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**Testimony before the House Water Committee
In Opposition to HB 2686
By
Craig Zwick
On Behalf of Big Bend Groundwater Management District No. 5
February 16, 2022**

Chairman Highland and members of the committee, thank you for the opportunity to provide testimony in opposition to HB 2686. I am Craig Zwick, providing this testimony on behalf of Big Bend Groundwater Management District No. 5 (Big Bend). I want to commend the committee for taking on a complex set of issues proposed with HB 2686.

HB 2686 proposes to dramatically adjust the structure and representation on groundwater management district boards as well as add additional reporting requirements to the Chief Engineer and Legislature. In addition, the bill proposes a new or increased fee to every water right owner.

As originally enacted by the Legislature, groundwater management districts were established to provide local water users the right to determine their destiny with respect to the use of the groundwater insofar as it does not conflict with the basic laws and policies of the state of Kansas. In Big Bend's very first management program approved June 6, 1976, the board of directors recognized the unique nature of the local area and implemented guidelines to protect and conserve the Great Bend Prairie aquifer. These included strict monitoring of water use with flow meters, well spacing requirements, discouragement of waste of water and encouragement of re-used water sources. Throughout the following several decades further refinements and restrictions have been imposed to support the proper management of the local aquifer in coordination with local, state and federal partners. As a result of these management objectives and regulations, the water level declines have been limited. In severely dry years, Big Bend does report declines in the local Great Bend Prairie aquifer. However, in years of average to above average precipitation, the Great Bend Prairie aquifer recharges quickly. The board composition for Big Bend is simple and unbiased as it is based on regional representation as well as an at-large representative. Big Bend covers eight counties with one representative representing each county. The At-Large position is charged with representing the Big Bend region as a whole. This composition provides for a nine-member board of directors. At each annual meeting, an open election is held to elect 3 board members to serve 3-year terms.

The proposed changes in HB 2686 shift water management responsibility from water users that have a vested interest in the success of proper management to the general public that have historically been disinterested in water policy in Central Kansas. It is reasonable to foresee this shift to become politically charged with campaigning to obtain a seat at the board of directors'

table. The Big Bend board of directors are already addressing the issues within the district boundaries. Some of these decisions may not be popular, but they are based on sound science not politics. A sizeable portion of Big Bend's land and water right ownership do not live locally but have the right to vote on matters pertaining to their property rights. Their voice is being represented by the Big Bend board of directors that they elect. HB 2686 proposes to strip them of this right, but they are still subject to paying their annual assessments to Big Bend for operations and projects of the district. This presents a potential "taxation without representation" issue that should be avoided.

The Big Bend projects are funded through annual assessments paid by local land and water right owners with assistance from federal grants and initiatives. There is no guarantee that the funds collected into the proposed water and environment maintenance fund will be used to address issues within this region. The majority of the proposed water and environment maintenance board are appointed by the governor and will potentially be politically motivated to direct funds to suit political issues. Water resource issues should not be political.

Since its inception in 1976, Big Bend has, through proper management by the locally elected board of directors, has put itself in a position to deal with water quantity and quality issues today and into the future. The issues within the Big Bend are being addressed through cooperative management with local, state, and federal partners. The water resources of Kansas are complex and there is not a "one size fits all" answer to address the various issues. This is the core purpose for groundwater management district formation. If there are issues with water management, they should be addressed individually with the groundwater management district directly rather than changing how all districts are operated and managed.

For the reasons above, Big Bend encourages the committee to not pass HB 2686 out of committee.

Thank you for the opportunity to provide testimony on HB 2686. 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.