

**BEFORE THE DIVISION OF WATER RESOURCES  
KANSAS DEPARTMENT OF AGRICULTURE**

In the Matter of the Designation of the )  
Wichita County Local Enhanced Management Area )  
in Wichita County, Kansas ) **001 – DWR-LEMA – 2020**  
)  
**Pursuant to K.S.A. 82a-1041.** )  
\_\_\_\_\_ )

**FINDINGS AND ORDER ESTABLISHING THE INITIAL REQUIREMENTS FOR THE  
DESIGNATION OF A LOCAL ENHANCED MANAGEMENT AREA**

The above-captioned matter came before the Acting Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture (“Chief Engineer”), for an initial public hearing regarding the establishment of the Wichita County Local Enhanced Management Area (“WHC LEMA”) on August 14, 2020 at 9:06 a.m. For the reasons set forth below, it is so ordered that the Chief Engineer shall conduct a second public hearing regarding the designation of the WHC LEMA since the initial requirements for the establishment of a local enhanced management area have been found to exist.

**Procedural Background**

1. On March 26, 2020, the Western Kansas Groundwater Management District No. 1 (“GMD 1”) submitted a formal request for the establishment of the WHC LEMA beginning on January 1, 2021 and ending on December 31, 2025. (Exhibit A).
2. On April 7, 2020, the Chief Engineer reviewed the proposed local enhanced management plan. Pursuant to K.S.A. 82a-1041(a), the Chief Engineer found that the plan proposed clear geographic boundaries, pertained to an area wholly within a groundwater management district, proposed appropriate goals and corrective control provisions to meet the stated goals, gave due consideration to existing conservation measures, included a compliance monitoring and enforcement element, and is consistent with state law. (Exhibit B).
3. Pursuant to K.S.A. 82a-1041(b), timely notice of the initial public hearing was mailed to each water right owner located within the boundaries of the proposed WHC LEMA and published in the Wichita County Native Sun on July 15, 2020, and the Scott County Record on July 16, 2020. (Exhibit C).
4. Pursuant to the Pre-Hearing Order, the Chief Engineer presided over the initial public hearing on August 14, 2020 to determine if the initial requirements contained in K.S.A. 82a-1041(b) were satisfied. Oral testimony was accepted during the initial public hearing via Zoom and in-person at the St. Anthony Catholic Church Parish Hall at Leoti, Kansas. Written testimony was accepted in advance of the hearing and the record was held open until August 28, 2020 to allow submission of additional written testimony. The record of the initial public hearing was closed on August 28, 2020.

### Applicable Law

1. The formation of a local enhanced management area is governed pursuant to K.S.A. 82a-1041. When the Chief Engineer finds that a local enhanced management plan submitted by a groundwater management district is acceptable for consideration, then the Chief Engineer shall initiate proceedings to designate a local enhanced management area as soon as practicable.
2. Once the proceedings are initiated, the Chief Engineer shall hold an initial public hearing to resolve the following:
  - a. Whether one or more of the circumstances specified in K.S.A. 82a-1036(a) through (d), and amendments thereto, exist;
  - b. Whether the public interest of K.S.A. 82a-1020, and amendments thereto, requires that one or more corrective control provisions be adopted; and
  - c. Whether the geographic boundaries are reasonable.
3. The following circumstances are specified in K.S.A. 82a-1036(a) through (d):
  - a. Groundwater levels in the area in question are declining or have declined excessively;
  - b. The rate of withdrawal of groundwater within the area in question equals or exceeds the rate of recharge in such area;
  - c. Preventable waste of water is occurring or may occur within the area in question;
  - or
  - d. Unreasonable deterioration of the quality of water is occurring or may occur within the area in question.
4. K.S.A. 82a-1020 recognizes that it is in the interest of the public to create “special districts for the proper management of the groundwater resources of the state; for the conservation of groundwater resources; for the prevention of economic deterioration; for associated endeavors within the state of Kansas through the stabilization of agriculture; and to secure for Kansas the benefit of its fertile soils and favorable location with respect to national and world markets. It is the policy of this act to preserve basic water use doctrine and to establish the right of local water users to determine their destiny with respect to the use of the groundwater insofar as it does not conflict with the basic laws and policies of the state of Kansas.”

### Testimony Submitted in Accordance with the Hearing Procedure

1. Prior to the hearing, written testimony was submitted by Tammy Simons, a farmer and rancher in northeastern Wichita County who is also a participant and founding member of the Wichita County Water Conservation Area (“WCWCA”). Ms. Simons lamented the failure of the proposed district-wide local enhanced management area (“LEMA”) in 2014 and noted that 65% of the voters in Wichita County supported that proposed LEMA. Ms. Simons referenced the Order establishing the WCWCA and the factual findings relating to declining groundwater levels in the area and the rate of recharge. Ms. Simons commended the WCWCA as a successful effort in conserving water through voluntary participation but believes additional conservation is required to support the agricultural-based economy and preserve water for future generations. Finally, Ms. Simons discussed conservation efforts in the surrounding area and noted that the WHC LEMA boundaries are reasonable due to the similarity with the boundaries of the other conservation efforts in the surrounding area.

2. Kyle Spencer, Manager of GMD 1, submitted extensive written testimony on behalf of GMD 1 prior to the hearing and provided oral testimony during the hearing in support of a finding that the WHC LEMA meets the three initial requirements of K.S.A. 82a-1041. (*Transcript*, pp. 11-21).

With respect to whether one or more of the circumstances specified in K.S.A. 82a-1036(a) through (d), and amendments thereto, exist, Mr. Spencer advised that groundwater levels in Wichita County are declining, and have declined excessively; and that the rate of withdrawal of the groundwater in Wichita County equals or exceeds the rate of recharge. Mr. Spencer relied on data collected by the Kansas Geological Survey, as attached to his pre-filed testimony and the pre-filed testimony of Brownie Wilson, Kansas Geological Survey. The historic decline in groundwater levels is shown by the percentage reductions in saturated thickness of the aquifer within Wichita County. In developing the groundwater model for GMD 1, the Kansas Geological Survey found that the reduction in the saturated thickness of the aquifer varies from a minimum of 26% to a maximum of 100%, with values in excess of 60% dominating the area. Additionally, the Kansas Geological Survey found that between the years 2009 to 2015, the estimated average annual water level decline was 0.59 feet per year. Mr. Spencer's testimony also presented evidence that the rate of withdrawal of the groundwater in the area equals or exceeds the rate of recharge. Between the years 2009 to 2015, Wichita County averaged 54,600 acre-feet of pumping per year which is higher than the current rate of recharge to the aquifer. Specifically, the groundwater model for GMD 1 shows that the current rate of recharge to the aquifer from all sources averages less than 20,000 acre-feet per year and that the rate of recharge will decline to 10,000-12,000 acre-feet per year in the future. (*Transcript*, pp. 12-14; *See also, Overview of Written Testimony Submitted by Brownie Wilson, Kansas Geological Survey*, Figure SA5 on p. 4).

With respect to whether the public interest of K.S.A. 82a-1020, and amendments thereto, requires that one or more corrective control provisions be adopted, Mr. Spencer advised that it is in the public interest to address the critical water shortage in Wichita County. Mr. Spencer noted that the WHC LEMA is in the current public interest; that the WHC LEMA is in the future public interest; that the public has been adequately notified and given the opportunity to participate in the development of the WHC LEMA; and that the public supports the WHC LEMA. Mr. Spencer testified that the corrective controls proposed in the WHC LEMA will help extend the life and health of the aquifer while minimizing the disruption to the current water users. Since irrigation accounts for approximately 95% of the aquifer's use, the WHC LEMA was narrowly tailored to the primary users of the aquifer, those Wichita County irrigation water users. In general, the WHC LEMA imposes a maximum reduction in water use of 25% for all irrigation appropriation water rights for five years, while also providing a process to ensure consideration for voluntary conservation efforts implemented by water right owners during the years 2009 to 2015. The proposed corrective controls do not impact vested water right holders or other users; however, voluntary participation by vested water right holders is permitted and municipal users, domestic users, stockwater right holders and industrial users are encouraged to voluntarily limit and reduce their water consumption. Furthermore, the public has been notified and given the opportunity to participate in conservation efforts and the development of the WHC LEMA. For several years, stakeholders in Wichita County have participated in various discussions relating to the viability of the aquifer, encouraged the Board of GMD 1 to develop a LEMA, and have supported actions to address the declining groundwater levels in the aquifer. Wichita County stakeholders voted to support a district-wide

LEMA in 2014, supported the development of Water Conservation Areas, including the voluntary enrollment between March 2017 to December 2018 of 26 water users in the Wichita County Water Conservation Area. GMD 1 provided information to the public through their website; sent newsletters discussing the WHC LEMA; and, between March 2018 and March 2020, GMD 1 conducted approximately 30 meetings wherein a proposed Wichita County LEMA was discussed and input from the public was received. As a result of such public involvement, GMD 1 implemented revisions to the WHC LEMA to provide a locally-developed and locally-requested management plan. (*Transcript*, pp. 14-19; *See also, Written Testimony of the Western Kansas Groundwater Management District No. 1*, pp. 4-7).

With respect to whether the geographic boundaries are reasonable, Mr. Spencer advised that the WHC LEMA has definite boundaries and is limited to the townships of Wichita County that are located within the boundaries of GMD 1. While other areas in GMD 1 have also experienced declines in groundwater levels, Wichita County has experienced excessive declines and is in need of corrective controls. Furthermore, there is significant public support for corrective controls in Wichita County. (*Transcript*, pp. 19-20).

