

Greg Graff, President
GROUNDWATER MANAGEMENT DISTRICT #1
Scott City, Kansas
Proponent on SB 46 – Water Conservation Areas
Tuesday, February 14, 2017

Chairman Kerschen and members of the Senate Ag & Natural Resources Committee, thank you for the opportunity to present testimony on behalf of Western Kansas GMD #1 (GMD1) in general support of SB 46 with a few important notations.

To give you a brief background on the Groundwater Management Districts (GMDs) in Kansas, it is important to note that they were created in the 1970s by the Kansas Legislature to give citizens an voice in the local management and use of their water resources. The enabling legislation provided for a locally elected board as well as the ability to collect fees and provided for rule and regulation authority to implement the management goals of the district. There are five locally organized groundwater management districts, including GMD1, located in Scott City, Kansas. We have a wonderful, locally controlled structure that we feel should be utilized more as we continue to work to address future water planning.

The Board of GMD1 has supported a number of recent changes to statute that allowed water right owners to pursue water conservation while providing new flexibilities to ensure they could continue manage their enterprise while conserving the resource. The Local Enhanced Management Areas (LEMA), Multi-Year Flex Accounts (MYFAs) and Water Conservation Areas (WCAs) are prime examples of this. SB 46 proposes some additional changes to the existing WCA statutes and we support them on their face, but would like to note a few items we think should be addressed further.

First, SB 46 as written appears to eliminate any need for conservation within the *Water Conservation Area* statute. The current law, found in K.S.A. 82a-745 requires both a finding that water related issues exist (82a-745(a)(3)), and that the WCA must include specific actions intended to address those issues (82a-745(a)(5)). The bill before you today appears to eliminate both of those requirements by allowing a WCA to be created in any area that is closed to new appropriations regardless of the local water conditions, and without any new conservation measures being taken. The intent of the original WCA statute was to create conservation and we still continue to believe this is a critical step.

Second given that SB 46 will allow the full authorized rate and quantity of water from multiple water rights to be diverted from a single well (82a-745(e)(2)), we believe that notification of the proposed WCA to neighboring water right owners will be critical. The bill provides for notice to all water right owners within ½ mile of the WCA boundaries, but is not specific as to what information will be included in this notice. We believe a full description of the flexibilities allowed under the WCA, the potential for possible impairment specific to the proposal, as well as a full description of the ability and methodology of the DWR impairment complaint process should be provided. We suggest this, not to discourage WCA creation, but rather to be completely transparent with the conservation measures and to provide neighboring owners with a level of comfort throughout the entire process.

Finally, we continue to believe that only through local collaboration can long-term conservation actually occur. Because of that we encourage the Division of Water to partner with the locally elected GMD boards when vetting new projects to help foster an atmosphere of communication, and to help educate local water right owners about the WCA process.

Thank you once again for the opportunity to present written testimony in support of the WCA concept contained in SB 46. We ask that you consider the conservation goals of such a plan, and work to ensure the WCA formation is as open, transparent, and cooperative as possible to help ensure that local stakeholders have a full understanding and comfort level in the process you are creating.