question and answer period produced evidence of considerable opposition.²² The board was not surprised when it received within the thirty-day period a petition to hold a referendum on the method of financing.

After expending time and effort verifying the signatures on the petition, the referendum was scheduled; the time elapsed between the hearing and the election was almost ten months. During the month immediately prior to the voting the board scheduled informational meetings at several locations within the district. The author attended one of them.²³ The most singularly outstanding fact about the meeting was the poor turnout. The board was hoping for 100 or more; there were nineteen people present. The president spent a few minutes explaining the wording of the resolution, and then opened the meeting for questions and comments. Of most concern to this issue involving the tactics of the board were questions about what would transpire next, depending on the outcome of the voting. If "yes," the board would proceed to carry out the plan. If "no," the board would schedule a second public hearing on the plan and if petitions were not received within thirty days, they would proceed to carry it out. Several men in the audience didn't like that at all. One man said, "That doesn't seem very fair, does it!" Another said, "How is it

²²Hearing on General Plan, Lyons Creek Watershed District, Woodbine Grade School, Woodbine, Kansas, February 10, 1966.

²³Informational Meeting, Lyons Creek Watershed District, Woodbine Grade School, Woodbine, Kansas, November 16, 1966.

that you directors can submit and resubmit your plan even after we vote it down?" The president just smiled.

His smile did not last long for just a few days before the referendum there appeared in the two major newspapers of the area one-quarter page ads urging "VOTE NO." The message the ad was attempting to convey was that a "yes" vote would give the board unlimited power to levy taxes. It stated, "This resolution is unfair and dangerous!!" It was paid for by an "Ad Hoc Committee to Expose and Defeat" the resolution.²⁴ The president tried to counter the effect of the ads by personally appealing to the voters via radio but it was to no avail. The resolution was defeated by twenty-four votes.

True to his word, the president conducted a second public hearing six weeks after the referendum defeat. The only change was in the wording of the resolution; the substance remained unchanged. The president's justification for resubmitting the plan was that the "levy limit was not clear in the earlier resolution."²⁵

The next tactic employed by the board was clearly designed to intimidate the opposition into refraining from submitting a petition that would force a second referendum. The annual meeting of the district was held just three weeks after the second public hearing on the plan. The area newspapers

²⁴Herington Advertiser-Times, December 1, 1966, and Abilene Reflector-Chronicle, December 4, 1966.

²⁵Hearing on General Plan, Lyons Creek Watershed District, Woodbine Grade School, Woodbine, Kansas, January 23, 1967.

reported that in conjunction with the annual meeting "the board of directors have inaugurated a new policy of publishing a financial statement before the annual meeting."²⁶ Rather than using the "legal notices" type of announcement, the board bought an ad themselves, and in it gave a breakdown of the "actual normal expense" and the "cost of the election." The cost of the election, \$1514.50, was impressive; the message the board had in mind was clear. During the annual meeting the financial statement was reviewed with emphasis on the cost of the election. "We just want everyone to know how much it cost the district," the president said. The reaction of the opposition was predictable: before the thirty-day limit expired, they filed their second petition calling for another referendum. (It has not yet been held at this writing.)

Similarly in the other watershed, those opposed to the board filed a petition calling for a referendum, but in this case the board chose the tactic of trying to break the petition. The board printed slips of paper which stated in effect that the signer had not understood the referendum petition and wished to have his name removed. The directors and the manager then proceeded to persuade just enough eligible voters to withdraw their names to invalidate the petition. This tactic so infuriated the opponents that they brought suit in district court against the directors for their illegal method of financing. Briefly, the court's decision was that the method

²⁶The Junction City Union, February 9, 1967.

of financing was not declared illegal, but that the board was ordered to hold the referendum after all. (The court also took the rather unusual action of ordering the partially victorious defendants, the directors, to pay all court costs and the plaintiffs' attorneys' fees.)

The referendum was held as ordered by the court, and voters in the district approved by a majority of slightly more than 2-to-1 the board of directors' recommended method of financing.²⁷ Upon losing the election, the opposition immediately appealed the district court's verdict to the Kansas Supreme Court.²⁸

There is an ironic twist to this whole episode that both sides recognize. The president of the board said, "Our big mistake was in not honoring that petition. As it turned out, we won easily, but we angered a lot of people anyway." The leader of the opposition said, "If the board had honored that petition, we would have lost the election, and we would have had no grounds for suing them."

²⁷Abilene Reflector-Chronicle, March 18, 1966.

²⁸The author has read the brief submitted by the opposition to the Kansas Supreme Court. Reading it was an interesting and educational experience. At this writing the court has handed down no decision. It is the author's understanding that the State Legislature is in the process of amending the Kansas Watershed District Act so as to make legal all of allegedly illegal acts of the Turkey Creek board. The reason for the action in the legislature: more than a dozen other watersheds in the state have done just as the Turkey Creek board has, and they don't want their action voided by an unfavorable court decision.

One last source of conflict between the board of directors and the citizens of the district involves public relations or a communications failure on the part of the board. The citizens do not consider this to be an unethical "tactic," but nevertheless feel very strongly about it. The board, for its part, at least partially recognizes the problem but finds it a difficult one with which to cope.

The most frequent criticism, made in both districts, was that no one ever told a landowner that a flood detention structure was to be located on his place. "Nobody asked me if they could put a pond on my farm." "I didn't know I was to have a dam until I saw the plan published in the paper." "Why didn't one of the directors come to me and explain that 'benefit business'?" After the first hearing on the general plan the secretary of the board told the author that "every man who spoke against the plan should have a personal call from a director, but it won't be done."²⁹

Another director pointed out that the casino (card parlor), located directly across the street from the watershed office, was the source of countless erroneous stories about the watershed program. Some stories exaggerated the salaries of the district's lawyer and manager. One had it that the two mill levy would never be stopped; if it weren't needed for the watershed, the directors would give themselves a raise.

²⁹Interview with Jack Staatz, Secretary, Lyons Creek Watershed District, Woodbine, Kansas, May 10, 1966.

Another, and possibly the most damaging to the program, denounced the advantages of donating sites and urged everyone to force the directors to condemn the sites and pay the landowners. "If they would just walk across the street, they could know the truth," the director said.

To what degree of intensity will citizens carry this conflict with their own local bureaucracy? It has been shown that they will nominate and elect an opposition director, petition against their procedures, and vote down their recommendations in a referendum. But they will do more. Some citizens have resorted to shouts of "Liar!" and considerable direct cursing of the directors in hearings and annual meetings. Directors have occasionally been invited to step outside and "settle this in the true school-boy tradition." None has. Perhaps the limit of the exasperation felt by the citizens is exemplified in their handling of the minister who was, it will be recalled, a leader in the establishment of one of the districts. Although not a member of the board, he was definitely part of the bureaucracy from the viewpoint of the citizens. How does one oppose a man of the Gospel? Many did the obvious; they left the only church they had ever attended. Others chose to encourage the minister to leave the church. In addition to the numerous ways that one human being shows his displeasure with another, someone shot the preacher's saddle horse. One director swears that he knows that a certain opponent of the board's policies did it; others in the community agree but no

arrest was made. Circumstances were such that everyone agreed that the minister should go. He did, but the wounds in the church are slow to heal.

In review, this chapter has stressed the bureaucratic political conflict in the development of watershed districts. In their struggle with the Soil Conservation Service and the Corps of Army Engineers, the directors appear to have been victorious. On the other hand, the conflict of the citizens of the district against their own bureaucracy, their board of directors, could possibly be the undoing of the whole program. As one president put it after the board received the second petition demanding a second referendum, "I have told everyone from the State Soil Conservation Office in Salina to the legislators in Topeka to the Congressmen in Washington that there were no conflicts within the district. Now look at it. It's real discouraging."³⁰ The following chapter will deal with the substantive issues involved in those conflicts.

