

Budget reductions prompt cuts in water rights conservation program

An October 13, 2009 news release by the Kansas Department of Agriculture provided notice that as a result of funding cuts equal to about 20 percent of its budget, the Department is amending regulations for its water rights conservation program to phase it out by the end of the calendar year.

“In these tight economic times, when we’ve had to lay off employees and keep vacant positions open, we need to keep our focus on fulfilling our core responsibilities that are mandated by law, like processing water right applications and certifying water rights,” said Josh Svaty, Acting Secretary of Agriculture. “That means we’ve had to make some difficult management decisions while keeping in our sights the long-term preservation of our state’s water resources.”

The water rights conservation program was initiated in 1992 to protect water rights from being declared abandoned due to nonuse. It required that any water right enrolled in the program not be used for a five- to 10-year period. However, there are at least 10 other due and sufficient causes for nonuse of water that can be applied to many of the water rights currently enrolled in the program, and proposed amendments to add one more and to make an existing one simpler to use are pending.

“Critics of the proposal to end the program cite water savings as reason to continue it. However, most of the water rights enrolled in the program are in areas where the water supply is substantially depleted and wells aren’t able

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**– Josh Svaty
Acting Secretary of Agriculture**

to pump the volume of water they once were,” Svaty said. “Water that can’t be pumped is not the same as water saved.”

During the 2009 legislative session, the agency sought a \$20-per-year enrollment fee to support the program, but it was opposed by stakeholders and lobbyists, and the Legislature did not pass it.

The unsuccessful attempt to establish an application fee compounded challenges the agency faced as a result of its 20 percent funding reduction and a related 29 percent vacancy rate in the division of water resources.

“Phasing out this program will have little impact on areas closed to new water rights, and there’s no requirement that these water rights be put back into use,” Svaty said. “In fact, we expect many will be covered by other due and sufficient causes for nonuse, and we anticipate that very few will be put back into service.”

The department is accepting public comment on its amendments to the water rights conservation program regulations to end it effective Dec. 31, 2009. Comment may be made in person at a public hearing at 1:30 p.m. Monday, Nov. 30, 2009, in the fourth floor conference room of the Kansas Department of Agriculture, 109 SW 9th Street, Topeka.

Written comment may be submitted by U.S. mail to the Secretary of Agriculture, 109 SW 9th Street, 4th Floor, Topeka, KS 66612; or by electronic mail to leslie.garner@kda.ks.gov.

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