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**Testimony before the House Water Committee
Neutral with Concerns on HB 2696
By
Orrin Feril
On Behalf of Big Bend Groundwater Management District No. 5
February 13, 2024**

Chairman Minnix and members of the committee, thank you for the opportunity to provide neutral with concerns testimony to HB 2696. I am Orrin Feril, providing this testimony on behalf of Big Bend Groundwater Management District No. 5 (Big Bend).

To date, Big Bend is aware of one draft water conservation area (“WCA”) within its region. In this case, the draft management plan has not been formally presented to Big Bend for review. As such, Big Bend does not have significant experience in the process for WCAs. Therefore, Big Bend is not able to highlight examples of how WCAs work within Central Kansas.

However, Big Bend does have concern with a portion of the proposed revisions in HB 2696. Specifically, K.S.A. 82a-745 (h) provides the appropriate groundwater management district (“GMD”) to provide recommendation to the Chief Engineer regarding the proposed WCA management plan. HB 2696 seeks to revise this subsection to change recommendation to comment. From Big Bend’s perspective, this diminishes the GMDs ability to provide meaningful input to the Chief Engineer for the proposed WCA regarding potential impact to the GMDs statutorily mandated management program. In an ideal situation, a GMD management program and a WCA management plan would work cohesively, since there are no metrics for how WCA management plans are to be designed.

The timelines imposed in K.S.A. 82a-745 (h) provide the respective GMD with the opportunity to review the proposed WCA management plan. Big Bend does not have first-hand knowledge of this review process but has concerns as it is likely that the GMD would have very short notice prior to the review period to be ready to review the proposed management plan. As this committee is keenly aware, water resource concerns are not typically simple. As such, the 45-day review period would be the bare minimum time needed to conduct such a review. Especially as there is not a defined metric for establishing conservation. This is a topic the Big Bend board of directors has wrestled with for several decades.

The impact of the provisions outlined in HB 2696 is unclear at this point, but Big Bend has concerns with how it potentially diminishes the respective GMD’s ability to address how the proposed WCA management plan impacts the GMD’s management program.

Big Bend urges caution in the review of this bill. It is the intent of Big Bend to continue to pursue a sound water policy within Central KS. Thank you for the opportunity to provide testimony on HB 2696. 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.