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Testimony on HB 2059
To
The House Committee on Agriculture and Natural Resources
By Mark Rude
Southwest Kansas Groundwater Management District No. 3
January 29, 2015

Chairman Schwartz and members of the committee, thank you for this opportunity to testify in support of HB 2059 with some concern and recommended revision.

This bill provides important assurance that the augmentation of stream flow using basin water from groundwater storage can be part of the water management remedies available for adoption by the chief engineer related to the ongoing surface water right impairment investigation in GMD5 and the Rattlesnake Creek basin. Although water augmentation plans, or “aug plans” have been utilized extensively in other western states, the concept is a relatively new development in Kansas water policy tools to manage Kansas water and address water right impairment concerns.

Because the factual setting and hydrological circumstances are unique for each groundwater or surface water impairment complaint across the state, we are concerned for how such authority may be implemented in other hydrological settings and circumstances where water right impairment may be at issue. Especially where the definition of impairment is one where smart minds can and do differ.

There is concern for a “cobra effect” on water right impairment claims or long standing groundwater decline issues. What may be learned in the Rattlesnake Creek Basin will provide a stronger basis for future state wide policy on water right augmentation and provide time and experience to avoid unintended consequences.

Accordingly, we request that the augmentation provision of HB 2059 be limited to the Rattlesnake Creek basin, and support it for that purpose.

Thank you again for this opportunity to Testify and I will stand for questions at the appropriate time.