



March 14, 2023

Chairman Kerschen, Vice Chairman Ryckman, Ranking Minority Member Ware and Members of the Senate Committee on Agriculture and Natural Resources:

The House Committee on Water has spent the last two and a half years studying the various urgent water quantity and quality concerns facing our state. Last session, the committee put forth a comprehensive bill, HB 2686, to overhaul water management and protection in Kansas. Unfortunately, that bill died below the line in the House, but the bill you will be hearing today contains a small part of HB 2686 and carries forward the courageous and important work of the committee's former Chairman, Rep. Ron Highland from Wamego.

Before giving an overview of the bill and its contents, I want to briefly set the scene for the members of this committee, since I know you all deal with several important issues. In sum: our committee has become alarmed by the rapid depletion of the Ogallala High Plains Aquifer, which serves as the primary water source for most of Western Kansas.

Large swaths of our aquifer only have an estimated 50 years of usable lifetime remaining or less. Regionally, it is estimated that 70% of the aquifer could be depleted by 2070. That means most of this crucial resource could be gone in my generation's lifetime. Towns west of Hays will start to disappear. Our state's \$5 billion agricultural economy will dissipate. There will be no future in Western Kansas for families or farmers. And we are not alone in our concerns: 87% of farmers over the aquifer agree that depletion is a serious or very serious problem.

This reality is exacerbated by the fact that our state is in one of the worst droughts of the last century. The environmental and legal challenges we face are mirrored in what's happening in the Colorado River Basin, and this serves as a cautionary tale for Kansas. The flows of the Colorado River are so low that the federal government has stepped in to require that all states in the basin come up with a plan to reduce their water use in order to avoid deadpool in Lake Powell and Lake Mead, something that would have unfathomable consequences for downstream communities. If we don't take collective action, drastic measures will soon be needed in Kansas, too, in order to save our precious aquifers. We are at a tipping point. It is crucial that we take action now before it is too late.

So what can we do about it? The House Water Committee has put forth two bills this session to try and address this very question, and HB 2279 is one of those bills. In addition to increasing our investment in water, which you will hear about later this week, we think it's equally important to develop local action plans to address aquifer depletion in order to conserve, extend, and

hopefully, ultimately sustain this crucial resource. HB 2279 is modeled after the process that Groundwater Management District No. 4 (GMD4) went through to develop their Local Enhanced Management Area or LEMA (a type of management plan where producers agree to use less water in exchange for greater flexibility of that usage).

The bill requires all GMDs to:

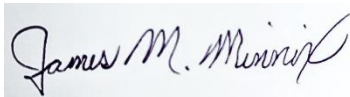
1. Identify their high priority areas of concern, defined as areas of groundwater with 50 years of useable lifetime remaining or less and areas where an unreasonable deterioration of the quality of groundwater is occurring (and may also include other criteria);
2. Conduct public education and outreach in each priority area, and;
3. Develop an action plan to reasonably address their priority areas of concern based on the input received from water right owners and users within those areas.

In GMD 4, this process was first used in Sheridan County in an area known as “Sheridan-6.” In 2012, Sheridan-6 enacted the first LEMA covering 100+ square miles and almost 200 wells. Their original goal was a 20% reduction in water use. They have since surpassed that with a nearly 35% reduction in historic use. Research also shows that these producers have become even *more* profitable, due to their increased efficiency and decreased cost of inputs. Furthermore, the success of SD-6 led to the creation of a GMD4 district wide LEMA in 2017.

While the action plans in this bill are not limited to LEMAs, Sheridan-6 serves as a model for what it looks like to come together as a community to take meaningful action to address aquifer depletion. We think this is a model worth emulating across our entire state.

HB 2279 also requires GMDs to submit annual reports to the legislature relating to their finances and any activities undertaken pursuant to this bill. The goal of these reports is to increase transparency and accountability, maintain a dialogue between the GMDs and the legislature, and give the GMDs an opportunity to highlight their progress and good work to our committees.

You will also notice several changes to the original version of this bill. During the bill hearing in our committee, we received a lot of great feedback, and we worked with stakeholders to implement this feedback through a compromise balloon amendment. HB 2279 passed the House 116-6. We urge this committee to pass it out favorably as well. I thank you for your consideration and am happy to stand for questions at the appropriate time.



Rep. Jim Minnix
*Chair, House Water
Committee*



Rep. Cyndi Howerton
*Vice Chair, House Water
Committee*



Rep. Lindsay Vaughn,
*Ranking Member, House
Water Committee*