



Southwest Kansas
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SB 548 Opponent Testimony
Provided To
The Senate Agriculture and Natural Resources Committee
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Chairman Kerschen, Members of the Committee, My name is Mark Rude, and I am Executive Director of the Southwest Kansas Groundwater Management District No. 3 (GMD3). Thank you for this opportunity to provide opponent testimony.

SB 548 proposes removing “all matters relating to water rights” from what a GMD has the power to address. The bill further emphasizes this by restricting the rules and regulations a GMD can recommend to the chief engineer to addressing only irrigation water use, which is a matter relating to water rights. At a minimum, these two provisions appear to be in conflict with each other. SB 548 would effectively render the purposes of all GMDs unachievable, and the stakeholder members of GMD3 must oppose it.

Kansans have learned hard lessons in the evolution of the state's water policy. There can be no proper management of water apart from “all matters concerning water rights,” especially in the differing hydrologic settings of the groundwater areas of our state. One of the lessons learned is the necessity of organized local involvement of the entire community of stakeholders in each groundwater area to advise and assist all persons and government offices in their interests and duties. Stakeholders, whether municipal, industrial, recreation, livestock, domestic, irrigation and others, have learned that the basic need for water and the enjoyment of its beneficial use can compel individual users or classes of users to act in their own best interest, and in doing so conflict significantly with the broader interest of others. In the case of groundwater, stakeholders have learned that depletion, recharge, and future needs are all part of the matters necessary for proper administration of water rights for the profit of the people and advantage of each region, the state, and the nation.

Before GMDs, Kansas did not effectively manage diverse groundwater resources throughout the state. Local groundwater supplies became over appropriated. There was no explicit power or will of the chief engineer’s office to manage water resources for the common good except to grant property rights in the use of water to persons for economic development.

Advice and assistance on “all matters related to water rights” by local stakeholders became recognized as a necessary cornerstone of water management. The GMD Act was passed, and Kansans learned quickly that management within a variety of unregulated local groundwater settings could not occur for the common good unless water rights could be universally quantified and consistently governed by locally relevant rules addressing water quality and quantity. After GMDs were formed, local leaders working to address and remedy the voids in water policy lobbied the legislature so property rights could be known. Consequently, documented water rights became a requirement, except for domestic use, and water rights administration was harmonized with local rule making authority and efforts to manage the available groundwater for the common good. Good water policy was built on the cornerstone of the advice and assistance on “all matters related to water rights” by the local stakeholders situated in each of the GMDs.

The beneficial practices under Kansas water policy today continue to the extent that people and water officials remain attentive to the cornerstones of Kansas water policy and remain well advised and assisted on “all matters related to water rights” and all water uses. SB548 ignores what water stakeholders have learned in this state. It turns Kansas backward, away from local control and locally lead solutions to water supply problems. SB 548 favors ill-advised water decisions and control by persons with special interests over other interests of all and the common good. The result would dismantle what a diverse group of water right stakeholders in Kansas has built in good water policy. The proposed legislation would invite unnecessary litigation, including federal overreach, to fill policy voids in federally delegated state police powers over Kansas water.

For these reasons, the stakeholder members of Southwest Kansas GMD3 must be opposed to SB548 and I will stand for questions at the appropriate time.