

**Written Testimony of Chairman Joseph Rupnick
Prairie Band Potawatomi Nation**

January 28, 2026

Mr. Chairman and Members of the Committee,

Thank you for the opportunity to speak as a neutral conferee today and to provide written testimony on behalf of the Prairie Band Potawatomi Nation. I was not planning on speaking today but wanted to remind the committee of the rights of tribes in conversations regarding local governance over water resources. Water is fundamental to our people, our lands, and our future, and the legal framework governing tribal water rights must be respected and upheld.

First, I want to remind the committee of the longstanding federal *Winters* doctrine, which establishes that when the United States created Indian reservations, it implicitly reserved sufficient water rights to fulfill the purposes of those reservations. These federally reserved water rights are senior to, and take priority over, state-law water rights and the rights of individual appropriators.

In addition, *Agua Caliente Band of Cahuilla Indians v. Coachella Valley Water District* (9th Cir. 2017) expanded this right to water to include both surface and groundwater in the tribal water right calculation. While this decision is persuasive rather than binding in Kansas, it strongly supports the conclusion that groundwater beneath tribal lands is included within the scope of federally reserved water rights for tribes. This principle is directly relevant to the Prairie Band Potawatomi Nation.

It is also the Nation's position that the Prairie Band Potawatomi Reservation encompasses 30 by 30 miles, and that the water resources—both surface and groundwater—within that reservation footprint are subject to our federally protected rights. Any policies, permitting decisions, or allocations that affect water within or underlying our reservation must account for these senior tribal rights.

Finally, I want to raise a concern regarding governance and transparency in local water management. It has come to our attention that an individual currently serves as a member of both the local county commission and a rural water district board. This dual role is a potential conflict of interest and warrants closer examination by the Kansas Legislature. Decisions affecting water allocation and infrastructure must be made with clear lines of accountability and without divided loyalties, particularly when tribal rights are at stake.

The Prairie Band Potawatomi Nation urges the committee to ensure that federal law is fully respected, that tribal water rights are not subordinated to state or local interests, and that any potential conflicts of interest in water governance are carefully reviewed.

Thank you for your consideration of my testimony.

Respectfully submitted,
Joseph Rupnick
Chairman, Prairie Band Potawatomi Nation