

KANSAS GROUNDWATER MANAGEMENT DISTRICTS

STATEMENT OF ISSUE / TESTIMONY

Opponent Testimony on House Bill 2171

To: The House Committee on Agriculture and Natural Resources

By: Wayne Bossert, Manager, Northwest Kansas Groundwater Management
District No. 4

February 12, 2013

Chairwoman Schwartz and members of the committee, thank you for the opportunity to provide comments on HB2171. My name is Wayne Bossert and I am the manager of the Northwest Kansas Groundwater Management District No. 4. I testify today collectively in opposition for the following GMD's in Kansas: Western Kansas GMD 1, Scott City; Equus Beds GMD 2, Halstead; Southwest Kansas GMD 3, Garden City; Northwest Kansas GMD 4, Colby; and Big Bend GMD 5, Stafford.

ISSUE: HB 2171 – Agreed Local Management Areas

Authorizing County Commissioners to submit ALMA Plans to Chief Engineer.

BACKGROUND:

Keying off the 2012 LEMA statute (KSA-82a-1041) which applies only to groundwater users within a GMD, this bill is intended to authorize LEMA-like enhanced management plans to all water users throughout the balance of the state. Since the GMD structure is not available over the rest of Kansas, this bill uses the boards of County Commissioners to fulfill the responsibilities of plan submission, operation, management and maintenance. The bill also provides for the County Commissioners to produce plans inside an existing Groundwater Management District.

CONCERNS & COMMENTS:

1. HB 2171 provides for the county commissioners to include lands in an agreed local management area that are within an established groundwater management district (Section 1. (g)). In this case, the chief engineer need only provide the GMD with the findings and record of the initial hearing, and the GMD has only 30 days to offer information and/or comments. KSA 82a-1020 et. seq. clearly vests all groundwater management issues within a GMD to the elected GMD directors. HB 2171 now provides such management authority to the county commissioners as well. This arrangement could too easily lead to potential confl Management Program and an ALMA Plan. This is

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2. HB 2171 also allows the County Commissioners to assess an annual charge against every water right holder within the designated area. For any agreed local management area that includes GMD lands, the GMD water right owners will then be subject to both the ALMA and the GMD assessments. This also is problematic.
3. This bill can easily be viewed as a new County Water Management and Planning Act. The Kansas GMDs are concerned over the exceptionally wide berth provided to the County Commissioners in all issues water. These new authorities outside the GMDs are eye-opening in light of the absence of any established water resources framework to guide the commissioners, like exists in the GMD Act for the GMD boards. Inside the GMDs this arrangement subjects groundwater users to multiple local water plans and water authorities to the point where locals are likely to become confused over who is responsible for representing their water issues and interests.
4. There are also a number of implementation issues that may have better approaches than those written in this bill. These would, briefly, include: a) The ALMA funding accounts being administered through the Department of Agriculture will see local taxes not only subject to re-appropriation by the state, but also capable of being influenced by the state's ideas of water management; b) The additional work load may over task the chief engineer and negatively affect all existing water programs of his or her agency; c) the potential for many individual water management approaches in the absence of a well-designed, Legislative policy declaration for the county commissions is not the best state policy; and d) Boards of County Commissioners often do not have the technical expertise for the initial development of water and/or groundwater management plans.

RECOMMENDATIONS:

- 1) Eliminating the possibility of having GMD lands in any agreed local management area, and replacing this language with an urging that GMD and county commissioners coordinate all water management efforts resulting from ALMAs and LEMAs sharing any common boundary would at least leave the GMDs under their existing legal and policy framework.
- 2) The five GMDs feel the broadness of the new Commissioner authority in the absence of supporting legislation direction is bad policy for the state, creates difficulties for everyone concerned and requires that the bill either not be passed out of committee or be placed in interim committee for further development, including the additional statutes needed to create the missing state policy framework for said commissioners.

I would be happy to answer any questions the committee might have.

Sincerely, Wayne Bossert