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### Testimony on HB 2649

to

### The House Governmental Efficiency Committee

By David Barfield  
Chief Engineer

Division of Water Resources  
Kansas Department of Agriculture

February 16, 2012

Chairman Burgess and members of the committee, thank you for the opportunity to appear today in support of House Bill 2649, which repeals certain water statutes. I will walk through each of the statutes and explain why we believe they are no longer needed.

#### **Repeal of K.S.A. 24-105 regarding construction of a dam or levee by a landowner:**

The agency supports repealing this statute, as it is redundant with K.S.A. 82a-301 et seq., *Obstructions in Streams*, and K.S.A. 24-126, *the Levee Law*. K.S.A. 24-105 is not referenced in the current regulations adopted by the Chief Engineer.

#### **Repeal of K.S.A. 82a-312, 82a-313 and 82a-314, regarding permitting of dams built under the federal agriculture program:**

The agency supports repealing these statutes, as they are redundant with portions of K.S.A. 82a-301 through 82a-304; which cover the permitting of all dams in the state. The statutes to be repealed refer only to dams built under the Agricultural Conservation Program established in 1936 and administered by the Farm Service Agency. Permitting and regulation of these dams is adequately covered within K.S.A. 82a-301 through 82a-304.

#### **Repeal of K.S.A. 82a-735 regarding Sunflower ammunition plant water rights:**

The agency supports repealing this statute as it is obsolete. This statute authorized the Kansas Water Office to enter into negotiations, agreements and contracts with the federal government regarding water rights, file nos. 37 and 38 when the KWO deemed it necessary for the achievement of policies of the state relative to the water resources of Kansas.

The federal government no longer owns water right described in file numbers 37 and 38. The land and water rights were sold to a private company called Sunflower Redevelopment. Therefore, the statute is obsolete, as the federal government is no longer involved.

Thank you for your consideration. I will stand for questions at the appropriate time.