

NORTHWEST KANSAS GROUNDWATER MANAGEMENT DISTRICT NO. 4

Shannon Kenyon, Executive Director/Manager

TESTIMONY OPPOSING HB 2459

February 1th, 2024

**PO Box 905
Colby, Kansas 67701-0905
Phone: (785) 462-3915
E-mail: skenyon@gmd4.org**

ISSUE: HB 2459

HB 2459 proposes to include language within K.S.A. 82a-701 that in regions where safe yield is exceeded, a change in point of diversion will not be approved. GMD 4 strongly opposes this bill.

Many portions of the Northwest Kansas Groundwater Management District #4 (GMD 4) are overappropriated and exceed safe yield calculations. Consequently, most of GMD 4 has been closed to new appropriations but change applications are allowed provided they meet state and GMD 4 regulations.

Changes in points of diversion occur for a multitude of reasons. The most common is when a well collapses or the casing deteriorates and the well needs to be redrilled. This is easily processed through a change application where the well owner redrills a well in a location near the existing well. In some cases, moving that point of diversion to a different location needs to occur at a further distance and is encouraged in areas where a large concentration of wells exist. In each case, there are rules and regulations in K.A.R. 5-4-1 et seq & K.A.R. 5-5-1 et seq. that guide changes in points of diversion. In instances where those regulations need to be more strict and fashioned to the needs of managing groundwater in GMD 4, K.A.R. 5-24-6 further guide the allowable changes.

The Sheridan 6 Local Enhanced Management Area (SD 6 LEMA) is an area that is greatly overappropriated yet very near sustainability. It proves its effectiveness in reduction of regional pumping and being more profitable without turning off irrigation wells. On paper, SD 6 LEMA wells exceed safe yield because they do not meet the long-term sustainable yield of the groundwater source. But through the locally developed SD 6 LEMA, producers are held near safe yield over five years. Not allowing the redrilling of wells in areas that exceed safe yield will only cease pumping. The SD 6 LEMA has proven that in order to protect and extend the life of the aquifer while maintaining the economic stability of the agricultural rich region, irrigation needs to continue and wells will need to be redrilled in an area that does not meet safe yield.

Another entity that will greatly suffer are municipalities. Most municipalities within GMD 4 are also located in an area that does not meet safe yield and many of them only have two or three wells to supply small rural towns. If one well needs redrilled because of a reason previously mentioned or contamination, this bill would not allow that well to be redrilled and supply their residents.

The potential consequences of the proposed bill would result in many wells in GMD 4 that would not be able to relocate and forced to cease pumping. If a well cannot be redrilled because it is in an area that exceeds safe yield then that well is no longer in production and studies have shown that shutting wells off has negative economic consequences to not just the producer, but at the local and state level as well.