

To: Senate Agriculture & Natural Resources Committee

From: Erik Sartorius, Executive Director

Date: March 14, 2022

RE: Testimony in support of Senate Bill 548

Good morning, Chairman Kerschen and Committee Members. We appreciate your allowing the League of Kansas Municipalities to offer testimony in support of Senate Bill 548.

Water is the most precious resource to be found in Kansas. The state has taken steps to conserve and preserve this critical element of our lives, including the development of systems to guide and oversee its use.

The systems serve to protect the water rights owned by individuals, businesses, and governments. However, some of our cities have increasingly seen not the protection, but rather the stifling, of their water rights by groundwater management districts (GMDs). We believe Senate Bill 548 is a measured way to allow cities to utilize their water rights without undo interference or delay from GMDs.

Existing statutes governing GMD authority have been misconstrued to significantly slow down, if not halt, the exercising of water rights by cities. There is clear intention within the Water Appropriation Act's to have water rights handled by the Chief Engineer and the Division of Water Resources.

In addition to bringing needed fairness within GMDs among the owners and uses of water rights, SB 548 also ensures cities across the state are treated the same way. As things stand now, cities within groundwater management districts face hurdles their counterparts outside of GMDs do not.

Cities with water rights within GMDs have increasingly expressed frustration to the League. Two hurdles are most frequently noted. First is that GMDs misapply the review process and delay water rights changes for entities other than irrigators for months or sometimes years. The second, and connected, frustration we hear is that GMD boards are structured in such a way that municipal interests are dismissed, and even minimal representation can be difficult to achieve.

While SB 548 does not address their latter frustration, cities in GMDs will find significant reduction in the first hurdle with passage of the legislation. We strongly encourage the committee to pass out SB 548 favorably for passage.