

HOUSE BILL No. 2649

By Committee on Government Efficiency

2-7

1 AN ACT *{concerning water; providing for establishment of a*
2 *conservation reserve enhancement program;}* repealing K.S.A. 24-
3 105, 82a-312, 82a-313 and 82a-314 and K.S.A. 2011 Supp. 74-509 and
4 82a-735; ~~concerning water.~~

5
6 *Be it enacted by the Legislature of the State of Kansas:*

7 *{Section 1. (a) Upon execution of an agreement between the state of*
8 *Kansas and the United States department of agriculture farm service*
9 *agency for implementation of a conservation reserve enhancement*
10 *program (CREP), the Kansas department of agriculture is hereby*
11 *authorized to establish such program. The program shall be a joint state-*
12 *federal program, to be administered for the state by the Kansas*
13 *department of agriculture.*

14 *(b) The CREP shall have the purpose of reducing withdrawal*
15 *demands on the high plains aquifer, improving water quality, protecting*
16 *public water supplies and enhancing wildlife habitat. The program shall*
17 *provide for voluntary retirement of water rights in the CREP, in*
18 *accordance with: (1) A program prepared and submitted by the Kansas*
19 *department of agriculture and presented to the senate committee on*
20 *natural resources and the house committee on agriculture and natural*
21 *resources; and (2) rules and regulations adopted by the Kansas*
22 *department of agriculture.*

23 *(c) The Kansas department of agriculture shall adopt rules and*
24 *regulations for the implementation and administration of the CREP.*
25 *Such rules and regulations shall include, but not be limited to, eligibility*
26 *requirements for and conditions of participation in the program and*
27 *incentives to participate in the program.*

28 *(d) The CREP program shall be subject to the following criteria:*

29 *(1) The total number of acres for enrollment in Kansas in the*
30 *CREP shall not exceed 40,000;*

31 *(2) the number of acres eligible for enrollment in CREP in Kansas*
32 *shall be limited to one-half of the number of acres represented by*
33 *contracts in the federal conservation reserve program that have expired*
34 *in the prior year in counties within the CREP area, except that if federal*

1 *law permits the land enrolled in the CREP program to be used for*
2 *agricultural purposes such as planting of agricultural commodities,*
3 *including, but not limited to, grains, cellulosic or biomass materials,*
4 *alfalfa, grasses, legumes or other cover crops, then the number of acres*
5 *eligible for enrollment shall be limited to the number of acres*
6 *represented by contracts in the federal conservation reserve program*
7 *that have expired in the prior year in counties within the CREP area;*

8 (3) *lands enrolled in the federal conservation reserve program as of*
9 *January 1, 2008, shall not be eligible for enrollment in CREP;*

10 (4) *no more than 25% of the acreage in CREP may be in any one*
11 *county;*

12 (5) *no water right that is owned by a governmental entity, except a*
13 *groundwater management district, shall be purchased or retired by the*
14 *state or federal government pursuant to CREP; and*

15 (6) *only water rights in good standing are eligible for inclusion*
16 *under CREP. To be a water right in good standing the following criteria*
17 *must be met:*

18 (A) *At least 50% of the maximum annual quantity authorized to be*
19 *diverted under the water right has been used in any three years from*
20 *2001 through 2005;*

21 (B) *in the years 2001 through 2005, the water rights used for the*
22 *acreage in CREP shall not have exceeded the maximum annual quantity*
23 *authorized to be diverted and shall not have been the subject of*
24 *enforcement sanctions by the division of water resources in the last four*
25 *years; and*

26 (C) *the water right holder has submitted the required annual water*
27 *use report required by K.S.A. 82a-732, and amendments thereto, for*
28 *each of the most recent 10 years.*

29 *Sec. 2. The Kansas department of agriculture shall submit a CREP*
30 *report annually to the senate committee on natural resources and the*
31 *house committee on agriculture and natural resources. Such report*
32 *shall contain a description of program activities and shall include:*

33 (a) *The total water rights, measured in acre feet, retired each year*
34 *in the CREP;*

35 (b) *the acreage in the CREP;*

36 (c) *the dollar amount received and expended for the CREP;*

37 (d) *the economic impact of the CREP;*

38 (e) *the change in groundwater levels in the CREP area;*

39 (f) *the annual amount of water usage in the CREP area;*

40 (g) *an assessment of meeting each of the program objectives*
41 *identified in the agreement with the United States department of*
42 *agriculture farm service agency; and*

43 (h) *such other information as the Kansas department of agriculture*

1 *shall specify.*}

2 ~~Section 1.~~ {**Sec. 3.**} K.S.A. 24-105, 82a-312, 82a-313 and 82a-314
3 and K.S.A. 2011 Supp. **74-509 and** 82a-735 are hereby repealed.

4 ~~Sec. 2.~~ {**4.**} This act shall take effect and be in force from and after its
5 publication in the statute book.

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