³⁰Interview with Hayes Beck, President, Lyons Creek Watershed District, Woodbine, Kansas, April 2, 1967.

CHAPTER IV

CONFLICTS AMONG THE INTERESTS

In time the initial solidarity of the citizens of the watershed district gave way to a badly fractured community. It will be recalled that in the beginning and for several years thereafter there was substantial consensus regarding the advisability of establishing a watershed district. The value of soil and water conservation, and later, the need to fight the big dams were generally recognized and accepted. The most severe and most basic jolt to that consensus was associated with the publication of the district's general plan. For the first time people began to see the watershed district as something that might hurt their own individual interests, even though it might perhaps benefit the area as a whole. Two major conflicts among the interests have been identified: an uplander-bottomlander conflict and a rural-urban conflict.

Uplanders Versus Bottomlanders

The uplander-bottomlander conflict has two facets, both of which developed at about the same time. The first involved the size and location of the structures. Generally, a landowner wanted the structures to be small, or better, to be located just upstream from his own land. This was to his best

interest for in the watersheds studied, a structure on one's land would almost certainly inundate some valuable crop land, and if located just below his own land, the owner might have to contend with flood-pool water backing up on his land several times each year. The most catastrophic development from the point of view of an individual landowner would be for a structure to inundate such a substantial portion of his land, perhaps including his buildings, that he would be forced to move. Furthermore, since all of the water-retarding structures in a watershed development project are located in the various reaches or tributaries of the main stream, the uplanders as a group found it easy to be critical of a program that caused them to make all of the sacrifice and allowed the bottomlanders along the main stream to reap all the benefit. Perhaps, thought the uplanders, it would be just as well to let the big dam cover up the bottomlanders if the watershed program was going to do the same to them. Many of the uplanders did in fact voice disenchantment with going ahead with the watershed program. After all, the Corps had never been defeated; the bottomlanders would, sooner or later, be covered up anyway. Ponds on the farms of the uplanders would in the end only act as silt traps for the reservoir. Here the uplanders saw themselves not only making all of the sacrifice, but doing so futilely.

The uplanders' concern over what to them appeared to be their great sacrifice precipitated the second facet of the uplander-bottomlander conflict: the method of financing the

watershed projects. The uplanders would see to it that the bottomlanders paid for the watershed treatment; their tool would be the benefit-assessment method of financing rather than the district-wide mill levy proposed by the boards of directors in both districts studied. Conflict would be intense, but the effort would be made.

It is deemed appropriate at this point to present the research to support the overall outline of the uplander-bottomlander conflict described in the above paragraphs.

Much evidence already submitted attests to the early consensus in the watershed district; board members and citizens alike agree on this point. It is just as one man--the maverick on the one board--said, "Sure, everyone was in agreement until they began to find out what was going to happen to them!" In that district the landowners first began to realize the implications of the program when the "greenhorn" engineer showed several people the contour maps. In the other watershed the opposition developed when the general plan was published and was clearly expressed at the hearing on the general plan. At that time eleven landowners formally expressed their opposition to the proposed locations of structures on their property or just below it.¹

The situation of one of those landowners, better than all the others, portrays a man attempting to protect his own interests. The proposed structure would be the largest one for

¹Hearing on General Plan, Lyons Creek Watershed District, Woodbine Grade School, Woodbine, Kansas, February 10, 1966.

flood control purposes in the district and it would take so much of the owner's farm that what was left would not comprise a productive unit. The unavailability of nearby land to either rent or buy made his position hopeless. In the hearing he said that he opposed the size of the proposed structure; it would flood him out. He suggested two smaller structures upstream; he said he favored the watershed program.² The author questioned the district president a few days later about this particular structure. He said that it was indeed too bad that this particular landowner would have to be dislocated; he has always been a strong supporter of soil and water conservation and had even served as president of the county soil conservation district. But, the president said:

We won't change the dam on his place. We take him to Salina (the state headquarters of the Soil Conservation Service) and explain it all to him and he seems convinced that it is the only thing to do, and by the time we're half way home, he has changed his mind. You just can't educate him.³

The landowner himself said he merely wanted the board to con-
sider the smaller dams above his farm. He said that there was a big job to be done yet in the district: the people had not been informed; they just don't know what it is all about and how it will affect them. They subscribed to many mistaken ideas. His experience as a director on the county Soil Conservation District board taught him that people often acted

²Ibid.

³Interview with Hayes Beck, President, Lyons Creek Watershed District, Woodbine, Kansas, February 9, 1966.

and spoke without really knowing what they were doing.⁴ Here, surely, was one uplander who saw himself making a very great sacrifice for the benefit of the bottomlanders.

Other uplanders saw their sacrifice in terms of the increased taxes they would have to pay--all to the benefit of the bottomlanders. The securing of a charter empowered the board to levy two mills to cover administrative costs of operating the district. This alone was criticized by many uplanders, particularly when it was learned that the revenue was going to pay high-salaried lawyers and managers. The board has expected the landowners to be induced to donate sites because of the reduced property valuation feature of the law described earlier. Several of the uplanders have stated that they will never donate sites; they propose to force the board to exercise its power of eminent domain and demand a cash settlement for their land. This prospect immediately becomes a threat to the interests of all uplanders, whether they have a site on their individual farms or not. Who will pay for the sites that must be condemned? The boards in both districts have acted so strongly on the assumption that the sites would be donated that they have proposed no method of financing beyond the district-wide two-mill levy. As was indicated in an earlier chapter, the uplanders in both districts have challenged this by petitioning, voting down the proposed method of financing, and going to court over it.

⁴Interview with Eugene Schlesener, Hope, Kansas, April 7, 1966.

The board has another alternative: it could float bonds and retire them over a period of years through an additional district-wide levy or it could retire them via a tax levied in accordance with a benefit assessment on the landowners in the watershed. It is this latter method of financing that has the greatest appeal to the uplanders. In every hearing or informational meeting held several uplanders argue that they get no benefit from structures below their own farms and should not have to help pay for them; they argue that the board has chosen the least just method of financing. This conflict has caused many uplanders to oppose the watershed in its entirety; they say they can build all the ponds they want through other federal government programs.

The bottomlanders in return argue that if the big dam goes in, the uplanders will have to help pay for it and suffer an additional tax burden when all of the bottomland in the reservoir is removed from the tax rolls. The bottomlanders also argue that the cost of the watershed will be offset at least in part by savings on repairs to roads, culverts, and bridges. They further argue that the uplanders have a moral obligation to keep their water where it falls rather than allowing it to wreak havoc on the lowlands. The bottomlanders therefore are able to justify a district-wide tax levy rather than the benefit assessment method of financing.

The directors of both districts studied opposed the benefit assessment method. They point out that only one other

district in Kansas even attempted to use it; it failed to raise sufficient revenue and the district had to fall back on a general levy.⁵ The directors also argue that the appraisal of the amount of benefit that may be assessed to each landowner would be extremely difficult, expensive, time-consuming, and would cause law suits within the district as landowners contested the amount of benefit assessed against their individual farms.⁶ In short, the directors of both districts hold to the belief that sites will be donated and that all costs can be covered by the basic two-mill levy.

The uplanders are not to be counted out in this conflict. As the maverick director said, "When I finally figured out what the board had been trying to pull off, I put on my Paul Revere cap and took off to alert the countryside." Needless to say the countryside is alerted. The law suit initiated by those uplanders is at the time of this writing in the Kansas Supreme Court and the case itself has attracted statewide attention in watershed circles. Furthermore a move is afoot

⁵The district that tried the benefit-assessment method of financing was the Walnut Creek Watershed District in Nemaha and Brown counties in northeastern Kansas.

