

January 19, 2012

Chairman Powell and Members of the Committee:

RE: House Bill 2451, Repealing the "use it or lose it" provision regarding Kansas water rights in closed areas.

My name is J. C. Long and I was raised in Harper and now live in Wellington, Kansas. I am writing to you today in support of HB 2451 which would eliminate the "use it or lose it" provision for groundwater in aquifers closed to new appropriations now found in current law.

I would like to give you some history of a well we have and the application of the law.

In 1967 a piece of property near Harper, Kansas drilled an irrigation well on the property my family now owns. The well from 1967 to 1981, under the previous owner, had been used sparingly for irrigation purposes according to state records.

In 1981, when my family acquired the property, we had no intention at the time we purchased the property to use irrigation system. We took down the old water driven center pivot system and cleaned up the property. During this time we faithfully filed our reports to the state and never heard a word from them regarding the "use it or lose it" law.

In 1989 eight years after we purchased the property, our family decided to use the irrigation well so I re-worked the pump, located an engine and purchased a side roll with the intention to irrigate soybeans on approximately 50 acres. (Working a side roll on beans is truly an experience as the side roll needed to be repositioned every 6 hours on worked ground.) The beans made 45 bushels to the acre that year which was a far cry better than wheat. The next year I also planted soybeans and the yield was the same but

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adjusting the side roll in very muddy conditions every six hours worked me to death. The third year I decided to plant alfalfa and left the field in alfalfa for several years. Alfalfa does not require nearly as much water as beans do so we did not use the irrigation well during this time

In 1993 a severe wind storm destroyed our side roll. Not needing the side roll for alfalfa we did not repair the system but we continued to file accurate meter reports on the well. We also put notations on our filings that the side roll was destroyed and that we were looking at alternatives.

In 1994 I took a job in Kansas City and therefore could not be as involved in the farm operation as before. My dad faithfully filled out the water usage report each year and continued the notation concerning the side roll. We looked at other irrigation alternatives (flood, center pivot) at the time but because of the shape of the fields (68 and 29 acres approximately) we could not find equipment at a reasonable price that would work for us.

During this time, I had an uncle that told us that if we did not use the water, we would eventually lose our water rights on the property. Several suggestions from area farmers in the area told us to "beat up the meter and get a new one every year," to "just run the damn thing and pump the water into the creek", as well as "pump it and have yourselves a nice little bog for water fowl, deer" etc.

We opted to file accurate reports and not waste a valuable resource hoping that the state would understand our issue. In March 2005 we received notice that our water rights were rescinded. We thought about appealing this decision, as my brother is an attorney, but decided at that time to follow the law and let the matter die.

Well, times change. Our family would now like to use our irrigation well. We believe we have found a system that we could use on the property. We are currently in the process of filing an application with the Department of Agriculture to re-gain our water rights on the property. In discussions with the Department our water right is in an open

area so this law would not apply to us; however this law should be changed that would not rescind your water right unless the landowner determines they will never use it.

We understand the reason for accurately reporting water usage but believe strongly that the "use it or lose it" law encourages waste, inaccurate reporting as well as a misuse of resources. Our family would like to bank our water for future use. Please let us do so.

Thank You.