

MINUTES OF THE SENATE NATURAL RESOURCES COMMITTEE

The meeting was called to order by Chairman Ralph Ostmeyer at 8:30 a.m. on March 10, 2011, in Room 159-S of the Capitol.

All members were present except:

Vice-Chair Carolyn McGinn, Excused
Senator Steve Morris, Excused

Committee staff present:

Tamera Lawrence, Office of the Revisor of Statutes
Jason Thompson, Office of the Revisor of Statutes
Heather O'Hara, Kansas Legislative Research Department
Laura Younker, Kansas Legislative Research Department
Dana Wethington, Committee Assistant

Conferees appearing before the Committee:

David Barfield, Chief Engineer, Division of Water Resources, Kansas Department of Agriculture
Sean Miller on behalf of Mark Rude, President, Kansas Groundwater Management District Association
Kent Askren, Kansas Farm Bureau
John Donley, Assistant Counsel, Kansas Livestock Association
Doug Jorgensen, Acting Kansas State Fire Marshal
Tracy Streeter, Director of the Water Office

Others attending:

See attached list.

SB 191 – Amending the water rights conservation program

Chairman Ostmeyer opened the hearing on **SB 191**.

Revisor Tamera Lawrence gave an overview. The Chief Engineer may administer a water rights conservation program. An eligible water right may be enrolled in the program, subject to the approval of the chief engineer. The enrollment period is 10 years and a water right may be re-enrolled in the program within two years, subject to the approval of the chief engineer. Application fee is not to exceed \$300. It creates the water appropriation certification fund.

David Barfield, Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, testified in support of **SB 191**. (Attachment 1) He stated the water rights conservation program conserves water as well as protects the water users' rights from forfeiture. He provided a map of Water Rights Enrolled in WRCP, and a draft of revised regulations.

Due to a meeting conflict, Mark Rude was unable to attend and Sean Miller presented Mr. Rude's testimony in support of **SB 191**. (Attachment 2) He said the testimony represents all five GMDs. He stated that the goal of the legislation is to re-establish the WRCP and make it a fee-funded program. It also gives water right holders an additional tool they can use to manage and conserve water.

Kent Askren, Kansas Farm Bureau, provided testimony in support of **SB 191**. (Attachment 3) He said the WRCP is a useful tool for eligible water right holders who might want to idle their pumps without fear of their water rights being abandoned.

John Donley, Assistant Counsel, Kansas Livestock Association, provided testimony in support of **SB 191**. (Attachment 4) He said KLA is supportive of a reasonable fee on water right holders to pay for the program's implementation and that it is another tool for water right holders to utilize if it fits their management plan.

Providing written testimony in support of **SB 191** was Timothy Maier, P.E., General Manager, Board of Public Utilities, McPherson, who stated that the utility has used the WRCP in the past and would like to

CONTINUATION SHEET

Minutes of the Senate Natural Resources Committee at 8:30 a.m. on March 10, 2011, in Room 159-S of the Capitol.

continue. (Attachment 5)

David Brenn, Kansas Water Congress, provided written testimony in support of **SB 191**. (Attachment 6) He stated the Kansas Water Congress stakeholders believe that the creation of a fee-funded WRCP would be beneficial for water rights holders and water users.

Wayne Bossert, Manager, Northwest Kansas Groundwater Management District No. 4, provided written testimony in support of **SB 191**. (Attachment 7) He stated that the bill would require virtually all of the important program aspects to be developed in regulation form by the Chief Engineer subsequent to its enactment.

Discussion followed.

There being no further conferees, Chairman Ostmeyer closed the hearing on **SB 191**.

SB 215 – Abolishing the liquefied petroleum gas advisory board

Senator Ostmeyer opened the hearing on **SB 215**.

Revisor Tamera Lawrence gave an overview. It would abolish the Liquefied Petroleum Gas Advisory Board on July 1, 2011, and repeal KSA 55-1811, that establishes the Board and provides for the Board's members and their terms of office.

Doug Jorgensen, Acting Kansas State Fire Marshal, testified in support of **SB 215**. (Attachment 8) He testified that the Board was established in 2004 to serve in an advisory capacity to the Governor and the State Fire Marshal for matters concerning the enforcement of the Kansas Propane Safety and Licensing Act. The Board is to meet on a quarterly basis; however, due to lack of attendance, the Board meets only if there are concerns. The last meeting was April 30, 2010. Discussion followed.

