

## MINUTES OF THE SENATE NATURAL RESOURCES COMMITTEE

The meeting was called to order by Chairperson Larry Powell at 8:45am on Thursday, January 29, 2015, 159-S of the Capitol.

All members were present except:

Senator Ralph Ostmeyer – Excused

Committee staff present:

Heather O'Hara, Legislative Research Department

Toni Beck, Kansas Legislative Committee Assistant

Mark Savoy, Legislative Research Department

Tamera Lawrence, Office of Revisor of Statutes

Conferees appearing before the Committee:

Lane Letourneau, KS Department of Agriculture

Justin Vosburgh, KS Farm Bureau

Aaron Popelka, KS Livestock Association

Orrin Feril, Big Bend Groundwater Management #5

Leon Dunn, Stafford County

Richard Wenstrom, Water PACK, Edwards County

Mark Rude, Southwest KS Groundwater Management #3

Others in attendance:

[See Attached List](#)

### **Bill introductions**

No bills were introduced.

### **Hearing on: SB52 — Authorizing chief engineer to allow augmentation to secure water.**

Chairman Powell opened the hearing on **SB52**.

Tamera Lawrence presented an overview on the bill.

Lane Letourneau testified on behalf of the bill, stating the Kansas Water Appropriation Act provides methods available to curtail diversion. The statute considers a junior water right pumping, when a senior is due the water, an unlawful diversion. The department would like to amend the act to allow augmentation as an additional method to satisfy a senior water right during water short periods. One example given was that during dry times, augmentation to the Quivera National Wildlife Refuge could occur from the bottom 50 feet of the aquifer by using existing irrigation water rights to divert water into the refuge, allowing junior water right holders to take advantage of the remaining aquifer. ([Attachment 1](#))

Justin Vosburgh presented testimony in support of the bill stating strict adherence to the water right concept isn't always the best solution; therefore, the proposal of the bill is to allow the Chief Engineer to use augmentation if necessary. The option of augmentation to minimize serve financial losses caused

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by water shortages is a good alternative in production situations. ([Attachment 2](#))

Aaron Propelka presented testimony in support of the bill stating Rattlesnake Creek Basin water rights owners have concerns of potential ramifications in their region if the right is found to have been impaired. Uncertainty is based on as to whether the Chief Engineer has the authority under K.S.A. 82-706b to remedy an impairment through augmentation. ([Attachment 3](#))

Orrin Feril presented testimony in support of the bill stating members in the Rattlesnake Basin are discussing alternatives to avoid drastic economic losses in the region if an impairment were to be found. One solution is to augment stream flow using groundwater rights that have been acquired by the Groundwater Management District (GMD 5). ([Attachment 4](#))

Leon Dunn presented testimony in support of the bill stating in the event impairment is found, this bill would allow the Chief Engineer an alternative which would be less devastating to individual farms and their employees. This would prove to be a more efficient use of the water. Irrigated circles which produce the feed for livestock are essential to his operation at St. John. ([Attachment 5](#))

Richard Wenstrom testified in support of the bill stating it is vital to the need in Edwards County as an irrigator and farmer. The Chief Engineer has suggested to them that a possible solution would be to curtail pumping during the irrigation season for producers holding junior water rights along the Rattlesnake Creek. This would cause extreme economic hardship with no guarantee that the Rattlesnake would begin to flow. Passage of this bill would correct this issue. ([Attachment 6](#))

Greg Krissek, KS Corn Growers submitted written testimony in support of the bill supporting senior water rights. ([Attachment 7](#))

Mark Rude presented Neutral testimony on the bill. There is concern for a 'cobra effect' on water right impairment claims or long standing groundwater decline issues. ([Attachment 8](#))

There was no opponent testimony.

### Discussion:

Legislation would provide the opportunity to use augmentation. Augmentation supplements water flow. Only the top level of the water is tapped into at this time. Augmentation has been discussed, but never legally implemented. There is no formal plan as of yet for the locations and parties involved. Details and cost of augmentation is not currently completed, but is the first step in the passage of this bill supported by Water PACK.

Chairman Powell closed the hearing on **SB52**.

The next scheduled meeting is Wednesday, February 4, 2015.

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