



Date: March 14, 2022  
To: Chairman Kerschen & the Senate Committee on Agriculture and Natural Resources  
From: City of Derby  
Re: Written Testimony in Support of SB 548 and SB 549

Thank you for allowing the City of Derby to submit testimony in support of SB 548 and SB 549. Derby supports these bills because of their critical importance to providing security and predictability to the City's future planning for water resources.

Derby is a vibrant, growing community of 25,625 and the 16<sup>th</sup> largest city in Kansas. Since 2004, Wichita has supplied water to Derby. The current agreement between Derby & Wichita cements this relationship through 2043. It is this relationship with Wichita and Derby's dependence on Wichita's water supply which has drawn Derby's support of these bills.

Currently, there is no municipal representation on the board of Groundwater Management District 2 (GMD2) despite diligent effort by municipal members to seek such representation. In fact, the board of GMD2 consists of 8 directors representing irrigation interests and 1 director representing industrial members even though Wichita is the largest user in GMD2 and holds the largest water rights as an individual user. Unfortunately, this lack of board representation has resulted in practical impacts to the predictability of water resources and the planning efforts for those supplied by Wichita water, including nearly 500,000 people, Derby & 12 other communities, and important industries.

For example, in addition to approval by the Chief Engineer, many current processes require review and approval by groundwater management districts. The board of GMD2 has delayed efforts by Wichita to improve the efficiency of the operation of its Aquifer and Storage Recovery facility even though this effort supports maintenance of aquifer conditions: a benefit to all GMD2 users. Similarly, the board of GMD2 has delayed for several years its required approval of annual reports submitted by Wichita to the Chief Engineer which would add credits to supplies for Wichita's use. The practical impact of the Board's delay has been lack of access to these water credits.

SB 548 and SB 549 provide solutions to the current system. Specifically, SB 549 allows municipal water rights holders to opt out of the current GMD structure and work directly with the Chief Engineer regarding their municipal water use plans. Additionally, the bills preserve the existing GMD structure for review of irrigation uses. This approach corrects the current situation where one GMD board has authority to disrupt the predictability of water resources for an entire region by delay and inaction.

Derby recognizes that water resources and uses must be balanced among diverse interests, that achieving this balance requires cooperation and good faith efforts among the various stakeholders, and that responsible stewardship of this limited resource requires effective planning

and improved efficiencies—efforts to which Derby & Wichita are committed. Passage of SB 548 or 549 correct the problems being experienced within the current system and provide much needed predictability to municipalities engaged in long-range water planning efforts.

Thank you again for the opportunity to submit testimony in support of SB 548 and SB 549.