There being no further conferees, Chairman Ostmeyer closed the hearing and called for final action on **SB 215**.

Senator Francisco made a motion, seconded by Senator Teichman, that **SB 215** be passed out favorably; motion carried.

Confirmation of Reappointment of Tracy Streeter as Director of the Water Office

Chairman Ostmeyer opened the hearing on **Confirmation of Reappointment of Tracy Streeter as Director of the Water Office**.

Tracy Streeter, Director of the Water Office, provided testimony. (Attachment 9) He has served as Director of the KWO since 2004 and previously worked for the State Conservation Commission for 19 years, serving as the Executive Director 10 years. Mr. Streeter stood for questions.

There being no further discussion, Chairman Ostmeyer closed the hearing and asked for final action on **Reappointment of Tracy Streeter as Director of the Water Office**.

Senator Teichman made a motion, seconded by Senator Abrams, to pass out favorably the **Confirmation of Reappointment of Tracy Streeter as Director of the Water Office**; motion carried.

Chairman Ostmeyer announced the next meeting is scheduled for March 11, 2011.

The meeting was adjourned at 9:00 a.m.

PLEASE CONTINUE TO ROUTE TO NEXT GUEST

SENATE NATURAL RESOURCES COMMITTEE GUEST LIST

DATE: March 10, 2011

NAME	REPRESENTING
Kent Askren	ICFB
Sean Milice	CAPITOL STRATEGIES
Paul Johnson	KS Rural Center
John A. Donley	KS Lusk Ass'n
David Barfield	KDA DNR
CANE LETOURNEAU	KDA
Mary Jane Stankiewicz	KARA
Joe Mosmann	Parent of KS
Kimberly Slaty	KMUI
GALEN BLERY	KRWAD 1 & CNRBWAD 3
Earl Lewis	KWO
Melissa Ward	Heinlaw Firm
Doug Wareham	KBA
Woody Moss	ICAPA



**Testimony on SB191, Water Rights Conservation Program
to the Senate Committee on Natural Resources**

**by David Barfield, Chief Engineer
Kansas Department of Agriculture**

March 10, 2011

Chairman Ostmeyer and members of the committee, I am David Barfield, Chief Engineer of the Kansas Department of Agriculture's Division of Water Resources. I appear before you today to testify in support of SB 191, which would authorize the Water Rights Conservation Program (WRCP).

The Kansas Water Appropriation Act (Act) provides the framework for a system of water rights and permits to allow the beneficial use of water in Kansas. One part of the Act provides for a forfeiture of a water right through abandonment, thus allowing water to become available for someone else to put to use. KSA 82a-718 states that water rights are forfeited by abandonment when water is not used for 5 consecutive years without due and sufficient cause for non use. Our regulations contain 11 items we consider due and sufficient cause for non use. The WRCP is one of these due and sufficient causes.

The WRCP was initiated through rules and regulations in 1992 without many restrictions and without fees. It is our understanding the Western Kansas Groundwater Management District No. 1 wanted a program to protect water rights from abandonment because of proposed dairies moving into their region of Kansas at that time. They thought they needed a 7-10 year window to secure the dairies. They wanted to protect depleted irrigation rights from abandonment so they could be sold to the dairies for a water supply (dairies may be able to operate at lower pump rates than irrigation requires). The proposed timeframe was beyond the 5 years allowed by law. To provide a due and sufficient cause for non use for this purpose, we created the WRCP in our regulations. From there the program took on a life of its own, being widely used.

The WRCP was phased out in 2009 as our agency faced a 20 percent budget reduction in state general funds. Legislative Post Audit asked our agency to identify programs not required by statute. The WRCP was one of the programs and was eliminated through amending our regulations to discontinue accepting new applications.

