



To: Senate Committee on Agriculture and Natural Resources, Sen. Dan Kerschen, Chair

From: John Donley, Kansas Corn Growers Association

Date: February 9, 2017

Re: **SB 48** – Remedies for impairment

Chairman Kerschen and members of the committee, thank you for the opportunity to provide testimony in favor of SB 48. My name is John Donley, and I am providing this testimony for the Kansas Corn Growers Association (KCGA). KCGA represents Kansas corn producers on a variety of issues that concern their members.

SB 48 is the culmination of a discussion that began after a hearing on a similar bill regarding impairment issues last year in the House Agriculture and Natural Resources Committee. Recent developments in Kansas water law have shown the need to have a consistent administrative process that is followed prior to court action. Additionally, it is important that there is a consistent application of what constitutes impairment in an enforcement action. Furthermore, the current law could potentially allow nearly all water rights in the state of Kansas to be at risk of being involved in litigation unless a workable system is created to ensure that there is a consistent application of the law. This bill attempts to create that solution by requiring a water right holder to exhaust their administrative remedies prior to filing an action in district court. Most importantly, the bill puts a 12 month time frame on the Division of Water Resources to complete any investigation regarding an impairment claim - within 12 months of the claim being filed.

This bill is an attempt to provide a needed update for a timely, efficient system to address impairment claims. It is the culmination of nearly a year of discussions and negotiations amongst interested parties. I appreciate the opportunity to provide testimony on this important issue, and I will answer questions at the appropriate time.