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To: House Committee on Water, Representative Jim Minnix, Chairman

From: Kent Askren, Public Policy Director for Kansas Farm Bureau

Date: February 1, 2024

Re: Testimony in opposition to HB 2459

Chairman Minnix and members of the Committee, on behalf of Kansas Farm Bureau (KFB) I want to thank you for the opportunity to provide testimony in opposition to HB 2459. KFB is the state's largest general farm organization representing more than 30,000 farm and ranch families through our 105 county Farm Bureau associations.

Groundwater wells can and do wear out, screens clog or rust out, formations plug or become contaminated; streams meander resulting in surface water pump sites becoming unusable and in need of replacement, inefficient delivery systems that are replaced with highly efficient delivery systems can require that the point of diversion (p/d) be relocated.

Fortunately, our predecessors understood decades ago when they clearly provided in statute that every water right owner may change their water right p/d, with certain safeguards considered.

KSA 82a-708b states any owner of a water right may file a change application in writing for the Chief Engineers approval provided the owner demonstrates the change is reasonable; approval will not impair existing (Jr./Sr.) water rights; and the *proposed change relates to the same local source of supply.*

There has always been a reluctance to define what “local source of supply” explicitly means. The Division of Water Resources has authorized thousands of well and pump site change approvals up to ½ mile (or more) from the authorized P/D as a “rule of thumb,” one could argue that *precedent has been set using within a ½ mile of the original P/D as being the “local source of supply.”*

The inability to replace a failed well or pump site will render water rights, which are real property rights, worthless. Favorable passage of HB 2459 as offered, could put **cities, industry, and agricultural operations and others completely out of business.**

Thank you for the opportunity to testify in opposition to HB 2459 and I would be happy to address any questions at the appropriate time.