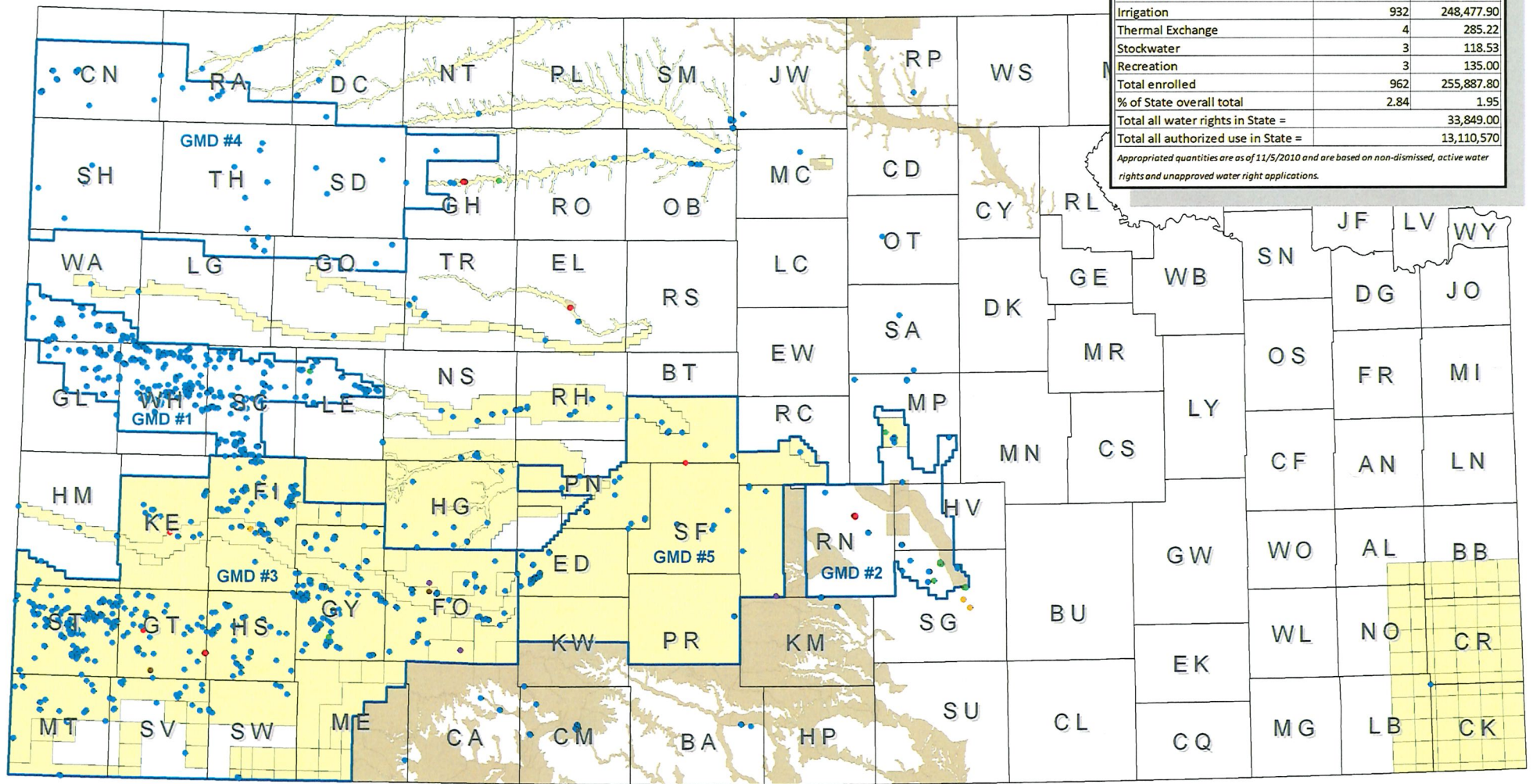
This bill authorizes the WRCP by statute, with a fee to fund the program. If passed, we will update our regulations to begin to again accept applications, to reform WRCP to be implemented orders of the chief engineer rather than with contracts, and to reference the application fee.

The stakeholders we have visited with about the bill tell us the WRCP is the preferred conservation program and they support the fee. The water right holders like having a "piece of paper" signed by the Chief Engineer telling them they have due and sufficient cause for non-use for a certain period of time. It works well for the owners as they know the environment they are working in. The WRCP gives our water users another tool in the tool box to protect their rights from forfeiture and conserves water in these over-developed areas.

Thank you and I will stand for questions.

