



Southwest Kansas
Groundwater Management District No. 3
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Opponent Testimony on HB2279
provided to the House Water Committee
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Chairman Minnix and members of the Committee, my name is Mark Rude, and I am executive director of the Southwest Kansas Groundwater Management District No. 3 (GMD3). Thank you for the opportunity to comment on HB2279.

HB2279 would require GMD3 to submit annual reports to the legislature and direct GMD3 to submit conservation and stabilization plans to the chief engineer with language that creates some hurdles in the bill. HB2279 may remove our ability to utilize the generally accepted accounting procedures (GAAP) waiver that many municipalities utilize. This would change our access and cost for resources to complete our audits, placing a significant burden on our members.

HB2279 would create confusion in reporting both financial estimates and also actual audited financial statements to the legislature and the Secretary of State, who provides access to the public online under special districts.

HB2279 provides a timeframe for the GMD3 board to identify a plan of action within our official management program to carry out their purpose under the GMD Act or face potential action by the chief engineer under existing authorities. But we would need cooperation from the chief engineer to make our action plans happen. For example, K.S.A. 82a-1039 has been used to deny meaningful GMD3 management program updates or deny GMD3 can be aggrieved in an agency action. K.S.A. 82a-1039 states:

GMD Act: K.S.A. 82a-1039. No limitation of authority of chief engineer. Nothing in this act shall be construed as limiting or affecting any duty or power of the chief engineer granted pursuant to the Kansas water appropriation act. (History: L. 1978, ch. 437, § 5; July 1.)

Water rights provide protected property right use of available waters of the state, including groundwater. Water rights administration is therefore not only the duty of the chief engineers office, but also the cornerstone of any successful groundwater management program or plan, especially in areas of declining aquifer supply. Additional support for the chief engineer is needed to clarify that a GMD management program can include actions or activities that may affect duties of the chief engineer under the Kansas water appropriation act.

To provide the needed explicit support in the operation of a GMD plan, there should be an addition to the public interest list in K.S.A. 82a-711, paragraph (b) for our official management program consideration by the chief engineer.

We respectfully oppose HB2279 as written, and I will stand for questions at the appropriate time.