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**Subject:** City of Wichita Opposition to HB 2099  
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Good morning John,

Do you mind forwarding this information to the full House Agriculture Committee on behalf of the City of Wichita? My apologies for not being able to attend today's hearing, I have fallen ill, but wanted to make sure that the full Committee knows that the City of Wichita has withdrawn its opposition to HB 2099.

Last Friday afternoon, there was a large stakeholder conference call held where there were positive discussions about the intent of HB 2099. The conversations were productive. Kansas Municipal Utilities (KMU) and the League of Kansas Municipalities were able to query their members to ensure there were no other concerns with the measure. By Tuesday of this week, KMU and the League were able to respond to the proponents of the bill that there were no other concerns.

It was through the committee's willingness to hold the hearing on HB 2099 open for several days which allowed for successful conversations to occur which ultimately produced a positive result for HB 2099. Thank you.

Thank you,  
Kimberly Svaty

The City of Wichita initially opposed HB 2099 primarily to maintain both current options (administrative and judicial) because of a concern that if we made a claim of impairment we would require the quickest possible response to protect our ability to meet the continuous need of our customers for water for fire protection, potable water for human consumption, sanitation, commerce, and other purposes that make modern urban scale living and quality of life possible.

As we visited with the municipal water manager who was engaged in the taskforce that developed the language contained in HB 2099 and with our legal counsel, it became clear that the judicial impairment route would most likely not be significantly faster than the administrative process. In addition the following disadvantages could occur with the judicial option:

1. Expertise of the Chief engineer might not be used by the courts,
2. The courts might make an uninformed ruling against us,

3. An inconsistent set of rulings could develop over time, and
4. Costs could be much higher due to the need to retain expert witnesses and potentially expert outside legal counsel.

Given these potential disadvantages and the lack of a quicker resolution, the City of Wichita withdrew our opposition to HB 2099. Our concern to protect our water supply from impairment by junior water rights holders remains a very high priority for us.



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