

**Testimony on SB 337 Annual Water Use Reports to  
The House Committee on Agriculture and Natural Resources  
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Chairwoman Schwartz and members of the committee, I am Lane Letourneau, Water Appropriations Program Manager at the Kansas Department of Agriculture (KDA). I am here today to express KDA's support of Senate Bill 337 to provide greater civil penalty authority and add suspension authority to Kansas' annual water use report program.

- Management of Kansas water resources depends on accurate data related to the annual use of water in the state. To help obtain this critical information, Kansas water right owners are required to complete an accurate water use report annually and submit that report to KDA.
- Failing to submit a water use report is currently a violation of the law with a maximum penalty of \$250. There is concern that some water users decide to pay the annual penalty fee rather than submit the water use report.
- Kansas has the most comprehensive water use reporting data in all of the western states. This is due to the cooperation that we have with a high majority of our water users. The department sends out 11,000 water use reports that represent about 32,000 water rights. The current state law requires the data to be reported to KDA by March 1. Ninety-four percent of water users submit their reports by that deadline. An average of 60 water users fail to submit their reports by June 1. Of those, about 10 each year fail to submit reports at all, and some are repeat violators. In these situations, we do not have the authority for a penalty higher than \$250.
- In 2015, KDA sought feedback from stakeholders on the penalty structure for failure to submit an annual water use report and received consistent feedback that the existing penalties are too lenient.
- SB 337 increases the civil penalties for a delinquent water use report from \$250 to a maximum of \$1,000. In addition to the civil penalty, the bill provides the chief engineer the authority to suspend a water right if the owner fails to submit a report by June 1 of the year in which it is due.
- The increase to \$1,000 and possible suspension is consistent with other enforcement authority provided by the Kansas Legislature in the Kansas Water Appropriation Act. When applied in the most egregious water right violations, the suspension authority is a very effective tool to gain future compliance.
- SB 337, as amended, holds many similarities to HB 2491, the companion version of the water use report penalty bill passed favorably out of this committee. Both versions recognize the need for flexibility in applying the civil penalty, and both afford the chief engineer the authority to issue suspensions, where necessary.
- A key difference between SB 337 and HB 2491, is the use of telemetry as an enforcement tool. KDA concurs that telemetry may be a valuable tool for collecting water use information and ultimately improving water management. However, after further consideration we feel that telemetry should be

promoted as a positive tool and caution the use of this technology for enforcement. Telemetry would help all parties with tracking and reporting annual water use information. We want water users to appreciate the benefits of telemetry and view it as a constructive instrument.

SB 337 provides the state the tools necessary to protect private property rights by ensuring that all water use is reported in a timely and accurate manner. I will stand for questions at the appropriate time.