

To: House Committee on Water, Representative Minnix, Chairman

From: Kent Askren, Public Policy Director for Kansas Farm Bureau

Date: February 9, 2023

Re: Testimony in support for HB 2279

Chairman Minnix and members of the Committee, on behalf of Kansas Farm Bureau (KFB) I want to thank you for the opportunity to provide testimony giving qualified support for HB 2279. KFB is the state's largest general farm organization representing more than 30,000 farm and ranch families through our 105 county Farm Bureau associations.

Our member developed policy supports both the Kansas Water Appropriation Act (KWAA) and the Groundwater Management Act (GMDA). They were designed to work **together** to accomplish the legislative directive found in the GMDA while preserving the basic water use doctrine found in the KWAA.

HB 2279 would provide each Groundwater Management District (GMD) the opportunity to showcase their accomplishments and challenges before this body each year. This activity should enhance the opportunity for stakeholder engagement and a needed public conversation about water in Kansas. When water shortages occur, our policy supports stakeholder driven management plans consistent with state water law that doesn't disadvantage senior water right holders.

In Section 2(a) of the bill, the goal to conserve and extend groundwater would for the first time be introduced into the GMDA. What comes to mind for each of you when you hear conserve and extend? This committee has heard many conferees talk about conservation as a key component to reduce Ogallala decline. Conservation is a practice, not a goal, undertaken individually by utilizing many different tools in a toolbox of options. If we are genuinely concerned about implementing strategies to maintain a viable, indefinite Ogallala water supply we may need to better define the goal. Goals must also acknowledge and protect domestic water rights.

Due to the aquifer being mosaic and heterogeneous in nature, accomplishing the goal should not and will not be universal across the aquifer but the common trait of each goal should be maintaining an indefinite supply of water. In many cases, voluntary, incentive-based resource management will assist in stabilizing the aquifer to meet local and state goals. In circumstances where this approach doesn't occur, the KWAA must be the backstop to accomplishing the goal. Whenever we weaken the basic principles of the KWAA we jeopardize our ability to achieve an indefinite water supply and unfortunately, we have few tools at our disposal that are doing this

In Section 2(b)(1) of the bill, "areas of concern" are defined but then "not limited to" the definitions provided. This could be of concern to GMD boards diligently attempting to achieve the goal only to find a moving target or the goal posts being moved. We would prefer to see "but are not limited to" removed from the bill.

A few years back, KFB hosted a meeting of all the GMDs and the Secretary of Agriculture to have a conversation about the challenges they face not only collectively but individually and uniquely in the seamless implementation of both the KWAA and GMDA. These two acts should be working hand in glove and we have concern they are not. HB 2279 would facilitate a conversation with the legislature so that collectively we can move forward in a positive approach to addressing the immensely serious and challenging consequences of the Ogallala decline.

We appreciate the opportunity to testify and give our qualified support for HB 2279 and would be happy to address any questions at the appropriate time.