

To: Senate Committee on Agriculture and Natural Resources
From: Tessa Wendling
Date: March 10, 2022
Re: Testimony in opposition to SB 549

Chairman Kerschen and members of the Committee, I regret I am unable to attend in person to provide testimony. I appreciate the opportunity to provide written testimony in opposition to SB 549.

I have had the privilege to represent a group of Intervenorers over the past several years in the administrative hearing regarding the City of Wichita's proposal to modify the ASR project. During this time, I have witnessed first-hand the dedication and passion of GMD2 staff and board members to conserve and protect the quality and quantity of Equus Beds groundwater.

Groundwater management districts are responsible for the proper management of groundwater resources. Each GMD has rules and regulations relating to the conservation and management of groundwater as approved by the Chief Engineer for adoption. GMD2 rules and regulations address district specific matters, including well spacing requirements, safe yield and maximum reasonable quantity for beneficial use. These are further tailored to areas needing special attention within the district in order to conserve and protect the quality of the aquifer. Senate Bill 549 creates the scenario where some water users will need to comply with the rules and others will not, without a legitimate or compelling interest for such discrimination. Groundwater cannot effectively be managed if only a fraction of water users are subject to the rules and regulations. The proposed structure not only creates two classes of water users, it provides two separate management schemes. Segregating management responsibilities across two different agencies with separate rules creates an unnecessary burden for water users, creates additional confusion, will complicate the administration of water rights and fails to support the essential purpose of protecting our valuable water resources.

Exempting those water users who elect to withdraw from the GMD from the rules and regulations adopted by the Chief Engineer specific to the district ignores the uniqueness of each district and allows water users to circumvent the existing protective measures. SB 549 would allow these water users to operate outside the rules, or require the Chief Engineer to adopt new regulations so detailed as to adequately capture the multiple nuances of each district. I believe it is a better use of limited resources for our Chief Engineer and the DWR staff devote time to addressing some of the real water issues facing the quality and quantity of water. District rules and regulations are best suited to local groundwater nuances and only work if consistently and fairly applied to all users in the district.

The efforts of each GMDs benefit the entire district and those outside of the district benefiting from the water. Exempting certain water users from the fees that directly fund GMD efforts will deprive GMDs of the resources necessary to properly manage the aquifer. Responsible water users who value the role GMDs play in protecting Kansas water resources

should not be penalized by paying additional fees in order to protect a resource, while other similarly situated users are not subject to district rules or fees.

Numerous questions remain after reading this bill. Who will cover the additional costs associated with DWR assuming the current responsibilities of the GMDs? Will water right holders be subject to any use fees if no longer subject to GMD fees? Are water right holders also exempt from Chief Engineer Orders impacting districts such as IGUCA?

Thank you for the opportunity to submit testimony. Please oppose SB 549.

Respectfully,

Tessa Wendling

