



Since 1894

To: House Agriculture and Natural Resources Committee  
Representative Sharon Schwartz, Chair

From: Mike Beam, Sr. Vice President

Re: **Testimony supporting HB 2227, a bill creating Water Conservation Areas**

Date: February 12, 2015

*The Kansas Livestock Association (KLA), formed in 1894, is a trade association representing over 5,000 members on legislative and regulatory issues. KLA members are involved in many aspects of the livestock industry, including seed stock, cow-calf and stocker production, cattle feeding, dairy production, grazing land management and diversified farming operations.*

The Kansas Livestock Association (KLA) is providing conditional support for HB 2227. The bill establishes authority and parameters for a new water conservation program, referred to as "water conservation areas" (WCA's).

The concept of a WCA is similar to the Local Enhanced Management Areas (LEMA's) statute the legislature approved in 2012. While LEMA's must be organized by a Groundwater Management District (GMD) and be confined within the borders of a GMD, the new program prescribed by HB 2227 may be outside the boundaries of a GMD.

Since the passage of the LEMA law, our members have expressed concern with the potential of future LEMAs that may be forced upon water right holders who are not supportive or agreeable to such a project. In some instances a landowner or producer may have made a substantial investment in their irrigation system and/or signed a long term lease on a parcel of irrigated farm land with the understanding they would have full access to their authorized use of groundwater for the immediate future. Organizers and proponents of a LEMA can force a water right owner(s) to involuntarily participate and reduce their water use despite the parameters and privileges of their water right granted to them by the state of Kansas.

KLA appreciates the Kansas Department of Agriculture's (KDA) willingness to address this concern while proposing a new water conservation program with the introduction of HB 2227.

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Recent discussion with KDA officials has confirmed it's the Department's intention to require consent by all water right owners within the designated area before a WCA may be authorized or approved.

While the provisions of subsection (f) (lines 34-37) may be intended to apply to the original creation of a WCA, it could easily be missed or construed to apply only to an amendment to the WCA consent agreement.

We suggest the following amendment.

Insert the following after Sec. 1(a) (1):

“(2) the written consent of all water right owners within the geographic boundaries described in paragraph (1) to enter into the consent agreement and order;”

(Followed by a renumbering of the remainder of the conditions)

Again, we appreciate the willingness of KDA to address our concern for the need to have full consent by all participants of a WCA. We believe, however, it would be cleaner and clearer to make this distinction in subsection (a).

Thank you for considering our position and recommendation.