

MINUTES OF THE HOUSE AGRICULTURE & NATURAL RESOURCES COMMITTEE

The meeting was called to order by Chairman Larry Powell at 9:00 a.m. on February 4, 2011, in Room 783 in the Docking State Office Building.

All members were present except:

Representative Gary Hayzlett - Excused
Representative Dan Kerschen – Excused
Representative Tom Moxley – Excused
Representative Michael Peterson - Excused

Committee staff present:

Sean Ostrow, Office of the Revisor of Statutes
Raney Gilliland, Kansas Legislative Research Department
Michael Wales, Kansas Legislative Research Department
Kay Scarlett, Committee Assistant

Conferees appearing before the Committee:

Susan Stover, Kansas Water Office
Rex Buchanan, Interim Director, Kansas Geological Survey

Others attending:

See attached list.

Copies of a memo from Chris Wilson, Deputy Secretary, Kansas Department of Agriculture, in response to questions asked by Committee members when Secretary Dale Rodman addressed the committee on January 26 were distributed. (Attachment 1)

Woody Moses, Kansas Aggregate Producers, requested introduction of a committee bill to remove the sunset provision in regard to mechanical vehicle scales used solely to sell aggregate products. Seeing no objection, Chairman Powell said this request would be introduced as a committee bill. (Attachment2)

Representative Joe Seiwert requested introduction of a committee bill concerning deering hunting and feeding the hungry. There being no objection, the Chairman said this request would be introduced as a committee bill.

Senator Dennis Pyle requested introduction of a bill concerning water regulation and permitting. As there was no objection, this request will be introduced as a committee bill.

Chairman Powell requested introduction of a committee bill authorizing the Governor to enter the interstate environmental freedom compact on behalf of the state. As there was no objection, this request will be introduced as a committee bill.

On behalf of Representative Carl Holmes, the Chairman requested introduction of a bill limiting liability of property owners in regard to non-commercial aviation activities. There being no objection, this request will be introduced as a committee bill.

Susan Stover, Kansas Water Office, and Chairperson of the team that evaluated the Central Kansas Water Bank after its first five years of operation, addressed the committee. The water bank was evaluated on its operations and policies, whether the bank is achieving its goals and objectives, and the bank's impact on the hydrologic units within the bank boundaries. She noted that the Central Kansas Water Bank is the only one formed in Kansas, and it only allows groundwater deposits. The bank boundary extends over the entire Big Bend Groundwater Management District #5.

Although activity has been minimal, the evaluation team recommends the Central Kansas Water Bank's charter be renewed and offered recommendations to improve the bank's operations and encourage more participation. First, clarify in statute that after an initial period, a bank shall be chartered as a

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permanent corporation, with periodic external reviews. The team, also, recommends simplifying the program so that it is easier for a potential user to see if it fits into his/her water use needs; reduce the heavy quantity reductions required on bank deposits and leases; put the entire conservation component on the lease side of the transaction; build in the criteria for determining where one can lease and how much conservation is required; and reduce the top level of conservation to 16 percent, down from the current 24 percent. In addition, remove the Consumptive Use Factor on irrigation deposits that are leased for irrigation use and encourage partial irrigation water right deposits that are leased for irrigation use. She said that deposits must occur for the bank benefits to be realized. The evaluation team recommends simplifying the regulations and letting the bank be responsible for meeting requirements and goals. Legislation has been introduced in the Senate. (Attachment 3)

Written testimony from Wes Essmiller, Manager of GMD #5, was distributed. (Attachment 4) The full report of the Central Kansas Water Bank Association Five Year Review and Recommendations, January 20, 2011, were distributed and may be reviewed at www.kwo.org.

Kent Askren, Water Resource Specialist, Kansas Farm Bureau, and Central Water Bank Evaluation Team member, offered support for the water bank program, encouraged simplification and making the program permanent.

David Barfield, Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, said he wasn't chief engineer at the time this legislation was drafted, but that he and his staff are reviewing the program at this time. He believed the purpose of this program was to provide some flexibility and is just one of many elements in water conservation. The program isn't going to help unless we see some activity. He said that compliance and enforcement activities have saved the most water.

Tracy Streeter, Kansas Water Office, was asked to provide a glossary of water terms and definitions, including vested, senior, and junior water rights.

Rex Buchanan, Interim Director, Kansas Geological Survey, provided an overview of the Geological Survey and some of its programs. The Survey is a research and service division of the University of Kansas charged, by statute, with studying the state's geologic resources and providing information about them. They have no regulatory responsibility and do not take positions on natural resource issues. The issues they study are a direct reflection of the natural resources in Kansas, primarily related to water and energy. He said the past few years the Survey has been particularly active in the field of carbon dioxide sequestration, or the potential disposal of carbon dioxide in the Kansas subsurface. While carbon dioxide sequestration is not currently being undertaken in Kansas, it is a subject of study as a possible method of disposing of this greenhouse gas, or using it to produce additional oil from mature fields. (Attachment 5)

Brownie Wilson, the Survey's hydrologic data manager, discussed the High Plains Aquifer, which includes the Ogallala aquifer, and is the most important water source for much of western and central Kansas. He is currently working on creating one source for all data on any given area.

The meeting adjourned at 10:25 a.m. The next meeting of the House Agriculture & Natural Resources Committee is scheduled for February 7, 2011.