Senate Natural Resources
3-10-11
Attachment 1

Water Rights Enrolled in WRCP



Kansas Department of Agriculture
Administrative Services, GIS
November 5, 2010

Legend

- Industrial Pds
- Municipal Pds
- Stockwater Pds
- Irrigation Pds
- Recreation Pds
- Thermal Exchange Pds
- Closed
- Restricted



K.A.R. 5-7-4. Water rights conservation program. (a) ~~Applications for enrollment in the water rights conservation program (WRCP) shall not be accepted after December 31, 2009. Applications received on or before December 31, 2009, shall be considered for enrollment in the program.~~ Enrollment in the *water rights conservation program* (WRCP) approved by the chief engineer and continued compliance with the WRCP shall constitute due and sufficient cause for nonuse pursuant to K.S.A. 82a-718, and amendments thereto, and K.A.R. 5-7-1.

(b) In order to qualify for enrollment in the WRCP, all of the following requirements and conditions shall be met:

(1) The point of diversion shall be located in either of the following locations:

(A) In an area that is closed to new appropriations of water, except for temporary permits, term permits, and domestic use; or

(B) In an area where safe yield exceeds 150 percent of the safe yield amount of the two mile radius circle from the point of diversion authorized by the water right for which the WRCP is being filed.

~~(B)~~ (C) in some other area designated by the chief engineer as an area where it would be in the public interest to allow water rights to be placed in the WRCP. In areas within the boundaries of a groundwater management district, the recommendations of the board of the district shall be taken into consideration by the chief engineer.

(2) Each of the owners of the water right shall agree to totally suspend all water use authorized by that water right for the duration of the program.

(3) Only an entire water right may be placed into the WRCP. If a portion of a water right has been abandoned, the portion that is still in good standing may be enrolled in the WRCP.

If a water right is administratively divided by the chief engineer, each portion of a formally divided water right shall be considered to be an entire water right for the purpose of this regulation.

(A) If at least five successive years of nonuse have occurred before application for enrollment in the WRCP, a determination of whether or not that water right is subject to abandonment before entry into the program, including an analysis of any reasons given that might constitute due and sufficient cause for nonuse, shall be made by the chief engineer.

(B) If, after review of the information, it appears that the right has been abandoned, the statutory procedures, including the right to a hearing, shall be followed to determine whether or not the right has been abandoned.

(5) Only the portion of a water right in good standing at the time of application for enrollment may be entered into the WRCP.

(c) Other requirements of enrollment in the WRCP program shall include the following:

(1) Water rights shall be placed into the WRCP for a definite period of calendar years of no fewer than five and no more than 10.

Each WRCP , approved after the effective date of this rule, shall terminate upon expiration of the time period specified in the contract.

(2) The water right owner or operator shall not be required to maintain the diversion works or delivery system during the period of the WRCP contract. If the pump is removed from a well, the well shall be properly capped or sealed during the contract. These requirements shall be in addition to those made by the Kansas department of health and environment pursuant to the groundwater exploration and protection act, K.S.A. 82a-1201 et seq., and amendments thereto.

(3) A certificate determining the extent to which a water right has been perfected shall be issued by the chief engineer before entering the water right into the WRCP, ~~if all of the following conditions are met:~~

~~(A) An applicant has a permit to appropriate water for beneficial use and has perfected all, or any portion, of the water right authorized by the permit.~~

~~(B) The time in which to perfect the water right has expired, including any authorized extensions of time.~~

~~(C) A field inspection has been completed.~~

~~(4) If the time to perfect the water right, or any authorized extension of that right, has not expired, enrollment in the WRCP shall be considered as suspending the time to perfect. Upon expiration of the WRCP contract pertaining to this water right, the time to perfect shall again commence, and the applicant shall be required to perfect the water right within the remainder of the time allowed to perfect, or any authorized extension of that time.~~

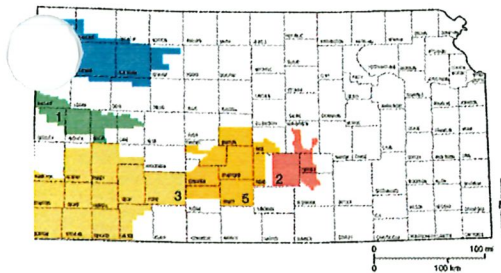
(5) Each year after authorized enrollment in the WRCP, the water use correspondent shall indicate on the water use report that no water was used because the water right was enrolled in the WRCP.