⁶For an argument that the benefit-assessment method of financing is technically feasible insofar as the engineering problems are concerned see James Furse, "Benefit-Assessment Method of Financing a Watershed" (unpublished Master's dissertation, College of Engineering, University of Kansas, 1962). The author personally interviewed Mr. Furse on December 29, 1965. Mr. Furse said that he took the side of the local people against the Soil Conservation Service; he wanted to show that local people in their own watershed could make the benefit-assessment method of financing work.

to get the state legislature to change the technicalities on which the uplanders' case is based. No matter which side wins, the aftermath of this uplander-bottomlander conflict will haunt these two communities for a long time.

Farmers Versus Urbanites

The second major conflict among interests is the rural-urban conflict. This conflict only developed in one of the districts studied for only the one had an urban center, a small city of about 3000 population. This city serves the farmers in much of the watershed district: banking, implement dealers, grain elevators, livestock auction, and veterinarian as well as shopping center, schools and churches. Rural-urban relations were good. In chartering the watershed all incorporated cities within the area of the district were excluded from the district itself; that is, the district surrounds but does not include the municipalities. Nonetheless the city in question had a vital interest in the success of the watershed: the city was badly in need of an additional water supply, and one of the tributaries of the main creek ran through the city, often flooding homes and businesses.

As before there was quick and easy initial consensus among the farmers that the city's needs should be met. Few if any farmers either knew or cared about just how those needs would be met. But also, as before, conflict would come. It is the timing and the source of the conflict that appear to be significant.

At the first hearing on the district's general plan, the board had invited the mayor of the city to speak in behalf of the plan. The mayor pointed out that the city's present lake was silting full and that the city needed additional water supply for "industrial use and other purposes." The only indication of a future conflict was in an incidental remark made by an uplander in a statement opposing the method of financing. He said, "Property owners in Herington will benefit greatly; they should have been included in the district."⁷

Nine months later at an informational meeting and almost a year later at the second hearing on the general plan, the questions and comments about the city's role were both more numerous and more barbed. The farmers wanted to know who would pay for the extra water storage (above "normal pool" in a regular structure) and for any recreational benefits for city sportsmen. One man said that "Herington wants us to spend our two mills to give them flood protection and a water supply." Another man followed that with "I've never seen them levying taxes to help us; why should we do so for them?" There were questions as to whether the city would provide the site, pay for the water, and be allowed to control access to the lake. When it was explained that the city would acquire the site and pay for everything it wanted beyond that supplied

⁷ Hearing on General Plan, Lyons Creek Watershed District, Woodbine Grade School, Woodbine, Kansas, February 10, 1966. Speakers quoted were John Nagely, Mayor of Herington and Loren Hinkle, Hope, Kansas.

by a regular flood detention structure, one farmer demanded a "yes" or "no" answer from the directors as to whether the city's promise was in writing. Another farmer snorted that any such promise on the part of an elected commissioner would be meaningless anyway; the next ones could break it.

It should be noted that the farmers who thus criticized the city did not represent a cross section of the rural interest; they were uplanders to a man. In all of the hearings, meetings, and discussions attended by the author, the uplanders, and only the uplanders, have stated the so-called "rural interest" in the rural-urban conflict. The board of directors and the district's lawyer and manager have answered the criticisms leveled by the uplanders. The bottomlanders remained quiet.

Excluding the incorporated municipalities from the watershed district caused one other minor conflict. A resident of one of the small towns presented himself at the polling place in the referendum on the method of financing. When he admitted that he owned no land outside of the city limits, he was told that he could not vote. He became so incensed that he called the county clerk, who told him that he could vote "as far as she knew." He was still denied a ballot, and finally left, complaining that the watershed people didn't know what they were doing--he wanted to vote for their proposed method of financing.

A word of caution is due lest the reader get an incorrect impression of the intensity of this rural-urban conflict. In

the first place, it appears to be a ramification of the uplander-bottomlander conflict. More particularly, it appears to be an effort by the uplanders to thwart the plans of the board of directors. There really is very little ill will between the city involved and its hinterland. The mayor of the city confirms that to his knowledge there has been no boycotting of the city's merchants, no withdrawal of bank accounts and no division within the city's schools and churches attributable to the watershed conflict.⁸

In fact, cooperation rather than conflict is often the relationship that exists between rural and urban interests. The case of the city of Atchison in the northeast corner of Kansas is often cited. Atchison needed flood protection; the watershed district organized and built only one structure. The community under the leadership of the municipality then assumed responsibility and completed the project. Rural-urban cooperation was good; leadership was good; it was all expeditiously done.⁹

A further example of cooperation involved a joint city-watershed project at Sedan, Kansas, near the Oklahoma line. The directors of one of the districts being studied sponsored a bus tour to Sedan to show the people of their district and the citizens of the city in their district that the Sedan

⁸Interview with John A. Nagely, Mayor, City of Herington, April 16, 1967.

⁹Interview with Charles F. Bredahl, Executive Secretary, Governor's Watershed Review Committee, State of Kansas, February 4, 1966.

project could serve as a model. While on the tour, the author asked one of the Sedan city commissioners about political conflict; he affirmed that there was none. The city was united in the knowledge that it needed water; the watershed district was satisfied to have the city acquire land rights for the structure.¹⁰

One last variation in the matter of rural-urban relations should be mentioned: city people are anxious to have and are willing to pay for a small lake area for recreation. For example, a group of Salina teachers leased a small lake south of that city; the cost to each teacher is fifteen dollars per year. They have exclusive right to its use, know that it will not be overcrowded, and count on each other not to spoil the area. The president of one of the districts studied claims that city people from as far away as Wichita (100 miles) will gladly lease lakes in his district. "When farmers finally realize the potential of these structures," he says, "they will be clamoring for them to be located on their farms."¹¹

This concludes the presentation of the facts gathered in researching this project. The final chapter will be devoted to an analysis of those facts and an attempt to draw valid conclusions from that analysis.

¹⁰ Bus Tour to Sedan, Kansas. Sponsored by Lyons Creek Watershed District. May 10, 1966.

¹¹ Interview with Grant Engle, President, Turkey Creek Watershed District, February 16, 1967.

CHAPTER V

ANALYSIS AND CONCLUSIONS

This final chapter is organized along the following lines. First, factors common to both watershed districts will be identified and discussed. Second, some general conclusions will be offered, regarding both the political conflict within watersheds and the nature of political conflict itself. It must of course be borne in mind that this study concerned only two watershed districts; however, according to Mr. Thad Kinnaman, the findings recorded in the earlier chapters are typical of the political conflict in most watershed districts. "In fact," Mr. Kinnaman stated, "the choice of the two districts studied was an excellent one."¹

Factors Common to Both Districts

In the first place the citizens of both watersheds acted in their own self-interest in the establishment of the watershed

¹Interview with Thad Kinnaman, Private watershed consultant; Vice-President, State Association of Kansas Watersheds; President, State Association of Kansas Watersheds (1964-65); Director, State Association of Kansas Watersheds (1959-); President, Kansas Association of Soil Conservation Districts (1961), June 6, 1967. In the opinion of one member of the Lyons Creek Watershed District, Mr. Kinnaman "knows more about watersheds than any other person in Kansas." This would, of course, be difficult to prove, but his qualifications are formidable. This interview was conducted after Mr. Kinnaman had read the first four chapters of this thesis.

