

February 12, 2015

The Honorable Sharon Schwartz, Chairperson
House Committee on Agriculture and Natural Resources
Statehouse, Room 149-S
Topeka, Kansas 66612

Dear Representative Schwartz:

SUBJECT: Fiscal Note for HB 2227 by House Committee on Agriculture and Natural Resources

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2227 is respectfully submitted to your committee.

HB 2227 would establish water conservation areas to be administered by the Division of Water Resources of the Kansas Department of Agriculture (KDA). The bill would allow any water right owner or group of water right owners in a designated area to enter into a consent agreement and order with the Chief Engineer of the Division to establish a water conservation area. The owner or owners of the water conservation area would be required to submit a management plan to the Chief Engineer that includes the following:

1. Geographic boundaries;
2. Specific findings that groundwater levels in the area are declining or have declined excessively; the rate of withdrawal of groundwater equals or exceeds the rate of recharge; preventable waste of water is occurring; or, unreasonable deterioration of the quality of water is occurring or may occur;
3. Goals and corrective control provisions to address one or more of the circumstances in the specific findings;
4. Provision of due consideration to water users who have already implemented reductions in water use resulting in voluntary conservation measures;
5. Compliance monitoring enforcement elements; and,
6. Consistency with state law.

The consent agreement for the water conservation area could include the following corrective provisions:

1. Closing the area to any further appropriation of groundwater;
2. Determining the permissible total withdrawal of groundwater in the area;
3. Reducing the permissible withdrawal of groundwater by any one or more appropriators;
4. Requiring and specifying a system of rotation of groundwater use in the area; and,
5. Using any other control provision necessary to effectuate agreed upon water conservation goals.

The Chief Engineer would have jurisdiction to amend a consent agreement designating a water conservation area and would adopt rules and regulations to administer the bill. The provisions in the bill would be part of and supplemental to the Kansas Water Appropriations Act. The bill would take effect and be in force from and after its publication in the statute book.

The Kansas Department of Agriculture indicates that it is not possible to estimate the fiscal effect of HB 2227 at this time; however, any fiscal effect would be limited and could be absorbed within existing resources. Any fiscal effect associated with HB 2227 is not reflected in *The FY 2016 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Shawn Sullivan", with a horizontal line extending to the right.

Shawn Sullivan,
Director of the Budget

cc: Justin Law, Agriculture