3. Brownie Wilson, Geographic Information Systems and Support Services Manager for the Geohydrology Section at the Kansas Geological Survey, provided extensive written testimony prior to the hearing and provided oral testimony during the hearing discussing the water-level change and groundwater use in the aquifer within Wichita County. Mr. Wilson's written testimony attached various reports and discussed declining groundwater levels. Mr. Wilson noted that from predevelopment (1940s to early 1950s) to today, the average thickness in the aquifer had declined to an estimated 50 feet, which represents 68% of the aquifer's original predevelopment thickness. Mr. Wilson advised that the groundwater levels are declining because more water is being pumped from the aquifer than is being recharged to the aquifer. Specifically, Mr. Wilson stated that from predevelopment to 2013, withdrawals from the aquifer averaged 72,356 acre-feet per year while recharge over the same period averaged 21,340 acre-feet per year. Additionally, Mr. Wilson testified that for the period of 2009 to 2015, the total reported average annual water use was 54,600 acre-feet and that the average annual water level decline was 0.59 feet. Mr. Wilson further explained that an estimated 20% reduction in average annual reported water use would allow for stabilized water levels in Wichita County for the next decade or two. (*Transcript*, pp. 23-32).
4. Lane Letourneau, Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture, submitted written testimony prior to the hearing and provided oral testimony in support of a finding that the WHC LEMA meets the three initial requirements of K.S.A. 82a-1041. Mr. Letourneau advised that data from the Kansas Geological Survey demonstrates a decline in groundwater levels and that the rate of groundwater withdrawals in the area exceeds the rate of recharge; that the boundaries are reasonable due to the decline in groundwater levels throughout GMD 1; and that the WHC LEMA serves the public interest because the plan conforms with existing state laws and policies relating to water use and conservation; there has been opportunity for public involvement in the LEMA process; and that there is strong local support for the WHC LEMA. (*Transcript*, pp. 32-34).

5. Mike Meyer, Water Commission of the Garden City Field Office, Division of Water Resources, Kansas Department of Agriculture, submitted written testimony prior to the hearing, provided oral testimony during the hearing, and submitted additional information after the hearing as requested by the Chief Engineer. Mr. Meyer explained the role of the Division of Water Resources during the WHC LEMA process and noted that the WHC LEMA sets desirable conservation goals that are in the public interest. Mr. Meyer discussed the public's involvement in the WHC LEMA process and the strong local support for conservation practices in Wichita County. Mr. Meyer's testimony also incorporated the "Findings and Order Designating a Water Conservation Area" for the Wichita County Water Conservation Area and the "Wichita County Water Conservation Area Management Plan" as evidence of such support. (*Transcript*, pp. 35-37).
6. Frank Mercurio, Chairperson of the Upper Smoky Hill Regional Advisory Committee, submitted written testimony prior to the hearing and provided oral testimony during the hearing. Mr. Mercurio discussed the goals and actions of the Upper Smoky Hill Regional Advisory Committee, including its efforts to conserve and extend the life of the aquifer and the Committee's support for the implementation of the WHC LEMA. Mr. Mercurio testified regarding the depletion of the aquifer within Wichita County; advised that the WHC LEMA boundaries were reasonable due to the depletion of the aquifer; stressed the importance of conservation efforts; noted that the public interest requires conservation and that the depletion of the aquifer will have a significant impact on the Wichita County economy without the implementation of additional conservation efforts. (*Transcript*, pp. 42-45).
7. Farrin Watt, Leoti, Kansas, provided oral testimony in support of the WHC LEMA. Mr. Watt and his family members are third and fourth generation farmers who believe in the need for conservation efforts within Wichita County. Mr. Watt discussed the voluntary conservation efforts of WCAs after the failure to implement the district-wide LEMA in 2014. Mr. Watt provided data on the conservation efforts of one of his farms which is enrolled in a WCA. Under the agreement, the farm was authorized for 119 acre-feet; however, the farm's three-year average water usage was 89.57 acre-feet. Additionally, over that three-year period, his farm's average corn yield was over 230 bushels per acre. Mr. Watt also recounted his observations of the current and historical usage of irrigation wells in Wichita County. Finally, Mr. Watt discussed the responsibilities of water users and the impact that conservation decisions will have on local communities and future generations. (*Transcript*, pp. 39-42).
8. During the public hearing, members of the public asked various questions, which included inquiries from Wayne Bjurstrom and Dale Bolen. Mr. Bjurstrom sought clarification regarding the decline in recharge to the aquifer after Mr. Spencer's testimony, and Mr. Bolen utilized the YouTube live-stream to clarify the relationship between the requirements of the WHC LEMA and existing WCAs. (*Transcript*, pp. 19-23, and 46).
9. Subsequent to the hearing, written testimony was filed on behalf of the Kansas Water Authority by Connie Owen, Chairperson. The testimony of the Kansas Water Authority recognized the current status of the WHC LEMA proceeding and noted general support for the actions taken by GMD 1 to implement a lawful conservation mechanism.

10. Written testimony was submitted after the hearing by Titus Jaeger, who represents the fourth generation of his family actively engaged in agriculture in Wichita County, Kansas. Mr. Jaeger discussed his family's conservation efforts, the relationship between irrigation and the Wichita County economy, and his concerns relating to the three initial requirements of this proceeding. Mr. Jaeger recognized that groundwater levels have declined but questioned if alternative solutions were considered and if conservation efforts in the area are being effective in providing additional recharge to the aquifer or if water conservation is being achieved. Mr. Jaeger also expressed concerns regarding the boundaries of the WHC LEMA, opined that producers located outside the WHC LEMA boundaries will be favored over those producers within the boundaries, and sought clarification on whether the WHC LEMA complies with state law regarding priority of appropriation. Finally, Mr. Jaeger discussed whether the WHC LEMA was in the public interest. He posed various questions concerning the WHC LEMA and the impact it would have on individuals and the economy.

### **Findings of Fact**

1. Groundwater levels within Wichita County are declining or have declined excessively and will continue to decline under the current levels of water use. According to data from the Kansas Geological Survey, the average thickness in the aquifer has declined an estimated 50 feet from predevelopment to today. (*Oral Testimony of Brownie Wilson, Transcript*, pp. 26-28). Within Wichita County, the aquifer is at or near the minimum thickness levels of saturation required to support irrigation or other uses. (*Written Testimony of the Western Kansas Groundwater Management District No. 1*, p. 3; and *Oral Testimony of Kyle Spencer, Transcript*, p. 13). (See e.g., *Written Testimony of Lane Letourneau*, p. 1; *Written Testimony of Frank Mercurio*, pp. 1-2; *Written Testimony of Tammy Simons*, pp. 1-2; *Oral Testimony of Lane Letourneau, Transcript*, p. 33; and *Oral Testimony of Frank Mercurio, Transcript*, p. 43-44).
2. Furthermore, between the years 2009 to 2015, the estimated average annual water level decline was 0.59 feet per year. (*Written Testimony of the Western Kansas Groundwater Management District No. 1*, p. 2; *Written Testimony of Brownie Wilson*, p. 5; *Oral Testimony of Kyle Spencer, Transcript*, p. 13; and *Oral Testimony of Brownie Wilson, Transcript*, p. 30).
3. The rate of withdrawal of the groundwater within Wichita County substantially exceeds the rate of recharge. Data from the Kansas Geological Survey demonstrates a declining trend in the total annual average recharge to the aquifer of 21,340 acre-feet or 0.56 inches a year for the period of 1946 through 2013. (*Oral Testimony of Brownie Wilson, Transcript*, p. 28).
4. Data provided by the Kansas Geological Survey documented that Wichita County averaged 54,600 acre-feet of pumping per year between the years 2009 to 2015. (*Written Testimony of the Western Kansas Groundwater Management District No. 1*, p. 3; *Written Testimony of Brownie Wilson*, p. 5; *Oral Testimony of Kyle Spencer, Transcript*, p. 13; and *Oral Testimony of Brownie Wilson, Transcript*, p. 30).
5. When comparing withdrawal to the current recharge of the aquifer, there is a significant deficit because recharge from all sources averages around 20,000 acre-feet per year and will decline to 10,000-12,000 acre-feet per year in the future. (*Written Testimony of the Western Kansas Groundwater Management District No. 1*, p. 3; and *Oral Testimony of Kyle Spencer, Transcript*, p. 14).

6. The Kansas Geological Survey estimates that a 20% reduction from 2009-2015 average annual reported water use would allow for stabilized water levels in Wichita County for the next decade or two. (*Written Testimony of Brownie Wilson*, p. 5; and *Oral Testimony of Brownie Wilson, Transcript*, p. 31).
7. It is in the public interest to extend the life and health of the aquifer and corrective controls are necessary to address the depletion of the groundwater levels in Wichita County. Irrigation accounts for approximately 95% of the aquifer's use in Wichita County and the WHC LEMA is narrowly tailored and proposes corrective controls to address the use of the aquifer while minimizing disruption to the agricultural activities. (*Written Testimony of the Western Kansas Groundwater Management District No. 1*, pp. 4-5; and *Oral Testimony of Kyle Spencer, Transcript*, p. 15). (See e.g., *Written Testimony of Lane Letourneau*, p. 1; *Written Testimony of Mike Meyer*, p. 1; *Written Testimony of Frank Mercurio*, pp. 1-2; *Written Testimony of Tammy Simons*, pp. 1-2; *Oral Testimony of Lane Letourneau, Transcript*, pp. 33-34; and *Oral Testimony of Mike Meyer, Transcript*, pp. 36-37; *Oral Testimony of Frank Mercurio, Transcript*, p. 42-45; and *Oral Testimony of Farrin Watt, Transcript*, p. 39-42).
8. There appears to be significant public support for corrective controls in Wichita County. Previously, a majority of Wichita County stakeholders voted to support a district-wide LEMA in 2014, and supported the development of Water Conservation Areas, as evidence by the voluntary enrollment of 26 water users in the Wichita County WCA. (See generally, *Written Testimony of the Western Kansas Groundwater Management District No. 1*, pp. 5-6; *Written Testimony of Lane Letourneau*, p. 1; *Written Testimony of Mike Meyer*, p. 1; *Oral Testimony of Kyle Spencer, Transcript*, pp. 16-17; *Oral Testimony of Lane Letourneau, Transcript*, pp. 33-34; and *Oral Testimony of Mike Meyer, Transcript*, pp. 36-37). (See e.g., *Written Testimony of Frank Mercurio*, pp. 1-2; *Written Testimony of Tammy Simons*, pp. 1-2; *Oral Testimony of Frank Mercurio, Transcript*, p. 42-45; and *Oral Testimony of Farrin Watt, Transcript*, p. 39-42).
9. There were opportunities for public involvement in the WHC LEMA process, and the public has supported the WHC LEMA. GMD 1 provided the public with notice of public meetings and time to comment on a proposed WHC LEMA via website and newsletters; stakeholders worked with GMD 1, and participated in public meetings and provided input that resulted in revisions to the WHC LEMA. (*Written Testimony of the Western Kansas Groundwater Management District No. 1*, pp. 4-7; *Written Testimony of Lane Letourneau*, p. 1; *Written Testimony of Mike Meyer*, p. 1; *Oral Testimony of Kyle Spencer, Transcript*, pp. 16-18; *Oral Testimony of Lane Letourneau, Transcript*, pp. 33-34; and *Oral Testimony of Mike Meyer, Transcript*, pp. 36-37).
10. The proposed boundaries of the WHC LEMA are fully located within the boundaries of GMD 1. Wichita County itself is a political subdivision with recognized boundaries and communities of interest therein, Wichita County has experienced excessive declines in groundwater levels and is in need of corrective controls, and there is significant public support for corrective controls in Wichita County. (See generally, *Written Testimony of the Western Kansas Groundwater Management District No. 1*, pp. 7-8; *Written Testimony of Lane Letourneau*, p. 1; *Written Testimony of Frank Mercurio*, p. 2; *Written Testimony of Tammy Simons*, pp. 1-2; *Oral Testimony of Kyle Spencer, Transcript*, pp. 19-20; *Oral Testimony of Lane Letourneau, Transcript*, p. 33; and *Oral Testimony of Frank Mercurio, Transcript*, p. 45).

