



Southwest Kansas
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Garden City
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Chairman Highland and members of the House Water Committee, My name is Mark Rude. As Executive Director of the Southwest Kansas Groundwater Management District No. 3 (GMD3), I want to officially welcome each of you to our area of Kansas and commend you for your commitment to the water interests of our great state. Our economy is heavily dependent on a readily available clean water supply. Action must be taken to address the impending loss of our usable supply or face tremendous costs due to lost opportunities, lost irrigated farms and industry. Big costs are inevitable regardless of our choices, so we must make wise choices. On March 17, 2021, I introduced you to GMD3. Today I would like to be more specific and suggest three legislative improvements in no particular order to help Kansans with their water concerns and to further implement existing water policy.

First, consider providing resources to KDA to improve citizen self-help information from the postings that fulfill your policy in K.S.A. 82a-1906. The postings are to provide citizens with a place to check for water right application activity. However, the site is nearly unusable without receiving a link to a specific application in the mail. Much more is possible and affordable to improve service and transparency for members and the public to review matters that may affect their water supply. For example, consider providing funding for an interactive map.

Second, clarify that water augmentation activity can occur by any GMD to better manage water supply in water short or polluted areas. Recall this tool was added in K.S.A.82a-706(a) for only one specific area to help the water-short Rattlesnake Creek. Consider clarifying supply augmentation is a tool available for any GMDs. This tool would allow us to better manage Ark River flows to augment groundwater pumping.

Third, The GMD Act authorized a mechanism of self-determination in ". . . the right of local water users to determine their destiny with respect to the use of the groundwater insofar as it

does not conflict with the basic laws and policies of the state of Kansas. . ." (K.S.A.82a-1020 et seq.) The right of local water users to determine their destiny should come with the right to be deemed to be an aggrieved party and participate in a hearing as an aggrieved party (K.S.A. 82a-1901) on matters directly affecting the depletion of the groundwater supply of members of the GMD. It is inconsistent policy to grant the public right to determine their destiny regarding water use, with elections, self-funding, official management program, and rule enforcement, and then not recognize standing to be aggrieved and be heard in official application review, administrative proceedings, or concerning water decisions by state officials that affect the supply of groundwater within the GMD's boundaries. This present conundrum does not help us attract the kind of local voluntary servant leadership needed for a governing body to carry out their purposes for Groundwater Management. Consider clarifying the right to participate as an aggrieved party and be heard in K.S.A. 82a-1028, district powers, or explicitly add "*official management program of a GMD*" to the public interest list that the chief engineer must consider in review of water right applications in K.S.A. 82a-711, paragraph (b), or both.

Finally, I want to remind you GMD3 is conducting small water transportation Proof-of-Concept projects. Each one appropriates a truck load (6000 gallons) of high flow Missouri River water moved to water short areas in Kansas and further west or south. There is abundant water to work with as each truck load is one of 4.5 million such tankers worth of water (80,000 acre-feet) passing Kansas every day. Through these projects, creative local problem-solving Kansans are trying to do what we can to move water transportation from theory to reality and discover helpful information with partners in other areas who may participate in developing some future preferred interstate water transfer project. Kansas needs partners and can realize significant future benefit. We completed a transport and release last year and are working with the chief engineer for approval of a second 6000-gallon water appropriation. When approved, the truckload will go to aquifer recharge in the Wichita County LEMA and in a groundwater augmentation pit operated by the Central Colorado Water Conservancy District in Greeley, Colorado. For other areas, we will be meeting with folks in Arizona later this week to discuss how we can work together. The latest census data shows the fastest growing states are in very water short areas and agriculture is expected to lose its historic supplies. We see ample opportunity to work with other partners and find a water transfer project that is effective, affordable, and good for Kansas.

Thank you again for your leadership and allowing me to provide this testimony.