



Since 1894

Date: February 9, 2023

To: House Committee on Water  
Rep. Jim Minnix, Chair

From: Aaron M. Popelka, V.P. of Legal and Governmental Affairs, Kansas Livestock Association

Re: **HB 2279 AN ACT concerning water; relating to groundwater management districts; requiring groundwater management districts to submit annual reports to the legislature; directing groundwater management districts to submit conservation and stabilization plans to the chief engineer.**

Position: Proponent, In-Person

*The Kansas Livestock Association (KLA), formed in 1894, is a trade association representing more than 5,700 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.*

Thank you, Chairman Minnix, and members of the Committee, for allowing the Kansas Livestock Association (KLA) the opportunity to share our views on HB 2279. KLA supports HB 2279, with an amendment, as a means to ensure groundwater conservation strategies are determined by local water users rather than state officials.

As a general matter, KLA policy acknowledges that a significant portion of the High Plains Aquifer is over-appropriated, supports strategies to conserve groundwater, and believes such conservation strategies are best developed at the local level. KLA prefers state water conservation efforts be confined to supporting voluntary conservation efforts or administering water rights in accordance with the Kansas Water Appropriation Act.

While some groundwater management districts (GMDs) have met their obligations under the GMD Act by identifying areas of concern and developing conservation strategies, others have not fully met these obligations. In fact, in some instances, certain GMDs have worked against local conservation efforts. Such actions increase the likelihood of intervention by the chief engineer and make locally led conservation decisions less attainable. With some modifications, KLA believes HB 2279 will provide sufficient motivation for GMDs to identify areas most in need of conservation and incorporate local solutions in their management plan to address these areas.

Since HB 2279 was introduced, KLA has worked with members of the Committee and other stakeholders to develop an amendment that we believe will improve the bill and better focus GMD efforts. This amendment should include the following:

- Sec 2(b)(1) – the term “area of concern” should be changed to “priority areas of concern” to match areas already identified by some GMDs.
- Sec 2(b)(1) – the criteria for identifying areas of concern should be more narrowly focused to make certain GMDs focus on the most at-risk areas first. If subparagraphs (A) and (B) remain unmodified, it would require the entirety of the western three GMDs become priority areas of concern. Such a large area could make it more difficult to address the specific needs of water users in the most sensitive areas of the aquifer.
- Sec 2(c) – while KLA believes the chief engineer should have the ability to identify priority areas of concern and designate an action plan if a GMD fails to meet the deadlines contained in the bill, KLA does not support the chief engineer being able to determine if a GMD action plan is “adequate.” If we want locally led conservation efforts, the GMDs must have some ability to determine those plans. Instead, we suggest the chief engineer’s review be limited to ensuring the plan is reasonable and compatible with the Kansas Water Appropriation Act.
- Sec 2(d) – additional language may be needed to ensure that GMDs that have undertaken conservation activities are deemed compliant with the requirements of HB 2279.

KLA appreciates the opportunity to submit testimony as a proponent of HB 2279. We ask that the Committee adopt an amendment to the bill as described above, and upon the amendment’s adoption, recommend the bill favorable for passage.