

STATE OF KANSAS

SENATE CHAMBER

MR. PRESIDENT:

I move to amend **HB 2649**, as amended by Senate Committee, on page 1, following line 4 by inserting:

"Section 1. (a) Upon execution of an agreement between the state of Kansas and the United States department of agriculture farm service agency for implementation of a conservation reserve enhancement program (CREP), the Kansas department of agriculture is hereby authorized to establish such program. The program shall be a joint state-federal program, to be administered for the state by the Kansas department of agriculture.

(b) The CREP shall have the purpose of reducing withdrawal demands on the high plains aquifer, improving water quality, protecting public water supplies and enhancing wildlife habitat. The program shall provide for voluntary retirement of water rights in the CREP, in accordance with: (1) A program prepared and submitted by the Kansas department of agriculture and presented to the senate committee on natural resources and the house committee on agriculture and natural resources; and (2) rules and regulations adopted by the Kansas department of agriculture.

(c) The Kansas department of agriculture shall adopt rules and regulations for the implementation and administration of the CREP. Such rules and regulations shall include, but not be limited to, eligibility requirements for and conditions of participation in the program and incentives to participate in the program.

(d) The CREP program shall be subject to the following criteria:

- (1) The total number of acres for enrollment in Kansas in the CREP shall not exceed 40,000;
- (2) the number of acres eligible for enrollment in CREP in Kansas shall be limited to one-half

of the number of acres represented by contracts in the federal conservation reserve program that have expired in the prior year in counties within the CREP area, except that if federal law permits the land enrolled in the CREP program to be used for agricultural purposes such as planting of agricultural commodities, including, but not limited to, grains, cellulosic or biomass materials, alfalfa, grasses, legumes or other cover crops, then the number of acres eligible for enrollment shall be limited to the number of acres represented by contracts in the federal conservation reserve program that have expired in the prior year in counties within the CREP area;

(3) lands enrolled in the federal conservation reserve program as of January 1, 2008, shall not be eligible for enrollment in CREP;

(4) no more than 25% of the acreage in CREP may be in any one county;

(5) no water right that is owned by a governmental entity, except a groundwater management district, shall be purchased or retired by the state or federal government pursuant to CREP; and

(6) only water rights in good standing are eligible for inclusion under CREP. To be a water right in good standing the following criteria must be met:

(A) At least 50% of the maximum annual quantity authorized to be diverted under the water right has been used in any three years from 2001 through 2005;

(B) in the years 2001 through 2005, the water rights used for the acreage in CREP shall not have exceeded the maximum annual quantity authorized to be diverted and shall not have been the subject of enforcement sanctions by the division of water resources in the last four years; and

(C) the water right holder has submitted the required annual water use report required by K.S.A. 82a-732, and amendments thereto, for each of the most recent 10 years.

Sec. 2. The Kansas department of agriculture shall submit a CREP report annually to the senate committee on natural resources and the house committee on agriculture and natural resources. Such report shall contain a description of program activities and shall include:

- (a) The total water rights, measured in acre feet, retired each year in the CREP;
- (b) the acreage in the CREP;
- (c) the dollar amount received and expended for the CREP;
- (d) the economic impact of the CREP;
- (e) the change in groundwater levels in the CREP area;
- (f) the annual amount of water usage in the CREP area;
- (g) an assessment of meeting each of the program objectives identified in the agreement with the United States department of agriculture farm service agency; and
- (h) such other information as the Kansas department of agriculture shall specify.";

And by renumbering remaining sections accordingly;

Also on page 1, in the title, in line 1, after "ACT" by inserting "concerning water; providing for establishment of a conservation reserve enhancement program;"; in line 2, by striking "; concerning water"

Senator _____