



Since 1894

To: House Committee on Water and Environment
Representative Tom Sloan, Chair

From: Tucker A. Stewart, Associate Counsel

Re: **Opponent of H.B. 2564**

Date: February 6, 2018

The Kansas Livestock Association (KLA), formed in 1894, is a trade association representing over 5,400 members on legislative and regulatory issues. KLA members are involved in many aspects of the livestock industry, including seed stock, cow-calf and stocker cattle production, cattle feeding, dairy production, swine production, grazing land management and diversified farming operations.

The Kansas Livestock Association (KLA) is opposed to HB 2564. This bill allows the Kansas Department of Agriculture (KDA) Division of Water Resources (DWR) to ban the use of end guns on center pivot irrigation systems in fully appropriated areas, areas closed to new appropriations and in any groundwater management district by rules and regulations or by order. KLA is concerned with the implication this bill has upon private property rights, choice in water irrigation technology, and regional water differences.

KLA recognizes the spirit of this bill is the conservation of water and KLA continues to support voluntary programs that incentivize the conservation of water. Currently, there are programs that encourage an irrigator to discontinue end gun use. However, this bill creates a bad precedent by allowing a government agency to dictate the business decisions of irrigators. A water right is a private property right that authorizes the use of water. The choice of technology used to apply water should be left to the individual owners of a water right. The use of end guns and other irrigation technology is an economic decision on the part of farmers. Furthermore, the authority to ban a certain technology state-wide ignores the reality of regional differences. The use of end guns makes economic sense in areas where stream flow or aquifer recharge isn't an issue. Finally, this bill also ignores a livestock specific issue with regard to lagoon dewatering. Livestock producers rely on a certain number of acres and a nutrient management plan (NMP) to dewater waste from a lagoon. If a livestock producer is unable to utilize an end gun the producer would lose acreage to dewater a lagoon possibly forcing the producer to acquire more irrigated land. The producer would also be required to complete a new costly NMP to reflect the acreage decrease.

We ask you to oppose the provisions of HB 2564 and continue to support voluntary water conservation.