

Office of the President

Kansas Water Office

901 S. Kansas Avenue

Topeka, KS 66612

August 4, 2011

Dear Ogallala Aquifer Advisor Committee Members:

The Governor's recent Ogallala Summit in Colby has reinvigorated an old question of what to do about the decline and demise of the Ogallala aquifer. Each of you as members of the OAAC will weigh in on this very important question and the outcomes of wrestling with this question will impact our state indefinitely.

Knowing the importance of your efforts, I wanted to briefly address a couple of topics for your consideration as your group begins to evaluate and ultimately recommend solutions. Water rights, as basic property rights, are fundamentally important to every aspect of production agriculture. Our members take property rights seriously because they sustain our very existence as farmers and ranchers.

Kansas water law has a long history going back even before the 1945 Kansas Water Appropriation Act was implemented. Our forefathers clearly understood the economic value of putting water to beneficial use. Unfortunately this has resulted in the overdevelopment of certain water resources, namely the Ogallala aquifer but vast portions of Kansas remain open to water right development with yet to be realized economic potential.

As your committee contemplates revision of Kansas water law to address overdraft of the Ogallala, don't neglect to factor in how modifications could adversely impact areas outside the Ogallala unless properly targeted.

Use it or lose it, the infamous abandonment statute, has for decades worked to keep water rights active so that those who genuinely desire to

put this public resource to beneficial use can do so if someone in line ahead of them no longer does. The application of this law makes one pointed assumption, that water is indeed available for appropriation. The question you must answer; should this law still apply in those areas of the state where water is not, and never again will be, available for new appropriation. KFB believes that there is still a place in Kansas water law for use of water rights abandonment; it just may not be in the Ogallala.

Years ago, as our state began to recognize that overdevelopment was occurring over portions of the state, particularly the Ogallala; the Groundwater Management District Act (GMDA) was put into service. This Act gave water right holders a means of local control in determining the best approach for dealing with issues such as aquifer overdraft.

One of the tools stipulated in the GMDA was Intensive Groundwater Use Control Areas (IGUCA) which provides a means for the Chief Engineer to more surgically address water management without simply using water right priority as the only corrective device. When properly implemented, IGUCA's can address aquifer overdraft, sustain local economies and respect the priority of private property rights; but this takes a team effort with some give/take by all involved if it is deemed to be for the common good in the long run.

Our organization strongly supports grassroots effort, in fact every year our members bring forth, evaluate and modify the organizational policy which directs our staff on important issues such as the Ogallala aquifer. It is our hope that any recommendations your group or our state leaders make will strongly solicit the input from local stakeholders as we squarely address this often ignored problem of the demise of the Ogallala aquifer.

Kansas Farm Bureau stands ready to help meet these challenges in a responsible way to craft solutions that are not only good for the Ogallala but all water users across this great state.

Respectfully,

A handwritten signature in cursive script, appearing to read "Steve Baccus".

Steve Baccus  
President