~~(6) If the owner breaches, or causes or allows a breach of, the WRCP contract with the chief engineer, each year of nonuse between the effective date of the contract and the date of the breach shall be counted as years of nonuse without due and sufficient cause for the purpose of determining whether or not the water right has been abandoned pursuant to K.S.A. 82a-718, and amendments thereto. Before this penalty is imposed, the owner shall be given an opportunity to show either of the following:~~

~~(A) A breach of contract did not occur.~~

~~(B) A breach occurred, but either was minor or has been cured, and should not constitute grounds for imposing the penalty.~~

(d) Water rights enrolled in the WRCP prior to December 31, 2009, will be eligible to enroll in the WRCP authorized by KSA 82a-XXXXX when their current contract expires.



The Kansas Groundwater Management Districts

Western Kansas GMD1, PO BOX 604, Scott City, KS
Equus Beds GMD2, 313 Spruce St, Halstead, KS
SW KS GMD3, 2009 E. Spruce St, Garden City, KS
NW KS GMD4, PO BOX 905, Colby, KS
Big Bend GMD5, PO BOX 7, Stafford, KS

Phone # 620 872 5563
Phone # 316 835 2224
Phone # 620 275 7147
Phone # 785 462 3915
Phone # 620 234 5352

Proponent Testimony on SB 191 To The Senate Natural Resources Committee

by Mark Rude on behalf of
The Kansas Groundwater Management Districts (GMD's)
March 10, 2011

Good morning, Chairman Ostmeyer and members of the committee, I am Mark Rude, Executive Director of GMD3 and currently serving as President of the Kansas Groundwater Management District Association. I am providing this written testimony on behalf of all five GMD's in support of Senate Bill 191, which statutorily creates a fee-funded Water Rights Conservation Program (WRCP) administered by the Division of Water Resources within the Kansas Department of Agriculture.

As a brief background on this issue, until recent budget reductions, the Division operated a Water Rights Conservation Program through rules and regulations promulgated by the chief engineer (K.A.R. 5-7-4). In 2009, as a result of significant budget cuts and staff reductions the program was eliminated. While we applaud the Division for continuing to honor the existing contracts, we believe that the elimination of the program has and will continue to have a negative impact on water conservation efforts in Kansas.

The goal of this legislation is to re-establish the Water Rights Conservation Program and to make it a fee funded statutory program. This program will provide the water right holders within the State of Kansas an additional tool they can use to manage and conserve water while at the same time authorizing the chief engineer to collect application fees to assist in administering the program. We believe this user based funding stream is an effective and appropriate method for re-establishing WRCP.

While we support SB 191 and the re-establishment of WRCP we do have a few questions about the language of the bill that we believe could be clarified. New Section 1(b) states "the enrollment period for the program shall not exceed 10 years." The previous regulatory WRCP allowed for a water right to be contractually enrolled for a period of up to 10 years. The existence of this contract and the included terms provided a great deal of certainty for the water right holders. We believe that is the intent here as well, but the language is somewhat vague and could be read to allow for a 10 year enrollment or 'sign-up' period, at the end of which the program would end. Further, the language gives the chief engineer discretion to allow a water right to be re-enrolled, but only within a two year window after expiration of the previous enrollment. We are unsure why the two year limitation is included within the bill and believe it can be eliminated.

We are happy to work with all interested parties to refine this language to clarify the intent to create an ongoing fee-funded Water Rights Conservation Program. Once again I ask that you support SB 191 and I thank you for the opportunity to address your committee.

Senate Natural Resources
3-10-11
Attachment 2



***Kansas Farm Bureau
Policy Statement***

**Senate Natural Resources Committee
SB 191; An act concerning water**

March 10, 2011

Submitted by:

Kent Askren

Water Resources Specialist

KFB Natural Resources Division

Chairman Ostmeyer and members of the committee, thank you for this opportunity to provide testimony on Senate Bill 191 relating to the Water Rights Conservation Program (WRCP). I am Kent Askren, Water Resources Specialist for the Kansas Farm Bureau. As written, KFB stands in support of SB 191.

