

**Equus Beds Groundwater Management District No. 2
Testimony Concerning House Bill 2695
House Committee on Water**

**by
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February 20, 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 2695. HB Bill 2695 proposes major changes to the Groundwater Management District Act statute K.S.A. 82a-1033 by modifying how a GMD territory can be expanded or reduced, and would significantly erode the powers of GMDs.

First, the proposed change appears that it would require a petition from a majority of eligible voters in a GMD, or a majority of eligible voters in the area to be expanded or reduced, to be submitted by the GMD board to the chief engineer of the Division of Water Resources as the first step if there was an area to be added to or reduced from the GMD. This is a significant change to current law that only requires a petition by the GMD Board to be submitted to the chief engineer and adds an unnecessary step that takes away the powers of the duly elected GMD board.

Second, and much more troubling than the first change, is the proposed new language that would allow a majority of eligible voters in a GMD, or a majority of eligible voters in the area to be expanded or reduced, to submit a petition directly to the chief engineer as the first step if there was an area to be added to or reduced from the GMD. This would totally circumvent the GMD board in the process and severely diminish the power and responsibilities of the elected board. The proposed language would also severely reduce the ability of GMDs to properly manage the groundwater resources within their district by allowing a landowner and/or water right owner, or a group of landowners and/or water right owners, to directly petition the chief engineer to be added to or removed from a GMD. This skips the vital function of the GMD to determine if the proposed GMD territory expansion is necessary for the proper management of the groundwater resource, and more importantly, if the proposed reduction of the GMD territory conflicts with proper management of the groundwater resource.

Currently, the GMD2 reviews new water permit applications and most change applications for compliance with the district's rules and regulations and management program and then makes a recommendation of approval, denial, or modification to the chief engineer. Additionally, the district recommends water permit specific conditions where needed, and can also recommend exceptions to regulations if warranted. GMD2 also performs many water management and protection activities, such as abandoned well plugging, cathodic protection borehole permitting and inspection, water quality investigations, etc. This language would remove the district's necessary review and management functions for any area which has withdrawn from the district without the GMD board approval. Allowing a simple majority of the voters in a GMD, or even worse, a simple majority of the eligible voters in an area, to directly petition the chief engineer to

be removed from a GMD, would create two classes of water users in the common aquifer – one that is subject to the district’s rules and regulations and management, and one class that is not. The regulated community desires and deserves to be treated all the same and no one water user or group of water users should receive preferential treatment. Groundwater rights and groundwater use in GMD2 are diverse and separating water users into those that are in the district, and those who can be removed from the district without GMD approval, creates an unequal playing field where some groundwater users are regulated and managed in a different manner than the other users. It also creates an impossible situation for GMD2 to properly manage the aquifer.

The proposed change to House Bill 2695 is also inconsistent with the requirements specified in House Bill 2279 that was passed last year. HB 2279 requires GMDs to establish priority areas of concern and develop action plans to address the areas’ groundwater issues. If special management areas, such as an Intensive Groundwater Use Control Area (IGUCA), or a Local Enhanced Management Area (LEMA) are needed, then certainly an area should not be able to be excluded from the district to avoid the necessary action plan and/or control provisions.

In summary, the Equus Beds Groundwater Management District No. 2 opposes any erosion of GMD2 powers and the ability to properly manage the Equus Beds Aquifer, and therefore strongly opposes HB 2695, as it would create poor public 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 2695 and the district urges the Committee members to not pass HB 2695.