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

Toby Dougherty, City Manager
City of Hays, Kansas
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Chairman Kerschen and Members of the Committee:

Thank you for allowing me the opportunity to provide testimony in support of SB 548 which limits a Groundwater Management District's input and oversight on matters pertaining to water rights.

SB 548 will allow all water right holders and applicants to be subject to the same level of regulatory scrutiny regardless of where they live. The Kansas Department of Agriculture's Division of Water Resources, and the Chief Engineer are responsible for the administration of all water rights under the Kansas Water Appropriation Act. Water right holders in areas outside of GMD boundaries work directly with DWR and do not have an additional layer of government to deal with.

The Cities of Hays and Russell own water rights in Edwards County and are in the process of developing this sustainable source to provide a long-term water supply for a growing region. Hays and Russell filed the necessary applications with the Division of Water Resources to convert the water rights from irrigation to municipal use in 2015. We were subject to GMD oversight and input as part of that process.

During the change application process with DWR, Hays and Russell voluntarily agreed to go above and beyond the regulatory requirements and reduce our legally available water by 30% to ensure sustainable usage of the property. This extraordinary concession is something that has not been replicated elsewhere in the District.

Rather than applaud Hays and Russell for their stewardship efforts, the GMD 5 Board, under pressure from local irrigators, voted to recommend to the Chief Engineer that Hays and Russell be subject to further reductions. These are reductions that are not based on statute or regulation and have not been imposed on any other water right holders in the District, even where they could be used to solve impairment matters. Requests of irrigators to waive regulations are routinely approved by the GMD Board, in contrast to the draconian standards they attempted to impose on Hays and Russell.

The involvement of the GMD in the Hays/Russell matter empowered and enabled our opponents and led to a four-year delay in the regulatory process, resulting in a 60% increase in the cost of the project. The cost of this unnecessary increase will be shouldered by Hays and Russell residents and water customers. If a Groundwater Management District is not willing to apply the rules and regulations uniformly to all water right holders, then their oversight and input role should be limited.

Please consider favorable passage of SB 548. Thank you again for allowing me to submit this testimony.