



The Kansas Groundwater Management Districts

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Testimony before the Senate Committee on Agriculture In Opposition to SB 412

Tim Boese, Manager, Equus Beds GMD #2 On Behalf of All Five Kansas GMDs

Good morning Chairman Taddiken and committee members. Thank you for the opportunity to submit this testimony on behalf of all five Kansas Groundwater Management Districts. The GMD's are opposed to SB 412 as we recognize the bill creates a new class of water users with general project permits that can horde undetermined amounts of Kansas water for undeterminable amounts of time under proposed conditions that are outside the established doctrines of the Water Appropriations Act and the public interest expressed in the Groundwater Management District Act and local groundwater management programs.

1. *The general project permits will not be subject to safe yield or administration of minimum desirable stream flow standards.* We are concerned that no standards that may be applicable to the management of local groundwater supplies will be applicable to this subset of water users under this bill. These waivers, which no other water right or water user category in the state receives, are inconsistent with good management of limited local water supplies. An acre of exposed groundwater in a sand pit consumes, through evaporation, more than twice what an acre of corn consumes annually. Other uses for dredging or washing aggregate would add to that consumption.
2. *The permits provided under this proposal are to include all consumptive water uses of the project.* This situation will result in the approval of consumptive water use outside all current water management programs in the state.
3. *The chief engineer shall approve any application if the operator demonstrates that the net average annual evaporation won't unreasonably or prejudicially affect the public interest.* This arrangement ignores every aspect of the water right application evaluation and approval process but for the public interest. The public interest is expressed in the local groundwater management program and the rules and regulations implementing the Water Appropriations Act and the Groundwater Management District Act, allowing a waiver of safe yield and the public Interest language of the bill. This is poor public policy when every other water right in Kansas has been, and remains subject to the public interest as well as all the additional criteria important to these determinations.
4. *All existing hydraulic dredging permits as of June 30, 2012 are deemed to have a general project permit.* This language grandfathers in every existing sand and gravel water right in the state - thus eliminating them from the consumptive use limitations.
5. This bill is inconsistent with current water appropriation permit evaluation standards, and does not provide for local GMD management programs and local regulations needed to implement them.

For these reasons, the Groundwater Management Districts **oppose** SB 412 and urge it not be passed.