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Testimony on SB 337 Annual Water Use Reports
Senate Natural Resources
Susan Metzger
Assistant Secretary
Kansas Department of Agriculture
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Chairman Powell and members of the committee, I am Susan Metzger, Assistant Secretary at the Kansas Department of Agriculture. I am here today to express KDA's support of Senate Bill 337 to enhance civil penalty authority and to provide suspension authority to Kansas' annual water use report program.

- Better managing Kansas groundwater resources and extending the useful life of the Ogallala High Plains Aquifer depends on accurate data related to the annual use of water in the state. To help obtain this critical information, Kansas water right owners are required to complete an accurate water use report annually and submit that report to KDA.
- Failing to submit a water use report is a violation of the law. There is concern that some water users decide to pay the annual penalty fee rather than submit the water use report.
- Kansas has the most comprehensive water use reporting data in all of the western states. The department sends out 11,000 water use reports that represent about 32,000 water rights. The current state law requires the data to be reported to KDA by March 1. Ninety-four percent of our water users submit their report by the deadline. An average of 60 water users fail to submit their reports by June 1.
- In 2015, KDA sought feedback from stakeholders on the penalty structure for failure to submit an annual water use report and received consistent feedback that the existing penalties are too lenient.
- SB 337 increases the civil penalties for a delinquent water use report from \$250 to a maximum of \$1,000. In addition to the civil penalty, the bill provides the chief engineer the authority to suspend a water right if the owner fails to submit a report by June 1 of the year in which it is due.
- The increase to \$1,000 and suspension is consistent with other enforcement authority provided by the Kansas Legislature in the Kansas Water Appropriation Act. When applied in the most egregious water right violations, the suspension authority is a very effective tool to gain future compliance.

SB 337 provides the state the tools necessary to protect private property rights by ensuring the all water use is reported in a timely and accurate manner.