

Equus Beds Groundwater Management District No. 2
Testimony Concerning Senate Bill 194
House Committee on Agriculture
 by
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On behalf of the Board of Directors of the Equus Beds Groundwater Management District No. 2, I wish to thank Chairman Hoffman and members of the Committee for the opportunity to provide testimony supporting Senate Bill 194 as amended by the Senate Agriculture and Natural Resources Committee and passed by the Senate.

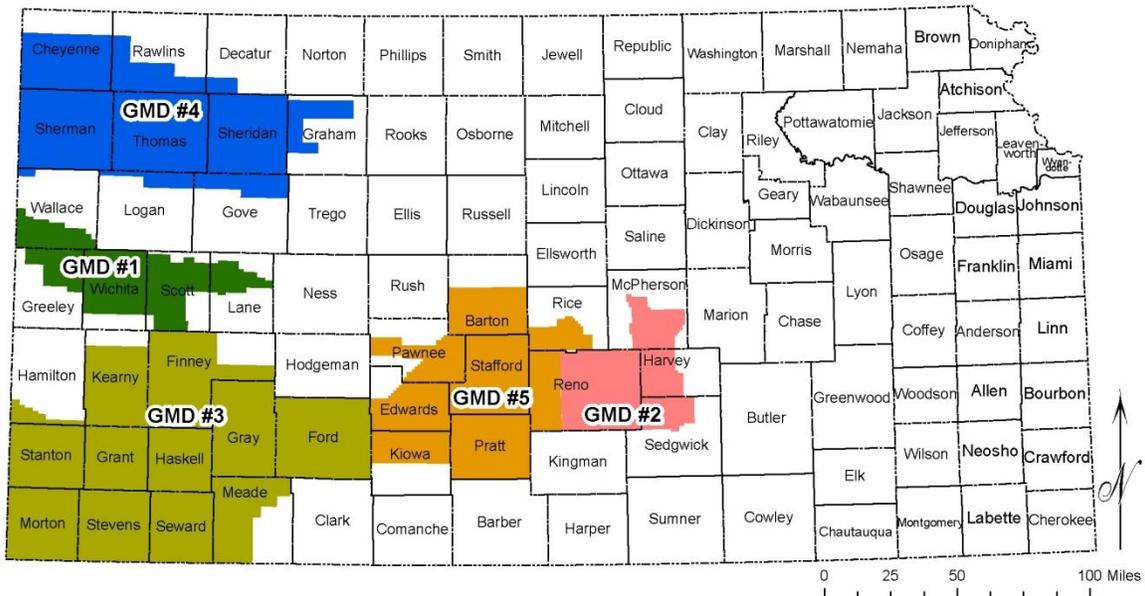
BACKGROUND INFORMATION:

The Equus Beds Aquifer is the sole-source of fresh and usable groundwater for industrial, municipal, and irrigation uses throughout South Central Kansas. Over 2,000 permitted water wells and points of diversion withdraw an average of approximately 58 billion gallons of groundwater from the aquifer annually.

Over 550,000 people, or approximately 20 percent of the entire state's population, in Harvey, Sedgwick, McPherson and Reno counties rely on the aquifer for drinking water and other daily needs. Additionally, over 100,000 acres are irrigated using groundwater from the Equus Beds aquifer. The aquifer also supplies water for the area's livestock production, businesses, industries, and recreational activities. Certainly, the area's economy and way of life would be quite different without the aquifer's continued source of fresh and useable water.

To manage and protect this valuable water resource from depletion and contamination, the Equus Beds Groundwater Management District was created in 1975 by local people representing municipal, agricultural, industrial and domestic water users. An aquifer management program was developed and adopted by the Board of Directors, Equus Beds Groundwater Management District. The District limits new groundwater withdrawals or diversions to annual recharge and seeks to maintain the natural water quality of the aquifer through protection and remediation. The Equus Beds Groundwater Management District is the easternmost groundwater management district in the state and covers the eastern extent of the High Plains Aquifer in Kansas, as shown below.

Kansas Groundwater Management Districts



The Equus Beds Groundwater Management District does not receive any state funds and is funded locally by a special assessment on water users and landowners in the District. The water assessment is capped by law at \$1.00 per acre-foot for in-district users and \$1.50 per acre-foot for out-of-district users. The land assessment is capped at \$0.05 per acre. The District's FY2018 assessment rates are set at the maximum allowable rates of \$1.00 per acre-foot for in-district users, \$1.50 per acre-foot for out of district users, and \$0.05 per acre. These assessments will generate only approximately \$390,000 - \$400,000 annually to operate the District and do not generate enough money to properly operate the District's current programs, projects, and customer service activities. The District has been able to delay requesting an assessment cap increase by using carry-over funds that were available from several previous years' budgets being under spent, due in large part to staff shortages and deferred maintenance on equipment and facilities.

SENATE BILL 194

SB 194 seeks to revise a 16-year old law and increase the statutory water assessment cap. The water assessment cap was last raised by approved legislation in 2002 and the land assessment cap was not changed at that time. SB 194 as amended and passed by the Senate proposes to increase the water assessment cap to \$2.00 per acre foot for all groundwater users, eliminate the in-district / out-of-district water assessment rate cap differential, maintain the current ability for water users to file verified claims, and leave the land assessment cap at \$0.05 per acre. The current language addresses the concerns and opposition expressed by some entities at the March 20, 2017, Senate hearing for SB 194 and represent compromise language that address the District's need for increased revenue.

In addition to maintaining the Districts' current level of aquifer management projects, programs and customer service activities, the legislation would allow the District the ability to generate funds for projects in the District identified in the Vision for the Future of Water in Kansas and the goals and action items identified by the Equus-Walnut Regional Advisory Committee. The projects include additional modeling of the Equus Beds Aquifer to insure long-term sustainability, as well as groundwater contamination modeling and remediation, including the Burrton saltwater plume, which threatens additional domestic, agriculture, and municipal (City of Wichita) wells. The District has the staff and expertise in these matters and is the natural leader for these efforts. However, revenue restrictions imposed by the current assessment caps will limit the District's ability to assist and cooperate in these projects.

If SB 194 is not successful, the District will be forced in the near future to eliminate a number of groundwater management and monitoring programs, public education activities and customer services. The elimination of such programs, activities and services will place the aquifer at risk and reduce the District's service to District water users, landowners, and the public. Additionally, many of the services the District performs directly reduces the workload of several State agencies. The District assists in completing and reviewing water permit applications, and provides water permit consultations, thereby reducing the workload of the Division of Water Resources. The District also assists the Kansas Department of Health and Environment by inspecting abandoned and inactive wells, and providing technical assistance to insure the wells are properly constructed or plugged. Additionally, the District permits and inspects cathodic protection boreholes in the District, thereby alleviating the Kansas Corporation Commission workload. The District does not receive any compensation from the State for these services.

The Equus Beds Groundwater Management District nine-member Board of Directors collectively represents the water users and landowners in the District. The Board currently consists of agriculture irrigation, municipal, and industrial water users who either pay assessments or represent an entity that does. At the October 18, 2017, District Board of Directors' meeting, the Board approved the current language found in SB 194. The District Board annually adopts a budget and sets the assessment rates at a public hearing to fund the budget. The District Board is quite simply asking for the ability to assess the District members they represent, including themselves or the entity they represent, at a higher rate if needed to manage and protect the Equus Beds Aquifer. The District urges the Committee to pass SB 194.

Thank you Chairman Hoffman and Committee members for the opportunity to testify in support of Senate Bill 194.