

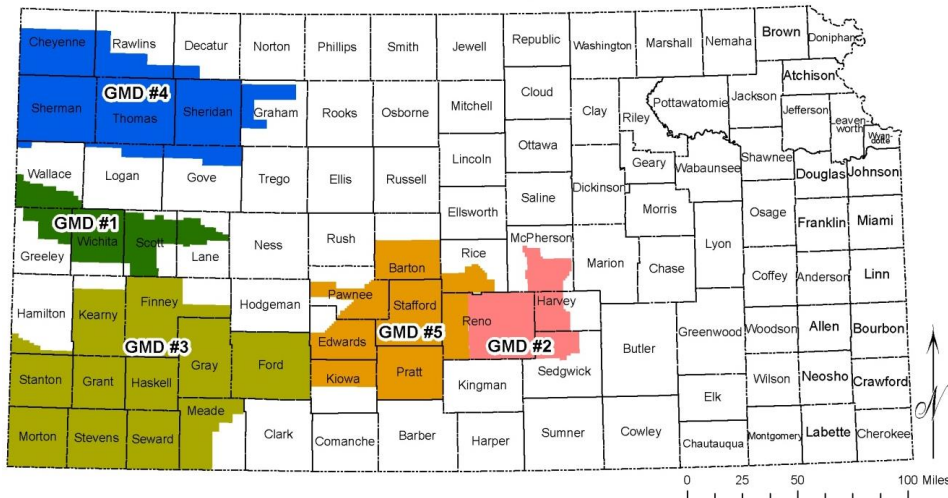
**Equus Beds Groundwater Management District No. 2
 Testimony Concerning House Bill 2302
 Senate Committee on Agriculture and Natural Resources
 by
 Tim Boese, Manager
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On behalf of the Equus Beds Groundwater Management District No. 2 (GMD2), I wish to thank Chairman Kerschen and members of the Committee for the opportunity to provide proponent testimony for House Bill 2302, with some noted concerns and suggestion to improve the bill.

The Equus Beds Aquifer is the sole-source of fresh and usable groundwater for industrial, municipal, and irrigation uses throughout South Central Kansas. Over 2,000 permitted water wells and points of diversion withdraw an average of approximately 57 billion gallons of groundwater from the aquifer annually.

Over 550,000 people, or approximately 20 percent of the entire state's population, in Harvey, Sedgwick, McPherson and Reno counties rely on the aquifer for drinking water and other daily needs. Additionally, over 100,000 acres are irrigated using groundwater from the Equus Beds aquifer. The aquifer also supplies water for the area's livestock production, businesses, industries, and recreational activities. To manage and protect this valuable water resource from depletion and contamination, GMD2 was created in 1975 by local people representing municipal, agricultural, industrial and domestic water users. An aquifer management program was developed and adopted by the GMD2 Board of Directors. The GMD2 boundaries were expanded in 1988, and again in 2017. GMD2 limits new groundwater withdrawals or diversions to annual recharge and seeks to maintain the natural water quality of the aquifer through protection and remediation. The Equus Beds GMD2 is the easternmost groundwater management district in the state and covers the eastern extent of the High Plains Aquifer in Kansas, as shown below.

Kansas Groundwater Management Districts



GMD2 does **not** receive any state funds and is funded locally by a special assessment on water users and landowners in the district. The water assessment is capped by law at \$2.00 per acre-foot and the land assessment is capped at \$0.05 per acre. The GMD2 eleven-member Board of Directors collectively represents the water users and landowners in the district, sets the district's annual assessment rates, and sets policies and directs the district staff in establishing aquifer management programs and rules and regulations.

GMD2 has been proactive and remains active in establishing regulations, programs, and special management areas to properly manage the Equus Beds Aquifer. The district was one of the first areas in the state to establish safe yield criteria in 1980 for reviewing new water permit applications. Additionally, at the request of the GMD2 Board, the McPherson Intensive Groundwater Control Area (IGUCA) was established in 1980 to address declining groundwater levels in a portion of McPherson County. Two water quality areas were also established in the 1980s to deal with oil field salt water contamination – the Burrton IGUCA and the Hollow-Nikkel Special Water Quality Use Area. More recently, a special management area was also established in a portion of Reno County to reduce impairment risks by requiring new non-domestic wells to be spaced farther away from existing wells, and later the safe yield calculation recharge rates were reduced to help ensure the area was not over-appropriated. The only active aquifer recharge project in Kansas is located in the district. Currently, the district is working on reviewing the GMD2 recharge rates and safe yield calculations and has proposed modifications to the safe yield regulation for parts of the district.

In addition to major activities dealing with water permits and applications and working with the Division of Water Resources, GMD2 also has programs and rules and regulations dealing with water quality. The district owns and maintains over 500 monitoring wells and collects both water level and water quality data from the monitoring wells, including about 3,000 water-level measurements and 300 water samples annually. GMD2 has an active abandoned and inactive well program and established regulations through the Kansas Department of Health and Environment and provides technical assistance to ensure the wells are properly constructed or plugged. Additionally, the district permits and inspects cathodic protection boreholes and has specific and regulations through the Kansas Corporation Commission in this regard.

House Bill 2302 proposes to provide retail sales tax and compensating use tax revenue to substantially increase the funding into the State Water Plan Fund (SWPF), and to create the Water Technical Assistance Fund and the Water Projects Grant Fund. The fiscal note indicates that the bill would increase state water funding by approximately \$46 million in FY 2024. However, much of the uses for the increased funds are ear-marked in the bill, including \$5 million annually for the Water Technical Assistance Fund, \$15 million for the Water Projects Grant Fund, \$15 million annually from FY 2024-FY2026 for retirement of the storage debt at Milford and Perry Lake reservoirs, and funding for increased salaries and new positions. Therefore, \$35 million of the \$46 million increased funding, or approximately 76%, not including the funding of new employees and enhanced salaries, is already spoken for.

While most would agree that the increased water-related funding is extremely important for the future of Kansas, and that the funds earmarked for the Water Technical Assistance Fund, the Water Projects Grant Fund, and the reservoir storage debt retirement are also important, specified funding for groundwater projects are not included in the bill. The Kansas Water Authority recently approved language that highlights the importance of addressing groundwater issues in the Ogallala Aquifer. Additionally, House Bill 2279, if passed, would require groundwater managements districts to expend considerable financial and other resources to identify priority areas of concern, and implement action plans to address those concerns. House Bill 2302 does allow groundwater management districts to seek grants for the remaining SWPF funds, but these requests are not prioritized. Furthermore, as noted in the recently completed legislative post audit, groundwater management districts have limited input into the State Water Plan and therefore have limited ability to request funding from the SWPF.

House Bill 2302 represents a unique opportunity to assist the groundwater management districts in protecting and conserving the state's groundwater resources and help fund the unfunded mandates found in House Bill 2279. The district recommends that the House Bill 2302 is amended to include specific funding for groundwater management districts and projects.

Thank you, Chairman Kerschen and Committee members, for the opportunity to testify regarding HB 2302, and the district urges the Committee members to amend the bill as outlined.