district. Their action was precipitated by the flood of 1951 and their intent was to save their soil and prevent or reduce the damage of any future flood. Later, acting even more intensely in their own self-interest, they supported the formation of a watershed district as a means of opposing big dams proposed by the Corps of Army Engineers for the main streams in their watersheds. The research shows that there was a considerable lack of knowledge among the citizens in the beginning as to the full implications of establishing a district and carrying out a watershed treatment program. It was enough to believe that the watershed approach would save the soil, keep the water where it falls, beat the Army Engineers, and stop the "big-dam foolishness." Problems involving costs and taxes and size and location of structures were apparently contemplated by few if any citizens.²

The leadership of both watershed districts bears a striking similarity. Although there were several men interested in establishing and completing a watershed plan, the leadership very quickly devolved upon one man in each district who was chosen to be chairman of the steering committee and then elected to the presidency of the district, a position each has held continuously to the present. The research indicates that both

²This contention is substantiated by the fact that in May, 1967, the citizens of the Chapman Creek watershed, a third watershed in Dickinson county in addition to the two studied, voted overwhelmingly against organization of a district. Even the downstream areas opposed the formation of the district. Reasons given were that it would raise taxes and create too much controversy.

of these men are aggressive and outgoing; they want to be involved; they are fighters; they are exhilarated by a sense of power; one would have enjoyed a life in politics and the other (much younger) has sought and won election to a partisan political office. Both men like to lead local people as is evidenced by their active participation and leadership in community affairs other than the watershed program. Both are gratified by associating with those at higher levels of government--legislators, governors, Congressmen. Both are more than willing to challenge the bureaucratic Soil Conservation Service and the Corps of Army Engineers; the leader still in the fight with the Engineers would like nothing better than to defeat them--"it has never been done, you know."

The similarity between the leaders can be carried further but with a kind of reverse twist. Both men were "outsiders" in a way. One actually lived outside the district until recently although he owned some upland in the district. The other man is an "outsider" in that his farm is outside of the reservoir of the proposed big dam; in fact, his farm is located just below the proposed site of the dam where he would have 100% flood protection and perhaps enhanced land values were the dam to go in. Surely this particular factor would not be typical of other watershed districts, but it has caused the author as well as other citizens in the district to be bewildered. The economic motivation just isn't there. The one leader is a kind of "outsider-uplander" seeking to raise his

own taxes for the benefit of the bottomlanders and the other leader should be lobbying in support of the Army Engineers rather than opposing them at every opportunity.

Regardless of their personalities or motivations, it must be recognized that both leaders have contributed a tremendous amount of time and effort to the promotion of the watershed program. They have had most of their out-of-pocket expenses paid by the district, but the sacrifice in time spent away from families and farming enterprises is non-reimbursable and seldom appreciated by the citizens of the districts.

A final similarity between the leaders of the two districts is their desire to keep members of the opposition off the board of directors. This attitude on the part of the leaders is further reflected in their unwillingness to brook opposition from any quarter. Considering their commitments to the cause of watershed development, this attitude is comprehensible, if not entirely commendable.

Upon reflection, it is not surprising that the opposition leaders are themselves much like the district presidents, especially in personality. There is no doubt that the maverick director is a fighter and that he glories in being the champion of the underdogs as they fight their bureaucratic president and his cohorts. He will "make them honest." He and his wife have spent untold hours, literally, in studying and debating watershed law and the actions of their board in relation to that law. Their compensation comes with the

exhilarating sense of power felt as they catch the board in a budgetary error, carry a petition against the board's action, or bring suit against the board and carry it to the Kansas Supreme Court.

Another factor common to both districts was their conflict with the Soil Conservation Service. To the watershed people the SCS-computed benefits were inadequate and SCS appeared to be cooperating with the Corps. Thad Kinnaman said that the presentation, initially, of an inadequate plan by SCS is "amazingly standard."⁵ Both boards of directors were disappointed if not angered by the SCS action; yet they feared SCS since they would state their objections to SCS "as diplomatically as possible." Both boards did ask SCS to reconsider, and was the one board trying to woo the bureaucrats by inviting them all to a dinner meeting? In both cases the SCS reply was that it was merely being objective, but after further objectivity (?), it was able to present a plan that contained several more structures and increased benefits for the watershed program.

The various aspects of conflict within the districts were almost identical in both watersheds studied. An analysis of the research reveals that this conflict is basically one of the uplanders versus the board of directors. It may be (and usually is) referred to as an uplander-bottomlander or a rural-urban conflict, but a close study of the research shows that

⁵Interview with Thad Kinnaman, June 6, 1967.

the bottomlanders and the urban interests never actually become involved in the conflict.

It will be recalled that there is virtually no conflict within the district until the publication of the general plan. The general plan is strictly the responsibility of the board of directors; they go to their citizens with it to, in effect, ask them whether or not the watershed program should go forward or be killed. In both districts the uplanders voiced displeasure with the location and size of the structures. This displeasure was directed solely at the directors for it was in their power to modify the plan. Interestingly, it was at that point that both boards became "objective"; the plan had been carefully constructed and any substantial change would reduce the benefits and therefore the feasibility of the watershed approach. Exchanging one exceedingly large structure for two or three smaller ones upstream would result in reduced benefits to the watershed; the landowner would have to be "educated."

The uplanders in both districts also demanded the benefit-assessment method of financing the watershed projects. Again this was directed at the directors for it was in their power to recommend that method and adopt it if no opposition was voiced. Both boards have remained firm in their choice of the two-mill general levy, however.

To some uplanders who are not particularly conservation-minded, the watershed district turned out to be a device to force them to build ponds, terraces, and waterways; the

directors, as steering committee members and petition-carriers in an earlier day, had not explained this fact when the uplander was asked to sign the original petitions and vote for the establishment of the district. Professor Warriner in his study of the formation of a watershed district noted this same development. Problems of soil and water conservation have been traditionally treated as "unique technical problems" by the farmer as "an independent entrepreneur." However, the very nature of the watershed approach makes it a "collective problem" and the watershed district "coerced action consistent with and expressing this judgment."⁴ What Professor Warriner does not point out (and what is being stressed at this point in this paper) is that the coercive action of the district, represented by the board of directors, was directed against the uplanders, many of whom preferred to lose soil and water in preference to inundating their land and having their fields dissected by waterways and terraces. These uplanders were especially incensed by the realization that they were being taxed "without benefit" to support a local unit of government that was now coercing them. As the research shows, these uplanders told the directors, "We can build all the ponds we want through other federal programs." (Italics mine.)

Finally, the research reveals that the rural-urban conflict is a misnomer. The bottomlanders never spoke against the

⁴Charles K. Warriner, "Public Opinion and Collective Action: Formation of a Watershed District," Administrative Science Quarterly, VI (December, 1961), 354-55.

city people; the uplanders never in any way--politically, economically, or socially--retaliated against the city people. What did happen was that the uplanders blamed the directors for not including the cities in the district so that they would have to pay taxes too, for spending rural taxes so that city people could fish and water-ski, and for failing to get the promises of the city commissioners in writing.

The point being made in these paragraphs is that the conflict within the district is between the uplanders and the board of directors. The board backs the urban interests and the bottomlander interests because both support the watershed program that the board itself has been pushing. In both watersheds studied the board of directors to a very large degree is personified in the position and action of the president, hence the conflict is narrowed further in this matter to one between the uplanders and the president. The research, it will be recalled, showed that there was a genuine fear among some directors in one district that a concerted effort was being made to mobilize the uplanders to unseat the president in an upcoming election. The research, furthermore, discovered considerable dissatisfaction among the uplanders with the tactics utilized by the board and, more particularly, the president. The locus of the conflict within the districts was not between uplander and bottomlander interests or between rural and urban interests; it was in reality between the uplanders and the president, supported by a sizeable majority of the

board of directors.

