

## **Water Conservation Areas; Agricultural Liming Materials; Arkansas River Gaging Fund; SB 156**

**SB 156** establishes water conservation areas, prescribes testing methods for agricultural liming material, and provides for the operation and maintenance of groundwater gage sites in the Arkansas River Basin.

### ***Water Conservation Areas***

The bill permits a water right owner or a group of water right owners in a designated area to enter into a consent agreement and order with the Chief Engineer to establish a water conservation area. The bill requires the water right owner or owners to submit a management plan to the Chief Engineer. The management plan is the basis of the consent agreement and order and must:

- Include geographic boundaries;
- Include the written consent of all water right owners in the area;
- Include a finding that one or more of the following circumstances exist: groundwater levels are declining or have declined; the rate of withdrawal equals or exceeds the rate of recharge; preventable waste of water is occurring or may occur; or unreasonable deterioration of water quality is occurring or likely to occur;
- Include the proposed duration of the water conservation area and any process by which water right owners may request to be added or removed;
- Include goals and corrective control provisions to address declining water levels, withdrawal rates which equal or exceed the rate of recharge, preventing waste of water, or water quality deterioration;
- Give due consideration to water users who have implemented voluntary reductions in water use; and
- Include compliance monitoring and enforcement and be consistent with state law.

The bill provides that if the corrective control provisions of a water conservation area conflict with rules and regulations of a groundwater management district (GMD) or the requirements of a local enhanced management area (LEMA) or intensive groundwater use control area (IGUCA) that result in greater overall conservation of water, then the Chief Engineer is authorized to amend the provisions of the water conservation area to conform to any rules and regulations or requirements that result in greater conservation of water.

Prior to execution of the consent agreement and order of designation, the bill requires the Chief Engineer to notify in writing the GMD within which any participating water right is

situated. The GMD is given an opportunity to provide a written recommendation regarding the water conservation area and management plan within 45 days of notification by the Chief Engineer.

In addition, the bill requires periodic review of the consent agreement and order of designation which may be initiated by the Chief Engineer or upon request of the water right owners in the water conservation area. The review must be conducted at least once every ten years. Further, the Chief Engineer may, with the consent of all participating water right owners, amend a consent agreement or order of designation for a water conservation area.

The bill also gives rule and regulation authority to the Chief Engineer and makes these provisions part of and supplemental to the Kansas Water Appropriation Act.

### ***Agricultural Liming Material Testing***

The bill eliminates the reference to the testing methods prescribed by the Association of Official Analytical Chemists with regard to the testing of agricultural liming materials sold, offered, or exposed for sale in Kansas.

### ***Groundwater Gages in the Arkansas River Basin***

The bill adds the operation and maintenance of stateline groundwater gage sites in the Arkansas River Basin as a priority expenditure from the Arkansas River Gaging Fund.

In addition, the bill increases the cap on the amount of funding received from oil and gas lease royalties in five counties from \$75,000 to \$95,000.