

SESSION OF 2015

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2059

As Amended by House Committee on
Agriculture and Natural Resources

Brief*

HB 2059 would add augmentation to the actions the Chief Engineer is required to take, as may be necessary, upon making a determination of an unlawful diversion of water, to secure water to the person having the prior right to the water's use, or to secure water for the purpose for which it was released from storage pursuant to state authority or an agreement between the state and federal governments. Current law allows the Chief Engineer to direct that the headgates, valves, or other controlling works of any ditch, canal, conduit, pipe, well, or structure be opened, closed, adjusted, or regulated to achieve those purposes.

The bill also would require the Chief Engineer to notify the affected groundwater management district (GMD) of the unlawful diversion. If the unlawful diversion takes place outside of a GMD, the Chief Engineer would be required to notify adjoining landowners.

Background

At the hearing in the House Committee on Agriculture and Natural Resources, representatives from the Department of Agriculture (KDA), GMD 5, Water Protection Association of Central Kansas (Water PACK), Kansas Farm Bureau, and Kansas Livestock Association appeared in support of the bill, as did an independent producer. The representative from KDA stated this bill was brought forward by KDA in response

*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>

to work with a group of stakeholders above the Quivira National Wildlife Refuge in the Rattlesnake Creek subbasin. The KDA representative stated augmentation could be a potential solution in water conflict situations where impairment is determined and would provide another tool for water management. Written testimony in support of the bill was provided by the Kansas Corn Growers Association.

Neutral testimony was presented by a representative of GMD 3. The representative expressed concerns about the implementation of augmentation plans in hydrological settings outside of the Rattlesnake Creek subbasin. He suggested limiting augmentation to that subbasin would provide time and experience to avoid unintended consequences of implementation elsewhere in the state.

No testimony in opposition to the bill was provided.

The House Committee amended the bill to include language requiring the Chief Engineer to notify the affected GMD or adjoining landowners of an unlawful diversion.

According to the fiscal note prepared by the Division of the Budget, the original bill would have no fiscal effect on the Department of Agriculture.