

Before the House Water and Environment Committee  
Presented by Zack Pistora, Kansas Sierra Club  
Perspective on Water  
1/26/17



Chairman Sloan and Honorable Members of the Committee,

Thank you for the opportunity to include our perspective on the current and future needs of water in Kansas.

**As you know, there is nothing else more important to life than water.**

Water is fundamental to all life. Water and quality and water quantity are integral to issues such as energy, land use, and maintenance of a healthy environment for plants, wildlife and humanity. Proper management of water is essential so that present and future generations may survive and flourish.

The Kansas Chapter of Sierra Club echoes the popular sentiment of the State, including our Governor who said that “Kansans must act now and rise to the challenge to make the best decisions for taking care of our most precious resource” and that “we have no future without water.” We agree with our Kansas Water Authority’s comments that “it will take all of us, acting on a shared commitment and claiming the responsibility to ensure Kansas and this resource is better for both current and future generations” and “if we do not make the investment now, the problems we face will be only that much larger, and frankly, more dire.”

**As you know, water is in critical need of increased management and conservation across Kansas.**

Long-term water availability is perhaps the biggest environmental problem facing Kansas. The declining Ogallala-High Plains Aquifer seems to be a prime example of where impeding water scarcity meets conflicts of interest in water rights. The Kansas Geological Survey reports that the Ogallala has dropped nearly 60% in some places since 1950. Kansas State University estimates a third of the aquifer has already been completely drained, and that 70% of the whole Ogallala will be gone in the next 50 years if current practices do not significantly change. The U.S. Geological Survey says our previous decade of water use has led to the highest water depletion rate we’ve ever seen. Keep in mind, the entire aquifer serves over 2.3 million people and is estimated at \$5 billion in direct value and much more indirectly.

Beyond the Ogallala-High Plains Aquifer, our water bodies are falling victim to the trouble of Blue-Green Algae, impacting users’ safety and recreational enjoyment. We also are seeing a heavy loss of soil and sediment erosion of land, which complicates the water quality of our streams and the water quantity of our reservoirs.

These hardships facing Kansas are getting more costly – both economically and ecologically – as we put off meaningful proactive measures to increase management and conservation.

**Our State Water Plan Fund is our best public tool to address water concerns. Let’s fully fund it!**

The State Water Plan Fund has been the chief resource in addressing the State’s water concerns. Millions of dollars, much on behalf of Kansas taxpayers, has been spent to provide positive assistance to manage water resources, including but not limited to: aid to Conservation Districts, remediation of water contamination,

sediment-reduction practices such as streambank stabilization and riparian buffers, to mitigating nonpoint source pollution, and more. This work is very valuable and we suggest the money is overall well-spent.

However, over the past several years, we have lost a key financial component of the State Water Plan Fund, the statutorily-required \$8 million transfers from SGF and EDIF funds. This absence of money subtracts the capacity to invest in proactive water conservation practices and programs that could save us from spending larger amounts of money down the road in dredging, remediation, and water supply infrastructure.

We must not wait any longer in avoiding our funding obligations; we need to fully fund the State Water Plan.

**Innovative policy solutions to enhance water conservation and its dedicated funding are needed ASAP.**

If we are to really address the root of the problem with our looming water crisis, we need to address our agriculture. Managing and improving irrigation is the single biggest way to improve our water supply. By and large, crop irrigators, particularly Western Kansas corn growers, are the reason the aquifer is depleting so fast. Irrigators, which comprise roughly 20% of Kansas' total farming sector, are using nearly 85% of Kansas' total groundwater and surface water.

Irrigators ought to be held accountable with higher water prices because of their disproportionate impact on the state's water supply. It is simply not fair for a small percentage of farmers to take the largest proportion of our water. We would like to see these farmers incorporate better water –saving practices like subsurface drip irrigation, utilize cover crops and crop rotations, and even choose smarter crops to enhance their water conservation. Further, we propose that we phase-in a fee in five years' time for excessive water use, or perhaps a "Water Severance Tax" or "Water Depletion Trust Fund" be created, so that excessive water consumers would financially compensate counties for the property value loss from continued water withdrawal. This legal structure has previously worked successfully for counties and the oil and gas industry when it comes to resource-extraction on private land, so I encourage you to consider its potential for a different natural resource.

