



Kansas Agribusiness Retailers Association
Kansas Grain and Feed Association
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February 1, 2024

To: House Committee on Water
From: Lance Nelson, KARA, Immediate Past Chairman
RE: **Opponent Testimony on HB 2459, prohibiting the change of the point of diversion of a water right if such change causes the safe yield of the source of water supply to be exceeded.**

Chairman Minnix and members of the committee, thank you for the opportunity to provide testimony opposing House Bill 2459. This testimony is submitted jointly on behalf of Kansas Agribusiness Retailers Association (KARA) and Kansas Grain and Feed Association (KGFA).

KARA is a state-wide agribusiness industry trade association comprising over 700 members companies that supply inputs to Kansas farmers, including pesticides, herbicides, seed, fertilizer, fuel, and agronomic services. KGFA is the state association of the grain receiving, storage, processing, and shipping industry in Kansas. With a membership exceeding 950 Kansas business locations, KGFA represents 99% of the commercially licensed grain storage in the state. Members of these organizations serve Kansas farmers that utilize groundwater to grow agricultural crops that are used to feed, fuel, and clothe the world.

As we understand, the intent of House Bill 2459 is to amend the Kansas Water Appropriation Act by defining “safe yield” as the long-term sustainable yield of the source of water supply.

In an attempt to prohibit water users from “chasing water” to gain access to groundwater pools, the bill would prohibit changing the point of diversion for a water right if such change would cause the safe yield of the source of water to be exceeded.

While we understand the purpose of the bill, it unfortunately does not sufficiently account for the various groundwater levels and recharge rates that exist in the various regions of the state. Neither does the bill take into consideration the different types of water use permits.

As drafted, the bill is overly broad, and its passage would create numerous unintended consequences to the extent of removing many producers’ rights to divert water following a change in the point of diversion, regardless of the purpose of the change or distance from the existing well.

The purpose of HB 2459 could be better achieved through passage of an agency regulation, or regulations, by the Kansas Dept. of Agriculture’s (KDA) Division of Conservation. Such regulations could better address specific, unique situations, and also allow for exceptions for good cause as determined by the Chief Engineer. We would commit to working with the agency in that regulatory process.

Thank you for allowing us the opportunity to testify in opposition to HB 2459. We would respectfully request that the committee not take further action on this bill, but rather encourage the KDA to address any existing concerns that this bill is intended to remedy through agency regulations.