

MINUTES OF THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES.

The meeting was called to order by Chairperson Senator David Corbin at 8:00 a.m. on January 28, 2000 in 245-N of the Capitol.

All members were present except: Senators Biggs and Tyson who were excused.

Committee staff present:

Raney Gilliland, Legislative Research Department
Mary Ann Torrence, Revisor of Statutes Office
Lila McClafin, Committee Secretary

Conferees appearing before the committee:

Carla Stovall, Attorney General, State of Kansas

Others attending:

See attached list.

With a motion and a second the minutes of January 26, 2000 were approved.

An update by Attorney General Carla Stovall on Kansas vs Colorado and Kansas vs Nebraska water suits.

Attorney General Stovall told the committee the Colorado Law Suit is into the awarding of damage's stage. Kansas is requesting \$61 million in damages, of this \$10 million is for damages and the balance is for interest. They have presented their case for damages in four categories:

- Loss of income to farmers through lower payment into their social securities resulting in a lower retirement payment from social securities.
- Through the years an increase cost to farmers resulting from having to dig deeper wells because of the water table being depleted by the lack of river flow.
- Lost of crop production because of water for irrigation
- Secondary too lost of crop production is the economic impact through lose of purchase power.

Colorado would like to settle the case for increase water when they have it available, and this is not acceptable to Kansas. The Master should finish hearing the case in a couple of days. They estimate the case would go the Supreme Court later this year or in early 2001.

Reporting on the Nebraska law suit, Attorney General Stovall said a Master is hearing the case at the present time, and they feel confident that he would rule that Nebraska's ground water wells along the Republican River do effect the amount of water flow in the river. He has assured them if the case is accepted it will not last as long as the Colorado suit. The lack of regulation of water wells in Nebraska was discussed. The estimated dollar amount for the water offered by Colorado was something the General would need to check and respond to later.

The meeting was adjourned by Vice Chair Morris at 8:56 a.m. The next meeting will be on February 1, 2000.

