

**Neutral Testimony for House Bill 2695
to the House Committee on Water
by Lane P. Letourneau, P.G.
Kansas Department of Agriculture
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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.

I am standing before you today to provide neutral testimony for House Bill 2695.

As currently written, HB 2695 would modify K.S.A. 82a-1033 by adding a provision that would allow a majority of eligible voters in a groundwater management district (GMD) or an area within a GMD to have the ability to petition directly to the Chief Engineer for an extension or reduction of the GMD boundary. Currently, the law provides that only the GMD board can make that request.

I am providing neutral testimony to ensure the committee that water users who request to petition out of a GMD would retain the same protections for their property rights under this bill that they currently have.

Kansas has water rights located within and outside GMDs. All Kansas water rights are administered under the Kansas Water Appropriation Act, which includes rules and regulations for water rights both outside and inside GMDs. The statewide regulations that apply to water rights outside of GMDs and the GMD-specific regulations that apply only to water rights within each district are the same in most fundamental respects — they both recognize water rights as real property rights and provide protections for them accordingly. The GMD-specific regulations simply include some additional provisions intended to address issues specific to each local area. These include, for example, provisions related to safe yield calculations or reviews of well spacing requirements.

GMDs also serve to organize local landowners and water right holders and provide them with a structure through which to voice their opinions on rules and other groundwater issues that are important to their region. The Chief Engineer has the ultimate authority to determine whether recommended regulations should be adopted and to ultimately adopt them.

We also want to address concern that if an area petitions out of a GMD, the state will come in and reduce water use in that area. This concern is based on several incorrect assumptions. First, under Kansas law, a water right in a GMD does not gain any additional legal protection compared to a water right that is *not* in a GMD. The Chief Engineer is granted sole statutory authority and responsibility to protect the water rights of every irrigator, feedlot, business, and municipality — both inside and outside a GMD. Second, water conservation is an issue within GMDs and in areas of the state that are not in GMDs. We will continue to work with water users in every part of the state to protect and extend this valuable natural resource whether they are in a GMD or not.

Thank you for the opportunity to provide testimony on HB 2695. I will stand for questions.