

Water Protection Association of Central Kansas

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Opposition Testimony to HB 2686 by Water PACK

Kansas House of Representatives – Water Committee

Kent Moore, President, Water PACK Board of Directors

Chairman Highland, and members of this committee, my name is Kent Moore, I farm in NW Pratt County and serve as the president of the board of directors of the Water Protection Association of Central Kansas. Water PACK was formed in the early 1990s and represents agricultural water right holders and related businesses primarily in the Big Bend Prairie Aquifer of south-central Kansas. Water PACK has always strived to be a proactive participant in decisions related to the management and regulation of water resources. Water PACK has long recognized the complex issues related to achieving a balance of resources that serve the needs of all water users within Groundwater Management District #5. Water PACK also recognizes the foundational role that irrigated agriculture provides to the economy of our region and the State of Kansas.

Water PACK opposes the HB 2686.

1. Groundwater Management District #5 worked and continues to work to be an effective and responsive unit of government when addressing the water management needs of all citizens within the district. The district provides all citizens with access to be part of locally devised and implemented solutions. I was ten years old when GMD 5 was established. My dad began developing irrigation on our multi-generational farm in the late 1960's. The citizens of our communities and primarily the irrigated water users within our district recognized the need for prudent management. I immediately learned about well spacing, recharge rates, safe yield and the idea that with proper management the district had the opportunity to utilize water for beneficial use and not imperil the future of the resource. The complex issues surrounding the surface water right held by Quivira National Wildlife Refuge have been at the forefront of GMD 5's action items for many years. The district is taking the necessary steps to remedy the surface water needs of the refuge. One could argue that it has taken too long, cost too much etc. but the structure to address such challenges already exists and nothing related to this legislation helps grease that wheel.

The proposed changes to GMD's raise many questions. The proposed districts seem to limit access to voting and eligibility to those who live within the district. Water right

holders have a State of Kansas permit to put water to beneficial use. Those right holders have completed and complied with every existing requirement to maintain that property right. So due to a lack of residency those property right owners are denied representation? The GMD taxes those water right holders to generate the budget needed to fulfill the statutorily defined duties of the district. So those tax paying water right holders who do not happen to live within the defined districts are taxed without representation?

2. HB 2686 creates a new department of water with an individual to lead such appointed by the governor. Is it really in the best interest of the citizens of Kansas to potentially subject the focus and direction of water management in the state to abrupt change with every election cycle?
3. This legislation is a top-down approach of government that places the burden of water management on those furthest away from the issue. HB 2686 will not streamline and make our state more responsive and effective. The Kansas Department of Agriculture is already committed [to supporting our state's agricultural industry](#) and has the tools in place through existing statute to address conservation needs while recognizing the importance of such to our state's economy. The Kansas Department of Health and Environment likewise has the needed scope and talents needed to address water quality concerns. In general, [only riparian/eastern states put water management authority in state environmental departments](#)--prior appropriation states such as Kansas typically do not.
4. The Governor's Task force on Water Resources sought to combine DWR, DHE, and the Water Resources Board as far back as 1977. In 1981, WRB became the WRO ([KSA § 74-2615](#)), water resource planning functions of KDHE moved to WRO ([KSA § 74-2616](#)), and the Kansas Water Authority was created ([KSA § 74-2622](#)). DWR remained separate, as is a common practice in other prior appropriation states. It remains to be seen whether HB-2686 will fix some of the challenges faced by our state, or whether it may repeat some of the mistakes of the past.

In conclusion Water PACK opposes this bill. Water PACK will remain an active participant in our local water issues and I assure you that our membership recognizes the responsibility that we all have to properly protect and conserve the water resources of our great state.

Thank you and I will stand for questions from the committee at the appropriate time.