



**Southwest Kansas**  
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**Draft SB 549 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 549 would allow the holder of a non-irrigation water right to withdraw from a Groundwater Management District (GMD) and not be subject to any regulations of the chief engineer adopted for that GMD management area when the point of diversion and any portion of the place of use is located within such GMD management area. A withdrawn “water right holder” would be exempt from GMD assessments, GMD board review of all water rights held by the “withdrawn holder”, and any rules adopted by the chief engineer for his GMD “hydrologic community of interest” as ordered in the provisions of K.S.A. 82a-1024. SB 549 could exempt all non-irrigation water right “holders” from the interplay of Kansas groundwater management policy with duties of state water official in GMD management areas, and the stakeholder members of GMD3 must oppose it.

To carry out the public interest served in the conclusions of the chief engineer when a GMD is formed, and to meet the purposes of the legislature for a GMD “hydrologic community of interest,” the GMD Act grants an enumerated set of powers in K.S.A. 82a-1028 that relate to area hydrology, water management and the authority of state water officials that are not explicitly addressed by SB 549. There are also provisions of law in articles other than article 10 of chapter 82a of the Kansas Statutes Annotated that provide authority to a GMD may still apply to a “withdrawn water right holder” under this bill. SB 549 does not appear to address all of the public interest provisions and interplay of authorities in Kansas water policy affecting select water users in a GMD management area.

Because of the confusion that this bill would create for Kansas water policy, and for the reasons described in GMD3 testimony for SB 548, the stakeholder members of GMD3 must oppose SB 549, and I will stand for questions at the appropriate time.