Of course, our state water policy and Kansas agriculture still misses a key cornerstone of sustainable water use, and that is living within one's means. Kansas cannot continue to over-withdraw our water; our consumptive use cannot continually exceed area groundwater recharge. We cannot keep drawing more from our water savings account than what is going in, that's the bottom-line. Without fixing this fundamental issue regarding over-appropriated water rights beyond recharge, our water policy will continue to be unsustainable. We encourage the Kansas Legislature to give the Chief Engineer authority to integrate "long-term viability" into the criterion of beneficial water use for granting water rights, issue a priority ranking for the beneficial uses of water, and issue limited tax exemptions to farmers for retiring their water rights. We also propose that an additional charge be placed upon businesses that displace water out of the hydrological cycle, such as an increased rate for injection disposal.

As our elected Kansas leaders, you can provide leadership this session by calling upon all Kansans to conserve water at their home and in their work. The Kansas Legislature could pass a resolution establishing a non-binding, voluntary goal of reducing their water footprint, say by 5% over the next 5 years, or 20% by 2020. Numerous successful examples exist already in Kansans saving more water with simple leadership measures. This component of issuing a challenge, a goal, is important in setting the tone for all Kansans to pitch in and contribute to our water supply needs. With better marketing, education, and leadership, I would guess that

many Kansans would gladly join in the effort to be more conscientious of their capacity concerning water use and utilize water conservation practices at home or with their business.

The Kansas Chapter of Sierra Club suggests that the Governor's Blue Ribbon Task Force recommendation is an idea that does not balance the financial burden with the benefit when it comes to water use. Certainly, water is a resource and a right to all Kansans as a whole, and a sales tax dedication is appropriate in having all of us chip in. However, because water is not used equally nor is benefitting our people equally economically, we need to consider a better proportional obligation to the funding stream. Therefore, if the sales tax is our best policy option, then I would suggest our biggest industry beneficiaries of water use, such as irrigators, devise a strategy to proportionally match any funds that our public as a whole raises. One strategy might be a "Checkoff" program for irrigators.

**Finally, please consider consequences to water in other policy areas. The Kansas economy and our Kansas ecosystems need to be mutual beneficial for long-term prosperity.**

Despite all the great recommendations coming out of the Water Vision and Kansas Water Plan and the dedication of many across our state, in our opinion, the needed changes to our business-as-usual practices will be our biggest hurdle. Upgrading our state economy beyond water-intensive agricultural and energy practices will be a tough, but rewarding endeavor. We will have to transition from growing corn in semi-arid climate regions for producing corn-based ethanol and feed for large animal feeding operations, toward growing more water-efficient crops suitable for our natural climate, utilizing more sustainable food-growing practices for plants and animals, and using more efficient fuels. We must act quickly in transitioning toward water-saving energy sources, such as like wind, solar, and cellulosic biofuels, and drastically decrease our reliance on water-intensive, energy systems such as traditional fuels of coal, nuclear, and fracking for oil and gas. Saving energy directly saves water use, thus encouraging energy efficiency is very important. Water use and availability may also become trickier as we face more extreme weather changes and an increasingly warmer global climate.

**Water will be an ongoing issue, and we need your leadership to tackle these tough, important decisions. Current and future Kansans are counting on you.**

Lawmakers, we are grateful for your public service. Your leadership on water, an issue so critical to the welfare of current Kansans as well as Kansans to come, is appreciated more than I alone can express. Please contemplate our suggestions about enhancing the State Water Plan Fund, on behalf of your constituents, our future generations of Kansans, and for all the life within our ecosystems that depend on the clean and available water of our great state.

I am happy to answer any questions you might have.

Sincerely,

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*The Sierra Club is the largest grassroots environmental organization dedicated to preserving, protecting, and enjoying our great outdoors. The Kansas Chapter represents our state's strongest grassroots voice on environmental matters for more than forty years now.*