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Testimony on Senate Bill 548
Senate Committee on Agriculture and Natural Resources

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City of Russell, Kansas

March 14, 2022

Chairman Kerschen and Members of the Committee:

Thank you for allowing me the opportunity to provide testimony in support of SB5488. As proposed, SB 548 amends K.S.A. 82a-1028 limiting Groundwater Management Districts input relating to water rights, yet allowing them to give advice and assistance in managing drainage problems, storage, groundwater recharge, surface water management.

Following an extensive and exhaustive search over three decades and including dozens of studies involving water across much of western Kansas to determine a suitable source of supply of water, the R9 Ranch represents the best and most sustainable source for both cities.

In 2015, Russell and Hays began navigating the statutory process to develop water rights owned by both cities in Edwards County as a long-term (50 years) by applying to change the R9 Ranch water rights from irrigation to municipal use. In January 2016, the Division of Water Resources sent both cities' comments from its initial review of the change applications filed in June 2015. The Chief Engineer copied Ground Water Management District #5 (G.M.D. #5) on this and subsequent letters (3/18/2016, 04/06/2016) to the cities related to the change applications. During this process, which G.M.D. #5 did not participate, Russell and Hays voluntarily agreed to reduce our legally available 6,756 acre-feet of water to a ten-year rolling average of 4,800 acre-feet – going above and beyond what is required by law to ensure long-term sustainability.

Rather than commend Russell and Hays for their conservancy efforts, the G.M.D. #5 board voted to recommend the cities be subject to further reductions, not based on statute or regulation, yet I am unaware of G.M.D. #5 recommending the imposition of such reductions on any other water users, even when impairment is raised as an issue. Conversely, G.M.D. #5 routinely approves requests from irrigators to waive regulations.

Absent Groundwater Management Districts applying the rules and regulations uniformly to all water right holders, their oversight and input role should be limited, and non-irrigation water rights should have the ability to opt-out of the G.M.D.

Thank you for this opportunity to support SB 358.

