

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

From: Kent Askren, Kansas Farm Bureau

Date: February 21, 2019

Re: Neutral Testimony on SB 182- concerning water, relating to water measuring devices

Chairman Kerschen and members of the Committee, on behalf of Kansas Farm Bureau I want to thank you for the opportunity to provide neutral testimony of SB 182. KFB is the state's largest general farm organization representing more than 30,000 farm and ranch families through our 105 county Farm Bureau associations.

KFB policy supports the Kansas Water Appropriation Act which recognizes water rights as being real property rights and that the protection of natural resources is vital to all Kansans. Therefore, we must be neutral on the proposals made in SB 182 which deals with the critically important aspects of monitoring water usage in our state.

Water flowmeters are mechanical devices that can and will fail. We must have common sense laws governing violations caused by inaccuracy of these mechanical devices without ignoring the water right owners' responsibility to ensure complete and accurate water use data is being collected.

Many of the proposals in SB 182 deserve the attention and effort of our most qualified water managers and legal minds to help improve our ability to accurately monitor water use while clearly establishing water right owner responsibilities and service provider guidelines.

Our conversations with Department staff have indicated that considerable improvements have already occurred to deal with past problems that resulted from individual water flowmeter components being changed out with parts not meeting the flowmeter design standards and causing it to register less than what was being pumped.

It is important that this Committee understand that there are numerous ways for meter tampering to occur which do not rely exclusively upon meter seals being intact. You should also be aware that due to staffing size and workload, it may be years between compliance visits to well sites by Division of Water Resources staff. Existing statutes and regulations place considerable burden upon water right owners to monitor and maintain their water flowmeters and require them to timely alert the Chief Engineer if the meter is not accurately functioning and in need of repair/replacement.

We would prefer to see a working group of stakeholders collaborate over the summer in an effort to determine if statute or regulations need to be amended to better protect the resource, private property rights, owners, operators and service providers.

Thank you for your consideration of these comments on SB 182.