

Equus Beds Groundwater Management District No. 2
Testimony Concerning House Bill 2459
House Committee on Water

by
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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 opposing House Bill 2459.

Although quite short and only proposing essentially one change to the Kansas Water Appropriation Act change application statute K.S.A. 82a-708b, the change proposed by HB 2459 is very significant and has severe, negative ramifications to water rights, water right owners, and the Kansas economy. The bill proposes that a change in point of diversion application cannot be approved if the change causes the safe yield of the water supply to be exceeded. This has far-reaching, state-wide consequences for a water right holder or water user that needs to re-drill or move a well, which every well eventually must be re-drilled at some point due to age of the well or other reasons. The proposed revisions to K.S.A. 82a-708b could mean that any existing well located in an over-appropriated area could never be moved and re-drilled, even moves of a few feet.

Points of diversions (wells) are moved and re-drilled in GMD2 frequently, with the most common reason being that the well casing is failing, primarily due to age. Wells in GMD2 are moved for other reasons, including water quality, infrastructure needs, and water efficiency and conservation efforts. Although it may occur in other parts of the state, wells in GMD2 are almost never moved to “chase water”, as may happen in a declining groundwater situation. To prevent a well from being moved long distances, GMD2 already limits well moves to a maximum of one-half mile from the originally authorized well location. Additionally, to prevent impairment, well moves of over 300 feet must meet minimum well spacing requirements to existing domestic and non-domestic wells. Hundreds of wells have been moved in GMD2 with no known impairment caused by the well location change.

House Bill 2459 impacts almost every water right in the state, including GMD2, as most areas are fully appropriated, and it would be impossible for most wells to be moved to a location that meets safe yield. Even if the language in HB 2459 was modified to allow well moves of up to 300 feet, the requirement to meet safe yield for moves over 300 feet would still be devastating to many water rights and water right owners and users. For example, many cities and industries must move wells more than 300 feet for water quality issues, or if they purchase an irrigation water right and must move the well from the center of the quarter section to near the road and/or existing infrastructure. Irrigation conservation and efficiency efforts would also be curtailed by restricting irrigation well moves, as often irrigation wells are moved and combined into one well when converting from flood irrigation to more efficient center pivot or subsurface drip irrigation.

Any proposed restriction of well moves and re-drills should be handled in region-specific rules and regulations, and not in state-wide statute that cannot be waived by the chief engineer. The Division of Water Resources has recently submitted to the GMDs and other stakeholders a draft change in point of diversion regulation that attempts to address well moves of more than 300 feet. Due to drastic differences in the aquifer conditions throughout the state, a “one size fits all” statute or regulation is not proper and good management of the water resource. GMD2 already has a regulation in place for part of the district that restricts well moves to a maximum of 300 feet unless the new location meets safe yield. GMD2 is reviewing to determine if any other locations or situations in GMD2 need this type of restriction.

In summary, the District Board of Directors at the January 23, 2024, Board meeting, approved a motion to oppose HB 2459, as it would create poor public policy and unnecessarily restrict water right holders in GMD2. Thank you, Chairman Minnix and Committee members, for the opportunity to testify in opposition to HB 2459 and the district urges the Committee members to not pass HB 2459.