

MINUTES OF THE SENATE NATURAL RESOURCES COMMITTEE

The meeting was called to order by Chairperson Larry Powell at 8:30am on Wednesday, January 20, 2016, 159-S of the Capitol.

All members were present except:

Senator Michael O'Donnell – Excused

Committee staff present:

Tamera Lawrence, Office of Revisor of Statutes
Heather O'Hara, Legislative Research Department
Toni Beck, Kansas Legislative Committee Assistant
Raney Gilliland, Legislative Research Department
Mark Skoglund, KLRD

Conferees appearing before the Committee:

Mark Rude, Groundwater Management District 3
Lane Letourneau, Department of Agriculture
Kent Askren, KS Farm Bureau
Susan Metzger, Department of Agriculture
Ginger Harper, KS Water Authority
Mike Beam, KS Livestock Association

Others in attendance:

[See Attached List](#)

Possible bill introductions

No objections were made to introductions:

- *Creating a penalty for failure to file water report
- *Livestock brand law

Hearing on: SB322 — Creating application requirement and fee to appropriate surface water that otherwise leaves the state.

Chairman Powell opened the hearing on the bill.

Mark Rude provided testimony in support of the bill stating many aquifer areas and stream systems are fully appropriated or suffering significant depletion. Potential water crisis charts were included in his testimony. ([Attachment 1](#)) ([Attachment 2](#))

Jackie McClaskey provided written testimony in opposition to the bill stating the department recommends holding a summit and advancing the dialogue of river management with neighboring states prior to consideration of legislative changes. ([Attachment 3](#))

David Brenn, Kansas Water Congress president, is a proponent of the bill as a vehicle for future water

CONTINUATION SHEET

MINUTES of the Committee on Natural Resources at 8:30am on Wednesday, January 20, 2016 in Room 159-S of the Capitol.

preservation. He expressed concerns over retro-active wording, should the committee choose to add that to the bill. ([Attachment 4](#))

Discussion:

Since the program is closed to additional appropriations, maintaining will allow for alternative water supply with re-pumping. Colorado and Kansas water usage for available uncommitted water is through appropriation transfer. Number of locations for applications are not provided for by law. The bill would lower the fee for applicants. Law does not provide for multiple usage. Every acre would be in the description when submitted.

Chairman Powell closed the hearing.

Hearing on: SB329 — Clarifying approval of a change application for place of use for multi-year flex accounts.

The Chairman opened the hearing on the bill.

Lane Letourneau testified in support of the bill stating the Multi Year Flex Account would allow someone enrolled in the program to modify the place of use of the MFYA term permit to coincide with the base water right. ([Attachment 5](#))

Kent Askren testified in favor of the bill stating the MYFA would specifically provide for simultaneous modification of both the base water right and any associated MYFA term permit place of use. ([Attachment 6](#))

Greg Krissek provided written testimony only in support of the bill writing he is in agreement of the modification of base water right and term permit. ([Attachment 7](#))

Discussion:

There would be no additional fees for users. Changes for "place in use" would be \$400. Mark Rude also endorsed the bill on behalf of Groundwater District 3.

Chairman Powell closed the hearing on the bill.

Hearing on: SB330 — Establishing the Kansas conservation reserve enhancement program.

Chairman Powell opened the hearing on the bill.

Susan Metzger provided testimony in support of the bill stating Conservation Reserve Enhancement Program (CREP) is a federal/state partnership conservation program with the Farm Service Agency (FSA). The bill seeks to obtain statutory authority to implement the program, and is a simple solution to further encourage agricultural landowners to adopt land and water conservation practices.

([Attachment 8](#))

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

CONTINUATION SHEET

MINUTES of the Committee on Natural Resources at 8:30am on Wednesday, January 20, 2016 in Room 159-S of the Capitol.

Ginger Harper provided testimony in favor of the bill commenting practices implemented with this bill will reduce sedimentation and thereby slow the rate of storage loss in downstream reservoirs.

[\(Attachment 9\)](#)

Mark Rude provided testimony in support of the bill stating the Southwest Kansas Groundwater Management District 3 (GMD3) has committed significant cash and in-kind resources to the state match requirement in the on-going Kansas Upper Arkansas River CREP.[\(Attachment 10\)](#)

Mike Beam testified on behalf of the bill commenting continued dry land farming of land enrolled in CREP would be preferable to complete land retirement during the 15 year enrollment period. This would require a change in the USDA's program requirements. [\(Attachment 11\)](#)

Kent Askren testified in support of the bill commenting water conservation is the primary management objective of the Upper Arkansas River CREP with secondary benefits. [\(Attachment 12\)](#)

Due to time allowances, testimony in opposition will continue on this bill in the meeting tomorrow.

The meeting was adjourned at 9:30 am.

The next scheduled meeting will be January 21.