The petitioning process, used extensively in both watersheds, merits brief mention in this analysis. Watershed law prescribes its use at certain junctures and, of course, the First Amendment guarantees its use by aggrieved citizens at any time. But the process is complicated and technical. The petitions must be drawn according to law; only certain citizens are eligible to sign; signatures, particularly of married women and landowners, must be in a specific form; validating the signatures is time-consuming and costly; and board action on the petition often occurs only months after its submission. Furthermore, there were charges of misrepresentation and switching and efforts to induce petitioners to remove their names from petitions. The circulating of a petition often amounts to a roll-call vote on an issue and thereby sharpens the political conflict. Citizens who might otherwise not become involved are prevailed upon to take a stand which clearly places them in one or the other of the conflicting camps. The citizen then cannot gracefully extricate himself from the conflict. To leave his original position amounts to betrayal, and although the other side will accept him, even they will doubt the citizen's integrity for having signed with their opponents in the first place. Citizens who get "burned" in this fashion often vow that they will never touch another petition.

Both districts experienced some problems with regard to

their lawyers and managers. The central issue seems to involve their knowledge of the subject. Both districts employed local men as lawyers and managers. None had prior experience in watershed development. All necessarily had to learn as the program progressed. No doubt mistakes were made; procedures were not thoroughly researched; and answers were not always forthcoming when the board wanted them. The research indicates a few personality conflicts between the directors and their employees. There was some criticism by directors and citizens alike regarding the "excessive" pay received by these men; in particular, the uplanders used this matter as ammunition in their conflict with the board.

A final factor common to both districts involved what may be called a public relations or a communications failure. In the first place, landowners were not notified that a structure was to be located on their land prior to the publication of the general plan. To those who were not pleased with this news--and the research shows that many were not--it proved a tactical error on the part of the board. Once these landowners had publicly committed themselves in opposition to a specific structure the board's task was made doubly difficult. It was first necessary to induce the man to retreat and then convince him of the value of the structure. The research shows that the directors tended to treat the hearings on the general plans as procedural matters rather than significant exercises in human relations. Provided a person had requested in writing prior

to a certain deadline to be heard, the board allowed him to stand and speak, and his statement was recorded. It was a sterile performance inasmuch as the board made no comments, answered no questions, and arbitrarily adjourned the meeting at a preset time. The directors may have been proceeding in accordance with the Kansas Watershed District Act, but they were failing in the art of public relations at the local level. Part of the failure at the local level may be explained by the expanded public relations effort to sell those at a higher level: SCS personnel, the governor and other high-ranking state officials, state legislators, and United States Senators and Congressmen. Especially was this so in the district that continues to oppose the Engineers, and the successful opposition to the engineers could only intensify that president's discouragement at seeing his local citizens petition against him, vote him down, and then petition against him again.

Conclusions

The time has arrived for the offering of some conclusions. These conclusions are, of course, those of the author, based on the preceding research and analysis. Some will be offered with firm conviction; some will be only tentative suggestions. The author makes no apologies for the conclusions and hopes that they may serve some beneficial purpose in understanding the political processes in general and the political conflict of watershed development in particular.

The single greatest purported advantage of the watershed

approach to soil and water conservation is local initiative and local control. This was espoused by the president of a district in an interview with the author and by the President of the United States in signing P.L. 566. But how true is it?

In the first place, the board of directors must deal with a highly impersonal, "objective" Soil Conservation Service and, sometimes, an Army Corps of Engineers. Regarding the Engineers, the watershed directors opposed them openly. Not so with SCS; here the directors were forced to resort to bowing and scraping. How does an individual citizen in a democracy deal with an impersonal bureaucracy? Merely explaining one's predicament is not enough, especially if their "objective" analysis indicates otherwise. The local citizen can attempt to go over the heads of the bureaucrats, but this involves a calculated risk. Will one be able to force them to go all the way or will one possibly get a single concession and so antagonize them that all future relations are strained and unproductive? The author realizes that many bureaucrats are cooperative, that they haven't forgotten that they exist only to serve local citizens, but in the final analysis, they will be the interpreters of the laws governing their operations. The local citizen's opportunity to secure justice under such circumstances is limited and costly. Where is the vaunted local initiative and local control under such circumstances?

In the second place, when the board deals with its own citizens, it becomes impersonal and objective. The citizens

themselves become frustrated as they watch their board break their petition or make them vote again on an issue that they have already voted down. What kind of democracy is this? When the board has a clear majority in support of its policies, it can be even more contemptuous of the wishes of its opponents. De Tocqueville said that democracy is a tyranny of the majority. Is it any less so by being a local majority? Our first conclusion then is that, although a watershed project does require local initiative and does permit some local control, the quality of democracy that actually prevails in the political conflict of watershed development falls far short of that espoused by those advocating the watershed approach today.

Closely associated with the above is the petitioning process analyzed earlier. The author understands that the petition is a device to be used by the citizen to protest action, or lack of it, by his government, but when that government uses it to single out certain persons for exclusion from consideration as members of the board of directors, one must question the value of the device. The author feels that this matter of the petitioning process has many important implications beyond the development of a watershed. The author personally was involved in a law suit regarding a petition in a school district conflict; he has first-hand knowledge of a small-city conflict regarding the petitioning process; and even as this is being written the state legislatures are petitioning Congress, which in turn appears to doubt the legality of the petitions and is

not sure that it will act on them. The author's conclusion is that the right to petition, prized so highly in our democracy, often fails to achieve the goal intended by the petitioners, and in fact frequently intensifies political conflict.

A third conclusion, again closely associated with the first two, is that the watershed movement at the local level would be improved if "opponents" were not purposely excluded from the board of directors. The minister who helped establish one district said of the court fight which later developed:

By getting the persons who brought the suits involved as the leaders in the plans at the beginning this might have been different. Attempts were made to get "all interested people" in on the early planning.⁵

The minister, however, overlooks the fact that the opposition leaders were neither opposition nor leaders in the beginning; they may not even have been interested. It was only after the publication of the general plan that opposition developed. To deliberately attempt to exclude members of the opposition from the board was a grave tactical error: it caused bad public relations; it strengthened the opposition by giving it an underdog role; it more effectively united the opposition than would otherwise have been the case; and finally, the experience of the one board shows that the presence of an opposition director did not hinder the operation of the board. (It is interesting to note that the tactic attempted by the

⁵Melvin Lichte, personal letter, former minister of New Basel Church, RFD, Abilene, Kansas, presently of Raytown, Missouri, June 8, 1967.

nominating committee in the one district of presenting two candidates favorable to the director's position was poorly conceived from a pro-board position since it would have had the effect of dividing the vote for the board's position and increasing the likelihood that an opponent could have been nominated from the floor and elected.)

A fourth conclusion follows from the third: a positive selling effort must be carried on by the board among the citizens of the local district. This means that the board must do more than merely avoid creating ill will, as suggested in the third conclusion. The author does not mean to imply that in the one district the directors expended too much effort in selling the watershed solution to those in the higher echelons of government; after all they were successful. A watershed board must be made cognizant of the fact that the publication of the general plan is a crucial period in the life of the project. Landowners scheduled for detention dams should be contacted prior to publication of the plan, not to get their permission, but to explain why the structure is best located on that site and what advantages and privileges accrue to the landowner because of the structure. Such information in printed form, left with each landowner, would tend to reduce the misconceptions and the spreading of false rumors that so often occur.

Supporting the idea just expressed is the conclusion that lawyers and managers dealing with watershed development should

have at least some specific training in the subject prior to the assumption of their duties. Perhaps an institute or a seminar where problems common to watershed development could be discussed would be beneficial to newly appointed managers and lawyers. A city manager or a school superintendent is a highly trained individual who has served an apprenticeship. It is not being suggested that a part-time watershed manager needs that background, but if he is to manage a unit of government--deal with people, prepare budgets, spend tax funds, and be an expert on watershed procedures--he must be something more than a local citizen with some time that he could spend on the job.

