

MINUTES OF THE HOUSE AGRICULTURE AND NATURAL RESOURCES COMMITTEE

The meeting was called to order by Chairman John Faber at 3:30 P.M. on January 22, 2008, in Room DSOB 783.

All members were present except:

Representative Carl Holmes - excused

Committee staff present:

Raney Gilliland, Kansas Legislative Research Department
Emalene Correll, Kansas Legislative Research Department
Hank Avila, Kansas Legislative Research Department
Gordon Self, Revisor of Statutes
Kristen Kellems, Revisor of Statutes
Florence Deeter, Committee Assistant

Conferees appearing before the committee:

Greg Foley, Kansas Department of Agriculture, Conservation Research Enhancement Program

Others attending:

See attached list.

The Chairman asked for bill introductions. Chris Tymeson, Kansas Department of Wildlife and Parks, requested the Committee sponsor a bill requiring the tagging of wild turkeys. Replying to a question, he said that the Department has no way of tracking the season bag limit; the tags will facilitate the process. The Committee agreed to sponsor the bill.

Representative Schroeder requested a bill changing the wording of a statute addressing the Wheat Commission: including *assessment*, adding a member to the Commission to bring membership to 5, and increasing the fee from 10 mils to 20 mils. The Committee agreed to introduce the bill as a Committee bill.

The Chair welcomed Greg Foley, Kansas Department of Agriculture, who gave a status report on the Arkansas River Conservation Reserve Enhancement Program (CREP), tracing the program from its inception in November 2005, through implementation on December 20, 2007 (Attachment 1). He explained that the initial proposal to enroll 40,000 acres was reduced by the USDA (United States Department of Agriculture) and further reduced by state limitations so that total CREP enrollment could be no more than one-half of the number of acres expiring in the prior year. As of January 8, 2008, 13,294 acres have been offered into the program, a figure that, if accepted, will result in approximately \$1.5 million in payments with additional one-time payments for ancillary programs. Addressing water rights, he further noted that approximately 27,488 acre-feet may be permanently retired from irrigation.

Mr. Foley said the economic impact of CREP has many variables, making an accurate assessment difficult; he added that a Kansas State University study due in June may provide more accurate figures. Commenting on groundwater levels, he said no assessment is feasible until water rights have been terminated, although isolated measurements have been conducted. He highlighted irrigated acres (562,626) and water usage (743,556 acre-feet) in the CREP area in 2006 and commented on the water quality detailed in the Kansas Upper Arkansas River Conservation Reserve Enhancement Program Legislative Report. He said a stated projection for reducing soil erosion is estimated at 8,000 tons per year; wind erosion is estimated at 3,000 tons per year on 53,000 acres. Cheyenne Bottoms has not been assessed. Mr. Foley reported on the United States Department of Agriculture's (USDA) request for a calculation on energy consumption relating to irrigation by stating that some wells are partially gas-driven. A requirement is in place for conversions to meet the USDA objectives.

Mr. Foley answered questions from the Committee:

- It is possible but unlikely that a landowner will be allowed to buy out the contract before the 15 years has expired; the negative factor lies in property water rights being cancelled.
- Unsuitable dryland farming is determined by a sand soil index and the level at which moisture is viable.
- Statutory action would be required to grant a waiver to sign up for more than the allowable acreage.

CONTINUATION SHEET

MINUTES OF THE House Agriculture and Natural Resources Committee at 3:30 P.M. on January 22, 2008, in Room DSOB 783 of the Capitol.

- The deadline for signing up for CREP is June 30, 2008, unless the legislature changes the date.
- The Memorandum of Agreement inserted on pages 19-33 of the CREP Legislative Report contains the details outlining targeted watersheds as well as irrigated and non-irrigated cropland in the Upper Arkansas River project area.
- Water rights groups must meet the defined eligibility requirements for pumping water.
- A water right group is defined as having multiple water rights on usage at one single well. An irrigation system with multiple wells equals one group; a town or city with multiple water rights equals one group.
- Consumptive use of water rights must accrue 50 percent of water usage within three to five years.
- A total of 562,626 acre feet of water usage was reported for fiscal year 2007.
- The price point of fuel costs has a direct influence on the choice an individual makes in relation to the amount of water pumped for irrigation.
- New technology will allow voluntary management of water usage, reduce demand, and extend the life of existing and new wells.
- After fifteen years, water can be used freely from wells that have been capped and water rights terminated.
- Nebraska, Colorado and Idaho have similar programs under CREP.

The Chairman adjourned the meeting at 4:50 p.m. The next meeting is scheduled for Wednesday, January 23, 2008.