

MINUTES OF THE HOUSE ENVIRONMENT COMMITTEE

The meeting was called to order by Chairperson Joann Freeborn at 3:30 p.m. on March 4, 2004 in Room 231-N of the Capitol.

All members were present except:

Representative John Faber- excused  
Representative Larry Powell- excused  
Representative Sharon Schwartz- excused

Committee staff present:

Raney Gilliland Legislative Research Department  
Mary Torrence, Revisor of Statutes  
Mary Ann Graham, Committee Secretary

Conferees appearing before the committee: David Pope, Chief Engineer, Division of Water Resources, Department of Agriculture, 109 SW 9<sup>th</sup>, Topeka, KS 66612-1283

Others attending:

See Attached List.

Chairperson Joann Freeborn called the meeting to order. She announced that next Tuesday, March 9, the committee meeting, which had been scheduled as "meeting on call of the chair", may be revised with a review on Geologic Carbon Sequestration by Kansas Geological Survey, Kansas University. Two bills, **SB416** - Allows cities and counties to use certain moneys for programs dealing with recyclables and **SB396** - Creates the radiation control operations fee fund, are scheduled for hearings on Thursday, March 11. Also, action may be taken on **SB463** - Exception to perfection of water rights concerning beneficial use.

The Chairperson opened hearing on **SB463**.

**SB463: Exception to perfection of water rights concerning beneficial use.**

David Pope, Chief Engineer, Division of Water Resources, Department of Agriculture, was welcomed to the committee. He testified in support of the bill. The perfection, or development, of a water right occurs by the actual application of water to beneficial use as authorized by the permit to appropriate water. After notice of completion of the works for diversion of water and the use of water within the time allowed, the division of water resources inspects the project, determines how much of a water right has been perfected through the use of water within the limits of the original permit and issues a certificate of appropriation. This process constitutes the documentation and finalization of the water right, which is a real property right. The bill would amend KSA 82a-714©)(1), by providing one narrow exception to the July 1, 2004, deadline for issuing certificates of appropriation when abandonment proceedings are pending. Kansas Department of Agriculture also supports the bill, as amended by the Senate, which includes a new July 1, 2006 deadline for resolving the cases that would be allowed by the exception to the original 2004 deadline. (See attachment 1) Committee questions and discussion followed.

The Chairperson closed the hearing on **SB463**.

The meeting adjourned at 4:00 p.m. The next meeting is scheduled for Tuesday, March 9, 2004.