

Tom Taylor - At-Large (Pres.)
Fred Grunder - Pratt (V Pres.)
John Janssen - Kiowa (Treas.)
Marlyn Spare - Stafford (Sec.)
Darrell Wood - Edwards
Craig Zwick - Rice
Joe Schlessiger - Barton
Kerry Froetschner - Pawnee
Gary Hornbaker - Reno



Orrin Feril, Manager
125 South Main Street
Stafford, Kansas 67578
ph: (620) 234-5352
fx: (620) 234-5718
gmd5@gmd5.org
www.gmd5.org

**Testimony before the House Water Committee
Opposition on HB 2459
By
Tom Taylor
On Behalf of Big Bend Groundwater Management District No. 5
February 01, 2024**

Chairman Minnix and members of the committee, thank you for the opportunity to provide opposition testimony to HB 2459. I am Tom Taylor, providing this testimony on behalf of Big Bend Groundwater Management District No. 5 (Big Bend). I want to commend the committee for taking on a complex issue as proposed with HB 2459.

As presented, the goal of HB 2459 is to prevent “chasing” the last pockets of water in the aquifer. This puts an unnecessary burden on the water users in Central KS. Unlike some regions West of Big Bend, water resources are not in steep decline and recharge quickly. In fact, recently the Kansas Geological Survey reported that the aquifer within Big Bend is within 1.6% of being sustainable based on historical pumping records. Additionally, Big Bend has been closed to new appropriations for over 25 years. As a result, well yield capacities within Big Bend are able to meet the authorized quantities for the water rights. This board is not aware of individuals chasing water in this region so it’s unclear as to the need for the provisions in HB 2459 in this part of the state.

A side consequence of HB 2549 would abolish a longstanding Big Bend-specific regulation (K.A.R. 5-25-18) that allows for movements of water over long distances, provided that the proposed change meets specific criteria. Additionally, in many cases, the change applications processed through this regulation are required to reduce the total amount of water moved thus resulting in net savings in water use in the region. To date, Big Bend has not been presented with data indicating that these change applications have caused problems in the region. However, with this specific regulation available to water users of the region, Big Bend is able to facilitate the permanent movement of water from areas close to the Rattlesnake Creek to areas away from the stream thus reducing the impact of that diversion of water on the stream. By abolishing K.A.R. 5-25-18, HB 2549 would remove a key tool from the toolbox of options for water users in this area to help alleviate the water resource stresses in the Rattlesnake Creek region. In general, this seems counterproductive to seeking a long-term solution to the issues in the Rattlesnake Creek region.

As proposed, HB 2549 does not allow for considerations regarding water quality. In Big Bend, municipalities, for example, have had the need to move an existing point of diversion out of a water quality problem area to protect public safety. As this committee is aware, water quality concerns are growing throughout the state. This proposed legislation would inhibit the ability to deal with this issue going forward, not just for municipalities.

The proposed language in subsection (E) appears to be vague for areas like Big Bend that have been determined to have met safe yield and has therefore been closed to new appropriations. As an example, if a point of diversion needs to be replaced for a variety of reasons, would this statute allow it to be replaced even if it is only moving 15 feet?

HB 2549 seeks to address an issue that is specific to portions of the state. The groundwater management districts were formed to address issues specific to each region in regard to water availability and water management. It seems appropriate that issues like this should be brought forward from those particular regions via the groundwater management districts or be tailored to allow for region-specific management rather than a broad-brush approach. From our review of HB 2549, it misses this mark in a significant way.

Big Bend would strongly encourage the committee to not take further action on this bill. Any existing concerns that this bill is intended to remedy would be better addressed through a more specific agency regulation, and we would commit to working with the agency on regulatory language.

Thank you for the opportunity to provide testimony on HB 2459. It is always beneficial to have conversations such as the discussions generated by these hearings. Big Bend Groundwater Management District No. 5 is ready and willing to continue to be a productive partner in those conversations. We look forward to working with your committee to promote a sound water policy in Kansas.