

SESSION OF 2012

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2451

As Recommended by House Committee on
Agriculture and Natural Resources

Brief*

HB 2451 would amend a section of law dealing with the abandonment of water rights by deleting a requirement that groundwater rights in areas declared closed to further appropriation would no longer be required to have a means of diversion available "to put water to beneficial use within a reasonable time" in order to avoid the abandonment process. Groundwater rights in these areas would have due and sufficient cause for nonuse and therefore not be subject to abandonment.

Background

This bill was introduced at the request of a spokesperson from the Kansas Department of Agriculture. At the hearing on the bill, proponents included the Chairman of the Kansas Water Authority who is also the Chairman of the Ogallala Aquifer Advisory Committee. He indicated the bill was an attempt to remove barriers to conserve water from the Ogallala Aquifer by allowing water right owners to maintain their water rights while not using them or having diversion works in place. A spokesperson from the Kansas Department of Agriculture indicated abandonment clauses are common in other states' laws and they tend to foster development and use, rather than conservation. Other proponents included representatives of the Kansas Farm Bureau, the Kansas Cooperative Council, the Kansas Grain and Feed Association, the Kansas Agribusiness Retailer's Association,

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

the Kansas Groundwater Management Districts, and the Kansas Livestock Association. In addition, Representative Wetta reviewed written support of the legislation from a constituent, who is a former legislator. There were no opponents to the bill at the time of the hearing.

The fiscal note on the bill indicates that, according to the Kansas Department of Agriculture, passage of the bill would increase expenditures by \$3,000 in FY 2013 because of the need to send certified mail notifications to owners of water rights in areas closed to new appropriations.