



Testimony in Support of House Bill 2686

Presented by Joshua Svaty

On Behalf of the Regional Economic Area Partnership (REAP)

February 16th, 2022

Mr. Chairman, Mr. Vice Chairman, Madame Ranking Minority, my name is Joshua Svaty. I am here today to speak on behalf of the Regional Economic Area Partnership of South Central Kansas, known to most of you as REAP. REAP is the coalition of 30 cities and counties in South Central Kansas, as well as affiliate members, that are dedicated to building a strong, vibrant economic climate through cooperation within the region. REAP rises in support of House Bill 2686.

A great deal of HB 2686 is the technical statutory changes necessary to move multiple state agencies and portions of agencies into one single agency. REAP as an association does not have a position on these changes and leaves reorganizational decisions to the wisdom of this body.

However, REAP does applaud the two-year effort, including multiple off-site visits, of this committee. It is in fact very timely to undertake an exhaustive look at how Kansas manages the precious water that we have in this state, both what flows through here and falls here and also what exists here after millenia of accumulation. Kansas just celebrated its 162nd birthday little more than two weeks ago. Just over 80 years into statehood Kansas began work on what would become the Water Appropriation Act, the single most important document for the protection of our water resource. Now, just about 80 years later, we are wise to once again give thorough consideration of the management of our water.

Furthermore, REAP is pleased to see that the product of this committee's effort, HB 2686, does include language addressing some of our ongoing concerns: namely, the ability of municipalities to plan for and secure the water they will need to continue to grow decades into the future without inappropriate influence from other uses.

First, some history. At the midway point of our state's history – when we drafted the Water Appropriation Act, we had a few organized irrigation districts, but for all intents and purposes the dominant entities in the state interested in securing large amounts of

water in the 1940s were cities – and this makes perfect sense. Most Kansas cities were located because of access to water. REAP's largest member, Wichita, exists at its location because of a trading post placed at the confluence of the Arkansas and Little Arkansas – where the “Keeper of the Plains” sits now. Cities provided water to their citizens and industry. Irrigation of crops existed but this was prior to the invention of the center pivot, so it did not exist at a level that rivaled the needs of cities.

Upon completion of the Water Appropriation Act, and the invention of center pivot irrigation, Kansas began to undergo significant change. In the space of three decades the Southern Plains went from suffering what some environmental historians have called the greatest ecological catastrophe in North America's history (the Dust Bowl) to being a garden – and now the Southern Plains is in many ways the most vibrant agricultural engine of Kansas. Municipal “interests” in water largely remained senior because of the Water Appropriation Act, but from a state policy perspective interest in municipal water supplies declined because Municipal consumption was comparatively minimal to irrigation – the beneficial use that began to demand state management attention because it dwarfed all other uses of water in Kansas. That management, and the associated policy changes, including the creation of the Groundwater Management Districts, takes us to the modern day.

As we embark on the next 80 years of management of water in Kansas, we know more and see the resource differently than we did 80 years ago. We no longer only see water as a resource that needs to be put to work and used as fast as possible. We have a better appreciation of its scarcity. Most importantly, that scarcity has shown municipalities and units of government that we can no longer assume our supply will be guaranteed simply because there is a higher economic value attached to each gallon that we use. Our need to plan into the future continues, and that is why it is important that the state help us find those methods to plan in a timely, predictable manner.

For REAP, much of that predictability comes down to our relationship with Groundwater Management District 2 – the GMD associated with the Equus Beds. Groundwater Management Districts are governed by a board of directors, and GMD 2 currently has no municipal representative on the board. The board makeup, in fact, is one industrial member and then every other member is a representative of irrigation. To be a qualified elector in a Groundwater Management District election, a person must own a water right – but a city, no matter the size, also only gets just one vote for their water interest. Whether intentional or not, an electorate so designated is and will always be handicapped in favor of irrigation interests. At the last GMD 2 election, despite municipalities making a concerted effort to place a municipal representative back on the GMD 2 board, the highest vote-getter of any municipal nominee received 29 votes. No irrigation nominee received less than 100 votes.

Committee, something needs to be done to remedy the situation. Most Kansas communities are able to plan for the future by working with the Chief Engineer and the Division of Water Resources without the additional layer of a Groundwater Management District. That direct relationship works well and is efficient. The current situation in Groundwater Management District 2 has left communities, and the largest supplier of municipal water in the region, in limbo for months going on years for even the most basic of sign-offs that come from the Division of Water Resources. The need exists within the cities, the decision has been made within DWR, and the entire situation only needs the Groundwater Management District to sign off on it, but the GMD 2 board will not do it. Cities cannot plan for the future with this much uncertainty in the hands of a quasi-democratic body that has no municipal interests represented on it.

HB 2686 is a large, comprehensive bill, even by Kansas legislature standards. REAP would have a hard time saying “yes, you should do exactly what is proposed” in many of its sections, simply because many of these changes are substantial and deserve considerable time for rumination. However, we again applaud the committee for undertaking the task, and want to make sure that the committee understands that there are immediate changes in our water management that need to happen now – particularly for municipalities and their ability to plan for the future.

It is the hope of REAP, an entity so contrived to help a region gain business and investment far into the future, that Kansas will look back 80 years from now and see the work we did with water as truly beneficial – for all interested parties that depend on the resource, but also for the state. REAP wants South Central Kansas, and all of Kansas, to see incredible growth built around a stable environment and wise management. Let’s get there together.