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January 26, 2026

Local Government Committee – Hearing on HB2433
Chair- Rep. Emil Bergquist

Mr. Chairman and members of the Committee, my name is Mason Ruder, and I am the Mayor of Hays. Thank you for the opportunity to appear before you today in support of HB 2433.

HB 2433 clarifies that the State of Kansas governs the regulation and use of water in Kansas. It prohibits counties from attempting to duplicate state water law and regulation through local zoning codes. This legislation ensures that water rights across Kansas are governed by uniform, consistent laws administered by the statutorily authorized state agencies.

If counties are permitted to duplicate state water law within local zoning codes, the result could be up to 105 separate, non-uniform regulatory processes that water right owners would be required to navigate in addition to the existing state process. Many water right owners hold rights across multiple counties for the same use, which would further complicate compliance and introduce uncertainty into an already highly regulated system.

Allowing counties to duplicate state water law and regulation also creates the risk that these processes could be weaponized against particular uses. Dairies, feedlots, power plants, ethanol facilities, data centers, public water suppliers, and other lawful water users could be targeted, not for legitimate land use concerns, but through a duplicate water rights review disguised as zoning authority.

Kansas law already recognizes this risk in other sectors. K.S.A. 19-1901a provides explicit protection for oil and gas operations. Section (19) prohibits counties from regulating oil and gas activities that are governed by state agencies and statutes, and it prevents counties from requiring local licenses or permits for those operations.

A previous Legislature recognized the need for consistent, statewide regulation of oil and gas and the potential chaos that would result from dozens of duplicative local processes layered on top of state control. HB 2433 simply extends that same protection to water right owners and users.

If uniform application of state law is critical for the oil and gas industry, then it should also apply to the regulation of water, our most precious resource.

I would also like to briefly explain why this issue is not theoretical.

The Cities of Hays and Russell have spent 11 years navigating a comprehensive state regulatory process to develop water rights they own in Edwards County as a long-term, sustainable water supply. Edwards County formally and legally intervened in that process, attempting to block the project. After a lengthy hearing, an Administrative Law Judge approved Hays and Russell's water transfer application in February of 2024.

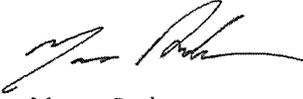
In April of 2024, Edwards County amended its zoning regulations to essentially duplicate the Kansas Water Appropriation Act and Water Transfer Act within its local code. The intent was clear. The goal was to force Hays and Russell to navigate a second regulatory process, controlled entirely by the same county that is attempting to stop the project.

This type of collateral attack on a lawful water right, after full compliance with state law, undermines regulatory certainty and should not be allowed.

HB 2433 provides clarity, consistency, and protection for water right owners across Kansas. I respectfully ask that you consider this bill for approval.

Thank you for your time, and I will stand for any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Mason Ruder", written in a cursive style.

Mason Ruder
Mayor