



Testimony in Support of House Bill 2686

Presented by Alan King

On Behalf of the City of Wichita

February 16th, 2022

Mr. Chairman, Mr. Vice Chairman, Madame Ranking Minority, my name is Alan King and I'm here today to represent the City of Wichita. City of Wichita is a regional supplier of water in South Central Kansas. We are 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 user in Groundwater Management District 2 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.

A great deal of HB 2686 is the technical statutory changes necessary to move multiple state agencies and portions of agencies into one single agency. The City of Wichita does not have a position on these changes and leaves reorganizational decisions to the wisdom of this body.

The City of Wichita appreciates the effort to bring forth HB 2686 and supports its intent to address the lack of representation of municipalities in the groundwater management districts, particularly in GMD2.

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 in order to maintain full aquifer conditions. Requests to allow changes that would 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 the Chief Engineer that add credits to water supplies for Wichita's use, have also been delayed for several years, causing this store of water to be unavailable.

In the early 2000's, a movement began that resulted in the removal of two municipal representatives (McPherson BPU and the City of Hutchinson) during annual GMD2 Board elections. At the same time, the domestic use category, which previously represented non-irrigation water usage, was essentially absorbed into agriculture-irrigation representation. The City of Hutchinson representative returned for two terms, from 2007-2013. After this, the GMD2 returned to only one municipal representative, the City of Wichita. In August 2020, the City of Wichita representative was voted from the GMD2 Board. The Board was originally constructed to represent four major users: irrigators, municipalities, industrial, and domestic. The Board is currently comprised of (8) agricultural representatives and (1) industrial representative.

51% of the water rights in GMD2 are held by agricultural users, 34% of water rights are held by municipalities, and the remaining 15% is held by industrial users.

Lack of representation on GMD2 does not solely effect Wichita, but effects 26 other municipalities in the area, such as 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. When considering that Wichita provides water to all of Wichita and communities outside of Wichita, this leads to nearly 500,000 additional Kansans being impacted by the management of GMD2. Population of cities served by the aquifer exceeds that of the rural population by 30 times.

Although the bill has language intended to correct lack of municipal representation, another consideration might be the development of an alternative structure that allows municipalities to opt out of GMD2 and work with the Chief Engineer. The City's water rights, like those of irrigators, are currently subject to review of GMD2 and the Chief Engineer. We believe by having municipalities working directly with the Chief Engineer, all interests would be protected. A superior approach would allow irrigators to work under the structure of GMD2s groundwater management plan and permit municipalities to work directly with Chief Engineer regarding municipal use water plan. We support legislative consideration of language that would allow municipalities to opt out of GMD2 and work with the Chief Engineer directly.

Wichita takes its responsibilities seriously, which includes ensuring enough water to support its residences, businesses, and industries. To this end, Wichita has invested in \$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 improvements planned. 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.

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