



**Kansas Grain & Feed Association**  
**Kansas Cooperative Council**  
**Kansas Agribusiness Retailers Association**

February 7, 2012

TO: Senate Committee on Agriculture

FROM: Leslie Kaufman, Kansas Cooperative Council

Ron Seeber, Kansas Grain & Feed Association  
Kansas Agribusiness Retailers Association

RE: HB 2451—abolishing “use it or lose it” water law provisions.



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Chairman Taddiken and members of the Senate Committee on Agriculture, thank you for the opportunity to comment in support of HB 2451. The members of the Kansas Cooperative Council, Kansas Grain & Feed Association and Kansas Agribusiness Retailers Associations provide grain handling and crop inputs for farmers across the state. Thus, crop production is critical to their enterprises.

Adequate crop yields are essential to sustaining our member businesses, individual farms and rural communities. Many areas of our state rely on irrigation to provide enough water to grow crops. Our associations support conservation programs that allow continued crop production as a means of sustaining crop production and extending the life of precious groundwater supplies.

Kansas water appropriation law was founded on a development concept whereby individual rights were granted to be used, not hoarded. That development concept fostered a “use it or lose it” approach to water appropriation. In order to protect and maintain a water right, it had to be used. In some instances, that philosophy drove decisions to pump water when not necessary for crop production.

Regulations were implemented to try and address the issue, providing for certain acceptable scenarios for non-use, but some of those justifications required proving a case to the Chief Engineer of the Division of Water Resources. That was possible, but the bill before you will clearly delineate that deferring water use in an area closed to further appropriation does not put a right holder at risk of “losing” their right. It makes the protection against abandonment under such circumstances automatic, rather than potentially subjecting the non-use decision to review by the Chief Engineer.

Although the language change in HB 2451 is not expensive, it represents a significant shift in public policy regarding the non-use of water. It updates state water appropriation law to recognize the conservation ethic so prevalent in modern agricultural pursuits and our public mindset. Thus, we encourage the committee to act favorably on this legislative proposal. Thank you for your consideration.