

SESSION OF 2015

SUPPLEMENTAL NOTE ON SENATE BILL NO. 52

As Amended by Senate Committee on Natural
Resources

Brief*

SB 52, as amended, would allow the Rattlesnake Creek Subbasin (located in hydrologic unit code 11030009) water right holders to utilize augmentation for the replacement in time, location, and quantity of water that was unlawfully diverted from senior water right holders, if the replacement water is available and offered voluntarily.

The bill also makes several technical corrections to the law and clarifies it is unlawful for any person to divert or take any water that has been released from storage under authority of water reservation rights held by the state.

Background

The bill was introduced by the Senate Committee on Natural Resources.

At the Senate Committee hearing, proponent testimony was provided by representatives of the Big Bend Groundwater Management #5, Kansas Corn Growers Association, Kansas Department of Agriculture (KDA), Kansas Farm Bureau, Kansas Livestock Association, Water PACK of Edwards County, and a private citizen. Proponents stated the bill is a result of KDA working with a group of stakeholders above the Quivira National Wildlife Refuge that is owned by the U.S. Fish and Wildlife Service. Quivira holds a very senior surface right in the Rattlesnake Creek Subbasin

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

and the surface water right is being affected by groundwater pumping. The stakeholders have approached both the KDA and Quivira with the idea of augmentation as part of the solution to ensure Quivira receives the water it is due, but KDA does not believe existing law allows the Chief Engineer to offer augmentation as an option.

Neutral testimony was provided by a representative of Groundwater Management District #3, who suggested the bill be limited to the Rattlesnake Creek Subbasin, as augmentation is a new development in Kansas water policy to address impairment concerns.

The Senate Committee amended the bill to:

- Limit augmentation as an option only within the Rattlesnake Creek Subbasin;
- Provide that augmentation is an option if replacement water is available and offered voluntarily; and
- Clarify that unlawful diversion of water applies to water that has been released from storage under authority of water reservations rights held by the state.

The fiscal note prepared by the Division of the Budget on the bill, as introduced, states the bill would have no fiscal effect on the KDA budget.