



Testimony in Support of Senate Bill 548

Presented by Don Henry

On Behalf of the City of Wichita

March 14, 2022

Good morning Chairman Kerschen, Vice-Chair Ryckman and Ranking Minority Member Ware, my name is Don Henry. I am assistant director of public works and utilities for the City of Wichita and I'm here representing the City of Wichita in that capacity. The City of Wichita is a regional supplier of water in South Central Kansas. It is responsible for providing water to nearly 500,000 people, which includes residents of Wichita, 13 communities outside of Wichita, and several key industries. The City of Wichita is the largest water user in Groundwater Management District 2 (GMD2) and holds the largest water rights as an individual user. Proper water resource planning is essential for us, both as the largest city in Kansas and a key economic contributor for the State.

The City of Wichita appreciates the effort to bring forth SB 548 and supports its intent to provide exception to matters related to water rights from the advice and assistance such districts may provide.

GMDs were authorized in 1972, with GMD2 being created in 1975. The original intent of GMDs was to protect groundwater quality and quantity, protect public interest and give local users a voice in groundwater management. Although a well-intended arrangement in the beginning, it has added complexity and bureaucracy to the City's water resource planning in the last several years.

One example is regarding the City's Aquifer Storage and Recovery (ASR) facility, a \$220 million investment that treats flow from the Little Arkansas River to drinking water standards and pumps it into the Equus Beds Aquifer to maintain full aquifer conditions and provide additional supply. Requests to allow changes that would better protect the aquifer, especially through severe drought, and make operations more efficient have been delayed for years under the current arrangement, where GMD2 review is integral to approval of the proposed changes. Annual reports submitted to GMD2 and the Chief Engineer that add recharge credits to water supplies for Wichita's use, have also been delayed for several years, causing this store of water to be unavailable. Getting GMD2 to rule on permit applications to install municipal wells can take years, ultimately to have them denied by the Board. And then approved by the State Engineer, with no basis for denial by the Board other than they were simply opposed to the City's application. Broader concerns include the fact that the GMD2 has not updated its Groundwater Management plan since 1995, and further, there has been no effort to move forward a plan for addressing salt water plumes that are advancing into the Equus Beds Aquifer.

Currently, GMD2 actions not only affect Wichita, but also 26 other municipalities in the area, including City of Hutchinson, City of Newton, City of McPherson, and more. The total population within GMD2 is roughly 100,000 residents, with roughly 83,000 being municipal residents and 17,000 being rural residents. Considering that Wichita provides water to all of Wichita as well as communities outside of Wichita, nearly 500,000 additional Kansans are affected by the management of GMD2. Population of cities served by the aquifer exceeds that of the rural population by 30 times.

Effective, efficient governance and administration of water rights laws and regulations is fundamental to successful, municipal water supply planning. And to that effect, the City of Wichita fully supports SB 548. Passage of the Bill would provide a clear path to successful planning and allow the State Engineer to effectively and efficiently serve and protect the public interest:

- Matters regarding irrigation rights would continue to be served by both the GMDs and the State Engineer;
- Groundwater Management Districts would still control their own fate via each district's own Groundwater Management Plan, policies and regulation;
- The State Engineer would directly serve municipal water users in dealing directly with matters involving their water rights;
- The State Engineer would consider GMD's Groundwater Management Plans and Municipal Water Supply Plans, and balance decision making in the best interest of the public and water resource protection.

Wichita takes its responsibilities seriously, which includes ensuring enough water is available to support its residences, businesses, and industries. To this end, Wichita has invested \$220 million in ASR Phases I and II, is currently investing \$550 million in the Northwest Water Facility, which has been designed to include processes to be more drought resilient, and an additional \$45 million in other planned improvements. Successful outcomes include the aquifer being at its highest levels on record since pre-development. The City's continued efforts to improve the aquifer benefit not only the City of Wichita, but also irrigators. In fact, the long-term use of the Equus Beds in the area of Wichita's wellfield has been sustainable, as a result of the Wichita's sound resource management practices, as opposed to areas of the aquifer outside the area of the City's wellfield, where overuse occurs and is a concern. Wichita has a well-considered, fully funded water supply plan that would protect resources, including water quality and water levels within the Equus Beds Aquifer, and furnish a reliable supply of high quality water to our regional customers beyond the planning horizon.

We think the best way to address water supply challenges is at the local level, with local expertise and funded at the local level. We request that we be allowed to do our job efficiently, to make decisions on our investments, and to allow the best outcomes for our customers.