

Barriers to Economic Growth Informational Hearing  
Senate Agriculture and Natural Resources Committee  
Leah Chadd, Rattlesnake Basin Cause  
February 17, 2020

Chairman Kerschen and members of the committee,

Thank you for your interest in identifying barriers to economic growth in our state.

I'm here representing many family farms in the Rattlesnake Basin region of Central Kansas. We formed the Rattlesnake Basin Cause to try to prevent the State of Kansas from restricting our water rights, which would put our farms at risk and take away our retirement.

I am a widow, and other widows like me depend on our farms for our retirement. Along with our friends and neighbors, we spent our lifetime paying for this land and building our livelihood. My son and grandsons farm on this land as well.

Water rights in Kansas are controlled by Kansas Chief Engineer David Barfield, an unelected official in the Department of Agriculture. It comes down to this: every well has a number assigned when it's drilled. Lower-numbered wells were drilled before higher-numbered wells, and wells with low numbers have 'seniority' over higher-numbered wells. So even though farmers have a legal, secured right to water beneath their property, state law allows people who drilled wells earlier to file a claim and take some of your water.

Here's just one example of the challenges farmers face as a result.

Under the Kansas water law, the Quivira National Wildlife Service has filed an Impairment Complaint on GMD5 District and the Chief Engineer has agreed because Quivira's water rights have 'seniority' over most farmers. The impairment complaint was their claim to not have diminished flow in the creek. They want the water for their Whooping Crane migration in September/ October. They insist on taking away up to 50% of our property right/perfected water right, plus force us to pay for augmentation fields costing \$33 million and remove irrigation 'end guns' that spray water to satisfy the complaint.

Chief Engineer Barfield tells us he is just doing his job and concern for the economic impact was not in his jurisdiction. The KDA Vision Statement says, "Kansas will provide an ideal government for a long-term sustainable agricultural prosperity and statewide growth". But state water laws ignore agricultural prosperity and statewide growth.

We took up a collection among members of the Rattlesnake Basin Cause to hire an attorney and filed a petition for review of rules and regulations against the chief engineer.

The trickledown effect of Barfield's solution will not work. The farmers would not be able to pay their bills, including property taxes; therefore, the schools, municipalities, roads, etc. would not survive. Agribusinesses such as machinery dealers, grocery stores, fertilizer and fuel businesses, and co-ops would also feel the pain. This will hurt our small communities and absolutely retire any growth, which is already struggling due to tariffs and rising input costs for our crops. This makes no sense.

After three years of trying to raise awareness, finally, at the 11<sup>th</sup> hour, Senator Moran stepped in to help. He arranged for the National Wildlife Service and the GMD5 board to try to negotiate a compromise without the involvement of the Chief Engineer. Negotiations are taking place and hopefully, very soon there will be a workable solution. In the meantime, our lives are basically on hold. The Service has agreed to not have a "call for water" until September 2020. The refuge is full of water at present.

There are commonsense solutions available to provide farmers and ranchers protection of their property rights and ease the impairment complaint of the Quivira National Wildlife Refuge. Among those are the use of conservation areas, augmentation, voluntary conservation practices, utilizing minimum desirable streamflow restrictions, and maximizing use of water the Quivira National Wildlife Refuge receives.

More background on this issue is in the attached article from the High Plains Journal.

Even if the Quivira matter is settled, the underlying problem of having an unelected person in charge of water rights in Kansas will remain.

Our state depends on agriculture for economic growth; it is the blueprint for economic development. However, government has irrigation water policies that are not congruent along this line.

There needs to be a balance to avoid excessive government regulation. We feel going forward that the chief engineer has too much power, and the decisions which have such a huge impact on the livelihoods of our people should be by a board of several qualified individuals. This would give a check and balance to a decision. This board would have to meet agricultural background qualifications.

Thank you for your consideration.