

Approved: 03/13/12
Date

MINUTES OF THE SENATE AGRICULTURE COMMITTEE

The meeting was called to order by Chairman Mark Taddiken at 8:30 a.m. on February 7, 2012, in Room 159-S of the Capitol.

All members were present except:
Senator Steve Morris- excused

Committee staff present:
David Wiese, Office of the Revisor of Statutes
Jason Thompson, Office of the Revisor of Statutes
Heather O'Hara, Kansas Legislative Research Department
Abigail Boudewyns, Kansas Legislative Research Department
Judy Seitz, Committee Assistant

Conferees appearing before the Committee:
Kent Askren, Assistant Director of Natural Resources, Kansas Farm Bureau (KFB)
Tracy Streeter, Secretary, Kansas Water Authority (KWA)
Chris Wilson, Deputy Secretary of Agriculture, Kansas Department of Agriculture (KDA)
Mark Rude, Southwest Kansas GMD #3
Mike Beam, Kansas Livestock Association (KLA)
Steve Swaffar, Kansas Farm Bureau (KFB)

Others attending:
See attached list.

Chairman Taddiken opened the hearing on **SB 148 –Amending the veterinarian-client privilege.** David Wiese, Office of the Revisor of Statutes, reviewed the substitute language to be placed in **SB 148** for the Committee. (Attachment 1) This substitute language was removed from the original **SB 272 - Water rights; multi-year flex accounts; application for division of water right; fee.**

Kent Askren appeared in support of the substitute language for **SB 272.** (Attachment 2) He said that a water right is a real property right as defined in the Kansas Water Appropriation Act. He said the water right as a whole needs to be broken up into portions which are representative of the owner(s) desire to assign fractions of the water right as he/she deems appropriate.

Mr. Askren took questions from the Committee.

Chairman Taddiken called on Lane LeTourneau, Program Manager, Water Appropriations Program, Division of Water Resources, KDA, to answer questions from the Committee.

The hearing on **SB 148** was closed.

Chairman Taddiken opened the hearing on **HB 2451 – Eliminating “use it or lose it” for groundwater rights in areas closed to new water right development.**

CONTINUATION SHEET

MINUTES OF THE Senate Agriculture Committee at 8:30 a.m. on February 7, 2012 in Room 159-S of the Capitol.

David Wiese, Office of the Revisor of Statute, reviewed **HB 2451**.

Tracy Streeter, Secretary, Kansas Water Authority and the Ogallala Aquifer Advisory Committee, testified in support of **HB 2451**. (Attachment 3) He encourages the Committee to adopt the proposed change so that it is clear to all groundwater users in areas closed to new appropriations their water right is no longer at risk of abandonment just due to non-use. Mr. Streeter said that this change will signal a shift for the Ogallala aquifer from a culture of development to a culture of conservation.

Mr. Streeter took questions from the Committee.

Chris Wilson, Deputy Secretary of Agriculture, Kansas Department of Agriculture (KDA) spoke in support of **HB 245**. (Attachment 4) She said that a water right is a real property right of the land on which it is established and transfers with title to the land, unless expressly withheld. Ms. Wilson said there are relatively few water rights which are abandoned each year, some are non-voluntary and the prospect of losing a water right through non-use is a concern to many water right holders. She also said this bill will send the signal to those water right holders, in areas closed to further appropriation, where groundwater is the source, that they are free to conserve water without the fear and risk of losing the water right.

Mark Rude, Southwest Kansas GMD #3, spoke in favor of **HB 2451**. (Attachment 5) He said the 20th century Kansas water law encouraged development and utilization of the available water resource in an attempt to maximize the economic value of water. This bill would foster the shift by protecting producers from the abandonment of their water right within areas closed to new appropriation.

Mike Beam, Kansas Livestock Association, appeared in support of **HB 2451**. (Attachment 6) He said that if the water right holder chooses to not use their water appropriation for five consecutive years and the right is abandoned, other potential users in the area will not be able to apply for the use of this water because the area is closed to new appropriated water rights. He also said this bill should enhance conservation,

Steve Swaffar, Kansas Farm Bureau, testified in support of **HB 2451**. (Attachment 7) He said this bill puts to rest the question of unnecessary use of water rights in areas of the State officially closed to new appropriations of water. He also said that in the Ogallala aquifer where no new rights are available and conservation of water needs to be encouraged, there is no need for abandonment proceedings and any impediment to conservation should be removed.

Written testimony in support of **HB 2451**:

- Ron Seeber, Kansas Grain & Feed Association, Kansas Agribusiness Retailers Association (Attachment 8)
- Sue Schulte, Kansas Corngrowers Association (Attachment 9)

Chairman Taddiken closed the hearing on **HB 2451**.

CONTINUATION SHEET

MINUTES OF THE Senate Agriculture Committee at 8:30 a.m. on February 7, 2012 in Room 159-S of the Capitol.

Chairman Taddiken noted that the meeting for Wednesday, February 8 will begin at 8:40 a.m. because he is presenting testimony in another Senate Committee. The meeting was adjourned at 9:30 a.m.