Turning now from conclusions dealing specifically with watershed development, some thoughts about the nature of political conflict may be offered.

Individuals, groups, and agencies repeatedly acted in their own self-interest. Often the goal was economic but in some cases it was status or power. The author believes that a case can be made for a defensive self-interest as contrasted with an offensive self-interest.

Considering the defensive self-interest first, it is easy to argue that down-river cities want the big dams, not to inundate upstream farmers and communities, but to protect themselves from devastating floods. It is just as easy to argue that bottomlanders want the watershed approach in preference to the big-dam approach, not to flood out an upland

neighbor, but to keep himself from being flooded out. Uplanders and bottomlanders alike may be genuinely interested in soil and water conservation. Small upland cities also support the watershed approach because their survival depends on an adequate water supply. Finally, regarding the uplanders, they too act in their own self-interest: as individuals, none wants a structure that will flood him out; as a group, they want the tax burden shifted from themselves since they contend that they do not benefit, at least not as much as do the bottomlanders, from the watershed approach.

The concept of the offensive self-interest is needed to explain the action of the two presidents, the real leaders of the districts. Neither found his own ox being gored; both had it as their purpose to do some goring of their own. The research and analysis bears this out. When this idea was suggested to Mr. Kinnaman, he said that it "affronts my sensibilities." He contended that watershed leaders were community-minded, public-spirited citizens who sometimes got so much of their time and effort invested in the project that they could not quit. Under such circumstances they did no doubt appear a bit obtuse to their associates when delay or conflict developed.⁶

Professor Warriner's findings, however, coincide very closely with those of the author. He found no economic motivation; in fact, he found a negative economic motive (the

⁶Interview with Thad Kinnaman, June 6, 1967.

leader would have been ahead financially if the big dam had been built) just as did the author. Further, Professor Warriner saw that the watershed leader in his study "derived considerable satisfaction from the acts of leadership, from shaking his fist in the face of the Army Corps of Engineers at congressional hearings, and from fulfilling the expectations of his followers." The motivation was that the watershed organization "provided new opportunities for leadership rewards,...offered recognition in a larger public, provided greater scope of influence over others, and provided new opportunities for association with other persons of prestige and power."⁷ These factors, plus others offered earlier in the analysis make up what the author believes can best be described as an offensive self-interest. Each of these leaders was "a man in search of a horse," and he found it!

In closing, a few thoughts about political conflict should be set down. The author confesses that eighteen months ago, when this project was begun, he believed that his research could eliminate, or nearly so, political conflict in the development of watersheds. He is wiser now. Political conflict can never be eliminated; nor should it be, for the political processes are the ways we solve the problems of the community. The conflict itself will often be bitter and personal, and in the end some are going to be forced into line. The maverick watershed director didn't seem to understand this when he

⁷Warriner, op. cit., pp. 347-48.

shouted "Communists!" in reference to the other directors on the board who were exercising the coercive power of government.

Should a project be undertaken, knowing that conflict is bound to occur? Again quoting the minister as he answers the author's question as to whether he would do it all again, "There can be no doubt that mistakes were made. It would have been a greater mistake to have done nothing."⁸

Mr. Gladwin E. Young, Associate Administrator of the Soil Conservation Service, U.S. Department of Agriculture, in a personal letter to the author had some thoughts that are appropriate here:

I hope you will not approach the subject of "political conflict" as though "conflict" is some kind of blight to be avoided. The facts are, of course, that national policy was forged from airing of conflicting views. The watershed program now is extended to 800 watershed communities in all States, and is expanding at a rate of about 100 additional each year.

We who lived through the processes of evolution are interested more in making the present program useful than in reviewing past conflicts. But perhaps you as a student can learn valuable lessons about how to make future conflicts serve useful purposes as this one did.⁹

Both the USDA official and the minister are saying that projects will be and should be undertaken. Leaders, motivated by an offensive self-interest, will carry them forward until political conflict ensues with those with a defensive self-interest. That political conflict can neither be avoided nor

⁸Melvin Lichte, personal letter, June 8, 1967.

⁹Gladwin E. Young, Associate Administrator, Soil Conservation Service, U.S. Department of Agriculture, Washington, D.C., personal letter to the author, November 20, 1966.

eliminated. Perhaps the best that can be done is to confine it or direct it into acceptable channels. Ballots, petitions, law suits, and lobbying are, after all, at least one step improved over guns, clubs, and the shooting of each other's horses.

