

To: House Committee on Agriculture, Representative Kyle Hoffman, Chairman

From: Kent Askren, Kansas Farm Bureau

Date: March 14, 2017

Re: Testimony SB 48-Remedies for the impairment of a valid water right or permit to divert and use water

Chairman Hoffman and members of the Committee on behalf of Kansas Farm Bureau I want to thank you for the opportunity to provide comments today in support of SB 48. KFB is the state's largest general farm organization representing more than 40,000 farm and ranch families through our 105 county Farm Bureau associations.

Farmers and ranchers understand the importance of property rights as being fundamental to what they do. Under Kansas law, water rights are real property rights which our policy clearly recognizes and adamantly guards to protect, consistent with their priority.

SB 48 amends existing remedies for settling water right impairment disputes. Currently, senior water right holders have two options in seeking impairment relief. They can file an impairment complaint with the chief engineer for administrative relief or go directly to district court in seeking judicial relief.

The chief engineer is given the responsibility to control, conserve, regulate, allot and aid in the distribution of the water resources of the state for the benefits and beneficial uses of all its inhabitants in accordance with the rights of priority of appropriation.

Consequently, the chief engineer has the experience and resources to expeditiously investigate and administer impairment complaints. SB 48 streamlines impairment investigations so that the administrative remedies are utilized first and the courts serve as a backstop to guarantee equitable enforcement.

Timely enforcement of water rights is essential to the integrity of our water law system. SB 48 stipulates that upon receiving a request to investigate impairment, the chief engineer shall initiate the investigation within 2 weeks and complete within 12 months, though we hope much sooner. Our expectation is impairment investigations will be given a high priority in the agency workload to quickly and fairly carry out the duties of the chief engineer.

Thank you for your attention and we hope that you will vote to pass out SB 48 favorably. I will be glad to take questions at the appropriate time.