

Testimony before the House Ag & Natural Resources Committee
In Support of SB 337 – Water Use Reports
Sean Miller on behalf of Western Kansas GMD #1
Monday, March 7, 2016

Chairman Schwartz and members of the committee, my name is Sean Miller and I thank you for the opportunity to provide written testimony on behalf of Western Kansas GMD #1 as a proponent on SB 337 as amended by Senate Natural Resources. Similar to our testimony on the House version of this bill (HB 2491 – heard on Feb. 2) we strongly support the ability of the Chief Engineer of the Division of Water Resources (DWR) to suspend water rights for failure to file water use reports.

The current civil penalty structure calls for a \$50 fine per water right for failure to file by the March 1 deadline. This penalty increases to a total of \$250 for those that fail to file by June 1. The current fine of \$50 per water right results in 99.9% of water use reports being filed before the June 1 “late” deadline. However, there is a small universe of water right holders that still refuse to file, choosing instead to pay the maximum \$250 penalty rather than provide their water use data. This data, and the knowledge that people are using their water responsibly, is key to DWR and the other water users in the State of Kansas. If these individuals are over-pumping it is unlikely that any reasonable monetary fine is likely to compel them to comply. For this reason, suspension of their water right – literally having the ability to turn off their water – is a necessary tool for DWR to be able to collect this water use data in a timely manner and ensure compliance.

As we discussed in the hearing on HB 2491 back in February, the current civil penalty structure (\$50 after March 1; \$250 after June 1) results in almost complete compliance by the June 1 deadline. There are many reasons why an individual may miss the March deadline, but often it amounts to forgetfulness. For this reason we support the continued use of the \$50 fine for those that fail to file by March 1. We also support the Senate committee amendment that limits the new maximum \$1000 fine to those more habitual violators. In order for a water right owner to receive a \$1000 fine they must fail to file by the June 1 in consecutive (or more) years. We feel this offers protection for those individuals who may miss the deadline on a rare occasion, while providing DWR with a significant penalty for those who continually violate the law.

Once again, I thank the committee for the opportunity to provide written testimony and we ask that you support SB 337.