

NORTHWEST KANSAS GROUNDWATER MANAGEMENT DISTRICT NO. 4

Shannon Kenyon, Executive Director/Manager

TESTIMONY OPPOSING HB 2695

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Thank you committee for the opportunity to provide written testimony in opposition to HB 2695. In 2018 GMD 4 implemented the GMD 4 Local Enhanced Management Area (GMD 4 LEMA). It was the second of its kind in GMD 4 as the Sheridan 6 LEMA (SD 6 LEMA) had already been implemented for five years. Unlike the SD 6 LEMA, the GMD 4 LEMA was met with a legal push in *Friesen vs. Barfield*. In this lawsuit, a group of 44 Petitioners jointly cited several issues with the GMD 4 LEMA but most notorious is that the LEMA statute was unconstitutional. Ultimately, a District Court Judge ruled against that and in favor of upholding the LEMA statute. This group of 44 Petitioners essentially did not want to be restricted on their irrigation and took legal action to not be included in the mandatory irrigation restrictions.

I have included with this testimony a map depicting the areas of decline and the severity of the decline by township. This is the same map used for the GMD 4 LEMA. Also on that map is shown sections where all or a part of the land is either dryland or irrigated owned by the Petitioners. As one can easily see, not only are they spread out, but there is a good concentration of them in Thomas County and in areas where there is a decline problem that the GMD 4 LEMA is addressing.

HB 2695 would bring into question just how far the Petitioners would have gone to be removed from GMD 4, all because they didn't want to be included in the LEMA. If the option were available, many more may have joined to petition for exclusion because they didn't want to reduce their water use. Per the Groundwater Management District Act, GMDs have local control. That's why they were formed via the Groundwater Management District Act. If HB 2695 is passed, what is to stop the Petitioners from being able to remove themselves from GMD 4? The Chief Engineer and not GMD 4? How is this local control as the Groundwater Management District Act outlines? Because of this potential outcome, we are fearful of this HB 2695 and oppose it.