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MEMORANDUM

To: Chairman Sloan and Members of the Committee on Water and Environment
From: Matt Sterling, Assistant Revisor of Statutes
Date: February 13, 2018
RE: House Bill 2665

HB 2665 would establish the Kansas water law study commission to work under the direction of the Kansas water authority. The commission would conduct a comprehensive Kansas water law study. The director of the Kansas water office would select three licensed Kansas attorneys with extensive scholarly and practical experience in Kansas water law, including transactional law and litigation to serve as the three principal investigators for the commission.

The commission would conduct a comprehensive Kansas water law study that includes:

- (1) A review of:
 - (A) Chapter 42 of the Kansas Statutes Annotated concerning irrigation;
 - (B) the Kansas water appropriation act, with an emphasis on permanent water supply depletion;
 - (C) the groundwater management district act;
 - (D) the state water plan storage act;
 - (E) the water assurance program act;
 - (F) the Kansas water transfer act;
- (2) an examination of:
 - (A) Any ambiguities or textual issues in the provisions of the acts listed above;
 - (B) changes in federal water law since 1957 that affect the protection and enforcement of Kansas water rights, including Kansas' rights to interstate water resources; and
 - (C) changes in federal and state environmental law, including the endangered species act of 1973; and
- (3) an analysis of:
 - (A) Takings issues under Kansas water law; and
 - (B) whether Kansas should consider conducting water rights adjudication proceedings throughout the state.

The findings of the commission would be submitted to the Kansas water authority and the director of the Kansas water office for review. A report on the findings of the commission and any recommendations would be submitted to the house standing committees

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on agriculture and water and environment and the senate standing committee on agriculture and natural resources before the last day of the 2020 regular legislative session.

The principal investigators on the commission would receive compensation for serving on the commission and shall be paid subsistence allowances, mileage and other expenses provided in K.S.A. 75-3223 from moneys appropriated therefor to the Kansas water office.

The provisions of the bill would expire on July 1, 2021.