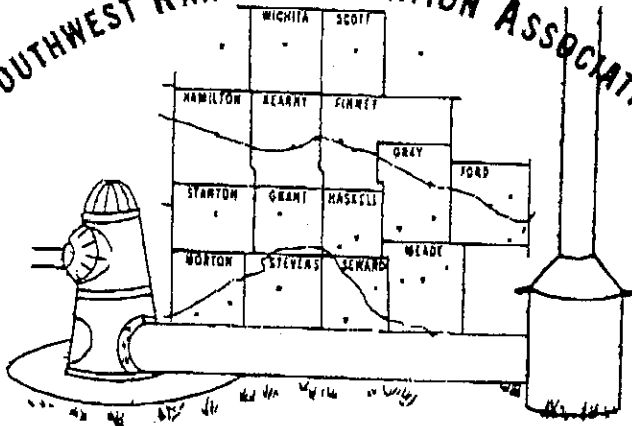


SOUTHWEST KANSAS IRRIGATION ASSOCIATION



Box 254

Ulysses, Kansas

67880

To: Senate Agriculture Committee

From: Southwest Kansas Irrigation Association

Date: January 18, 2012

Chairman Taddiken and members of the Committee thank you for the opportunity to provide input on this critical matter to irrigators in Kansas. This organization generally supports the concepts embraced in Senate Bill 272 establishing administrative division of water rights and the establishment of accounts allowing multi-year flexibility. Many water users have struggled with extreme drought conditions and are in need of flexibility to access the available stored groundwater supplies.

We are concerned however about how "flexibility" for water management purposes will affect key aspects of the "base" property rights of our members. We would suggest that the Committee consider some language that is more definitive regarding the impact the voluntary use of the "flex" account might have on the "base" water right.

The bill as proposed does not seem to provide for unanticipated issues that might arise as the result of the need for estate administration or change in ownership interests altering what had been planned when selecting the "flex" account process. Should there be some provision for a process to get out of the flex account term permit should a "base" water rights owner be able to demonstrate no impairment or long term effect of doing so when faced with unexpected events such as these?

Last we believe it is important before passing this measure out of committee that you insure there are sufficient safeguards in the bill providing for consideration of circumstances such as sufficient authority for the chief engineer to operate under current regulations if a well fails or to have the base water right priority recognized under water right administrative conditions. We certainly stand ready to assist the Committee in its refinements before passage of this important piece of legislation.