

SENATE BILL No. 435

By Committee on Ways and Means

2-20

1 AN ACT concerning water; providing for establishment of a conservation
2 reserve enhancement program.

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4 *Be it enacted by the Legislature of the State of Kansas:*

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

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

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

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

27 (1) The total number of acres for enrollment in Kansas in the CREP
28 shall not exceed 40,000;

29 (2) the number of acres eligible for enrollment in CREP in Kansas
30 shall be limited to one-half of the number of acres represented by contracts
31 in the federal conservation reserve program that have expired in the prior
32 year in counties within the CREP area, except that if federal law permits
33 the land enrolled in the CREP program to be used for agricultural purposes
34 such as planting of agricultural commodities, including, but not limited to,
35 grains, cellulosic or biomass materials, alfalfa, grasses, legumes or other
36 cover crops, then the number of acres eligible for enrollment shall be

1 limited to the number of acres represented by contracts in the federal
2 conservation reserve program that have expired in the prior year in
3 counties within the CREP area;

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

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

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

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

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

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

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

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

29 (a) The total water rights, measured in acre feet, retired each year in
30 the CREP;

31 (b) the acreage in the CREP;

32 (c) the dollar amount received and expended for the CREP;

33 (d) the economic impact of the CREP;

34 (e) the change in groundwater levels in the CREP area;

35 (f) the annual amount of water usage in the CREP area;

36 (g) an assessment of meeting each of the program objectives
37 identified in the agreement with the United States department of
38 agriculture farm service agency; and

39 (h) such other information as the Kansas department of agriculture
40 shall specify.

41 Sec. 3. This act shall take effect and be in force from and after its
42 publication in the statute book.