

Before the House Water and Environment Committee
Presented by Zack Pistora, Kansas Sierra Club
Neutral Testimony on HB 2241
February 7, 2017



Chairman Sloan and Honorable Members of the Committee,

Thank you for the opportunity to provide testimony to your consideration of HB 2241, which would create fees upon surface water use of reservoirs and irrigation water use that would benefit the State Water Plan Fund.

We support the intent of HB 2241 in raising fees upon the major users of our water.

As you recall, the Kansas Sierra Club testified to your committee in favor of increasing the fees of direct water usage upon the major water users, as oppose to spreading the cost burden to all Kansas taxpayers as a whole. For example, we feel that by and large, the major users of the water utilized at John Redmond Reservoir should bear the most cost of the \$20 million of removing the sediment there, as oppose to Western Kansas agricultural producers or the state taxpayers as a whole. In addition, it makes sense that irrigators, which comprise roughly 15-20% of Kansas' total farming sector and use nearly 85% of Kansas' total water, should bear the financial responsibility of the conservation and management strategies of preserving the High-Plains Ogallala aquifer. Surface water and irrigation water use are appropriate fees to be paid into the State Water Plan Fund.

Higher water prices will hold those who have a disproportionate impact on the state's water supply more accountable. Furthermore, we suggest it is simply not fair for a small percentage of water users to take the largest proportion of our water, whether it is in regard to irrigation or use of our reservoirs.

However, we do have suggestions for improving HB 2241 to lessen potential negative consequences.

1) Phase-in fees at 2022:

We all know that industrial water users, municipal water users, and irrigators all have strong implications for our state economy and are often financially restricted. In appropriating fees for their associated water use, we need to be very aware of their economic and political hurdles.

For these reasons, we think HB 2241 would be better off if it began assessing these fees in 2022. Establishing a five year phase-in would allow those water users to become prepared and develop their own strategies for adapting to these new rates. This is especially important because these fees may be drastically higher than what the current users are paying.

2) Keep dollars protected and as local as possible:

The Kansas Sierra Club would also suggest that HB 2241 be amended to allow for the collected State Water Plan Fund to be protected from being swept for other purposes. We also think a strong majority of the money raised needs to be kept locally for projects. We have heard strong support from agricultural organizations and Groundwater Management Districts for any money raised to be spent on local water concerns, instead of supporting programs that do not really affect those paying the fees.

3) Consider applying policy reform to existing local groups and funding structures:

While we support the effect of HB 2241 in assessing a greater value for the water used, we suggest that perhaps a better option would be for more flexibility for Conservation Districts, Regional Advisory Councils and Groundwater Management Districts to raise these fees locally.

It is my understanding that Groundwater Management Districts (GMDs) are allowed to levy an assessment upon irrigators, up to a dollar, in their own district and keep that money locally for conservation projects and administrative support. While this money does not go to the State Water Plan Fund, it can help accomplish the goals set forth by the State Water Plan Fund programs and the Water Vision. Perhaps allowing the GMDs to raise the ceiling on their assessments could provide them with more resources of dealing with the groundwater problem locally. Also, ensuring the GMDs the authority to provide variable-rate assessments to charge the heaviest-use irrigators more, could help solve the problem better too. The funds raised by the GMDs are also protected from being swept by state leaders.

For areas outside the five GMDs and for the surface water element of the bill, perhaps the area Conservation District or Watershed authority could be the fund distributors and managers of these fees. It makes sense to us that money raised for using area surface waters should support conservation programs within or near that watershed area.

We hope these comments will help shape a better policy platform going forward.

Thank you,

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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.