



*Testimony Submitted to the
House Water Committee
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Neutral Testimony on HB 2459

Kansas Municipal Utilities (KMU) is the statewide association representing Kansas cities and other public or not-for-profit organizations involved in the ownership and operation of publicly owned utilities across Kansas. Formed in 1928, KMU provides assistance and information to members with regard to workforce training and educational programs, mutual aid, regulatory and legislative assistance and numerous other services toward the advancement of municipal utilities to achieve maximum benefits for the customer-owners served by our utilities. Our membership ranges in size from some of the largest utilities in the state such as those operated by the Kansas City Board of Public Utilities and the City of Wichita down to some of the smallest utility systems in the state serving fewer than 100 customers.

Kansas Municipal Utilities is pleased to provide neutral testimony on HB 2459 regarding points of diversion and safe yield. We appreciate that HB 2459 brings forward a conversation about a particular situation in water rights that needs to be discussed at the state level. Our member communities have been both the beneficiaries of changing a point of diversion and also on the receiving end of bureaucratic red tape when a point of diversion is necessary and not immediately granted. Oftentimes the delay comes from outside state government.

If HB 2459 were to advance KMU would likely recommend some changes. We acknowledge that changes in points of diversion for emergencies sometimes occur and we would need to retain the capacity for that to happen. However, for now, we would like to offer two key points of deliberation.

1. It is imperative that the Chief Engineer have the flexibility to make needed determinations at the Division of Water Resources (DWR) level.
2. If a change were to be implemented by the Chief Engineer, we simply ask that the rule be administered equally across all beneficial uses.

Again, Kansas Municipal Utilities appreciates the opportunity to provide neutral testimony on HB 2459 and would stand for questions.