

**Equus Beds Groundwater Management District No. 2
Testimony Concerning House Bill 2279
House Committee on Water**

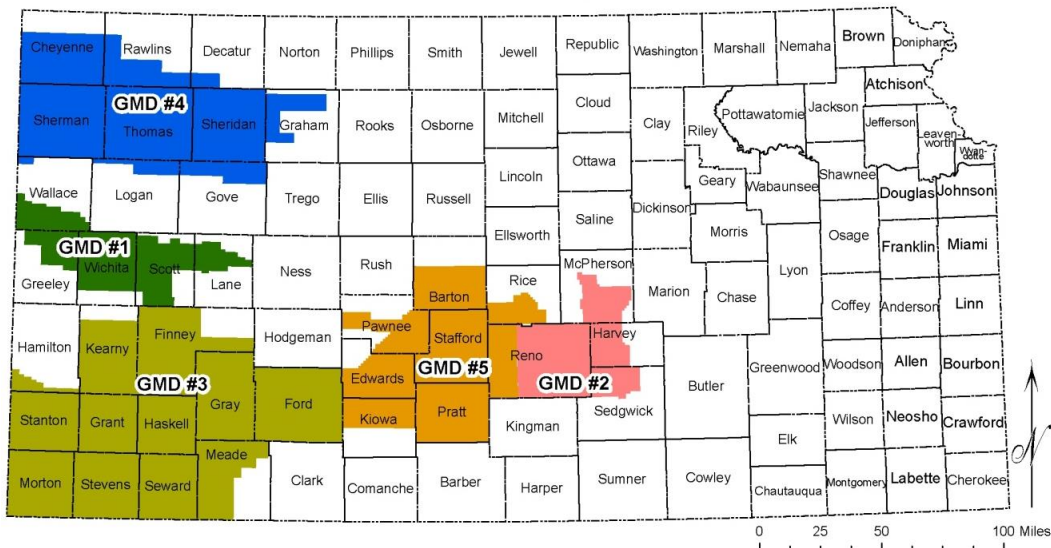
by
**Tim Boese, Manager
February 9, 2023**

On behalf of the Equus Beds Groundwater Management District No. 2 (GMD2), I wish to thank Chairman Minnix and members of the Committee for the opportunity to provide testimony regarding House Bill 2279. Due to time constraints, the GMD2 Board of Directors has not been able to officially review the bill, so the GMD2 testimony is neutral, with some noted concerns and suggestions to improve the bill.

The Equus Beds Aquifer is the sole-source of fresh and usable groundwater for industrial, municipal, and irrigation uses throughout South Central Kansas. Over 2,000 permitted water wells and points of diversion withdraw an average of approximately 57 billion gallons of groundwater from the aquifer annually.

Over 550,000 people, or approximately 20 percent of the entire state's population, in Harvey, Sedgwick, McPherson and Reno counties rely on the aquifer for drinking water and other daily needs. Additionally, over 100,000 acres are irrigated using groundwater from the Equus Beds aquifer. The aquifer also supplies water for the area's livestock production, businesses, industries, and recreational activities. To manage and protect this valuable water resource from depletion and contamination, GMD2 was created in 1975 by local people representing municipal, agricultural, industrial and domestic water users. An aquifer management program was developed and adopted by the GMD2 Board of Directors. The GMD2 boundaries were expanded in 1988, and again in 2017. GMD2 limits new groundwater withdrawals or diversions to annual recharge and seeks to maintain the natural water quality of the aquifer through protection and remediation. The Equus Beds GMD2 is the easternmost groundwater management district in the state and covers the eastern extent of the High Plains Aquifer in Kansas, as shown below.

Kansas Groundwater Management Districts



GMD2 does **not** receive any state funds and is funded locally by a special assessment on water users and landowners in the district. The water assessment is capped by law at \$2.00 per acre-foot and the land assessment is capped at \$0.05 per acre. The GMD2 eleven-member Board of Directors collectively represents the water users and landowners in the district, sets the district's annual assessment rates, and sets policies and directs the district staff in establishing aquifer management programs and rules and regulations.