**Conclusions of Law**

1. Pursuant to K.S.A. 82a-1041(b)(1), groundwater levels underlying the proposed WHC LEMA are declining or have declined excessively and the rate of withdrawal equals or exceeds the rate of recharge in the area.
2. The public interest requires adoption of corrective control provisions to extend the life of the Ogallala Aquifer while maintaining much of the benefit of irrigation and other uses in the area, thus fulfilling the public interest purpose of creating special districts for the proper management of the groundwater resources of the state, including the conservation of groundwater resources and prevention of economic deterioration due to declining groundwater resources.
3. The geographic boundaries submitted to the Chief Engineer in GMD 1's formal request for the establishment of the WHC LEMA are deemed to be reasonable.

**Order**

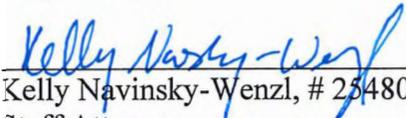
**COMES NOW** the Chief Engineer, who, based upon substantial competent evidence, as provided by the testimony offered at, or in relation to, the initial public hearing, finds that one or more of the circumstances specified in K.S.A. 82a-1036(a) through (d), and amendments thereto, exist; the public interest as stated in K.S.A. 82a-1020, and amendments thereto, requires that one or more corrective control provisions be adopted; and that the proposed geographic boundaries are reasonable, pursuant to K.S.A. 82a-1041.

**THEREFORE**, the proposed Wichita County Local Enhanced Management Area satisfies the three initial requirements necessary to continue the proceedings to designate a local enhanced management area pursuant to K.S.A. 82a-1041, and the Chief Engineer shall conduct a second public hearing as required by law.

ENTERED THIS 16<sup>th</sup> DAY OF September, 2020.

  
Christopher W. Beightel  
Acting Chief Engineer  
Division of Water Resources  
Kansas Department of Agriculture

Prepared by:

  
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**Exhibits:**

**Exhibit A:** “GMD 1’s Formal Request for the Establishment of the WHC LEMA” dated March 26, 2020.

**Exhibit B:** “Chief Engineer Finds the Proposal Acceptable for Consideration” dated April 7, 2020.

**Exhibit C:** “Proofs of Publication” – the Wichita County Native Sun, July 15, 2020; and the Scott County Record, July 16, 2020.



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WESTERN KANSAS GROUNDWATER MANAGEMENT DISTRICT NO.1

March 26, 2020

Chris Beightel, Chief Engineer  
Division of Water Resources  
Kansas Department of Agriculture  
1320 Research Park Drive  
Manhattan, KS. 66502

Mr. Beightel,

On behalf of the Western Kansas Groundwater Management District #1 Board of Directors, please find attached a formal request for a Wichita County Local Enhanced Management Area. On March 18, 2020 the WKGMD #1 Board of Directors voted unanimously to submit the request contingent upon a final review by the board members. The reviews were completed and approval confirmations were received in the District office by March 25, 2020.

The request includes two pdf files, one file containing the management plan and the second file contains the proposed allocations for the LEMA period.

Please let us know if additional information is required, or if we can be of any assistance in this process.

Thank you,

Sincerely

Kyle Spencer  
Manager  
Western Kansas Groundwater Management District #1

**Request for a Wichita County LEMA Submitted to the Chief Engineer,  
Kansas Department of Agriculture, Division of Water Resources**

**March 26, 2020**

**I. Definitions**

- a. “Annual Authorized Quantity or AAQ” - The maximum amount of annual water use assigned to a Water Right by DWR when the Water Right was approved or certified, and as modified by any subsequently approved changes, terms or conditions.
- b. “Appropriation Water Rights” - Pursuant to K.S.A. 82a -701(f), Water Rights that do not meet the conditions to be a Vested Water Right.
- c. “Board” - The GMD1 Board of Directors.
- d. “Chief Engineer” - The Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture.
- e. “Comparison Years” - The years, 2009 through 2015, used to determine Historical Usage of a point of diversion.
- f. “Conservation Factor” - A 25% reduction applied to the Historical Usage for the calculation of a WHCL Allocation.
- g. “Combined Well Unit or CWU” - Multiple wells diverting water from the same source of supply and physically tied together for the distribution of water prior to the starting date of the WHCL.
- h. “Domestic Water Rights”- Shall mean the same as KSA82a-701 (c).
- i. “DWR” - Division of Water Resources, Kansas Department of Agriculture.
- j. “GMD1” - Western Kansas Groundwater Management District No. 1.
- k. “Historical Usage” - The average quantity of authorized water in acre-feet used by a point of diversion during the Comparison Years, excluding years of zero use from the seven-year average, used for the calculation of the WHCL Allocation.
- l. “K.A.R.” - Kansas Administrative Regulations.
- m. “KGS” - Kansas Geological Survey.
- n. “K.S.A.” - Kansas Statutes Annotated.
- o. “LEMA” - Local Enhanced Management Area.
- p. “LEMA Period” - A five year period that shall run from January 1, 2021 through December 31, 2025.

- q. “Management Plan” - A written plan required pursuant to K.S.A. 82a-1041 which serves as the basis of the order establishing this LEMA to promote the conservation of water and water use efficiency.
- r. “MYFA or Multi-Year Flex Account” - A type of Term Permit as defined in K.S.A. 82a-736.
- s. “Stakeholder” - Any Water Right owner within the WHCL boundaries.
- t. “Term Permit” - A DWR permit to appropriate water that is issued for a specified period of time and is automatically dismissed at the end of the period.
- u. “Vested Water Right” - Pursuant to K.S.A. 82a -701(d), a Water Right which was put to beneficial use prior to June 28, 1945.
- v. “Voluntarily Enrolled Vested Right” - A Vested Water Right which voluntarily enrolls in the WHCL Management Plan.
- w. “Water Rights”- means the same as defined in K.S.A. 82a-701(g).
- x. “WUC” - Water Use Correspondent.
- y. “WCA” - Water Conservation Area.
- z. “WHCL” - Wichita County Local Enhanced Management Area.
- aa. “WHCL Allocation” - The quantity of water in acre-feet allowed for each irrigation Appropriation Water Right and Voluntarily Enrolled Vested Right, assigned by point of diversion that may be diverted during the LEMA Period.
- bb. “WHCL Order of Designation” - The Order of Designation issued by the Chief Engineer pursuant to K.S.A. 82a-1041.

## **II. Management Plan Goals**

In order to meet the goal of extending the Ogallala Aquifer supplies for the long term benefit of the area included in the proposed WHCL, a public process was utilized. Specifically, the Board worked with Stakeholders during board meetings and other public meetings to develop a Management Plan based on the desires of the public.

The WHCL shall exist for a five-year period beginning on January 1, 2021 and ending on December 31, 2025. In order to address excessive water level declines and withdrawal rates exceeding recharge rates within the proposed WHCL boundaries, the goal of the Management Plan shall be to limit irrigation withdrawals to 246,882.786 acre feet during the LEMA Period.

## **III. Proposal**

The WHCL shall include all irrigation Appropriation Water Rights whose source is the Ogallala Aquifer within the WHCL boundaries. Pursuant to K.S.A. 82a-703 Vested Water Rights within the WHCL boundaries shall not be regulated except through voluntary enrollment. Once voluntarily enrolled in the WHCL, Vested Water Rights may not be

withdrawn for the remainder of the LEMA Period.

- a. Irrigation allocations were established for each Water Right thru an impartial process without deference to Water Right priority; however, Water Right priority is a consideration, if an impairment complaint is filed with the Chief Engineer.
- b. Non-irrigation uses will not be assigned a WHCL allocation due to their total combined water usage amounting to a minimal percentage of the total water use within the proposed WHCL boundaries. However, efficiency recommendations are provided for utilization in their management practices.
- c. The WHCL shall include the following townships:

Wichita County

Township 16S, Range 35W, Sections 1 through 36  
Township 16S, Range 36W, Sections 1 through 36  
Township 16S, Range 37W, Sections 1 through 36  
Township 16S, Range 38W, Sections 1 through 36  
Township 17S, Range 35W, Sections 1 through 36  
Township 17S, Range 36W, Sections 1 through 36  
Township 17S, Range 37W, Sections 1 through 36  
Township 17S, Range 38W, Sections 1 through 36  
Township 18S, Range 35W, Sections 1 through 36  
Township 18S, Range 36W, Sections 1 through 36  
Township 18S, Range 37W, Sections 1 through 36  
Township 18S, Range 38W, Sections 1 through 36  
Township 19S, Range 35W, Sections 1 through 36  
Township 19S, Range 36W, Sections 1 through 36  
Township 19S, Range 37W, Sections 1 through 36  
Township 19S, Range 38W, Sections 1 through 36

This represents a LEMA boundary that is both clearly identifiable and entirely within the boundaries of GMD1, fulfilling the requirements of K.S.A. 82a-1041(a) (1), (2).

- d. All WHCL Allocation quantities shall be expressed in terms of total acre-feet for the LEMA Period and such quantity will be provided to each Water Right owner.
- e. Any unused WHCL Allocation, up to a maximum of five times the Annual Authorized Quantity, may be carried forward to a subsequent LEMA if designated by the Chief Engineer which commences in the year 2026 and the carryover quantity will not be subject to the new LEMA's conservation requirements.
- f. No point of diversion shall receive more than five times the Annual Authorized Quantity for the LEMA Period.
- g. WHCL Allocations are shown in Attachment A.
- h. WHCL Allocations for Water Rights subject to a DWR penalty order effecting permitted withdrawals from 2009 through the LEMA Period will be adjusted accordingly by DWR, and such order may not be appealed within the WHCL appeal process.