13-34

STRUCTURE, WITH NUMBER & DRAINAGE AREA

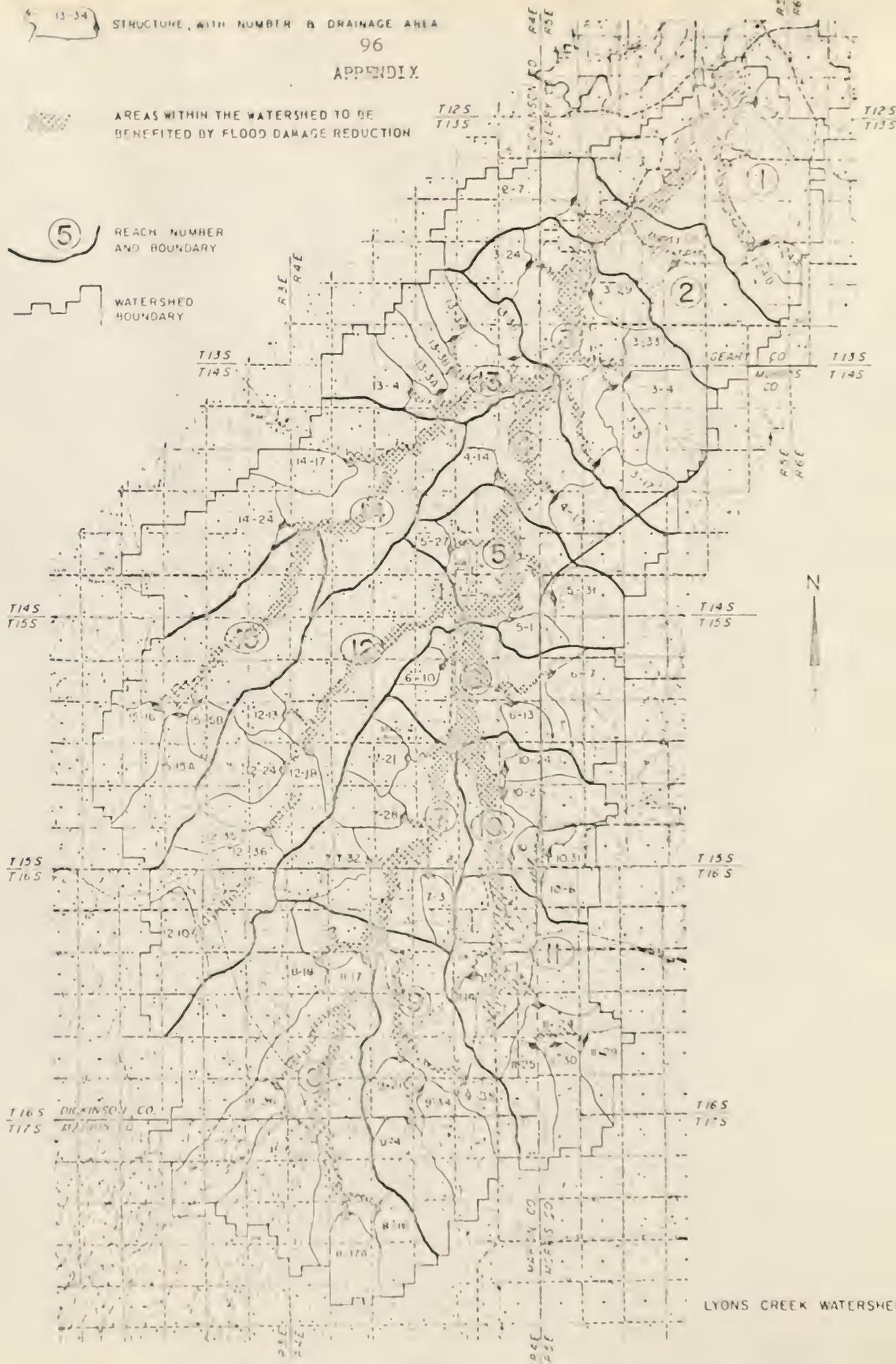
96

APPENDIX

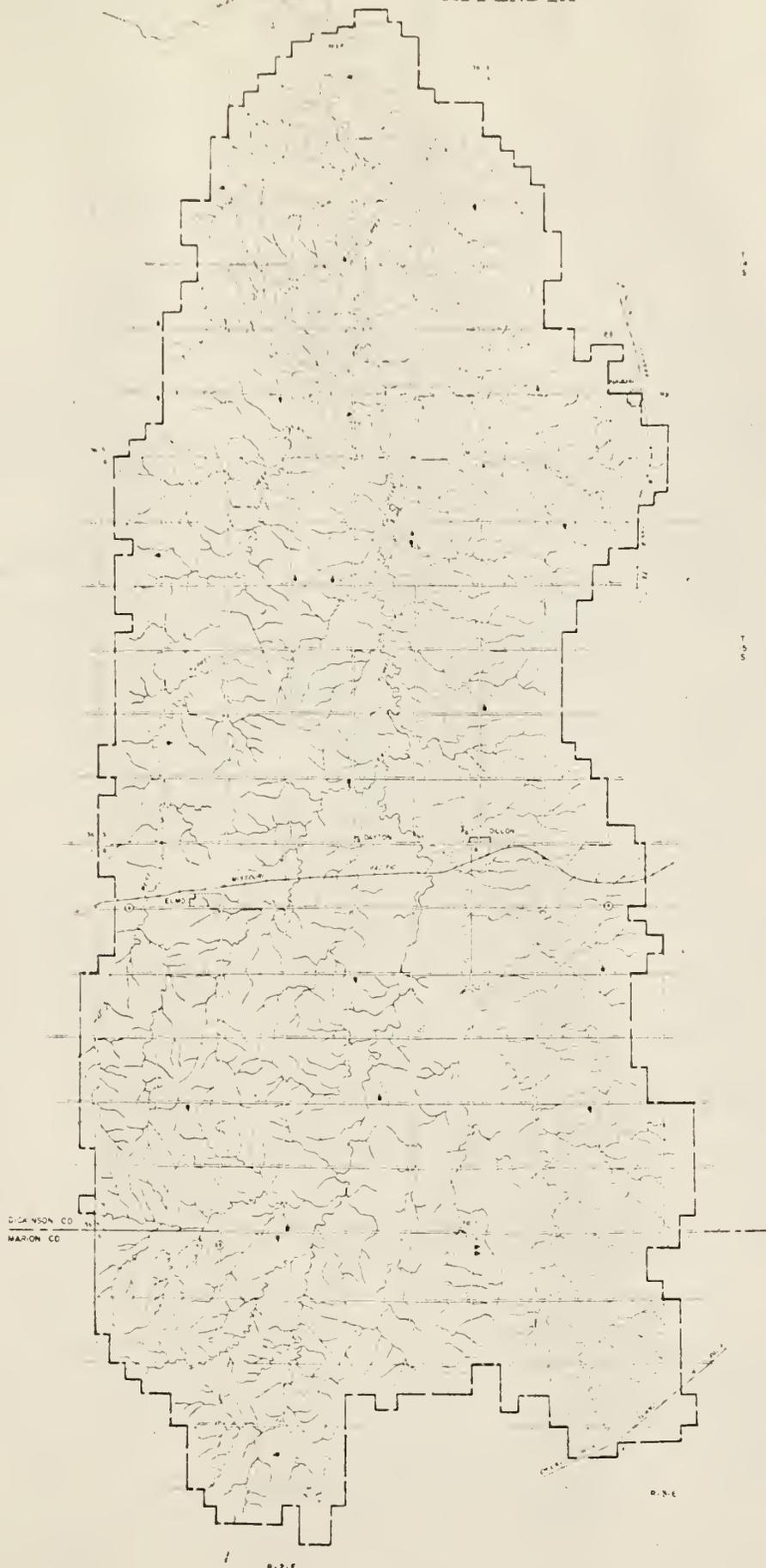
AREAS WITHIN THE WATERSHED TO BE BENEFITED BY FLOOD DAMAGE REDUCTION

5 REACH NUMBER AND BOUNDARY

WATERSHED BOUNDARY



APPENDIX



KANSAS

SCALE

W. 1/2 S.

TOPOGRAPHIC MAP
WATERSHED DISTRICT
DICKINSON AND MARION COUNTIES
SOIL CONSERVATION SERVICE

BIBLIOGRAPHY

Public Documents

- Kansas. Kansas Statutes Annotated (1964).
- Kansas. Session Laws (1917).
- Kansas. Session Laws (1929).
- Kansas. Session Laws (1945).
- Kansas. Session Laws (1955).
- Kansas. Session Laws (1957).
- Kansas. Supplement to General Statutes (1961).
- U.S. Congressional Record, 83d Cong., 2nd Sess., 1954, C, Part 3.
- U.S. Department of Agriculture, Office of the Solicitor, Forestry and Lands Division. Legislative History of the Watershed Protection and Flood Prevention Act (Public Law 566, 83d Congress). October, 1954.
- U.S. Statutes at Large. Vol. XXVI.
- U.S. Statutes at Large. Vol. XXX.
- U.S. Statutes at Large. Vol. XXXVI.
- U.S. Statutes at Large. Vol. XLIX.
- U.S. Statutes at Large. Vol. LXVII.
- U.S. Statutes at Large. Vol. LXVIII.
- U.S. United States Government Organization Manual (1966-67), published by The National Archives and Records Service, Washington, D.C., revised June 1, 1966.

Books

- Maass, Arthur. Muddy Waters: The Army Engineers and the Nation's Rivers. Cambridge, Massachusetts: Harvard University Press, 1951.
- Peterson, Elmer T. Big Dam Foolishness: The Problem of Modern Flood Control and Water Storage. New York: The Devin-Adair Company, 1954.

Articles and Periodicals

- Abilene Reflector-Chronicle. March 18, 1966; December 4, 1966.
- Dakin, Ralph E. "Variations in Power Structures and Organizing Efficiency: A Comparative Study of Four Areas," Sociological Quarterly, III (July, 1962), 228-250.
- Herington Advertiser Times. December 1, 1966.
- Junction City Union. February 9, 1967.
- Morgan, Robert J. "Pressure Politics and Resource Administration," Journal of Politics, XVIII (February, 1956), 39-60.
- Sullivant, Charles A. "The Kansas Watershed District," A Citizen's Pamphlet No. 27, Governmental Research Center, University of Kansas, Lawrence, Kansas, June 15, 1960.
- Warriner, Charles K. "Public Opinion and Collective Action: Formation of a Watershed District," Administrative Science Quarterly, VI (December, 1961), 333-359.