SB 191 proposes to bring back the popular water rights conservation program which the Division of Water Resources previously had administered through rules and regulations but dropped a year ago due to budget constraints. By providing a reasonable fee for enrollment into the program, WRCP can again be funded and utilized by those water right holders in areas that are either closed to appropriation or so heavily over-appropriated that the practical application of the abandonment statute would not free up enough water for new water right development.

Under Kansas water law, abandonment of water rights may occur if no use of a water right occurs for five successive years, unless due and sufficient cause for such non-use is determined. This law was intended to keep the privilege of using water active and discourage the hoarding of water which causes the loss of economic gain for the general good of the public.

WRCP is an especially useful tool in areas like the Ogallala aquifer which are largely closed to new appropriation and experiencing declining water levels. With WRCP once again available, eligible water right holders could idle their pumps and conserve water in these over developed areas without the fear of abandoning their water rights while at the same time not violating the basic premises of our water law since no new water rights can be issued in these areas of the state. WRCP serves as a contract and thus peace of mind for water right holders to insure that due and sufficient cause for non-use exists during their enrollment in the program.

But we must be careful to properly apply and target WRCP so that water rights in areas of the state still open to appropriation are not wrongfully sheltered, if there is any reasonable chance that through abandonment proceedings enough water would likely become available for new water right development. In other words, we don't want to retard equal access to the beneficial, economic uses of water.

We strongly support the conservation and wise uses of water but at the same time appreciate and support the intent behind the abandonment statute in Kansas water law. Therefore, we can support SB 191 and the WRCP provided it is properly targeted so as not to contradict existing and longstanding Kansas water law.

I appreciate the opportunity to provide comment and would be happy to address questions at the appropriate time.



Since 1894

TESTIMONY

To: Senate Natural Resources Committee
Senator Ralph Ostmeyer, Chairman

From: John Donley, Assistant Counsel, Kansas Livestock Association

Date: March 10, 2011

Re: SB 191 – Concerning water; relating to the water rights conservation program

The Kansas Livestock Association (KLA), formed in 1894, is a trade association representing over 5,000 members on legislative and regulatory issues. KLA members are involved in many aspects of the livestock industry, including seed stock, cow-calf and stocker production, cattle feeding, dairy production, grazing land management and diversified farming operations.

Good morning Mr. Chairman and members of the committee. My name is John Donley, and I am assistant counsel for the Kansas Livestock Association. I appreciate the opportunity to provide testimony as a proponent of Senate Bill 191. This bill is the product of nearly two years of discussion in an attempt to find a solution to the Division of Water Resources (DWR) decision to eliminate the water rights conservation program (WRCP) due to funding concerns.

Essentially, WRCP was a program that allowed water users to enter into a contract with the Chief Engineer to conserve, or not use, water for a certain number of years. This contract served as due and sufficient cause for nonuse; thus, the water right holder did not risk losing their water right due to their conservation efforts. The WRCP program eliminated the need to pump water at least one time every five years to avoid abandonment even if the water was not needed.

SB 191 creates a funding source for DWR to implement the program as it existed prior to the program being eliminated. KLA is supportive of a reasonable fee on water right holders using the program to pay for implementation of the program. It is our opinion that this bill is a reasonable approach.

Admittedly, the legislature's passage of House Substitute for SB 316 last year allowing for nonuse of water in closed areas addressed many of the situations that prohibited conservation in certain areas of the state. However, KLA believes that SB 191 is another important tool for water right holders to have the ability to utilize if it fits their management plan.

Thank you for your consideration of SB 191. KLA asks that you support this measure, and I would stand for questions at the appropriate time.

Senate Natural Resources
3-10-11
Attachment 4

BOARD OF PUBLIC UTILITIES

CITY OF McPHERSON

P.O. BOX 768 • McPherson, KS 67460 • 620-245-2525

John G. Holthus, Chairman
Paul Z. Anderson, Vice-Chairman
Vernon L. Dossett, Member
City Commissioner Ex-Officio
Timothy S. Maier, P.E. General Manager
Mark W. Wurm, P.E. Ass't. General Manager
Laurence R. Swenson, CPA, Sec'y Comptroller

March 8, 2011

Senate Natural Resource Committee

RE: SB 191 Written Testimony

Chairman Ralph Ostmeier and Members of the Natural Resource Committee

The Board of Public Utilities is a water and electric utility in McPherson, Kansas that supplies water to the City of McPherson, KS and four rural water districts. The water supply comes from 12 wells that are located in the northern part of the Equus Beds and the McPherson Intensive Groundwater Use Control Area (IGUCA). Due to over appropriation of the aquifer the IGUCA was formed in 1980 covering 56 square miles around McPherson. The IGUCA prohibits new water appropriations but does nothing to reduce the over appropriation of water.