- i. Applications to change a Water Right filed with DWR will be processed under existing laws, rules, and regulations; and should be reviewed for consistency with the goals of the WHCL during the LEMA Period.
- j. Water Rights will not be permanently altered by a WHCL Order of Designation but will be subject to the terms and conditions of the WHCL Order of Designation for the duration of the LEMA Period.
- k. Water Rights currently in their perfection period shall not be restricted by the Management Plan while in their perfection period.
- l. New Water Right applications will be considered by the Board on a case-by-case basis.

**IV. WHCL Allocations**

WHCL Allocations shall be assigned to each point of diversion and shall apply to all irrigation Appropriation Water Rights and Voluntarily Enrolled Vested Rights, subject to Section III. No Water Right shall be allowed to exceed its Annual Authorized Quantity (AAQ) unless authorized by a DWR Term Permit. WHCL Allocations for each Water Right will be included in an official Order of Designation issued by the Chief Engineer. Upon approval of the WHCL, WHCL Allocations are subject to review pursuant to Section IV (a) (5). WHCL Allocations will be established based on the following:

a. Irrigation Water Rights

- 1. The Historical Usage shall be reduced by the Conservation Factor. The result shall be multiplied by five (5) to establish the total WHCL Allocation for each point of diversion during the LEMA Period as follows:
  - A. If the Historical Usage is 20% or less of the AAQ for a point of diversion, the WHCL Allocation shall be:
 

$\text{Historical Usage} \times 5$
  - B. If the Historical Usage is more than 20% of the AAQ for a point of diversion, the WHCL Allocation shall be the greater of:
    - (i)  $\text{AAQ} \times 20\% \times 5$ , or
    - (ii)  $\text{Historical Usage} \times 75\% \times 5$
- 2. If an Appropriation Water Right is authorized for the same point of diversion as a Vested Water Right that has not voluntarily enrolled in the WHCL, a WHCL Allocation shall be established for the portion, if any, of the Historical Usage authorized by the Appropriation Water Right, as follows:
  - A. If the Annual Authorized Quantity for the overlapped Vested Water Right is greater than the Historical Usage, then no WHCL

Allocation will be established for that point of diversion and the Vested Water Right will be unaffected by the WHCL.

- B. If the Historical Usage from the point of diversion is greater than the Annual Authorized Quantity of an overlapped Vested Water Right, the WHCL Allocation will be established by subtracting the Vested Water Right's Annual Authorized Quantity from the Historic Usage, multiplying the remaining quantity, which is authorized by the overlapping Appropriation Water Right, by 75% then multiplying that product by five as described in Section IV (a) (1).
3. Each point of diversion within the WHCL boundaries will be assigned a WHCL Allocation pursuant to Section IV(a) (1) and are subject to review pursuant to Section IV (a) (5), (6).
  4. If a point of diversion is authorized by more than one Water Right, it will be subject to any DWR limitations for the point of diversion.
  5. Due consideration will be given for past conservation. If Water Rights are enrolled or have been enrolled in conservation programs, have implemented past conservation measures affecting their Historical Usage record, establishment of the WHCL Allocation will follow the guidelines set forth in Section XIII.
  6. For Water Rights operating under the authority of a Term Permit, including a MYFA, or enrolled in a K.A.R. 5-5-11 change, WCA, or other flexible water plan, the most water restrictive plan shall apply. Water Rights within the WHCL boundaries that are withdrawn from an existing WCA during the LEMA Period shall be subject to the WHCL and provided a WHCL Allocation based on the years remaining in the LEMA Period.
  7. Irrigation Use applications for MYFA Term Permits must be filed in the first year of the LEMA Period. If a subsequent LEMA is designated pursuant to Section III(e), then any carryover shall be limited by the provisions of this Management Plan and if no LEMA is subsequently designated then pursuant to K.S.A. 82a-736.
- b. Vested Water Rights (See Attachment B).
1. Pursuant to K.S.A. 82a-703, Vested Water Rights shall not be subjected to the Management Plan.
  2. Vested Water Rights once voluntarily enrolled in the WHCL may access the flexibilities of the Management Plan. If voluntarily enrolled, the Vested Water Right shall be subject to the terms and conditions of the Management Plan including the assignment of a WHCL Allocation as described in Section IV (a) (1). Enrollment must occur in the first year of the LEMA Period; prior to the first irrigation application and will require all owners of the Water Right(s), to sign a notarized document provided by GMD1.

- c. Non-Irrigation Uses - The water use reports of all non-irrigation Water Rights will be reviewed annually by the Board. Additionally each type of use is encouraged to implement the following recommendations:

1. Stock Water Rights

- A. Increase efficiency by implementing scheduled infrastructure inspections, repairing leaks in a timely manner, upgrading old equipment, and applying water reuse technology.
- B. Use less than the recommended maximum water authorized by K.A.R. 5-3-22.

2. Municipal Water Rights

- A. Reduce the gallons per capita per day.
- B. Implement scheduled infrastructure inspections, conduct system repairs in a timely manner, implement systems to account for all water usage.
- C. Consider implementing water reuse technology for precipitation runoff and effluent.
- D. Require all new and remodel construction projects to use water efficient plumbing fixtures and recommend that all consumers meet the new standard by updating their existing fixtures.
- E. Request all consumers, especially administrators of large capacity facilities and outdoor sport and recreation areas, maintain infrastructures and repair leaks in a timely manner.
- F. Request all consumers use less water intensive plants and lawns, water in the early morning and late evening, and be aware of the amount of water applied per year.

3. Industrial and Recreational Water Rights are asked to voluntarily conserve water whenever possible for the betterment of their water community.

4. Domestic Water Rights

- A. Reduce their gallons per capita per day.
- B. Install water efficient plumbing fixtures in new and remodel construction and update their existing fixtures.
- C. Identify and repair leaks.

D. Use less water intensive plants and lawns, and water in the early morning or late evening.

## **V. Combined Well Unit (See Attachment C)**

Wells within a Combined Well Unit will be allowed to share the combined quantity of their individual WHCL Allocations. No individual well shall be allowed to exceed its Annual Authorized Quantity unless authorized by a DWR Term Permit. Enrollment in a CWU must occur in the first year of the LEMA Period; prior to the first irrigation application and will require all owners of the Water Right(s), to sign a notarized document provided by GMD1. This document will contain the water right numbers and locations of the wells that are physically tied together along with a map showing the location of the pipeline. If Water right changes are required to implement a CWU, the owners are responsible for completing all necessary applications and gaining approval of such by the Chief Engineer. All Combined Well Units must be approved by the Board and the Chief Engineer prior to implementation.

## **VI. Violations**

The WHCL Order of Designation shall serve as initial notice to all Water Right owners within the WHCL boundary on its effective date. A copy of the Order of Designation and the Management Plan shall be available on DWR's website and GMD1's website. DWR shall mail a notification that the Order of Designation is effective to all Water Right owners and WUC, if different from the owner, with instructions on how to request a copy of the Order of Designation. Violations shall be addressed as follows:

- a. Exceeding the five-year WHCL Allocation and all other Water Right violations shall be subject to applicable Kansas statutes and regulations, specifically but not limited to K.A.R. 5-14-10 and K.A.R. 5-14-12.
- b. The combined authorized pumping rate of all wells in a CWU shall be used to calculate the number of days pumping occurred in excess of the CWU's WHCL Allocation.

## **VII. Metering and Monitoring**

- a. All Water Right owners shall be responsible for ensuring their water flowmeters are in compliance with state statutes and regulations prior to the diversion of water at each point of diversion.
- b. In addition to being in compliance with DWR requirements and reporting annually the quantity of water diverted from each point of diversion, all Water Right owners within the WHCL boundaries are encouraged to implement at least one additional well or meter monitoring procedure.
- c. Should the water flowmeter reported readings be in question and determined insufficient and no other records are provided upon request of GMD1, the well shall be assumed to have pumped its full Annual Authorized Quantity for the year in question.
- d. Whenever a meter is repaired or replaced, the Water Right owner or authorized designee

shall submit form DWR 1-560 Water Flowmeter Repair/Replacement Form to GMD1 or DWR within seven days of the completed repair.

- e. This metering protocol shall be a specific annual review issue and if discovered to be ineffective, specific adjustments shall be recommended to the Chief Engineer by GMD1.

#### **VIII. Accounting**

- a. DWR, in cooperation with GMD1, shall keep records of the annual diversion amounts for each Water Right within the WHCL boundary and the total five-year quantity balances. Upon written request, this information will be available to the Water Right owner or GMD1.
- b. GMD1 and DWR shall cooperate on reconciliation and correction of any annual water use report found to be in error.
- c. GMD1 will provide DWR with copies of all completed Combined Well Unit Forms and any other documentation or information concerning the WHCL in a timely manner.

#### **IX. LEMA Reviews**

- a. The Board and a member of DWR staff appointed by the Chief Engineer shall comprise the "Review Board" and shall conduct an annual review of the items in subsection (b). The review data shall also be presented at the Annual Meeting of GMD1.

- b. Annual Review Items

1. Water use data.
2. Water table information.
3. Economic data as is available.
4. Compliance and enforcement issues.
5. Any new and preferable enhanced management authorities that become available.
6. Other items deemed pertinent by the Review Board.

- c. WHCL Order of Designation Reviews

In addition to the annual review of the WHCL, the Review Board shall conduct a more formal review of WHCL Order of Designation in the fourth year of the LEMA Period. The review will encompass the annual review items with a focus on the economic impacts, as data is available, to the WHCL area and the local public interest while pursuing the LEMA goals.

The Review Board shall produce a report to the Chief Engineer following this review that contains specific recommendations regarding future WHCL actions. This report shall be presented at Stakeholder meetings for the purpose of considering any future LEMA plans. All recommendations shall be supported by reports, data, testimonials, affidavits or other information of record.

## **X. Impairment Complaints**

The Stakeholders request that any impairment complaint submitted to the Chief Engineer during the LEMA Period be investigated with consideration to Water Right priority and the Management Plan.

## **XI. Water Level Monitoring**

Prior to this WHCL proposal there were 43 recognized observation wells, two with continuous water level sensors and one continuously monitored index well, all within or near the WHCL area that have been measured annually by either DWR or KGS personnel. For each of these wells, there is a long history of annual water level measurements. Pumping influences and recovery trends can be analyzed to evaluate results of the corrective controls implemented by this Management Plan.

