



Southwest Kansas
Groundwater Management District No. 3
2009 E. Spruce Street
Garden City, Kansas 67846
(620) 275-7147 www.gmd3.org

Written Testimony in Opposition to HB 2696
Provided To The House Water Committee
From the Southwest Kansas Groundwater Management District No. 3 (GMD3)
February 13, 2024

Chairman Minnix, members of the House Water Committee, My name is Mark Rude, and I am Executive Director of the Southwest Kansas Groundwater Management District No. 3 (GMD3). I appreciate the opportunity to provide testimony today. GMD3 stands opposed to HB 2696 as written.

Over the past decade from Governor Brownback's Blue Ribbon Task Force, the concentrated focus of regional advisory committees, to Governor Kelly's commitment to identify and reduce barriers to water conservation, the State of Kansas has placed an emphasis on local stakeholders when it comes to water conservation. On its face the change from a GMD "recommendation" to "comment" may seem to be a distinction without a difference but it is important to remember that water rights included within a water conservation area (WCA) and adjacent areas continue to be subject to all GMD rules and regulations as well as GMD management plans.

Due consideration of public interest is part of every agency review for consent. The official management program of GMD3 is part of those considerations in the Water Appropriation Act that is best represented by the district itself. For example, a GMD and the chief engineer are to review and approve every water conservation plan or practice required under K.S.A. 82a-733 in GMD areas (see paragraph (g)). This and other provisions of law for GMDs make the local GMD board an important component of the Water Appropriation Act and other laws for conservation plans and program development within district boundaries. HB 2696 appears to minimize the voice of a locally elected GMD board of water users that serve the managed aquifer area, thereby undermining those expressions of public interest and the close collaboration needed for lasting solutions to solve groundwater concerns.

The WCA law itself requires the chief engineer to provide notice to all water right owners within ½ mile of a proposed WCA in conjunction with the GMD within which such

water right is situated (see 82a-1906(b)). This notification is to foster local communication during the creation of a WCA and help put local water users on notice so that they have the information they need to engage in the water management processes. While they can communicate directly with the division of water resources, the local nature of a GMD board provides a more convenient path to express their support, concern, or questions about the WCA and other management program attributes. Allowing the locally elected GMD board to make a recommendation on the approval, disapproval, or suggested changes to a WCA appropriately fulfills the statutory design of the GMD Act. HB 2696 proposes elimination of locally developed recommendations and to minimize the importance of public interest considerations in managed groundwater areas. We therefore oppose HB 2696.

The board and staff of GMD3 appreciate the opportunity to provide input, and while we oppose the elimination of locally developed recommendations, we stand ready to meet with agency staff and the Legislature in supporting good water policy and conservation tools for Kansas.