

*[As Amended by Senate Committee of the Whole]*

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Session of 2007

## SENATE BILL No. 123

By Committee on Ways and Means

1-18

12 AN ACT concerning water; providing for establishment of ~~an upper Ar-~~  
13 ~~kansas river~~ **[a]** conservation reserve enhancement program.

14

15 *Be it enacted by the Legislature of the State of Kansas:*

16 Section 1. (a) As used in this section:

17 (1) "Farm services agency" means the United States department of  
18 agriculture farm services agency.

19 (2) "Arkansas river corridor" means those portions of the upper Ar-  
20 kansas river basin within Hamilton, Kearny, Finney, Gray, Ford, Ed-  
21 wards, Pawnee, Stafford, Barton~~], Hodgeman, Ness~~ and Rice counties.

22 (b) Upon execution of an agreement between the state of Kansas and  
23 the farm services agency for implementation of ~~an upper Arkansas river~~  
24 **[a]** conservation reserve enhancement program (CREP), the state con-  
25 servation commission and the Kansas water office are hereby authorized  
26 to establish such program. The program shall be a joint state-federal pro-  
27 gram, to be administered for the state by the state conservation  
28 commission.

29 (c) The CREP shall have the purpose of reducing withdrawal de-  
30 mands on the high plains aquifer, improving water quality, protecting  
31 public water supplies and enhancing wildlife habitat. The program shall  
32 provide for voluntary retirement of water rights in the ~~Arkansas river~~  
33 ~~corridor~~ **[CREP]**, in accordance with: (1) A program prepared and sub-  
34 mitted by the state conservation commission and the Kansas water office  
35 and presented to the senate committee on natural resources and the  
36 house committee on agriculture and (2) rules and regulations adopted by  
37 the state conservation commission.

38 (d) The state conservation commission shall adopt rules and regula-  
39 tions for the implementation and administration of the CREP. Such rules  
40 and regulations shall include, but not be limited to, eligibility require-  
41 ments for and conditions of participation in the program and incentives  
42 to participate in the program. **[CREP acres may include the Arkansas**  
43 **river corridor or acres within existing or proposed groundwater use**

1 control areas as designated by the chief engineer of the division of  
2 water resources.]

3 (e) The CREP program shall be subject to the following crite-  
4 ria: (1) The total number of acres for enrollment in Kansas in  
5 the CREP shall not exceed 100,000;

6 (2) the number of acres eligible for enrollment in the CREP in  
7 Kansas shall be limited to one-half of the number of acres repre-  
8 sented by contracts in the federal conservation reserve program  
9 that have expired in the prior year in counties within the CREP  
10 area, except that if federal law permits the land enrolled in the  
11 CREP program to be used for agricultural purposes such as plant-  
12 ing of agricultural commodities, including, but not limited to,  
13 grains, cellulosic or biomass materials, alfalfa, grasses, legumes or  
14 other cover crops then the number of acres eligible for enrollment  
15 shall be limited to the number of acres represented by contracts in  
16 the federal conservation reserve program that have expired in the  
17 prior year in counties within the CREP area;

18 (3) lands enrolled in the conservation reserve program as of Jan-  
19 uary 1, 2007, shall not be eligible to be in the CREP;

20 (4) no more than 25% of the acreage in the CREP may be in any  
21 one county; ~~and~~

22 [(5) no water right that is owned by a governmental entity, ex-  
23 cept a groundwater management district, shall be purchased or re-  
24 tired by the state or federal government pursuant to the CREP; and]

25 ~~(5)~~ [(6)] only water rights in good standing are eligible for the  
26 CREP. To be a water right in good standing the following criteria  
27 must be met: (A) At least 50% of the maximum annual quantity  
28 authorized to be diverted under the water right has been used in  
29 any three years from 2001 through 2005; (B) in the years 2001  
30 through 2005 the water rights used for the acreage in the CREP  
31 shall not have exceeded the maximum annual quantity authorized  
32 to be diverted and has not been the subject of enforcement sanctions  
33 by the division of water resources in the last four years; and (C) the  
34 water right holder has submitted the required annual water use  
35 report required by K.S.A. 82a-732, and amendments thereto, for the  
36 most recent 10 years.

37 Sec. 2. The state conservation commission shall submit a CREP  
38 report annually to the senate committee on natural resources and  
39 the house committee on agriculture and natural resources. Such  
40 report shall contain a description of program activities and shall  
41 include:

42 (a) The total water rights, measured in acre feet, retired each  
43 year in the CREP;

- 1     ***(b) the acreage in the CREP;***
  - 2     ***(c) the dollar amounts received and expended for the CREP;***
  - 3     ***(d) the economic impact of the CREP;***
  - 4     ***(e) the change in groundwater levels in the CREP area;***
  - 5     ***(f) the annual amount of water usage in the CREP area;***
  - 6     ***(g) an assessment of meeting each of the program objectives***
  - 7     ***identified in the agreement with the farm service agency; and***
  - 8     ***(h) such other information as the state conservation commission***
  - 9     ***shall specify.***
- 10     Sec. ~~2~~ **3.** This act shall take effect and be in force from and after its
- 11     publication in the statute book.