



Southwest Kansas
Groundwater Management District No. 3
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**Testimony as a Proponent of SB 46 with concerns
Provided To
The Senate Ag & Natural Resources Committee
From the Southwest Kansas Groundwater Management District No. 3 (GMD3)
February 14, 2017**

Chairman Kerschen and members of the committee, I am Sean Miller here today on behalf of GMD3. GMD3 supports the existing WCA law and every tool for water management that promotes a culture of conservation and economic stability. It's in our mission. The GMD3 is the local agency to manage, conserve and further develop the groundwater resources in the Southwest 12 counties of Kansas. We stand in support of SB 46 state wide, but with some concerns and suggestions to address the realities of southwest Kansas depleting groundwater and the excessive number of agency granted water rights.

- 1) The present WCA law is conservation oriented but SB 46 ads "maximum water utilization" provisions. It was "maximum water utilization" policies of the state that created the depletion problems that exist in Southwest Kansas today, so great care with the implementation of SB 46 will be needed to prevent increased water use. The GMD3 board expects to keep the implementation rule authority under the legislative policy for local groundwater management.
- 2) SB 46 provides for negotiated deals between individual water users or groups and the KDA/DWR for new groundwater pumping liberties within GMD3. The flexibilities provided by SB 46 are not considered changes to water rights by KDA/DWR so existing rules for changing water rights may not apply. However, they are still actual changes to water uses in the area, and GMD3 members will still expect rules for water right changes in GMD3 to apply.
- 3) SB 46 has an after-the-fact complaint driven provision with no up-front demonstration requirement to nearby water right owners. It is expected that KDA/DWR will therefore conduct the investigations needed to protect neighboring water rights and fully inform them of what DWR finds regarding their water supply, rights, and priority of rights to avoid creating a future environment of conflict. Despite a depleting aquifer system, senior water right owners are generally not requesting their senior rights to be enforced against junior rights. This is due to the tolerance and cooperation stemming from locally recommended rules and the accountability of locally elected GMD boards.
- 4) Any deal between the state and private individuals in GMD3 must have enough conservation to warrant granting permission to maximize the remaining water use in the depleting supply for an agreeable outcome and a sustainable WCA Plan.

Recommendation:

We fully support the concepts of SB 46 for state wide implementation provided SB 46 preserves the legislative policy for local groundwater management district management programs and the rules necessary to implement them. Also, other water right owners should be fully briefed and allowed to comment on impairment concerns before the WCA order occurs in the declining aquifer to avoid future agency complaint workload and to ensure a sustainable WCA Plan.

Thank you for allowing us to participate in today's hearing. I will stand for questions at the appropriate time.