



Kansas Corn Growers Association

To: House Committee on Water  
Representative Jim Minnix, Chair

From: Kansas Corn Growers Association

Re: **Opposition to 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.**

Date: Thursday, February 1, 2024

Thank you, Chairman Minnix and members of the committee for the opportunity to address the above organization's views on HB 2459. The Kansas Corn Growers Association (KCGA) represents more than 1,100 members on state and national legislative and regulatory issues and actively works with other organizations to maximize the voice of Kansas corn producers.

KCGA has been actively involved in water issues across the state. Our members sit on Groundwater Management District (GMD) boards, operate both dryland and irrigated cropping systems, and rely on water, whether groundwater, surface water, or rainfall, to produce a crop. There is significant interest in the continuation of water availability and a focus on water conservation.

However, HB 2459 is an overly restrictive measure that will have numerous unintended, and potentially unforeseen, consequences. The language in the bill is far too broad and could be seriously detrimental to farmers that are doing nothing but maintenance on existing water wells. Further, anyone that needs to drill a new well due to a breakdown or move to a different corner of a field could have their application denied based on the new language. Farmers are not always looking for new water in these situations but are often working to repair old casings and pipes in old wells.

While we agree on the general purpose of wanting to ensure that generations of farmers to come have access to water, this bill leaves too much uncertainty in the process. The newly defined term "safe yield" creates consternation itself. There is no definition of how "long-term sustainable yield of the source of water supply" would be calculated. The definition of "long-term" is variable among institutions and situations. The three definitions under Merriam-Webster include "a relatively long period of time", "more than 10 years", and "longer than six months", depending on the context. This leaves a lot of uncertainty when passing the bill.

It also does not define what sustainable would mean. A farmer from Southwest Kansas shared their 2024 Annual Water Level Measurement Program Results. While in 2022, the water table for the well that supplies their house had dropped from 2021, by 2023 the table had recovered. Now, in 2024, the table dropped slightly, but remained at levels near 2021. How would this situation be handled? Situations with significantly declining water tables are one thing but how would a highly variable situation be handled when any selected period could show very different results in the trends of the water table levels?

Finally, the language regarding the application of a water right owner and the chief engineer's approval or disapproval makes these definitions highly sensitive. Under Sec. 2, Subsec. (E), if the water right owner's application doesn't hit an undefined criterion for safe yield, the application would be rejected and the owner would be forced to do nothing, or to move forward while losing their priority. At this point, what good is a water right if a farmer has no right to actually use it if the current well goes down or if they want to explore?

Therefore, the Kansas Corn Growers Association is opposed to HB 2459.