



Since 1894

To: The Senate Agriculture Committee
Senator Mark Taddiken, Chair

From: Mike Beam, Kansas Livestock Association

Re: **Testimony in support of House Bill No. 2451, a bill relating to water right abandonment (repealing the “use-it-or-lose-it” statute).**

Date: February 7, 2012

The Kansas Livestock Association (KLA), formed in 1894, is a trade association representing over 5,300 members on legislative and regulatory issues. KLA members are involved in many aspects of the livestock industry, including seed stock, cow-calf and stocker production, cattle feeding, dairy production, grazing land management and diversified farming operations.

Thank you Mr. Chairman, for scheduling a hearing on HB 2451, a bill commonly referred to as the repeal of the “use-it-or-lose-it” water rights law. The Kansas Livestock Association (KLA) supports HB 2451.

The issue of losing a water right if the user fails to put the water to beneficial use for five successive years (absent a determination of due and sufficient cause) has been the topic of legislative discussions for many years. There may be a sound reason for this provision in Kansas water law for areas of the state where new water rights may be available if existing water right holders choose to not use their appropriated water. The theory is if you don’t use the water, others should be able to have access to the water if they can put it to beneficial use.

It makes sense to us that the use it or lose it law is not necessary in areas of the state that are closed to new water appropriations. If a water right holder chooses to not use their water appropriation for five consecutive years, and the right is abandoned, other potential users in the area will not be able to apply for the use of this water because the area is closed to new appropriated water rights. In other words, the water right holders who are not using their appropriation are not denying others the ability to perfect a water right on unused water because the Division of Water Resources will not appropriate water to new applicants in the area.

The change proposed in HB 2451 should enhance conservation. If a water right holder chooses to put their water use on hold for more than 5 successive years they can refrain from pumping and be assured they will not have to challenge an abandonment or water right termination by DWR, thus the “use-it-or-lose-it” threat is not longer a concern.

KLA applauds the Division of Water Resources, Kansas Water Authority, Governor Brownback administration and other stakeholders for their action on this issue and the resolve to amend the water use law accordingly. We encourage this committee to advance HB 2451 for consideration by the full Senate. Thank you!