Around 1990 the utility purchased four irrigated farm quarters located close to the well field from willing sellers. Once the existing farm leases expired, the irrigation equipment was removed, the tracts of land were converted to dry land and the water rights were placed in the Water Rights Conservation Program (WRCP). Since this initial purchase, the utility has also purchased an industrial water right and placed that right in the WRCP as well. Currently the utility has 1,173 acre feet of water enrolled in the WRCP program with the first contract set to expire in 2012.

Even with these wells being removed from production around the well field, the aquifer continues to drop. On average, the depth to water in the well field has dropped 8.6 feet since 2000. If this rate continues, some wells may be unusable as early as 2035. If the wells currently in the WRCP are required to be placed back in service, "use it or lose it", this problem will only get worse.

In summary, the utility is not asking the state to come in and fix the over appropriation problem, but we are asking the state to give us tools that can be used to work on it locally. The utility has used the WRCP program in the past and would like to continue in the future. The administrative fee proposed in SB 191 seems reasonable and insures that the applicant has a true interest in the water right and is not enrolling in the program because there is no charge. Your support of SB 191 would be appreciated.



Timothy S. Maier, General Manager
Board of Public Utilities
McPherson, Kansas

Senate Natural Resources
3-10-11
Attachment 5

**Testimony in Support of SB 191
To The Senate Committee on Natural Resources**

**David Brenn, President
Paul Tobia, Vice-President
Kansas Water Congress
Thursday, March 10, 2011**

Mr. Chairman, members of the committee, thank you for the opportunity to provide testimony in support of SB 191 creating the Water Rights Conservation Program. The Kansas Water Congress is a non-profit entity separate and distinct from existing state agencies, associations, other organizations and direct political affiliation. The membership of the Kansas Water Congress comes from every watershed and represents every type of water user in the state. We believe in the necessity of a stable water policy for Kansas and recognize that both commerce and conservation are key components to the responsible development, production and management of our water resources.

As a result of interim discussions last fall, the Kansas Water Congress convened a subcommittee to discuss the issue of conservation of water. During the committee process there appeared to be consensus on several issues:

- 1) All parties believed that the conservation of water and the protection of water rights are laudable goals and need to be identified as such.
- 2) Many of the issues raised in the interim process stemmed from the end of the previously existing Water Rights Conservation Program.
- 3) All parties supported the concept of more conservation options for water users and water right holders while keeping to a minimum the burdens placed on state agencies to regulate such options.
- 4) In tight fiscal conditions it was appropriate that the creation of a WRCP should be funded by the program participants through collection of fees for participation and enrollment.

In short, the committee process of the Kansas Water Congress identified that our stakeholders believed that the creation of a fee-funded Water Rights Conservation Program would be beneficial for water right holders and water users within the State of Kansas. The program would provide flexibility for the broad spectrum of water users and would allow for better planning and more efficient utilization of this precious state resource.

I thank you again for allowing me to present these written remarks to the committee and I urge you to support SB 191.

Northwest Kansas Groundwater Management District No. 4

Testimony / Statement of Issue

PO Box 905
Colby, Kansas 67701-0905
Phone: (913) 462-3915
Fax: (913) 462-2693
E-mail: wab@gmd4.org

Provided: March 2, 2011;

TO: Senate Natural Resources Committee

SB 191

An ACT amending the Water Rights Conservation Program

BACKGROUND:

This bill is intended to do two things: 1) make the Water Rights Conservation Program a statutorily directed program of the Division of Water Resources, Kansas Department of Agriculture; and 2) re-establish it as a fee funded program.


