

Groundwater Management District Reports and Plans; HB 2279

HB 2279 adds sections to the Kansas Groundwater Management District Act to require groundwater management districts (GMDs) to submit annual reports to the Legislature and conservation and stabilization action plans to the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture (KDA). The bill is part of and supplemental to the Kansas Groundwater Management Act.

Annual Report (Section 1)

The bill adds provisions to require each GMD board to submit a written report on the budget, finances, and activities of the GMD to the House Committee on Water, House Committee on Agriculture and Natural Resources, and the Senate Committee on Agriculture and Natural Resources by January 25 of each year. The bill requires a representative of the GMD board to appear before a legislative committee if requested.

The bill requires the annual report to include, but not be limited to:

- An itemized list of all income and the source from which the income was received, including any grants and interest income earned;
- An itemized list of all expenditures by the GMD board;
- An accounting of all assets held by the GMD board;
- The most recent approved audit prepared in accordance with current law;
- The budget adopted for the current year pursuant to continuing law;
- A detailed description of the activities of the GMD; and
- A detailed statement explaining how the expenditures by the GMD board serve to further the conservation and reduced consumptive use of groundwater, the prevention of economic deterioration, and the stabilization of agriculture in the district or otherwise supported implementation of the GMD's management program.

The bill requires, beginning in January 2025, the report to summarize the action plans and activities undertaken pursuant to action plans and priority areas of concern.

The bill also requires each GMD to annually publish on the GMD's website the annual written report.

Action Plan and Priority Areas of Concern (Section 2)

The bill requires, by July 1, 2024, the board of each GMD to identify all priority areas of concern within each GMD board's district and to set reasonable boundaries for those areas using data from the Kansas Geological Survey or other source approved by the Chief Engineer.

The bill defines "priority areas of concern" to include areas where:

- The estimated usable lifetime of groundwater is 50 years or less or a similar measure of future water availability can be determined based on local water use and water level data; or
- An unreasonable deterioration of the quality of groundwater is occurring.

Priority areas of concern could also include areas where:

- Groundwater levels are declining or have declined excessively;
- The rate of withdrawal of groundwater equals or exceeds the rate of recharge;
- Preventable waste of water is occurring or may occur;
- An unreasonable deterioration of the quality of groundwater may occur; or
- Other areas identified by the GMD board and approved by the Chief Engineer.

The bill requires the GMD board to submit a report to the Chief Engineer after the priority areas of concern are identified that details:

- The priority areas of concern;
- The nature of such concerns; and
- How the areas were identified and developed.

The bill requires each GMD board to conduct public education and outreach in each priority area so the GMD board can develop an action plan to reasonably address the identified concerns in each area based on input from water right owners and users in the area. The bill requires the action plan to be submitted to the Chief Engineer by July 1, 2026.

Once the action plan or subsequent updates to the action plan are submitted, the bill allows the Chief Engineer up to 90 days to review the action plan and identify priority areas of concern.

If the action plan is approved by the Chief Engineer, the Chief Engineer is required to implement any action plan that requires action from the Chief Engineer. Once the GMD's action plan is approved by the Chief Engineer, the GMD board of each district is required to implement the action plan as soon as practicable and incorporate the action plan and priority areas into the GMD's management program at the next annual review.

The bill requires the GMD boards, at least every five years, to review existing priority areas of concern and any action plans previously adopted, and the district at large to identify any new areas that meet the priority area conditions. Upon such review, the GMD board is

required to update its priority areas of concern and its action plan as necessary and to submit the findings and any updates to the Chief Engineer.

If the GMD board fails to identify priority areas of concern within the district, fails to submit an action plan to address the concerns or subsequent updates to action plans, or submits a plan that fails to reasonably address the problems within each identified area, the Chief Engineer could:

- Designate priority areas of concern in accordance with provisions described above;
- Create an action plan in accordance with provisions described above; and
- Take such corrective actions necessary under the authority granted to the Chief Engineer pursuant to the Kansas Water Appropriations Act and the Kansas Groundwater Management Act to carry out the action plan.

The bill allows the GMD board to request the Chief Engineer review the activities previously completed by the GMD board to determine compliance with some or all of the requirements described above. The bill allows all areas within a district that have adopted a local enhanced management area (LEMA) on July 1, 2023, to be considered in compliance with the requirements described above until the first action plan review.

All areas within a GMD that have an established intensive groundwater use control area (IGUCA) on July 1, 2023, will be considered to be a priority area of concern with an approved action plan in compliance with the requirements described above until reviewed by the Chief Engineer pursuant to a schedule established through rules and regulations.

The bill allows assistance and support from the following agencies to the GMD boards for the achievement of the goals of this section:

- KDA, including the Division of Water Resources, Division of Conservation, and the Chief Engineer;
- Kansas Water Office;
- Kansas Department of Health and Environment;
- Kansas Corporation Commission;
- University of Kansas;
- Kansas Geological Survey;
- Kansas State University;

- Kansas State University Extension System; and
- Local conservation districts.

The bill requires the Kansas Water Authority to consider the efforts of the above agencies to assist the GMDs when recommending appropriations of the State Water Plan Fund.

Land Acquired by a Groundwater Management District (New Section 3)

The bill prohibits, if a GMD owns, purchases, or otherwise acquires land, a member of the GMD board to farm the land for profit unless a request for proposal is issued to the public.