## **XII. Coordination**

The Stakeholders expect reasonable coordination between DWR and GMD1 on at least the following efforts:

- a. Development of the WHCL Order of Designation resulting from the LEMA process.
- b. Compliance and enforcement of the WHCL Order of Designation.
- c. Annual accounting of the WHCL Allocation quantities used and available balance to Water Right owners and WUC if different from the owner.

## **XIII. Allocation Appeal Process**

- a. The following process will govern appeals for the possible modification of WHCL Allocations.
  1. Only the amount of the WHCL Allocation may be appealed. Appeals regarding any other issues shall not be allowed and will not be considered through this process.
  2. The Board will serve as the appeals board. Information generated by DWR, KGS, any agency of the United States, and GMD1 will be the Board's official source of information for appeals.
- b. Water Right owners must submit a written request for an appeal to GMD1 before March 1, 2022. Failure to file an appeal before March 1, 2022 will cause the WHCL Allocation to become final during the LEMA Period. The request shall specify the point(s) of diversion, relevant year(s) of the Comparison Years, and the basis for the appeal. During the appeal period, each point of diversion is limited to one appeal for each of the three reasons listed below. Water Right owners may withdraw their

appeal by providing written notice prior to the Board issuing a final determination pursuant to subsection (e). New WHCL Allocations authorized by the Board will become effective the year the appeal is approved. Appeals may be based on any of the following reasons:

1. Verification of reported water use history used for the WHCL Allocations provided in Attachment A.
  2. Due consideration of previous voluntary conservation measures resulting in an incomplete or diminished Historical Usage record.
  3. Water Rights on land not owned, leased, rented or otherwise previously controlled or pumped for any of the Comparison Years by the Farm Services Agency producer of record as of January 1, 2020 shall be allowed a flow rate test, pursuant to subsection (f). Appeals for this reason shall be reviewed by the Board for approval.
- c. Appeals based solely on reported water use history will be referred to DWR for verification. Written notification will be provided to the Water Right owner when the process is completed.
- d. Appeals based on previous voluntary conservation measures must be accompanied by supporting documentation before the appeal will be scheduled for consideration by the Board. Information that will be required includes:
1. For water rights enrolled in government sponsored conservation programs, documentation must include an approved enrollment contract indicating the years of participation.
  2. Any other documentation supporting past voluntary conservation that may have influenced the water use record during the Comparison Years.
- e. The Board will review the submitted information at the next scheduled board meeting or special meeting scheduled for the purpose of appeal reviews. The Board shall issue one of the following determinations:
1. Denial of appeal.
  2. Grant an extension for the Water Right owner to provide additional information.
  3. New WHCL Allocation based on the information presented.
  4. Authorize a flow rate test. For points of diversion enrolled in government sponsored conservation programs the test may be postponed until the current contract expires.
  5. Authorize a WHCL Allocation equal to 20% of a point of diversion's AAQ x 5.
- f. Flow Rate Test Procedure

1. All flow rate tests shall be conducted by GMD1 or DWR between June 15 and September 15.
2. All wells shall have adequate spacing to allow proper installation of test equipment. If spacing is insufficient the Water Right owner will have the opportunity to make the required adjustments to facilitate an accurate test.
3. Each well within a Combined Well Unit shall be tested independently.
4. The resulting flow rate will be multiplied by 150 days to determine an annual acre-foot quantity, not to exceed the Annual Authorized Quantity. The annual quantity may be used to replace the year(s) of the Comparison Years under appeal. The new Historical Use record shall be reduced by the Conservation Factor to establish the new WHCL Allocation pursuant to Section IV (a) (1).

#### **XIV. Attachments**

Attachments A, B, & C will be available at the GMD1 office and on the GMD1 website ([www.gmd1.org](http://www.gmd1.org)).

Attachment A: Listing of WHCL Water Rights and WHCL Allocations/17 page spreadsheet

Attachment B: Voluntarily Enrolled Vested Right WHCL Consent Form

Attachment C: Combined Well Unit Form

Attachment D: GMD1 Map

Attachment E: Wichita County LEMA Boundary Map

Attachment F: KGS Estimated Useable Life Projection Map

Attachment G: KGS Observation Well Map

Attachment H: KGS Water Level Change Map

Attachment A: Listing of WHCL Water Rights and WHCL Allocations

Proposed Allocations available on the LEMA page at [www.gmd1.org](http://www.gmd1.org)

Access the allocation table linked to “View Proposed Allocations Here - 11/20/2019”

Linked Document Titled

“Wichita County Local Enhanced Management Area (LEMA): Historical Use & Allocations”

Revised 11/15/2019

**ATTACHMENT B  
VOLUNTARILY ENROLLED VESTED RIGHT WHCL CONSENT FORM**

**By signing this Voluntary Vested Right Enrollment Consent Form, I am voluntarily choosing to enroll my Vested Right into the WHCL and I understand that by enrolling my Vested Right into the WHCL that my Vested Right will be subject to all of the WHCL's conditions, restrictions and benefits.**

Owner Name: \_\_\_\_\_

Owner Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ Phone: \_\_\_\_\_

Water Right File No(s) (Use Additional Sheets if Needed)	Well ID	Section	Township	Range	Annual Authorized Quantity	LEMA Allocated Quantity
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
Totals					=====	=====

I am voluntarily entering the Vested Water Right No(s) listed above into the WHCL. I understand that once this voluntary consent form has been approved, these Vested Rights will have to remain in the WHCL until December 31, 20\_\_.

**ALL VESTED WATER RIGHT OWNERS AND THEIR SPOUSE MUST SIGN BEFORE A NOTARY IF THEIR VESTED RIGHT AND/OR THEIR LAND IS INCLUDED IN THIS VOLUNTARY VESTED RIGHT WHCL ENROLLMENT.**

**MUST BE ACCOMPANIED BY THE CONSENT FORM.**

**VESTED RIGHT CONSENT FORM**

**MUST BE SIGNED IN PRESENCE OF A NOTARY by ALL WATER RIGHT OWNERS, AND WATER USE CORRESPONDENTS (WUC).**

I, \_\_\_\_\_ and \_\_\_\_\_, understand and agree with the terms of this  
(Printed Name) (Printed Spouse Name)  
Voluntary Vested Right enrollment form.

\_\_\_\_\_  
Signature Date Spouse Signature Date  
Owner (Circle one) WUC

State of Kansas )  
) SS  
County of \_\_\_\_\_ )

I hereby certify that the foregoing form was signed in my presence and sworn to before me this \_\_\_\_\_  
day of \_\_\_\_\_, 20 \_\_\_\_\_.

\_\_\_\_\_  
Notary Public  
My Commission Expires \_\_\_\_\_

I, \_\_\_\_\_ and \_\_\_\_\_, understand and agree with the terms of this  
(Printed Name) (Printed Spouse Name)  
Voluntary Vested Right enrollment form.

\_\_\_\_\_  
Signature Date Spouse Signature Date  
Owner (Circle one) WUC

State of Kansas )  
) SS  
County of \_\_\_\_\_ )

I hereby certify that the foregoing form was signed in my presence and sworn to before me this \_\_\_\_\_  
day of \_\_\_\_\_, 20 \_\_\_\_\_.

\_\_\_\_\_  
Notary Public  
My Commission Expires \_\_\_\_\_

**ATTACHMENT C  
COMBINED WELL UNIT FORM**

By signing this Combined Well Unit Form, I understand that all of the wells included in this Combined Well Unit must be physically tied together prior to the starting date of the WHCL (January 1, 20\_\_ ) and that in order to be approved, water right changes may be required by the Kansas Department of Agriculture, Division of Water Resources.

Owner Name: \_\_\_\_\_

Owner Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ Phone: \_\_\_\_\_

Water Right File No(s) (Use Additional Sheets if Needed)	Well ID	Section	Township	Range	Annual Authorized Quantity	LEMA Allocated Quantity
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
Totals					=====	=====

\_\_\_\_\_ A map is attached showing the locations of the pipeline for this Combined Well Unit.

**ALL WATER RIGHT OWNERS AND WATER USE CORRESPONDENTS APPLICABLE TO THIS COMBINED WELL UNIT MUST SIGN IN THE PRESENCE OF A NOTARY.**

**MUST BE ACCOMPANIED BY THE CONSENT FORM.**

**COMBINED WELL UNIT CONSENT FORM**

**MUST BE SIGNED IN PRESENCE OF A NOTARY by ALL WATER RIGHT OWNERS AND WATER USE CORRESPONDENTS (WUC).**

I, \_\_\_\_\_ and \_\_\_\_\_, understand and agree with the terms of this  
(Printed Name) (Printed Spouse Name)  
Combined Well Unit.

\_\_\_\_\_  
Signature Date Spouse Signature Date  
Owner WUC  
(Circle one)

State of Kansas )  
) SS  
County of \_\_\_\_\_ )

I hereby certify that the foregoing form was signed in my presence and sworn to before me this \_\_\_\_\_  
day of \_\_\_\_\_, 20 \_\_\_\_\_.

\_\_\_\_\_  
Notary Public  
My Commission Expires \_\_\_\_\_

I, \_\_\_\_\_ and \_\_\_\_\_, understand and agree with the terms of this  
(Printed Name) (Printed Spouse Name)  
Combined Well Unit.

