

**Testimony on H.B. 2516
to
The House Agriculture and Natural Resources Committee**

**By David Barfield
Chief Engineer
Division of Water Resources
Kansas Department of Agriculture**

January 31, 2012

Chairman Powell and Members of the Committee, thank you for the opportunity to come before you today in support of House Bill 2516. While testifying as a proponent of the bill, I would like to voice two concerns with the bill and provide a suggestion to aid in its implementation.

The bill has two principal effects: 1) to remove the current limitation on the number of banks that can be created, and 2) to allow banks to become “permanent”, while providing for on-going and periodic review of the banks.

I was impressed by the thoughtful and thorough report developed by the Central Kansas Water Bank Association Evaluation Team in 2010 under Tracy Streeter’s leadership. I appreciate the sentiment behind their first three recommendations, all of which discuss the permanence of a water bank. But from my perspective, the word “permanent” is problematic. I think it is reasonable to attach to the charter of a water bank a requirement to operate within its statutory requirements. Thus, there must be some way to deal with this eventuality. Rather than making the bank “permanent”, the term “fully chartered” might be considered and some explicit provision for revoking a charter added in the unlikely situation where a bank is not meeting the intent and requirements of statute.

I would also ask the committee to consider whether a review team could recommend the chief engineer extend the charter for “a definite period of time” as an alternative. This may be needed when the review finds there has been insufficient participation in the initial period to warrant awarding the bank a “fully chartered” status.

Finally, I suggest the current Feb. 10 deadline for the water bank annual report in K.S.A. 82a-766 be moved to April 15. The Feb. 10 deadline requires the Division of Water Resources to mail out water use cards to bank participants prior to January 1 when the rest of the water use cards are sent. This creates extra work for us and ambiguity for water users. Extending the deadline will prevent this extra work and confusion while preserving the transparency of bank operations.

Thank you for your consideration, and I am happy to respond to questions at the appropriate time.