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Testimony on S.B. 310
to
The House Agriculture and Natural Resources Committee

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Chairman Powell and Members of the Committee, thank you for the opportunity for the Kansas Department of Agriculture to come before you today in support of Senate Bill 310.

Continuing declines in groundwater levels and pumping rates in significant portions of Kansas underscore the need to address the over-appropriation of our state's groundwater resources in a more significant ways than in the past. The significant variability in groundwater availability as well as the diversity of community and business interests across the state calls for locally sponsored and carefully tailored solutions to this problem. If enacted, I believe that Senate Bill 310 can be a powerful tool towards that end; arguably the most significant and positive change to the GMD Act since 1978.

We have been working with the Northwest Kansas Groundwater Management District (GMD) No. 4 for two years now as they have sought to implement enhanced management within portions of their district. Our first cooperative attempt was to update the district's management plan with supporting regulations to implement multi-year allocations which would reduce water use in one high priority area. However, in a written opinion, the Kansas Attorney General found that our strategy was inconsistent with state law and that the system of allocations the district sought to implement could only be accomplished through the Intensive Groundwater Use Control Area (IGUCA) provisions of statute.

The division of water resources (DWR) and the district next explored together how we might use the IGUCA process while providing all possible assurance that the Board's plan would survive the hearing process unaltered in any significant way. The board spent months working with their constituents and seriously considered initiating an IGUCA proceeding. But in the end, concerned that the outcome of the IGUCA process might not be as the board and local stakeholders desired, they elected not to move forward.

In response, Wayne Bossert, GMD No. 4 manager, developed an outline for legislation to provide for a process very similar to IGUCAs but ensuring that any resulting enhanced management would be consistent with the district's intent. S.B. 310 seeks to implement Mr. Bossert's outline in statutory form.

The legislative declaration of the GMD Act charges GMD with providing a local voice to aid in the proper management of the groundwater resources within their boundaries. Said another way, GMDs were created to provide local leadership in crafting management programs to guide water development and use and to help craft solutions to water resource challenges. SB 310 provides a tool by which GMDs can fulfill their statutory function. SB 310 would allow a GMD to initiate prescribed actions within

House Ag. & Natural Resources
March 2, 2012
Attachment 7

specific areas to address specific concerns, without the concern that the decision process, ultimately made the chief engineer, would alter the intent of the action they initiate.

The bill makes no changes in the existing IGUCA provisions of the GMD Act. While I believe in adding a process for locally initiated and prescribed action, I also believe we must retain the tools provided via the IGUCAs provisions.

These matters are complex, involving computer modeling and other analysis to find a good balance between using water to sustain today's economies, versus preserving more water for our future. Legal hearings are necessary for the consideration of these enhancement management plans to arrive at decisions that can be legally implemented. And, the resulting enhanced management will require on-going monitoring and enforcement activities.

Thank you for your consideration, and I am happy to respond to questions at the appropriate time.