

SESSION OF 2009

**SUPPLEMENTAL NOTE ON
SUBSTITUTE FOR HOUSE BILL NO. 2050**

As Recommended by House Committee on
Agriculture and Natural Resources

Brief*

Sub. for HB 2050 would address fees for various applications and issuances of the Division of Water Resources of the Kansas Department of Agriculture. In addition, the bill would address the issue of refunds of application fees and the fees for applications of multiple issuances of the Division of Water Resources. The following describes the provisions of the bill.

Term Permit Fees

Until June 30, 2015, the fees for a term permit to appropriate water would be:

0 to 100 acre feet.....\$200
101 to 320 acre feet.....\$300
More than 320 acre feet.....\$300 plus \$20 for each
additional 100 acre feet

Also until June 30, 2015, the fees for a term permit to appropriate water for storage would be:

0 to 250 acre feet.....\$200
More than 250 acre feet.....\$200 plus \$20 for each
additional 250 acre feet

*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>

After June 30, 2015, and if not addressed by the Legislature, the fees for term permits would revert to the following.

For a term permit to appropriate water:

0 to 100 acre feet.....\$100
101 to 320 acre feet.....\$150
More than 320 acre feet.....\$150 plus \$10 for each additional 100 acre feet

For a term permit to appropriate water for storage:

0 to 250 acre feet.....\$100
More than 250 acre feet.....\$100 plus 10 for each additional 250 acre feet

Permits to Appropriate Water for Beneficial Use Fees

Until June 30, 2015, the fees for the application for a permit to appropriate water to a beneficial use would be:

0 to 100 acre feet.....\$200
101 to 320 acre feet.....\$300
More than 320 acre feet.....\$300 plus \$20 for each additional 100 acre feet

Also until June 30, 2015, the fees for a permit to appropriate water for storage would be:

0 to 250 acre feet.....\$200
More than 250 acre feet.....\$200 plus \$20 for each additional 250 acre feet

After June 30, 2015, and if not addressed by the Legislature, the fees for permits to appropriate water to a beneficial use would revert to the following.

For a permit to appropriate water:

0 to 100 acre feet.....\$100
101 to 320 acre feet.....\$150
More than 320 acre feet.....\$150 plus \$10 for each
additional 100 acre feet

For a permit to appropriate water for storage:

0 to 250 acre feet.....\$100
More than 250 acre feet.....\$100 plus 10 for each
additional 250 acre feet

**Change in Place of Use, Point of Diversion,
or Use of Water Fees**

Until June 30, 2015, the fees for a change in the point of diversion, place of use, or use of water application would be as follows:

Change a point of diversion 300 feet or less.....\$100
Change a point of diversion more than 300 feet.....\$200
Change the place of use.....\$200
Change the use made of water.....\$300

After June 30, 2015, and if not addressed by the Legislature, the fees for a change in the point of diversion, place of use, or use of water application would be as follows:

Change a point of diversion 300 feet or less.....\$50
Change a point of diversion more than 300 feet.....\$100
Change the place of use.....\$100
Change the use made of water.....\$150

Field Inspection Fees

Until June 30, 2015, the field inspection fee would be \$400, except for works constructed for sediment control use and for evaporation from a groundwater pit for industrial use which would be \$200.

After June 30, 2015, and if not addressed by the Legislature all field inspection fees would revert to \$200.

Request for Extension of Time Fees

Until June 30, 2015, the fee for a request for an extension of time to complete a diversion work or perfect a water right would be \$100.

After June 30, 2015, and if not addressed by the Legislature, the fee for an extension of time to complete a diversion work or perfect a water right would revert to \$50.

Reinstatement Fees

Until June 30, 2015, the fee for a reinstatement of a water right would be \$200.

After June 30, 2015, and if not addressed by the Legislature, the fee for a reinstatement of a water right would revert to \$100.

Temporary Permit Fees

Until June 30, 2015, the fee for a temporary permit or an extension thereof would be \$200.

After June 30, 2015, and if not addressed by the Legislature, the fee for a temporary permit or an extension thereof would be \$100.

Application Fee Refund

The bill would allow for a refund of an application fee to be modified from the current 150 days to 180 days.

Sliding Scale for Multiple Applications

The bill also would delete language which currently provides a sliding scale of fees when there are multiple applications for change of use, change in point of diversion, or change in the place of use.

Background

The original bill was introduced at the request of a spokesperson from the Kansas Department of Agriculture. At the hearing on the bill proponents included a representative of the Kansas Department of Agriculture and the Kansas Aggregate Producers' Association. The later proponent had a proposed amendment. Opponents of the bill included representatives of the Kansas Livestock Association and the Kansas Farm Bureau. After the hearing, a subcommittee was appointed and developed the substitute bill. The substitute bill retains most of the fees at current levels until June 30, 2015.

The fiscal note on the original bill states that the Department of Agriculture estimates the fee changes in the bill would result in an increase of Water Appropriation Fee Fund receipts of \$64,000 for FY 2010. Any fiscal effect associated with the enactment of the original HB 2050 is not accounted for in *The 2010 Governor's Budget Report*.