

Equus Beds Groundwater Management District No. 2
Testimony Concerning House Bill 2696
House Committee on Water
by
Tim Boese, Manager
February 13, 2024

On behalf of the Equus Beds Groundwater Management District No. 2 (GMD2), I wish to thank Chairman Minnix and members of the Committee for the opportunity to provide testimony opposing House Bill 2696.

Although House Bill 2696 only proposes one substantial change to the Kansas Water Appropriation Act water conservation area statute K.S.A. 82a-745, the change is significant to the GMD2's role in reviewing a proposed water conservation area and management plan by changing the ability of a groundwater management district to provide a written recommendation, to just a written comment. The proposed change would erode the powers of groundwater management districts.

The Oxford Languages Dictionary defines a "recommendation" as "a suggestion or proposal as to the best course of action, especially one put forward by an authoritative body", whereas a "comment" is defined as "a verbal or written remark expressing an opinion or reaction." As is evident by their definitions, a recommendation put forth by a groundwater management district holds much more weight than a mere comment and indicates a more thorough review process was performed to reach the recommendation.

The Groundwater Management Act (K.S.A. 82a-1020 through 82a-1042) specifies the need for special districts (i.e. GMDs) for the proper management of the state's groundwater resources. No other state or local agency is charged with groundwater management. "Management" is defined as "the process of dealing with or controlling things or people." Clearly, to properly manage the Equus Beds Aquifer, GMD2 must play a more important role than just providing "comment" for important projects such as special management areas, including WCAs. Furthermore, pursuant to K.S.A. 82a-745(f), any water right in a WCA that is in a GMD shall continue to be subject to the applicable GMD rules and regulations and GMD management plan. Obviously then, the GMD review of a proposed WCA must be thorough and conveyed by way of official recommendation to the chief engineer, and not by mere comment.

In summary, the Equus Beds Groundwater Management District No. 2 opposes any erosion of GMD powers and the ability to properly manage the Equus Beds Aquifer, and therefore strongly opposes HB 2696, as it would create poor policy and unnecessarily restrict GMD2 in carrying out its duties. Thank you, Chairman Minnix and Committee members, for the opportunity to testify in opposition to HB 2696 and the district urges the Committee members to not pass HB 2696.