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Testimony on SB 322
Senate Committee on Natural Resources
Jackie McClaskey
Secretary, Kansas Department of Agriculture
January 20, 2016

The Kansas Department of Agriculture submits as testimony in opposition of SB 322 the following information:

- Using as reference an application for one million acre-feet, the current fee for filing an application to appropriate water for beneficial use would be \$200,240. Under SB 322, the filing fee for the same application would be \$1,400. While the bill does allow a provision for the chief engineer to assess fees for additional work required on the application, the base fee grossly undercompensates the work required to evaluate such an application.
- SB 322 places no deadline on the chief engineer to render a final decision on the application. Under the Kansas Water Appropriation Act (KWAA) and the state's priority system, the lack of a deadline will impede other Kansans from gaining access and putting that water to beneficial use. For the benefit of all water users, an application needs to be approved or dismissed in a timely manner.
- While the bill is general to "surface waters that otherwise leave the state," the bill is attempting to address the potentially high filing fees for a transfer project from the Missouri River. Under the current fee structure, the application to appropriate water from the Missouri River could require a filing fee of up to \$1 million depending on the quantity applied. Applying SB 322 to this project, the filing fee for four million acre-feet would be \$5,600.
- Recognizing that the water right applications for a transfer from the Missouri River would be unique and would likely result in a long perfection period and a large filing fee, the findings of an *Update of the 1982 Six State High Plains Aquifer Study* offered the following alternative options: (1) make the project fit under the KWAA; (2) modify the State Water Plan Storage Act so that it can be used to permit this project or (3) statutorily create an entirely new type of water right. KDA recommends that these alternatives be pursued rather than arbitrarily lowering the filing fee for such a transfer project.
- The *Vision for the Future of Water Supply in Kansas (Vision)* includes several action items (both Phase I and Phase II) to allow for the transfer of water between basins where feasible and cost effective. These action items include reviewing opportunities to increase the utilization of the Missouri River to meet Kansas' needs while recognizing and protecting the existing users and communicating and collaborating with neighboring states on potential water transfers. Prematurely lowering filing fees for a large transfer project will not protect existing users nor improve communication with neighboring states.
- The *Vision* also calls for a summit between the Missouri River states to collaborate on river management issues. KDA recommends holding the summit and advancing the dialogue of river management with our neighboring states prior to consideration of legislative changes.

The Kansas Department of Agriculture appreciates the opportunity to share this information and our opposition to SB 322. We are available and interested in discussing and evaluating alternatives to ensure feasible and cost effective transfer projects are successful without negatively impacting other Kansas water users.