

MINUTES OF THE SENATE NATURAL RESOURCES COMMITTEE

The meeting was called to order by Chairman Carolyn McGinn at 8:30 A.M. on January 28, 2005 in Room 423-S of the Capitol.

All members were present except:

Mark Taddiken- excused
Tim Huelskamp- excused

Committee staff present:

Raney Gilliland, Kansas Legislative Research Department
Emalene Correll, Kansas Legislative Research Department
Lisa Montgomery, Revisor of Statutes Office
Gina Poertner, Committee Secretary

Conferees appearing before the committee:

Others attending:

See attached list.

The meeting was called to order by Chairman Carolyn McGinn at 8:30 a.m. Leland Rolfs, Staff Attorney for the Kansas Department of Agriculture was recognized to present an overview on water rights law in Kansas. He discussed water resources and the key elements of the Kansas Water Appropriation Act. Included in Mr. Rolf's report was information regarding attaining water rights, restrictions, regulations, and enforcement (Attachment 1).

Senator McGinn asked if there anyone was interested in making changes in the law pertaining to domestic wells. Mr. Rolfs replied that the vast majority of people are satisfied with the way it is but that certain areas of the state that are seeing problems. There is an interest by cities of getting more involved in regulation.

Senator Teichman asked if there is a charge for obtaining water rights to which Mr. Rolfs stated that there is an application fee. This fee is variable, dependent upon the annual quantity of water applied for.

Senator Ostmeyer asked if we treated water the same as mineral rights. Mr. Rolfs stated that the Water Appropriation Act changed that. There is no absolute ownership. Sen. Ostmeyer followed this by asking about the authority of the Chief Engineer. It was reported that there is no power outside of Rules and Regulations.

Senator Lee asked if any entity could lose water rights due to chronic overuse or misuse. Mr. Rolfs stated that civil penalties can be assessed, but it is unusual that water rights can be lost. Another question by Sen. Lee concerned conversion of irrigation rights. Mr. Pope explained average use and modifications. She then asked about stipulations of the sale of water rights. Mr. Rolfs stated that water rights can be sold to anyone, and that the Division of Water Resources only becomes involved when a change of type of use or point of diversion occurs.

Sen. Teichman asked if an intensive groundwater use control area (IGUCA) can be applied in the Circle K Ranch instance. Mr. Pope stated it cannot, however, shortages are being addressed.

Mr. Rolfs was asked by the Chair to address over-appropriated areas, and information was given.

Senator McGinn asked if there were any bill introductions. Seeing none, the meeting was adjourned.