

Testimony on HB 2059
To
The Senate Committee on Natural Resources
By Sean Miller
On behalf of Western KS GMD#1, SW KS GMD#3, and NW KS GMD#4
March 12, 2015

Chairman Powell and members of the committee, thank you for this opportunity to testify in support of HB 2059 with one requested revision.

This bill provides important assurance that the augmentation of stream flow using basin water from groundwater storage can be part of the water management remedies available for adoption by the chief engineer related to the ongoing surface water right impairment investigation in GMD5 and the Rattlesnake Creek basin. Although water augmentation plans have been utilized extensively in other western states, the concept is a relatively new development in Kansas water policy to manage Kansas water and address water right impairment concerns.

The factual setting and hydrological circumstances are unique for each groundwater or surface water impairment complaint across the state, we were concerned for how such authority may be implemented in other hydrological settings and circumstances where water right impairment may be at issue. For this reason in the hearing on SB 52, the Senate partner to HB 2059, we asked the committee to limit this provision to the Rattlesnake Creek Subbasin and you did so. Upon further review of the SB 52 as amended by this committee, I believe our concerns have been eased by a second amendment that you adopted requiring that augmentation water be “available and offered voluntarily” before the chief engineer can utilize this tool in an impairment situation.

There is still a great need to closely monitor the augmentation plan envisioned under this legislation. What may be learned in the Rattlesnake Creek Basin will provide a stronger basis for future state wide policy on water right augmentation and provide time and experience to avoid unintended consequences.

Accordingly, we request that the augmentation provision of HB 2059 be limited to augmentation water that is “available and offered voluntarily” as was previously recommended by this committee.

Thank you again for this opportunity to address the committee today and I will stand for questions at the appropriate time.