



Since 1894

Date: March 14, 2023

To: Senate Committee on Agriculture and Natural Resources
Sen Dan Kerschen, Chair

From: Aaron M. Popelka, V.P. of Legal and Governmental Affairs, Kansas Livestock Association

Re: **HB 2279 AN ACT concerning water; relating to groundwater management districts; requiring groundwater management districts to submit annual reports to the legislature; directing groundwater management districts to submit conservation and stabilization plans to the chief engineer.**

Position: Proponent, In-Person

The Kansas Livestock Association (KLA), formed in 1894, is a trade association representing more than 5,700 members on legislative and regulatory issues. KLA members are involved in many aspects of the livestock industry, including seed stock, cow-calf, and stocker cattle production; cattle feeding; dairy production; swine production; grazing land management; and diversified farming operations.

Thank you, Chairman Kerschen, and members of the Committee, for allowing the Kansas Livestock Association (KLA) the opportunity to share our views on HB 2279. KLA supports HB 2279, as a means to ensure groundwater conservation strategies are determined by local water users rather than state officials.

As a general matter, KLA policy acknowledges that a significant portion of the High Plains Aquifer is over-appropriated, supports strategies to conserve groundwater, and believes such conservation strategies are best developed at the local level. KLA prefers to limit state-level efforts to supporting voluntary conservation efforts or administering water rights in accordance with the Kansas Water Appropriation Act.

While some groundwater management districts (GMDs) have met their obligations under the GMD Act by identifying areas of concern and developing conservation strategies, others have not fully met these obligations. In fact, in some instances, certain GMDs have worked against local conservation efforts. Such actions increase the likelihood of intervention by the chief engineer and make locally led conservation decisions less attainable. KLA believes HB 2279 will provide sufficient motivation for GMDs to identify areas most in need of conservation and incorporate local solutions in their management plan to address these areas.

After HB 2279 was introduced, KLA worked with members of the House Committee on Water and other stakeholders to develop amendments that we believe improved the bill. These amendments did the following:

- Made technical changes to mirror current actions taken by GMDs;
- Narrowed the focus of priority areas of concern to areas where “estimated usable lifetime of groundwater is 50 years or less” to concentrate on the most at-risk areas first;
- Modified the chief engineer’s review authority of action plans to actions that “reasonably” address a concern to allow the chief engineer oversight, but give GMDs wide discretion to craft solutions;
- Set firm review and revision requirements for the action plans as suggested by the recent Legislative Post Audit report; and
- Ensured that GMDs that have already undertaken conservation activities are deemed compliant with the requirements of HB 2279.

KLA believes HB 2279 as amended by the House Committee on Water strikes a good balance that will allow local leaders to craft local solutions. Although it sets firm, yet reasonable deadlines to ensure GMDs remain focused and allows the chief engineer to step in if GMDs fail to meet objectives, it does not require any specific reduction in water use. The bill appropriately leaves specific conservation strategies to the GMDs. For instance, HB 2279 does not require institution of a mandatory Local Enhanced Management Plan (LEMA). A GMD could decide to address a declining aquifer, where the estimated usable lifetime of groundwater is 50 years or less, through a standardized, voluntary Water Conservation Area (WCA) plans with targeted participation rates. It could also initiate targeted conservation measures like cost share on soil moisture probes, retro fitting of inefficient irrigation equipment, or other technological improvements.

KLA appreciates the opportunity to submit testimony as a proponent of HB 2279. We ask that the Committee recommend the bill favorable for passage.