



Department of Public Works & Utilities

Testimony Provided to the

Senate Agriculture and Natural Resources

March 20, 2017

Joseph T. Pajor

Testimony in Opposition to SB 194

Honorable Committee Members:

The purpose of this testimony is to present concerns that the City of Wichita, Kansas has with SB 194.

SB 194 proposes to raise the cap on annual water user fees and annual land assessment fees that a groundwater management district may charge for groundwater withdrawn and used within the district by 50%, water used outside the district by 33%, and land assessments by 100%. In addition to increasing the cost of such assessment to groundwater users in a district, this section fails to address the language of the existing statute that allows a groundwater management district to charge a different unit rate on one gallon of groundwater compared to another based simply on whether or not more than 50% of the point of use is or is not outside the political boundary of the district. Such a discriminatory provision is not good public policy.

Only one groundwater management district is at the current limits for their assessments and four are not. This situation suggests that the one district that needs the increase should perhaps be required to demonstrate their need prior to the State of Kansas considering raising this cap. To just increase the cap because one of the districts has reached the current level is not consistent with the very concept of state law setting a cap in the first place. If nothing more than asking for a cap to be raised is necessary to get it raised, is it really a cap?

It also proposes to empower GMDs to not accept verified claims. The verified claims process allows any groundwater user to pay the assessment only on the water actually used and not on the water permit maximum annual quantity. Allowing a GMD to have this authority would empower them to set an assessment procedure that incentivizes a water rights user to pump their maximum authorized quantity each year. Such an incentive could result in water waste.

For a municipal water supplier who has access to both surface and groundwater resources, the elimination of verified claims would incentivize the utility to use the groundwater first and the surface water second. Generally, good resource stewardship would indicate the surface water that is much more transient in nature and

Office of the Director

City Hall • Eighth Floor • 455 North Main • Wichita, Kansas 67202-1606

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subject to evaporative losses should be used first with the groundwater held to be used second. This situation is even more undesirable in an area of an aquifer that is over appropriated such as is the case with the City of Wichita and the 55 square mile portion of the Equus Beds Aquifer where our well field is located.

If the cap on fees is to be increased and if verified claims can be denied the need to reexamine how GMDs are governed becomes even more important. Language should be included in SB 194 that requires that the make-up of a GMD governing body be proportional by water use sector to the water rights within the district.

The City of Wichita appreciates the time and attention of the members of the Senate Agriculture and Natural Resources Committee and the opportunity to present our opposition to Senate Bill 194 for the reasons presented here.

Prepared By:

Joseph T. Pajor, Deputy Director
Department of Public Works & Utilities

Office of the Director

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