

Testimony in Support of SB 227
To the House Ag & Natural Resources Committee
Sean Miller, Northwest Kansas GMD#4
Monday, March 16, 2005

Chairman Schwartz, members of the committee. Thank you for the opportunity to provide comments on behalf of Northwest Kansas Groundwater Management District #4 (GMD#4) in support of SB 227 as amended by the Senate committee. For the committee's information, the GMD#4 boundaries encompass all or part of ten counties in the northwest corner of Kansas, an area of a little over 3.1 million acres. GMD#4 is also the home to the state's first, and only, Local Enhanced Management Area, or LEMA, commonly referred to as the "Sheridan-6" LEMA.

We are supportive of SB 227 as it provides a measure of protection to those water right holders that have taken steps to implement voluntary conservation measures. As we all know, water is vital to the agricultural economy of Western Kansas, and we applaud those who seek to extend the usable life of our limited water supplies. Allowing the chief engineer, and the sponsoring GMD, to take into consideration voluntary water reductions already taken by water users may eliminate some current roadblocks that stand in the way of future LEMA discussions.

We do want to note that SB 227, as introduced, would have placed in statute a specific ten year period of water use data upon which corrective control measures could be based. The existing LEMA statute gives local entities and the Chief Engineer a great deal of flexibility in crafting and developing a local enhanced management plan that best serves the needs of the proposed LEMA boundaries. Our concern was that placing a specific ten year period of water use data into the LEMA statute could disadvantage future local proceedings. We felt that eliminating this language gave the sponsoring GMD and the chief engineer the most flexibility to address this, and other issues, on a case by case basis to achieve the absolute best plan for any future LEMA. Keep in mind that the chief engineer has the final approval authority in any LEMA proceeding. The Senate committee chose to adopt this amendment and you'll find that change on page 3, lines 20-23 of the bill before you today.

Once again, we support the ability of the chief engineer to give due consideration to water users who have taken voluntary conservation measures. Thank you for the opportunity to provide this testimony to the committee and I would be happy to answer any questions the committee may have.