GMD2 has been proactive and remains active in establishing regulations, programs, and special management areas to properly manage the Equus Beds Aquifer. The district was one of the first areas in the state to establish safe yield criteria in 1980 for reviewing new water permit applications. Additionally, at the request of the GMD2 Board, the McPherson Intensive Groundwater Control Area (IGUCA) was established in 1980 to address declining groundwater levels in a portion of McPherson County. Two water quality areas were also established in the 1980s to deal with oil field salt water contamination – the Burrton IGUCA and the Hollow-Nikkel Special Water Quality Use Area. More recently, a special management area was also established in a portion of Reno County to reduce impairment risks by requiring new non-domestic wells to be spaced farther away from existing wells, and later the safe yield calculation recharge rates were reduced to help ensure the area was not over-appropriated. The only active aquifer recharge project in Kansas is located in the district. Currently, the district is working on reviewing the GMD2 recharge rates and safe yield calculations and has proposed modifications to the safe yield regulation for parts of the district.

In addition to major activities dealing with water permits and applications and working with the Division of Water Resources, GMD2 also has programs and rules and regulations dealing with water quality. The district owns and maintains over 500 monitoring wells and collects both water level and water quality data from the monitoring wells. GMD2 has an active abandoned and inactive well program and established rules and regulations through the Kansas Department of Health and Environment regarding inspecting abandoned and inactive wells, and providing technical assistance to ensure the wells are properly constructed or plugged. Additionally, the district permits and inspects cathodic protection boreholes in GMD2 and has specific rules and regulations through the Kansas Corporation Commission in this regard.

House Bill 2279 proposes, among other things, to require GMDs to each submit an annual financial and activities report by January 31 of each year to several Kansas Legislative committees. An annual independent financial audit of GMD2 is already performed as required by K.S.A. 82a-1030, and the audit is submitted to the State of Kansas. GMD2 recommends that the deadline to submit the proposed report to the legislature is changed to February 28 of each year, which will allow the districts a better opportunity to submit audited financial reports and avoid confusion that would result by submitting draft and unaudited reports. Additionally, GMD2 recommends that the requirement to prepare the reports according to generally accepted accounting principles (GAAP) is modified to include that GAAP requirements can be waived pursuant to K.S.A. 75-1120(c)(1). Most local government entities (municipalities, school districts, GMDs, etc.) waive the GAAP requirements and have their financial audits performed in accordance with the *Kansas Municipal Audit and Accounting Guide (KMAAG)*, as some aspects of GAAP are generally not relevant and place an undue financial and resources burden on the local governmental entity.

The remainder of HB 2279 is mostly regarding GMDs being required to identify all areas of concern in their respective districts and developing and implementing action plans to address the areas of concern. GMD2 is not opposed to this, as the district has, since its inception, already been performing much of what the bill proposes, as evident by the establishment of the special management areas, rules and regulations, and monitoring activities mentioned above.

There are some details in HB 2279 that may be problematic and are potentially concerning to the district, including the requirement that **all** areas of concern in the GMD2 are identified, including reasonable boundaries, by July 1, 2024. This may be difficult to achieve in the required timeframe, as groundwater studies and modeling can take considerable time and effort. GMD2 is also concerned by any aspects in the bill that may take away local control and management of Equus Beds Aquifer. For example, Section (b)(1) unnecessarily specifies that the district's source of information for identifying areas of concern and setting boundaries must be data from the Kansas Geological Survey, or any other source approved by the chief engineer. The bill also appears to leave the chief engineer as the sole authority to review and approve the GMD action plans. Since water quality concerns in GMD2 are at least as numerous and important as water quantity concerns, the district is concerned that the chief engineer will be given expanded authority over water quality issues in the district. As past and current successful GMD2-initiated programs and activities clearly indicate, local control and management is the preferred method for addressing local issues.

Thank you Chairman Minnix and Committee members for the opportunity to testify regarding HB 2279 and the district urges the Committee members to revise the bill as outlined.