

Testimony to the Senate Natural Resources Committee
By David Brenn, Kansas Water Congress in Support of SB 322
Wednesday, January 28, 2016

Chairman Powell, members of the Senate Natural Resources Committee, thank you for allowing me to submit testimony to you in support of SB 322.

My name is David Brenn and I am the Executive Director and President of the Kansas Water Congress. As a brief introduction, the Kansas Water Congress was established in 2002 to seek common ground and provide an independent forum to help further the wise management and stewardship of the State's water resources. Our organization has a diverse membership representing irrigators, stockwater, industrial, and municipal interests, as well as varied state wide associations, state agencies, and individual members. Through our State Affairs committee and associated subcommittees, the Congress studies significant water issues facing the state.

I believe that SB 322 is an important vehicle as Kansas looks to the future best use of it's water resources. I have some unique experience in this area as I was honored to serve on the Ark River Compact under three different Kansas Governors. Through that process I learned a lot from Colorado officials by watching how effectively they worked to protect their water rights as an upstream state. To that end, it is critical that Kansas act to develop a structure, and get a system in place, to protect the water for projects that might be available to Kansas at a future time.

Potential transfers of water are not new considerations in Kansas or the American West. Numerous studies, laws, and regulations have been considered to facilitate potential transfers in Kansas, but there does not appear to be the ability in current law to apply for a water right addressing a large supply of multi-use water like has been contemplated in several recent studies.

Further, with the dire budget situation that Kansas, and other states, have faced in recent years I have a concern that a very large filing fee paid to fund a multi-year water rights application process would be in danger of being swept away from the Division of Water Resources (DWR) in order to fund needs in other areas. To this extent, we feel that the "pay as you go" methodology contemplated in SB 322 is a practical method of providing the funding needed by DWR to perform the complex ongoing work that would be required of this type of filing.

I do want to caution that the Kansas Water Congress would be opposed to any attempts to amend the language in SB 322 that would make this retroactive to existing surface water applications.

Thank you again for allowing me the opportunity to address the committee and express the Kansas Water Congress' support for SB 322.

Sincerely,

David Brenn, Kansas Water Congress