

**Testimony on S.B. 412  
to  
The Senate Agriculture Committee**

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Chairman Taddiken and members of the committee, thank you for this opportunity to provide neutral testimony regarding Senate Bill 412.

While the Department does not oppose reducing the number of separate permits required for sand and gravel operations, we have a number of specific concerns with the bill as drafted.

Currently, sand and gravel operations mining from a groundwater pit with a hydraulic dredge require at least two permits under the Kansas Water Appropriations Act (KWAA): 1) a term permit for the dredge and 2) a regular appropriation of water for the evaporation from the groundwater pit. A third permit may be required if the industry requires the use of water, typically from a well or floating pump in the pit, for washing or dust suppression. These are all beneficial uses of water requiring authorization under the KWAA. This bill would authorize a single project permit that would include all three of the above mentioned permits.

Below are specific concerns with the bill:

- 1) Exemption from safe-yield and other KWAA requirements. While a groundwater pit does not have the same physical impact as a pumping well, evaporation from the groundwater table exposed by the pit is a use of water and lost to the groundwater system. The pit is typically a perpetual use. All other water users adhere to safe-yield requirements to prevent the appropriation of water beyond what is sustainable and to prevent impairment. In areas closed to new appropriations, other uses must buy water rights and move them to their use.
- 2) Permitting of the wash water well. We would be supportive of including the wash water well in the general permit where it is located within 100 feet of the edge of the pit. This ensures the well is part of the same water system and could be part of the same project. Wells more distant from the pit should continue to be permitted separately.
- 3) On-going authorization of pit evaporation once dredging is complete. Frequently the pits become recreational amenities once the mining is complete. Recreation is also a beneficial use of water. There needs to be a clear provision in the bill to deal with the

transfer of the pit from the industrial use to recreation use. The current language is unclear on how this transfer to the new use would occur.

- 4) “Expediently approve” language. This language is ambiguous and could potentially conflict with other statutory requirements on the processing of applications.
- 5) Deeming of a project permit where existing permits are in place. If this is enacted, we believe it should only be applied prospectively.

Below is a list of unique provisions already in the Kansas water appropriation act to assist the industry in acquiring needed water:

1. In area closed to new appropriations, the opportunity to purchase and move a water right up to 3.5 miles to use as an offset for their new application;
2. Up to 15 years to start dredging (time to complete);
3. Up to a 60 years to perfect their water right; and
4. The regulations allow for a term permit for the hydraulic dredge to be extended for 30 years.

Thank you for your consideration. I will stand for questions at the appropriate time.