

To: House Committee on Water and Environment, Rep. Tom Sloan, Chairman

From: Kent Askren, Kansas Farm Bureau

Date: February 6, 2018

Re: Testimony opposing HB 2564- An act concerning water

Chairman Sloan and members of the Committee on behalf of Kansas Farm Bureau I want to thank you for the opportunity to provide comments in opposition to HB 2564. 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.

You are all aware that the Kansas Water Appropriation Act defines water rights as *real property* rights and gives the chief engineer wide-ranging authority to manage the distribution of water in accordance with the rights of priority. HB 2564 would take us into uncharted waters, giving the chief engineer new authority to remove or prohibit *personal property*.

There are thousands of center pivots systems (personal property) across Kansas delivering water through the exercising of water rights conveyed by the chief engineer and most have end guns attached. Nearly all of Kansas is either in a Groundwater Management District (GMD), closed area or area fully appropriated. Consequently, this bill grants authority to outlaw end guns statewide resulting in loss of production, personal investment and crop failure.

If the intent of this bill is to help alleviate over development of water resources, then such remedies already exists and are at the disposal of the chief engineer cited within the Kansas Water Appropriation Act and Groundwater Management District Act. We support the efforts of the chief engineer to protect and administer water rights consistent with their priority and with stakeholder driven management plans, like those being developed by GMD 5 to help minimize the impacts of dealing with their water supply shortage.

Kansas water law does not set minimum efficiency standards for water application and the waste of water is defined in regulation. HB 2564 would arbitrarily target end guns, one of many types of water delivery systems and give the chief engineer uncontrolled authority to prohibit and remove personal property. The bill is another effort to single out irrigation when all 14 distinct beneficial uses of water as defined in regulations have some degree of inefficiencies.

If the authority in HB 2564 is granted, what private property is targeted next, internal combustion engines, type of seed or color of tractor? Thank you once again for the opportunity to comment and we ask the committee to reject and not pass out HB 2564.

Attachment 84
HWE 2.6-18