CONCERNS & COMMENTS:

The bill is very basic which will require virtually all of the important program aspects to be developed in regulation form by the chief engineer subsequent to its enactment. For example, the term(s) of enrollment, the areas program eligible and the status of the well and equipment while enrolled will all be very important issues in the public's use or non-use of the program. This bill, by design, requires or gives no direction toward any of these issues.

RECOMMENDATIONS – In SUPPORT:

Believing DWR will be receptive to statewide input regarding all the remaining elements of a good water rights conservation program, GMD 4 supports the bill.

This testimony was adopted by the GMD 4 Board of Directors on February 16, 2011.


Signed: Wayne A. Bossert, GMD 4 Manager

Senate Natural Resources
3-10-11
Attachment 7

700 SW Jackson, Suite 600
Topeka, KS 66603

Doug Jorgensen, Fire Marshal



Office of The State Fire Marshal

phone: 785-296-3401
fax: 785-296-0151
www.ksfm.ks.gov

Sam Brownback, Governor

Testimony before the Senate Committee on Natural Resources
By Doug Jorgensen, Acting Kansas State Fire Marshal

K.S.A 55-1811 established the Liquefied Petroleum Gas Advisory Board in 2004. The advisory board is comprised of nine members to include: propane marketers, insurance companies, wholesalers or resellers of propane, manufacturers, and members of the general public. The board was established to serve in an advisory capacity to the governor and the state fire marshal for matters concerning the enforcement of the Kansas Propane Safety and Licensing Act. The board is currently set-up to meet on a quarterly basis, however due to a lack of attendance, it was agreed upon that the board would only meet if anyone had concerns or topics to discuss. The last meeting was held on April 30, 2010 where there was discussion concerning training for all inspectors involved in propane inspections. Subsequent to that meeting, all KSFM fire prevention staff attended a 1-day training offered by the Kansas Propane Education and Resource Council.

The State Fire Marshal's office does not see any major changes or adjustments to the current propane rules and regulations in the near future and will be working with the Kansas Propane Education and Resource Council and the Legislature if and when any rule or regulation changes or adoptions are considered.



Senate Natural Resources Committee

**Confirmation of
Tracy Streeter as Director of the Kansas Water Office
March 10, 2011**

Chairman Ostmeyer and members of the Committee, thank you for the opportunity to appear before you this morning to discuss my future as Director of the Kansas Water Office (KWO). As you all may be aware, I have served as the KWO Director since July of 2004. I was thrilled to be offered the opportunity to continue to serve in this capacity by Governor Brownback.

The KWO is the state's water planning agency and is responsible for its development and coordination of its implementation. The Office also manages water supply storage in 13 federal reservoirs and is responsible for the permitting weather modification activities in Kansas. In addition, the KWO provides support to the Kansas Water Authority, a 24 member body which provides advice to the Governor, Legislature and the KWO Director. As part of the KWO Director duties, I also serve as Chair of the Governor's Drought Response Team and the Kansas Geographic Information Systems (GIS) Policy Board. In addition, I am appointed to represent the State of Kansas on the Missouri River Association of States and Tribes as well as the Western States Water Council.

Before joining KWO, I worked for the State Conservation Commission (SCC) for 19 years and served as its Executive Director for 10 years. Previous to that, I served as the SCC Program Coordinator. This position consisted of working with county conservation districts boards and staff across the state in the implementation of local and state programs.

I am a native Kansan and was raised in Everest, a town of 400 in Brown County, and attended Horton schools. My family was involved in a diversified farming operation as well as a farm machinery dealership. I attended Highland Community College and Missouri Western State University in St. Joseph where I obtained dual Bachelor of Science degrees in Agriculture and Agriculture Economics. After joining the State Conservation Commission, I returned to school and obtained a Master's of Public Administration from the University of Kansas.

Since 1991, I have lived in Valley Falls, 30 miles northeast of Topeka. I am married to Denise, my wife of 21 years, and have two children. My son, Mitchell, is a freshman at Pittsburg State University and my daughter, Morgan, is a senior at Valley Falls High School.

I served on the Valley Falls USD 338 Board of Education for eight years and held the positions of vice-president and president. Last year, I was selected to participate in the Leadership Kansas Program. I am a licensed pilot and in my spare time, I enjoy flying and outdoor recreation.

Again, I appreciate the opportunity to visit with you this morning and will be glad to respond to any questions you might have.