



The Kansas Groundwater Management Districts

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Testimony before the House Committee on Ag & Natural Resources In Opposition of HB 2698

Pat Lehman – On behalf of all Five Kansas Groundwater Management Districts Wednesday, February 15, 2012

Good morning Chairman Powell and committee members. Thank you for the opportunity to submit this testimony on behalf of all five Groundwater Management Districts. The GMD's are opposed to House Bill 2698 as we believe the bill creates a new class of water users with general project permits that can utilize undetermined amounts of Kansas water for undeterminable periods of time under proposed conditions. This notion is outside the established doctrines of the Water Appropriations Act and the public interest expressed in the Groundwater Management District Act and local groundwater management programs.

1. *"The general project permits will not be subject to safe yield or administration of minimum desirable stream flow standards."* We are concerned that no standards that may be applicable to the management of local groundwater supplies will be applicable under this bill. These waivers, unavailable to any other water user, are inconsistent with good management of limited water supplies being managed.
2. *The permits provided under this proposal are to include all consumptive water uses of the operations applying for them.* This situation will result in the approval of consumptive water use beyond all current water management programs in the state.
3. *The chief engineer shall approve any application if the operator demonstrates that the net average annual evaporation won't unreasonably or prejudicially affect the public interest.* This arrangement ignores every aspect of the water right evaluation and approval process but for the public interest. The public interest is expressed in the local groundwater management program and the rules and regulations implementing the Water Appropriations Act and the Groundwater Management District Act, allowing for a waiver of safe yield and the public interest language of the bill. This is poor public policy when every other water right in Kansas has been and remains subject to the public interest as well as all the additional criteria important to these determinations.
4. *"All existing hydraulic dredging permits as of June 30, 2012 are deemed to have a general project permit."* This language grandfathers in every existing sand and gravel water right in the state - thus eliminating them from the consumptive use limitations as well.
5. This bill is inconsistent not only with current evaluations of state water rights, but also with local GMD regulations and management programs.

RECOMMENDATIONS:

- 1) The Groundwater Management District opposes HB 2698 and urges it not be passed at this time.