

**NORTHWEST KANSAS GROUNDWATER MANAGEMENT DISTRICT NO. 4**

**STATEMENT OF ISSUE - TESTIMONY**

**TO: Representative Powell, House Agriculture and Natural Resources Committee**

**February 15, 2012**

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**ISSUE: HB 2698 - General Project Permits for Sand & Gravel Operations**

A bill providing a new authority to allow water rights in terms of general project permits for sand and gravel operations in Kansas.

**CONCERNS & COMMENTS:**

- 1. The general project permits will not be subject to safe yield or administration of minimum desirable stream flow standards. These waivers, which no other water right or water user in the state receives, are inconsistent with the statewide 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. Additional criteria important to processing water rights are impairment potential, well spacing, reasonable use, maximum development levels, etc. 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:**

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- 1) The Northwest Kansas Groundwater Management District No. 4 opposes HB 2698 and urges it not be passed.

*Wayne A. Bossert*

Signed: Wayne A. Bossert, GMD 4 Manager