\_\_\_\_\_  
Signature Date Spouse Signature Date  
Owner WUC  
(Circle one)

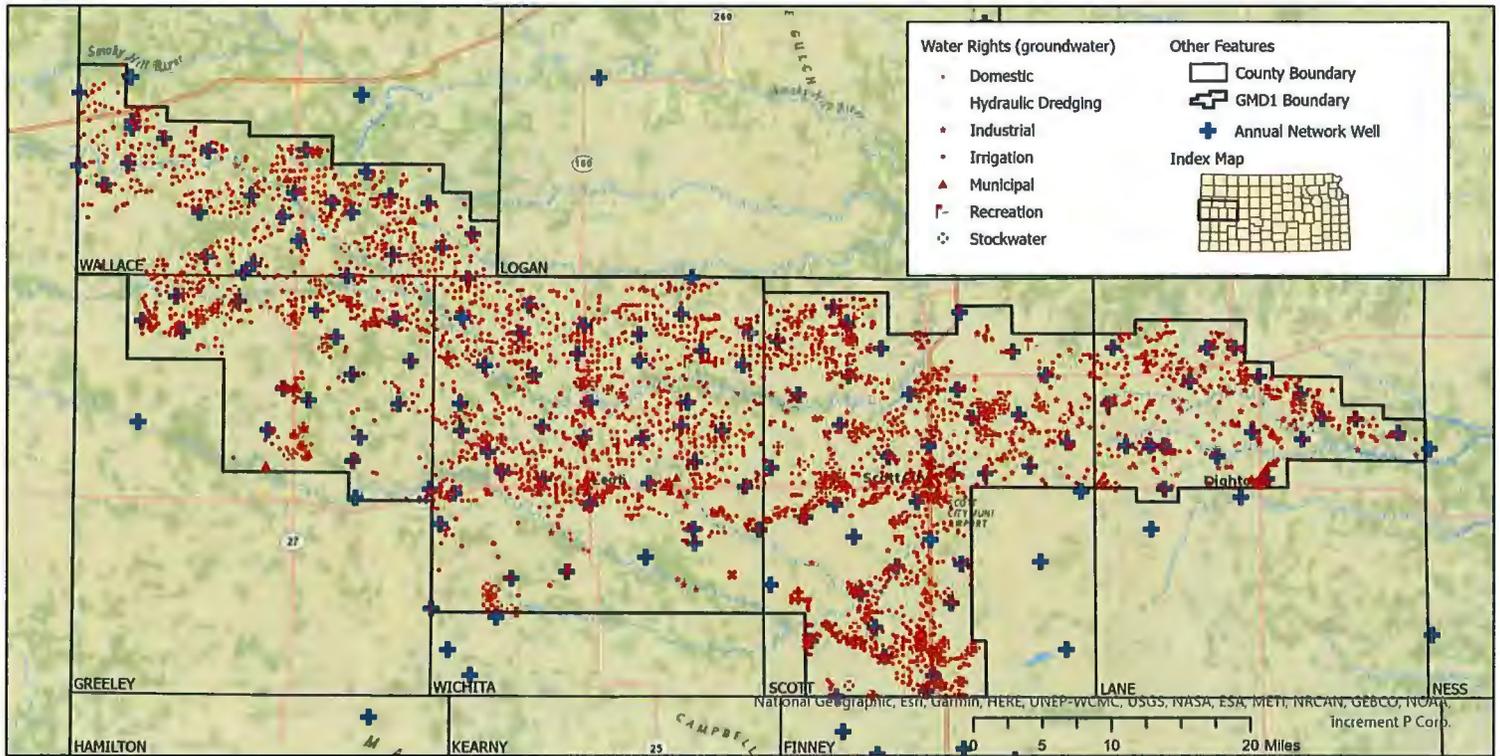
State of Kansas )  
) SS  
County of \_\_\_\_\_ )

I hereby certify that the foregoing form was signed in my presence and sworn to before me this \_\_\_\_\_  
day of \_\_\_\_\_, 20 \_\_\_\_\_.

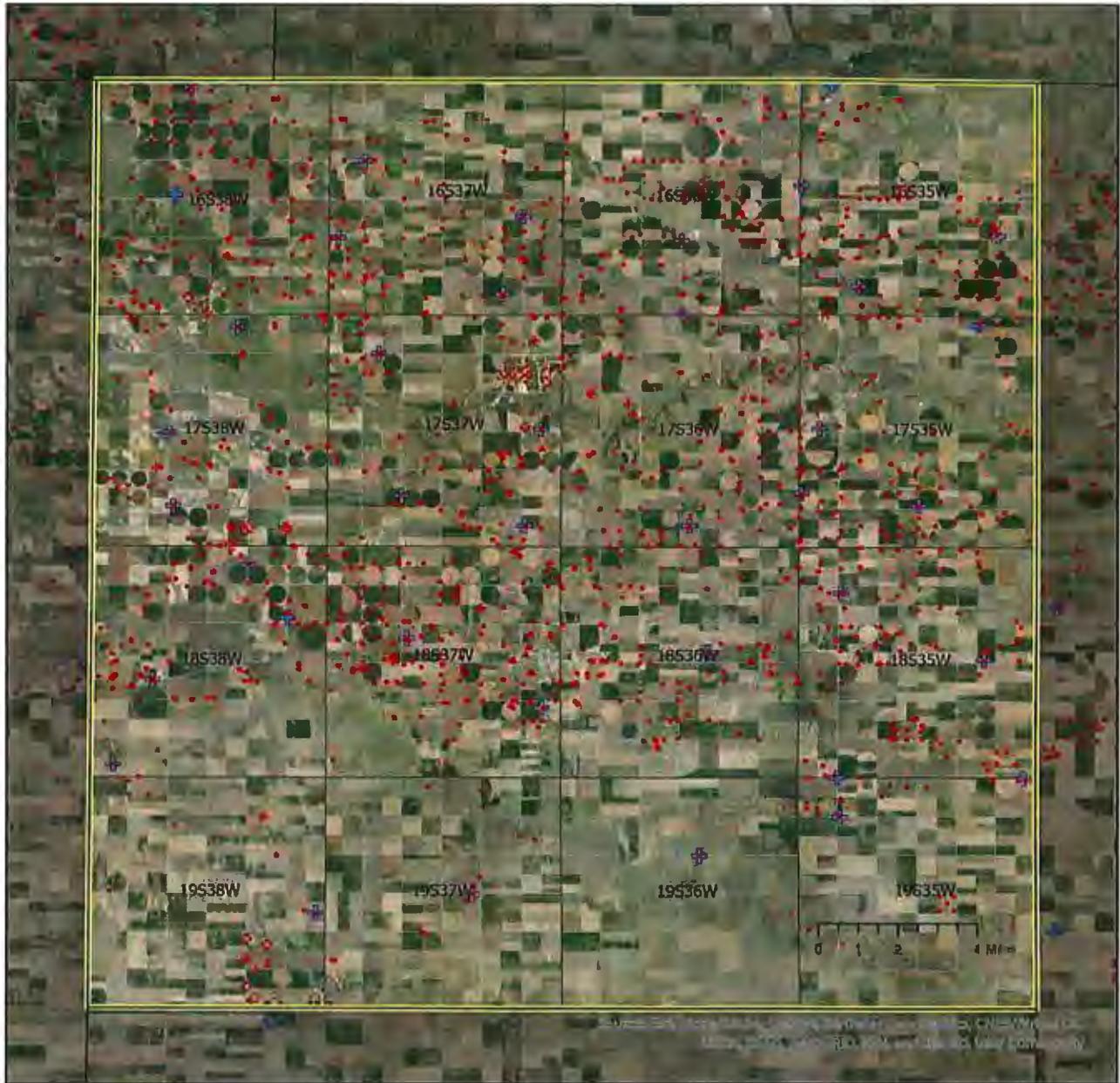
\_\_\_\_\_  
Notary Public  
My Commission Expires \_\_\_\_\_

**Attach Map showing the Combined Well Unit:**

# Attachment D: GMD1 Map



Attachment E: Wichita County LEMA Boundary Map



Water Rights (groundwater)

- Domestic
- Hydraulic Dredging
- Industrial
- Irrigation
- ▲ Municipal
- ⊖ Recreation
- ◊ Stockwater

Other Features

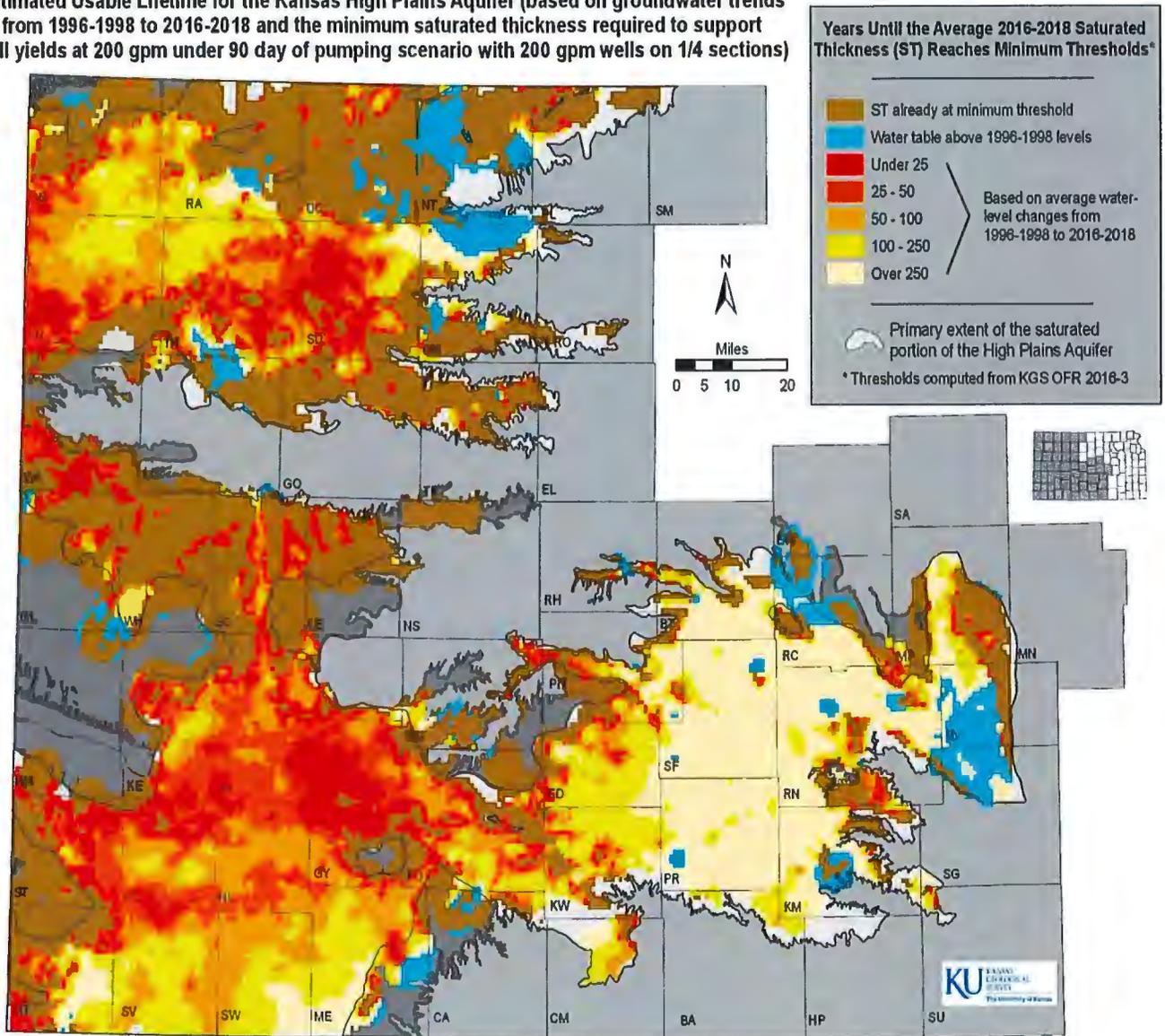
- County Boundary
- ▭ LEMA Boundary
- ⊕ Annual Network Well

