

**Neutral Testimony for House Bill 2696
to the House Committee on Water
by Lane P. Letourneau, P.G., Kansas Department of Agriculture
February 13, 2024**

Good morning, Chairman Minnix and members of the committee. My name is Lane Letourneau and I serve as the Water Appropriation Program Manager for the Kansas Department of Agriculture's Division of Water Resources. Thank you for the opportunity to provide neutral testimony for House Bill 2696.

As currently written, HB 2696 would modify K.S.A. 82a-745. Currently, this statute says that groundwater management districts (GMDs) shall be given the opportunity to provide a written recommendation regarding a proposed Water Conservation Area (WCA) and management plan within 45 days of notification by the chief engineer. This bill would amend language to give GMDs the opportunity to provide a written comment, rather than a recommendation, on a proposed WCA within the same time period.

WCAs are created by consent agreements between water users and the chief engineer. We feel it is appropriate for the GMD to review a proposed WCA and provide comment. This ensures that GMDs are informed of water management practices within their area and have the opportunity to provide comment on a newly proposed conservation area. However, as GMDs do not have a role in the consent agreement, it would be more accurate to describe their role as providing comment rather than a formal recommendation.

Providing comment is less of a burden on the GMD and the water right holder than having a formal recommendation process. Currently, the water right holder does not know what type of recommendation will come from the GMD after their review. As a result, they are walking into an unknown situation. The current language also creates the expectation that GMDs need to provide a formal recommendation of approval or disapproval. Providing a comment either way or providing no comment would streamline the process and make it a more straightforward process for water users creating a WCA.

Providing a comment is how the statute was worded when it was originally passed. I do not recall why the statute was changed from comment to recommendation. We are not aware of any issues caused by having GMDs provide comment rather than a recommendation.

Thank you for the opportunity to provide testimony. I will stand for questions.