

SESSION OF 2015

**SUPPLEMENTAL NOTE ON SENATE SUBSTITUTE FOR
HOUSE BILL NO. 2177**

As Recommended by Senate Committee on
Natural Resources

Brief*

Senate Sub. for HB 2177 would permit a water right owner or a group of water right owners in a designated area to enter into a consent agreement and order with the Chief Engineer to establish a water conservation area. The bill would require the water right owner or owners to submit a management plan to the Chief Engineer. The management plan would be the basis of the consent agreement and order and would:

- Include geographic boundaries;
- Include the written consent of all water right owners in the area;
- Include a finding that one or more of the following circumstances exist:
 - Groundwater levels are declining or have declined;
 - The rate of withdrawal equals or exceeds the rate of recharge;
 - Preventable waste of water is occurring or may occur; and
 - Unreasonable deterioration of water quality is occurring or likely to occur;

*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>

- Include the proposed duration of the water conservation area and any process by which water right owners may request to be added or removed;
- Include goals and corrective control provisions to address declining water levels, withdrawal rates which equal or exceed the rate of recharge, prevent waste of water, or water quality deterioration;
- Give due consideration to water users who have implemented voluntary reductions in water use; and
- Include compliance monitoring and enforcement and be consistent with state law.

The bill would provide that if the corrective control provisions of a water conservation area conflict with rules and regulations of a groundwater management district (GMD) or the requirements of a local enhanced management area (LEMA) or intensive groundwater use control area (IGUCA) that result in greater overall conservation of water, then the Chief Engineer is authorized to amend the provisions of the water conservation area to conform to any rules and regulations or requirements that result in great conservation of water.

Prior to execution of the consent agreement and order of designation, the bill would require the Chief Engineer to notify in writing the GMD within which any participating water right is situated. The GMD would be given an opportunity to provide a written recommendation regarding the water conservation area and management plan within 45 days of notification by the Chief Engineer.

In addition, the bill would require periodic review of the consent agreement and order of designation, which may be initiated by the Chief Engineer or upon request of the water right owners in the water conservation area. The review

would be conducted at least once every ten years. Further, the Chief Engineer could amend a consent agreement or order of designation for the water conservation area with the consent of all participating water right owners.

The bill also would give rule and regulation authority to the Chief Engineer and make these provisions part of and supplemental to the Kansas Water Appropriation Act.

Background

HB 2177 originally dealt with the Kansas Department of Health and Environment and amendments to the Voluntary Cleanup and Property Redevelopment Act. The Senate Committee on Natural Resources removed the contents of HB 2177 and placed them in HB 2193. The Senate Committee then removed the contents of SB 275 and placed them in HB 2177, adopting the bill as a substitute bill. What follows is information regarding SB 275, as heard by the Senate Committee.

SB 275. The bill was introduced by the Senate Committee on Ways and Means.

At the Senate Committee hearing, proponents included representatives of the Kansas Water Office, Kansas Department of Agriculture (KDA), Kansas Farm Bureau, and Kansas Livestock Association. There was no neutral or opponent testimony.

The proponents stated the water conservation areas would allow a group of water right holders to agree to a conservation goal. After providing a detailed proposal to the KDA, an order would be written to authorize the conservation goal. The water right holders would have the benefit of greater flexibility on managing their water. A water conservation area could be authorized only if all water right holders are in agreement.

The fiscal note prepared by the Division of the Budget states the KDA indicates it is not possible to estimate the fiscal effect of SB 275 at this time; however, any fiscal effect would be limited and could be absorbed within existing resources.