



KANSAS FARM BUREAU
The Voice of Agriculture

2627 KFB Plaza, Manhattan, Kansas 66503-8508 • 785-587-6000 • Fax 785-587-6914 • www.kfb.org
800 SW Jackson St., Suite 1300, Topeka, Kansas 66612-1219 • 785-234-4535 • Fax 785-234-0278

Kansas Farm Bureau **POLICY STATEMENT**

House Agriculture and Natural Resources Committee

Re: HB 2171 an act concerning water; agreed local management areas

February 12, 2013

Submitted by:

Steve M. Swaffar

Director of Natural Resources

Interim Director of Government Relations

Chairperson Schwartz and members of the committee, thank you for this opportunity to provide testimony on House Bill 2171. I am Steve Swaffar, Interim Director of Governmental Relations. Kansas Farm Bureau opposes HB 2171.

The bill proposes to allow County Commissions to put forward plans to the Chief Engineer for changes to water rights. The bill also proposes to allow a group of water rights holders, as few as 25% of the total number affected, to petition a County Commission to forward a water rights reduction or redistribution plan to the Chief Engineer. With as few as two county commissioners to forward a plan or only 25% of water rights holders, how can this program be considered as agreed?

KFB is very concerned that so few individuals could hold the fate of water rights holders and the future of their private property rights in their hands. This proposal, as written, is far from requiring an agreement amongst water rights holders. The bill does not specify a minimum number of water rights or volume of water that could be proposed for alteration. Nor does it define what an eligible water right holder might be. Could an absentee landlord/water right holder initiate this process? Could a municipality or industry initiate the process? This leaves open the opportunity for a single right holder to alter the water rights of several other irrigators or feedlot owners without their consent or consultation.

House Agriculture & Natural
Resources Committee

Date 2-12-2013

Attachment # 3

Section 1(k) authorizes the County Commission to set and assess fees upon the water rights proposed for inclusion in the area. At the discretion of the County Commission, taxes can be levied against water right holders, the amount of those fees would be determined by the Commission and the fees would be administered by the State. This also raises the question if this truly represents agreement? The proposal simply provides too much discretion to a County Commission.

Certainly KFB has members who have served and do serve as County Commissioners across the State; and we support most of the local authorities given those bodies. However, unlike the governance of Groundwater Management Districts, local water rights holders do not necessarily sit as County Commissions, nor do they have expertise of trained water personnel at their disposal. KFB believes this makes County Commissions unequipped to make these types of decisions.

The structure and governance provided by Groundwater Management Districts is better suited to address the local desires of water rights holders and management of water allocations. Last year's bill putting into place Local Enhanced Management Area authorities is that tool. Outside the boundaries of GMD's the Chief Engineer still has the authority to propose Intensive Groundwater Use Control Areas. Although not popular as previously implemented, there is no reason this tool can't be used if water right holders are truly agreed and willing to make changes in water rights. Additionally, the Chief Engineer can administer water rights based on the priority of the rights in question to addresses surface water user concerns.

Finally, the bill does not discriminate between surface water rights and groundwater rights. This is problematic for surface water right holders because most surface water rights exists in eastern Kansas where those water users are more accustomed to water rights administration and the water resource is renewable. Reductions to water rights in these situations where DWR has established the appropriate and allowable amount of water use from a stream, serves only to export water to neighboring States and reduces the economic benefit of that water to Kansas.

KFB has serious concerns HB 2171 alters the landscape of well-established water law in Kansas. We urge the Committee to reject this proposal. Thank you for the opportunity to provide testimony, I will stand for questions at the appropriate time.