Index Map

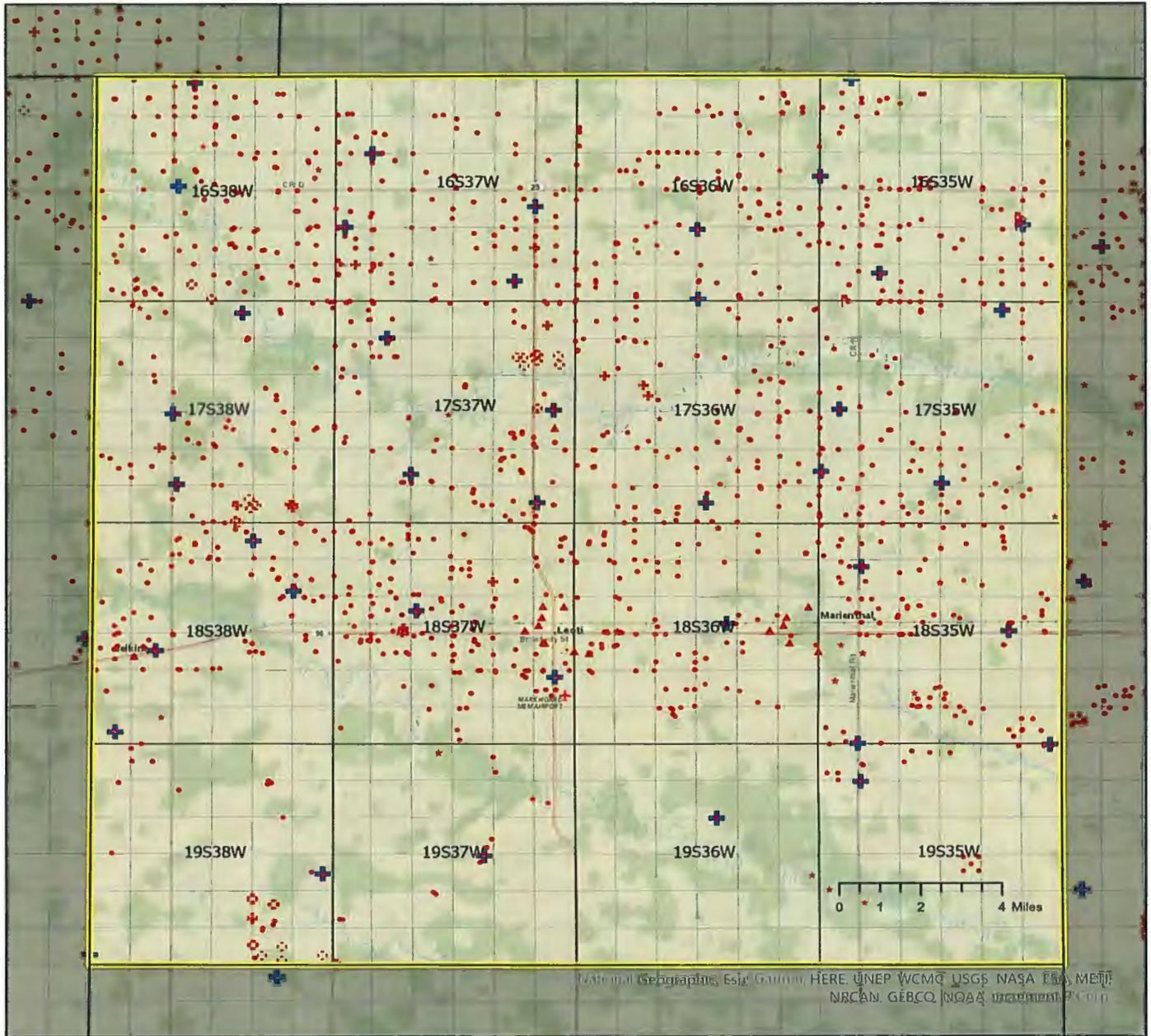


## Attachment F: Estimated Useable Life Projection Map

**Estimated Usable Lifetime for the Kansas High Plains Aquifer (based on groundwater trends from 1996-1998 to 2016-2018 and the minimum saturated thickness required to support well yields at 200 gpm under 90 day of pumping scenario with 200 gpm wells on 1/4 sections)**



Attachment G: KGS Observation Well Map



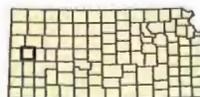
Water Rights (groundwater)

- Domestic
- Hydraulic Dredging
- Industrial
- Irrigation
- ▲ Municipal
- ◻ Recreation
- ◊ Stockwater

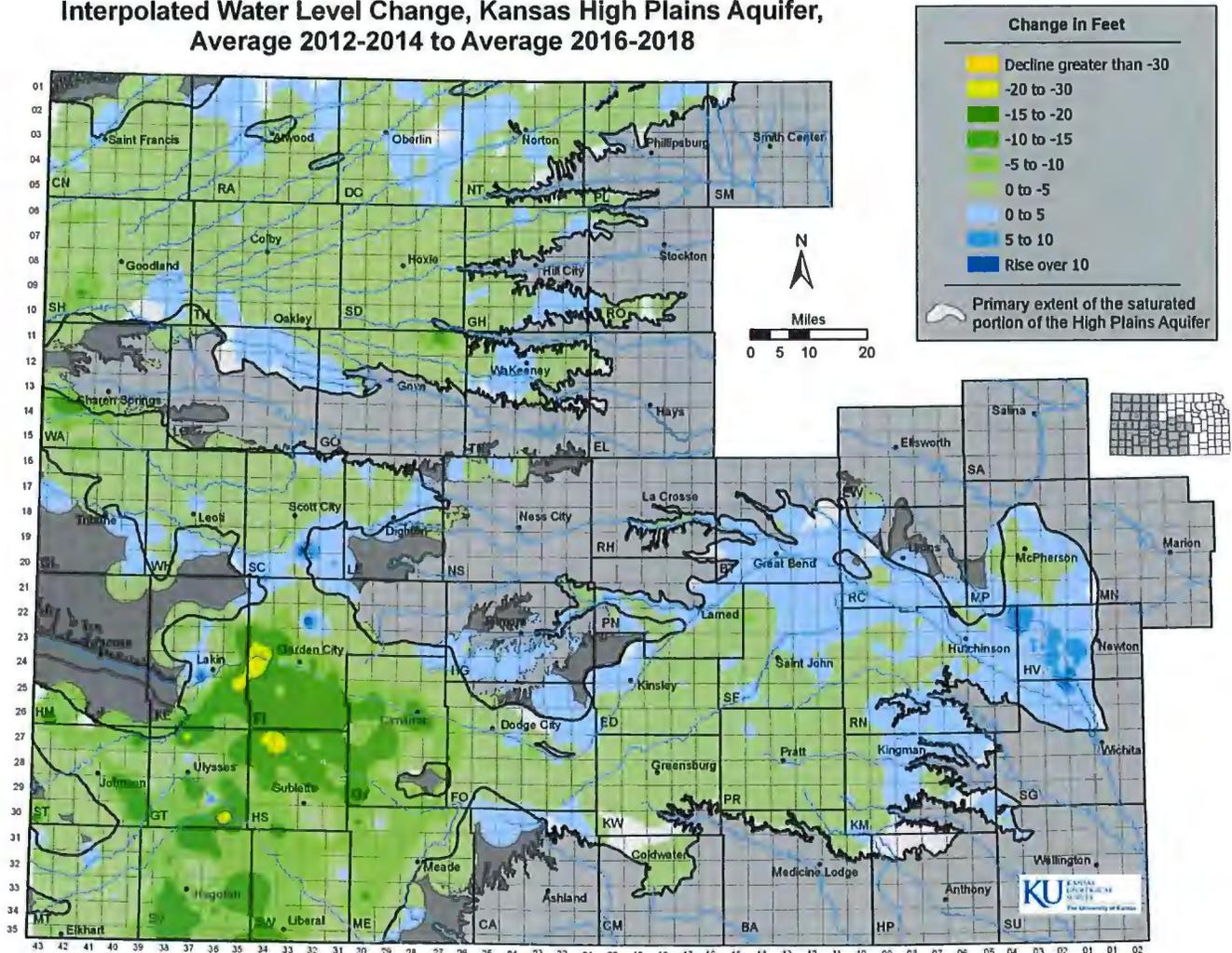
Other Features

- County Boundary
- ▭ LEMA Boundary
- ⊕ Annual Network Well

Index Map



**Interpolated Water Level Change, Kansas High Plains Aquifer,  
Average 2012-2014 to Average 2016-2018**



April 7, 2020

Kyle Spencer, Manager  
Western Kansas Groundwater Management District #1  
906 W 5<sup>th</sup>  
P.O. Box 604  
Scott City, KS 67871

RE: Wichita County Local Enhanced Management Area (LEMA) Proposal of March 26, 2020

Dear Kyle,

Pursuant to K.S.A. 82a-1041, KDA-DWR has reviewed GMD 1's proposal for its proposed Wichita County LEMA as received on March 26, 2020. Pursuant to K.S.A. 82a-1041 (a), this initial review was limited to the following, as to whether the plan:

- (1) proposes clear geographic boundaries;
- (2) pertains to an area wholly within the groundwater management district;
- (3) proposes goals and corrective control provisions as provided in subsection (f) adequate to meet the stated goals;
- (4) gives due consideration to water users who already have implemented reductions in water use resulting in voluntary conservation measures;
- (5) includes a compliance monitoring and enforcement element; and
- (6) is consistent with state law.

K.S.A. 82a-1041 (a) goes on to say that:

If, based on such review, the chief engineer finds that the local enhanced management plan is acceptable for consideration, the chief engineer shall initiate, as soon as practicable thereafter, proceedings to designate a local enhanced management area.

Based on the review, I find that the proposal meets the requirements of K.S.A. 82a-1041 (a) and is therefore acceptable for consideration. I will initiate proceedings to designate a local enhanced management area as soon as practicable.

