

To: Senate Committee on Ag and Natural Resources, Senator Dan Kerschen, Chairman

From: Kent Askren, Kansas Farm Bureau

Date: February 9, 2017

Re: Testimony SB 46- An act concerning water; relating to Water Conservation Areas

Chairman Kerschen and members of the Committee, thank you for the opportunity to testify in support of SB 46. KFB is the state's largest general farm organization representing more than 40,000 farm and ranch families through our 105 county Farm Bureau Associations.

Many on this committee heard KFB testify in support of Water Conservation Areas (WCA) two years ago, as a grassroots effort to bring forward voluntary, water conservation strategies.

Today, we offer support for the provisions of SB 46 to provide greater flexibility in exercising water rights so higher value outcomes can be achieved with the use of less water all while remaining consistent with state water law.

Current law attempts to implement WCA objectives by suspending base water rights and replacing them with the issuance of new "Term" permits; an exceptional use permit. Where WCA's are applied, the water supply is often in decline and the last thing we need are new permits added to the mix of over-appropriation. Therefore, responsibly utilizing existing water rights to conserve and enhance water value is the right approach when implemented consistently with state law.

Every effort must be made to guarantee that water right adjustments do not result in impairment to other water right holders. As drafted, SB 46 specifies that no management plan will be allowed to impair but if by chance that were to occur, the chief engineer can terminate or amend a WCA to alleviate any injury.

And finally, the bill stipulates that nearby well owners will be notified of any proposed WCA management plan so potential impacts of the WCA can be aired by adjoining water right holders for the chief engineer to consider before moving forward with approval.

Thank you for the opportunity to testify today and I'd be glad to take questions at the appropriate time.