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Date: March 13, 2024

To: Senate Committee on Agriculture and Natural Resources
Sen. Virgil Peck, Chair

From: Jackie Garagiola, Associate Counsel, Kansas Livestock Association

Re: **HB 2634 AN ACT concerning water; relating to groundwater management districts; providing additional corrective control provisions for the chief engineer to consider when issuing orders of designations for local enhanced management areas and intensive groundwater use control areas.**

Position: Proponent, In-Person

The Kansas Livestock Association (KLA), formed in 1894, is a trade association representing more than 5,700 members on legislative and regulatory issues. KLA members are involved in many aspects of the livestock industry, including seed stock, cow-calf, and stocker cattle production; cattle feeding; dairy production; swine production; grazing land management; and diversified farming operations.

Thank you, Chairman Peck and members of the Senate Agriculture and Natural Resources Committee, for allowing the Kansas Livestock Association (KLA) the opportunity to share our views on HB 2634. If passed, HB 2634 will provide livestock facilities and other producers more flexibility in the use of existing water rights under a Local Enhanced Management Area (LEMA) or Intensive Groundwater Use Control Area (IGUCA), while also advancing the goal of groundwater conservation.

KLA policy supports efforts “that would allow an individual water right or rights to exceed the annual authorized quantity of the individual water right or rights supplying water to a livestock facility, as long as the water use does not exceed the total annual authorized aggregate quantity of all the water rights available to the facility and does not impair a senior water right from the same local source of supply.” This bill allows for such flexibility if a LEMA or IGUCA were to be enacted.

KLA believes HB 2634 is needed to solve a water-use distribution issue facing many KLA members who operate cattle feedyards and dairies. Most facilities have one integrated water distribution system, but the water originates from a number of different wells. Overtime, as feedyards and dairies grew in size, the wells, whether drilled or converted from irrigation use, were not equally spaced across facilities. This has created problems when operating a system of wells from the same local source of water supply, to pump individual wells within each well’s authorized quantity. One well may exceed its annual authorized quantity, while another well, due

to differing levels of elevation, varying head counts, and differences in hydrologic pressure, is substantially under-pumped at the end of the year.

It should also be noted HB 2634 uses a similar process to that allowed for under a Multi-Year Flex Account (MYFA). The language also closely mirrors language found under K.S.A. 82a-745(e)(2) for Water Conservation Areas (WCA). This process for water conservation is proven and still allows for an underlying rigid regulatory framework to ensure conservation goals are met. The chief engineer maintains the ability to approve plans enacted under an IGUCA or LEMA, with the ability to ensure it will not change how existing wells interact with more senior, neighboring wells.

If it were determined that a LEMA or IGUCA is an appropriate solution, water rights within the designated area would be required to implement overall water saving practices, despite the added flexibility. For livestock facilities, such practices could include installation of more efficient livestock watering tanks or water recycling systems, or use of more efficient forage crops to reduce water usage by a livestock facility's irrigation wells. KLA believes the adoption of HB 2634 would advance the cause of water conservation by providing needed flexibilities for water use at livestock facilities thereby enabling them to engage in these water saving practices.

Thank you for the opportunity to submit KLA's views to the Committee. KLA asks the Committee to approve HB 2634 favorably for passage.