Statute requires two hearings on the proposed LEMA. The initial hearing is to resolve the following findings of fact:

- (1) Whether one or more of the circumstances specified in subsection (a) through (d) of K.S.A. 82a-1036, and amendments thereto, exist;

- (2) whether the public interest of K.S.A. 82a-1020, and amendments thereto, requires that one or more corrective control provisions be adopted; and
- (3) whether the geographic boundaries are reasonable.

If the initial hearing is favorable on all three issues noted above, a second hearing is required to determine whether the area should be designated and the GMD's proposed local enhanced management plan for the area be adopted.

However, because of state-imposed restrictions on travel and gatherings in response to the COVID-19 pandemic, it is not yet practicable to set an initial hearing date. We will be monitoring the COVID-19 situation closely and will work to schedule the initial hearing as soon as the situation allows.

Sincerely,



Christopher W. Beightel, PE  
Acting Chief Engineer  
Kansas Department of Agriculture  
Division of Water Resources

cc (by email only):

Kelsey Olson, Deputy Secretary, KDA, [kelsey.olson@ks.gov](mailto:kelsey.olson@ks.gov);

Lane Letourneau, Program Manager, KDA, [lane.letourneau@ks.gov](mailto:lane.letourneau@ks.gov);

Mike Meyer, Garden City Water Commissioner, KDA, [mike.meyer@ks.gov](mailto:mike.meyer@ks.gov);

Kenneth Titus, Chief Counsel, KDA, [Kenneth.titus@ks.gov](mailto:Kenneth.titus@ks.gov)

CWB:srm

# Proof of Publication

State of Kansas  
County of Wichita, ss:

**Rob Taylor**, of lawful age, being duly sworn upon oath states that he is the editor of **THE WICHITA COUNTY NATIVE SUN**, formerly known as *The Leoti Standard*.

THAT said newspaper has been published at least weekly 50 times a year and has been so published for at least five years prior to the first publication of the attached notice.

THAT said newspaper was entered as second class matter at the post office of its publication;

THAT said newspaper has a general paid circulation on a daily, weekly, monthly, or yearly basis in WICHITA County, Kansas, and is NOT a trade, religious, or fraternal publication and has been printed and published in WICHITA County, Kansas.

THE ATTACHED was published on the following dates in a regular issue of said newspaper:

1st Publication was made on the 15th day of July, 2020.

Publication Fee	\$133.95
Affidavit, Notary's Fees	\$0.00
Additional Copies (0 @ \$2.00)	\$0.00

Total Publication Fee \$133.95

*Rob Taylor*  
(Signed)

Witness my hand this 16 day of

*July*, 2020

<b>Notary Public - State of Kansas</b> Melodie Breitzkreutz My Commission Expires <u>2/13/2024</u>
--

*Melodie Breitzkreutz*  
(Notary Public)

[First published in *The Wichita County Native Sun*, July 15, 2020]

## NOTICE OF HEARING

### **In the Matter of the Designation of the Wichita County Local Enhanced Management Area in Wichita County, Kansas**

Pursuant to K.S.A. 82a-1041, the Western Kansas Groundwater Management District No. 1 (GMD1) has r e c o m m e n d e d the approval of a Local Enhanced Management Area (LEMA) Management Plan in a designated area in Wichita County and within the boundaries of GMD1 (WHC LEMA). The WHC LEMA Management Plan was submitted to the Acting Chief Engineer for review and found to be acceptable for consideration.

Therefore, an initial public hearing to determine whether the Management Plan satisfies the three initial requirements for approval set forth in K.S.A. 82a-1041 has been scheduled for August 14, 2020 beginning at 9:00 a.m. (CDT). The virtual-hybrid hearing will provide the opportunity for in-person oral statements at the St. Anthony Catholic Church Parish Hall, 600 S. Fourth Street, in Leoti, Kansas and virtual online participation through Zoom or a similar program. The hearing will also be broadcast live via the Kansas Department of Agriculture's YouTube

Channel. The record established at this initial hearing shall be used to determine (1) whether one or more of the circumstances specified in subsection (a) through (d) of K.S.A. 82a-1036 exist within the proposed boundaries of the Management Plan; (2) whether the public interest of K.S.A. 82a-1020 requires that one or more corrective control provisions be adopted to address those circumstances; and (3) whether the geographic boundaries recommended in the Management Plan are reasonable. The hearing may continue as long as necessary for a full disclosure of relevant facts.

If the Acting Chief Engineer's findings based on the record established at the initial hearing are favorable to the Management Plan on all three issues of fact and an expansion of the geographic boundaries of the Management Plan is not recommended, a subsequent hearing will be held to determine whether the LEMA should be designated and the proposed WHC LEMA Management Plan adopted.

Anyone may submit written or oral statements to be included in the record of the initial hearing. Oral statements will be accepted only at the public hearing. Anyone desiring to participate in the hearing by providing oral statements or by making a visual presentation via Zoom must submit their

request at least 24 hours prior to the hearing by notifying Ronda Hutton at (785) 564-6715 or by e-mail at ronda.hutton@ks.gov. A copy of any visual presentation must also be submitted 24 hours in advance of the initial hearing. Written statements may be submitted at the public hearing or sent to the WHC LEMA; c/o Ronda Hutton; 1320 Research Park Drive, Manhattan, Kansas 66502, faxed to (785) 564-6777, or e-mailed to ronda.hutton@ks.gov. Written comments will be accepted if delivered on or before Friday, August 28, 2020. The deadline for any party desiring to formally intervene in the proceeding is July 31, 2020, but electing not to formally intervene by that date will not limit any party's ability to provide testimony at the public hearing.

Interested members of the public are encouraged to attend the initial hearing. A link to the live broadcast of the hearing and a copy of the proposed plan and related documents are available online at: <http://agriculture.ks.gov/whcl>.

Christopher W. Beightel,  
P.E.  
Acting Chief Engineer,  
Division of Water Resources  
Kansas Department of Agriculture

28-141-1

The record established at this initial hearing shall be used to determine (1) whether one or more of the circumstances specified in subsection (a) through (d) of K.S.A. 82a-1036 exist within the proposed boundaries of the Management Plan; (2) whether the public interest of K.S.A. 82a-1020 requires that one or more corrective control provisions be adopted to address those circumstances; and (3) whether the geographic boundaries recommended in the Management Plan are reasonable. The hearing may continue as long as necessary for a full disclosure of relevant facts.

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[First published in *The Wichita County Native Sun*, July 15, 2020]

### **NOTICE OF HEARING**

**In the Matter of the  
Designation of the  
Wichita County  
Local Enhanced  
Management Area  
in Wichita County, Kansas**

Pursuant to K.S.A. 82a-1041, the Western Kansas Groundwater Management District No. 1 (GMD1) has recommended the approval of a Local Enhanced Management Area (LEMA) Management Plan in a designated area in Wichita County and within the boundaries of GMD1 (WHC

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July 15, 2020

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2. They go in martinis  
 3. A way to break away  
 4. Intermediate ecological stage  
 5. Baby term for father

LEMA). The WHC LEMA Management Plan was submitted to the Acting Chief Engineer for review and found to be acceptable for consideration.

Therefore, an initial public hearing to determine whether the Management Plan satisfies the three initial requirements for approval set forth in K.S.A. 82a-1041 has been scheduled for August 14, 2020 beginning at 9:00 a.m. (CDT). The virtual-hybrid hearing will provide the opportunity for in-person oral statements at the St. Anthony Catholic Church Parish Hall, 600 S. Fourth Street, in Leoti, Kansas and virtual online participation through Zoom or a similar program. The hearing will also be broadcast live via the Kansas Department of Agriculture's YouTube Channel.

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Christopher W. Beightel, P.E.  
 Acting Chief Engineer,  
 Division of Water Resources  
 Kansas Department of  
 Agriculture

28-141-1

**Public Notice**

(Published in The Scott County Record Thurs., July 16, 2020)1t

**NOTICE OF HEARING  
In the Matter of the  
Designation of the  
Wichita County  
Local Enhanced  
Management Area  
in Wichita County, Kansas**

Pursuant to K.S.A. 82a-1041, the Western Kansas Groundwater Management District No. 1 (GMD1) has recommended the approval of a Local Enhanced Management Area (LEMA) Management Plan in a designated area in Wichita County and within the boundaries of GMD1 (WHC LEMA). The WHC LEMA Management Plan was submitted to the Acting Chief Engineer for review and found to be acceptable for consideration.

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The record established at this initial hearing shall be used to determine:

- (1) whether one or more of the circumstances specified in subsection (a) through (d) of K.S.A. 82a-1036 exist within the proposed boundaries of the Management Plan;
  - (2) whether the public interest of K.S.A. 82a-1020 requires that one or more corrective control provisions be adopted to address those circumstances; and
  - (3) whether the geographic boundaries recommended in the Management Plan are reasonable.
- The hearing may continue as long as necessary for a

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If the Acting Chief Engineer's findings based on the record established at the initial hearing are favorable to the Management Plan on all three issues of fact and an expansion of the geographic boundaries of the Management Plan is not recommended, a subsequent hearing will be held to determine whether the LEMA should be designated and the proposed WHC LEMA Management Plan adopted.

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**Proof of Publication**

Affidavit of Publication  
STATE OF KANSAS, SCOTT COUNTY, ss:

Rodney R. Haxton, being first duly sworn, deposes and says that he is editor of The Scott County Record, a weekly newspaper printed in the State of Kansas, and published in and of general circulation in Scott County, Kansas, with a general paid circulation and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a weekly, published at least 50 times a year in said county, and has been admitted as second class matter at the post office of Scott City in said county.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 1 consecutive weeks, the first publication thereof being made as aforesaid on the 16 day of July, 2020, with subsequent publications being made on the following dates:

- \_\_\_\_\_ , 20\_\_
- \_\_\_\_\_ , 20\_\_
- \_\_\_\_\_ , 20\_\_
- \_\_\_\_\_ , 20\_\_
- \_\_\_\_\_ , 20\_\_

Publication Fee \$ 95.90  
 Additional Copies @ \_\_\_\_\_ \$ \_\_\_\_\_  
 Total Publication Fee \$ 95.90

[Signature]  
 \_\_\_\_\_  
 Publisher

Subscribed and sworn to before me this 17 day of  
July, 2020.



[Signature]  
 \_\_\_\_\_  
 Notary Public

My commission expires 8/8/21