

Comments on the Concept of Water Conservation Areas  
To The Senate Natural Resources Committee  
By Sean Miller  
On Behalf of Western Kansas GMD#1, SW Kansas GMD #3, & NW Kansas GMD #4  
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Chairman Powell, members of the committee, thank you for the opportunity to address you today. My name is Sean Miller and I am here representing the three western-most Groundwater Management Districts in Kansas. Because we have no Senate Bill related to “Water Conservation Areas” (WCAs) I will try to be brief in my comments today, however I would like for you to note my attached testimony from the House Ag & Natural Resources Committee dated February 12, 2015 in opposition to HB 2227 – the Water Conservation Area legislation that was introduced in the House.

The legislative declaration of the Groundwater Management District Act (found in K.S.A. 82a-1020) recognized the need to create organized local districts “to establish the right of local water users to determine their destiny with respect to the use of the groundwater insofar as it does not conflict with the basic laws and policies of the state of Kansas.” Further, GMDs are charged with proper local management, conservation of groundwater and to prevent economic deterioration. To this end, we are fully supportive of new tools and measures that allow producers flexibility in conserving water and better maximizing their economic efficiency. The problem is, while intriguing, the WCA concept very short on actual details.

The first, and most notable problem is that this concept appears to make the groundwater management district and its management plan, a plan approved by the chief engineer, subservient to the newly created WCA consent agreement policy. In short, one water user, or a group of users, could simply ‘opt out’ of the GMD management plan by appealing directly to the Chief Engineer. At a minimum this appears inconsistent with the general authority granted to GMDs under the GMD Act (KSA 82a-1020, et seq.) and similar state law found in KSA 82a-733(g).

It is important to remember that the use of water by a producer, or group of producers, does not occur in a vacuum. Their uses, and the flexibilities they may seek, could well impact their neighbors. Water users of all types and in all locations impact neighboring users to different degrees and in different ways depending in their local water source and their unique hydrology. To this end, it is important the District management plans consider these newly sought conservation measures, in the form of WCAs, within the full context of other water management public interests the GMD process is charged to consider by law.

We have a significant number of other questions related to the development and implementation of the Water Conservation Areas as suggested in the House legislation, but for the sake of time I will simply point you toward my House testimony once again. The concept of Water Conservation Areas is an interesting one, and we would welcome the opportunity to be a part of the future discussions with the Department of Agriculture and stakeholders.

Mr. Chairman, once again, thank you for your time and I am happy to answer any questions at the appropriate time.