Reports

- Kansas State Soil Conservation Committee. "Watershed Report," December, 1963 and December, 1965. (These are primarily status reports on watershed activity in the state.) Topeka: State Printer, 1963 and 1965.
- Smrha, Robert V. "Watershed Legislation--State Laws," Watershed Workshop. A Report on the Watershed Program in Kansas, Conference Proceedings Number 1, December 3-8, 1958. Manhattan: Kansas State College, 1958.
- Young, Gladwyn E. "Watershed Legislation--Federal Laws," Watershed Workshop. A Report on the Watershed Program in Kansas, Conference Proceedings Number 1, December 3-8, 1958. Manhattan: Kansas State College, 1958.

Unpublished Material

- Furse, James. "Benefit-Assessment Method of Financing a Watershed." Unpublished Master's thesis, College of Engineering, University of Kansas, 1962.
- Lyons Creek Watershed District, RFD, Junction City, Kansas. Minutes of Steering Committee meetings.
- Lyons Creek Watershed District, Woodbine, Kansas. Minutes of annual meetings and directors' meetings. 1961-1967.
- Lyons Creek Watershed District, Woodbine, Kansas. "Official General Plan," December, 1965, modified February, 1966.
- Turkey Creek Watershed District, RFD, Abilene, Kansas. Minutes of Steering Committee meetings.

Personal Interviews

- Avery, William H. Former Kansas legislator, U.S. Congressman, and Governor of Kansas, Topeka, Kansas. February 4, 1967.
- Beck, Hayes B. President, Lyons Creek Watershed District, Woodbine, Kansas. February 9, 1966; May 10, 1966; March 9, 1967; April 2, 1967.
- Bredahl, Charles F. Executive Secretary, Kansas State Soil Conservation Committee, Topeka, Kansas. December 29, 1965; February 4, 1966.
- Engle, Grant. President, Turkey Creek Watershed District; Former President, State Association of Kansas Watersheds, Abilene, Kansas. February 16, 1967.
- Johnson Leslie E. Assistant State Conservationist, Soil Conservation Service, U.S. Department of Agriculture, Salina, Kansas. March 10, 1966.
- Kingsbury, William. Member, Board of Directors, Turkey Creek Watershed District, Abilene, Kansas. April 3, 1967.
- Kinnaman, Thad. Watershed consultant; Vice-President, State Association of Kansas Watersheds; President, State Association of Kansas Watersheds (1964-65); Director, State Association of Kansas Watersheds (1959-); President, Kansas Association of Soil Conservation Districts (1961), Cedar Vale, Kansas. June 6, 1967.

Knackstedt, Henry A. Manager, Lyons Creek Watershed District; Col., U.S. Army (Retired), Woodbine, Kansas. May 10, 1966.

Meuli, Gene. Vice-President, Turkey Creek Watershed District, Abilene, Kansas. March 10, 1966.

Nagely, John A. Mayor, City of Herington, Herington, Kansas. April 16, 1967.

Rupp, Clarence. Director of Research, Kansas Farm Bureau, Manhattan, Kansas. June 6, 1966.

Schlesener, Eugene. Member and former President, Board of Directors, Dickinson County Soil Conservation Service, Hope, Kansas. April 7, 1966.

Staatz, Jack. Secretary, Lyons Creek Watershed District, Woodbine, Kansas. May 10, 1966.

Personal Letters

Hope, Clifford R. Former U.S. Congressman from Kansas, Garden City, Kansas. December 19, 1966.

Lichte, Melvin. Former minister of New Basel Church, RFD, Abilene, Kansas, presently of Raytown, Missouri. June 8, 1967.

Young, Gladwin E. Associate Administrator, Soil Conservation Service, U.S. Department of Agriculture, Washington, D.C. November 20, 1966.

Meetings, Hearings, and Tours

Kansas House of Representatives. Hearing by Committee on Water Resources on Inclusion of the Woodbine and Towanda Reservoirs in the Kansas State Water Plan. March 9, 1967.

Lyons Creek Watershed District. Annual Meeting, Woodbine, Kansas. February 13, 1967.

_____. Bus Tour from Herington, Kansas, to Sedan, Kansas. May 10, 1966.

_____. Hearing on General Plan, Woodbine, Kansas. February 10, 1966.

_____. Hearing on General Plan, Woodbine, Kansas. January 23, 1967.

_____. Information Meeting on Referendum on Method of
Financing Proposed Watershed Projects, Woodbine, Kansas.
November 16, 1966.

_____. Nominating Committee Meeting, Woodbine, Kansas.
January 26, 1967.

THE POLITICAL CONFLICT
IN WATERSHED DEVELOPMENT

by

RICHARD A. TRASKOWSKY

B. A., University of Kansas, 1950

AN ABSTRACT OF A MASTER'S THESIS

submitted in partial fulfillment of the

requirements for the degree

MASTER OF ARTS

Department of Political Science

KANSAS STATE UNIVERSITY
Manhattan, Kansas

1967

The most recent solution to the problems of flood control and soil and water conservation is the watershed treatment approach. This is contrasted with major federal flood control projects on the one hand and voluntary terrace-building by individual landowners on the other. The federal government will provide much of the money, and the state has provided for a new unit of local government, a watershed district, for planning and executing the watershed treatment solution. Nearly 100 watersheds in Kansas are in various stages of development--from pre-chartering activities to the near completion of their plans. This study of the political conflict in watershed development was undertaken to better understand the problems of watershed districts in particular and the political processes in general.

The methodology employed was to choose two watersheds on the advice of knowledgeable state and federal officials. Both had substantial conflict, but neither was atypical of watershed districts in Kansas. The relevant statutes and legislative debates were studied to obtain an understanding of the legal framework within which the districts were organized and operated. Several books, pamphlets, bulletins, and reports regarding the establishment of watershed districts

were utilized. Data explaining the conflict relationships within the watersheds were obtained by studying the minutes of board-of-directors meetings, by personally attending ten district meetings of various kinds, and by about twenty unstructured interviews with principal actors. Three personal letters were also helpful.

The research showed that there was some vying for jurisdiction and funds among the Departments of Agriculture, Defense, and Interior in the passage of the basic federal watershed legislation. There was no opposition to the passage of the Kansas Watershed District Act under which districts in Kansas are organized and operated.

Within the two watersheds, Lyons Creek and Turkey Creek, both in Dickinson County, Kansas, a tacit consensus prevailed initially. Proponents included bottomlanders who wanted flood protection, conservation-minded uplanders who wanted to save the soil, and small towns and cities which wanted flood protection and a water supply. Later, after the Army Corps of Engineers proposed big dams on both streams, the watershed treatment approach became a weapon to use against the Corps. Most citizens simply did not know enough about the movement to oppose it.

In the early stages of development a bureaucratic conflict developed as the local boards of directors sought the assistance of the Soil Conservation Service. Next the local boards struggled against the Army Engineers. Finally, the lay

citizens opposed their own bureaucratic boards. An uplander-bottomlander division occurred as to who should bear the burden of taxation and a rural-urban division occurred regarding cost-sharing and control of access to lakes.

Summarizing conclusions, the uplander-bottomlander and the rural-urban conflict were in reality conflicts between the uplanders and the boards of directors. The uplanders were particularly concerned about the location of large detention structures on their property and the fact that they were being taxed for the benefit of the bottomlanders. Neither the bottomlanders nor the urbanites were actively involved in the conflict; they merely supported the boards' position.

The real moving forces in both districts were the presidents. Strikingly similar, both had little economic motivation, were exhilarated with the sense of power they wielded, relished their association with high officials, and looked with favor on a career in politics. While other individuals and groups acted in their defensive self-interest, these men are considered to have acted in their offensive self-interest.

Political conflict cannot, nor should it be, eliminated. At best it can be confined and directed. Ballots, petitions, law suits, and lobbying--all utilized in this watershed conflict--are at least one step improved over shooting each other's horses (also used).

