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Testimony on Senate Bill 549
Senate Committee on Agriculture and Natural Resources

Toby Dougherty, City Manager
City of Hays, Kansas

March 14, 2022

Chairman Kerschen and Members of the Committee:

Thank you for allowing me the opportunity to provide testimony in support of SB 549 which allows non-irrigation water right owners to withdraw from a Groundwater Management District.

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 implemented 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 non-irrigation water right owners should have the ability to opt out of the District.

Please consider favorable passage of SB 549. Thank you again for allowing me to submit this testimony.