

SESSION OF 2010

**SUPPLEMENTAL NOTE ON  
HOUSE SUBSTITUTE FOR SENATE BILL NO. 316**

As Recommended by House Committee on  
Agriculture and Natural Resources

**Brief\***

House Sub. for SB 316 would permit those holding groundwater rights meeting certain criteria to claim due and sufficient cause for nonuse and therefore, ineligible to be deemed abandoned by the Division of Water Resources. To meet the due and sufficient cause for nonuse criteria, the water right must have as its local supply an aquifer area that has been closed to new appropriations (by rule, regulation, or order of the Chief Engineer), and where means of diversion are available to put water to a beneficial use within a reasonable time.

**Background**

At the House Committee on Agriculture and Natural Resources hearing on HB 2565, proponent testimony was provided by representatives of the Kansas Department of Agriculture; Groundwater Management District Nos. 1, 2, 3, 4, and 5; the Kansas Livestock Association; and the Kansas Aggregate Producers Association. No neutral or opposition testimony was provided.

The House Committee on Agriculture and Natural Resources removed the contents of SB 316, a bill originally dealing with the application of swine waste, and added language found in HB 2565. After adding the language of HB 2565, the House Committee amended the bill to remove a

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\*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>

provision requiring the groundwater right possess a well that is “lawfully maintained.” The House Committee added the provision requiring the right have a means of diversion to put water to a beneficial use within a reasonable time.

The fiscal note on the original HB 2565 indicated that passage of the bill would have “no sizeable impact on the number of abandonment cases processed by the agency, and therefore, would have no fiscal effect on agency operations.”