

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

**Final For Re-Submittal**

**Executive Summary**

The Wichita County LEMA (*WC LEMA*) Plan was originally developed and submitted by the Western Kansas Groundwater Management District No. 1 (*GMD1*) to the Chief Engineer on March 26, 2020. After the appropriate consideration by the Chief Engineer, the Plan was approved and implemented for years 2021-2025 via the Chief Engineer's Order of Designation dated February 2<sup>nd</sup>, 2021. GMD1 testimony at Initial Hearing on August 14<sup>th</sup>, 2020, and the Second Hearing on November 20<sup>th</sup>, 2020, supported its original LEMA proposal as well as this current request for Renewal (*see the References section*).

The WC LEMA has seen remarkable success in its efforts to stabilize water levels across the County. Per evaluations completed by the Kansas Geological Survey, data has begun to indicate that much of Wichita County's pumping is approaching or at Q-Stable estimations and trends. The Plan's implementation is built upon strong existing Stakeholder involvement and action over recent years, as also demonstrated by the early creation and on-going action of the Wichita County Water Conservation Area (*WCA*) which began in 2017, now in its second seven-year period. Therefore, all Stakeholders throughout the county have shown their commitment to conservation and implementation of best management practices within the WC LEMA. There is strong community support for the continuation of the WC LEMA, and overall preservation of locally driven solutions for addressing regionally specific water decline.

Following a review of water use for the 5 years (*2021-2025*) of the Initial WC LEMA period, this data indicates that not only has the WC LEMA average pumping been significantly less than originally required by the Plan but, more significantly, pumping has been less than the Kansas Geological Survey's (*KGS*) most recent estimate of Q-stable for the LEMA area. Q-stable is used to determine an estimated numerical value indicating that aquifer inflows and local pumping of the aquifer have begun to stabilize. While Q-stable is a very helpful indicator of a reasonable goal to aim for when identifying an allocation methodology and overall goal trajectory, it can vary significantly over time and by area within a County and therefore is best utilized as a metric for gauging overall progress and success of a Management Plan. Therefore, very careful evaluation of this data through an ongoing established partnership between the KGS and GMD1 is critical to LEMA success and will need continued refinement as more data is collected and made available.

After the review of the WC LEMA Plan and its performance thus far in the Original LEMA Period (*2021-2025*), and based on significant input from community Stakeholders through outreach meeting opportunities, surveys and numerous Board meeting discussions, the Board submitted a Request for the Renewal of the WC LEMA on October 2<sup>nd</sup> 2025 for the years 2026-2030 under essentially the same terms, but as amended as follows:

- The LEMA Plan Included a revised goal statement limiting non-vested, irrigation withdrawals for the period 2026-2030 to the original goal with the following adjustments:
  - removed vested water rights from the LEMA Plan including allocations assigned to them,

- limited estimated carryforward of banked allocations from the Original LEMA Period for individual points of diversion (*or designated groups*) to no more than 2-years of the average annual Base WC LEMA Allocation,
  - adjusted for appeals granted during the Original LEMA Period, and
  - removed allocations for individual points of diversion (or groups) with no use between the years 2021-2024 and no banked allocation into the second LEMA period (2026-2030) but allowing for appeals at any time during the LEMA period to reinstate allocations and appropriate banked allocation under specific circumstances.
- Removed the option for voluntary enrollment of vested rights (*as none have enrolled in the first year of the Original LEMA Period*).
  - Provide that the Board would work closely with the KGS to continuously monitor water use, versus the goal of maintaining use consistent with Q-stable values and will make appropriate determinations as to when and if additional adjustments to this Plan are needed to protect a long-term trend of sustainability.
  - Limited carryforward of banked allocations for individual points of diversion (*or designated groups*) no more than 2-years base WC LEMA Allocation from the Original LEMA Period based on 2021-2025 water use.
  - Removed base allocations and banked allocation for those making no use of their allocation from 2021-2024 but providing an appeal process should they wish to reinstate their use.
  - Allowed for the creation of new Combined Well Units at any time during the WC LEMA Period (*2026-2030*). Each Combined Well Unit application will be reviewed by GMD1 staff and/or the Board prior to approval for consistency with the water saving goals of the WC LEMA.
  - Provided for limited additional appeals of allocations under the procedures described below, which may include a strong encouragement for a system evaluation to be performed by a licensed irrigation engineer for enhanced efficiency.
  - Enhanced public outreach and annual reviews for the next LEMA Period, focused on how recent average pumping compares with KGS' estimate of Q-stable for the LEMA area.
  - Proposed including reference to the flexibilities provided in K.S.A. 82a-1041 or a MYFA may be applied to the Renewal LEMA period, however, would have to be established on a case-by-case basis through an application process for review and approval by GMD1 staff and/or Board.

On January 13<sup>th</sup>, 2026, a renewal hearing for the proposed WC LEMA was held in Leoti Kansas. Testimony was provided by GMD1 staff, legal counsel Tom Adrian and the District's Consultant David Barfield. Testimony provided can be found in Attachment F.

On March 10<sup>th</sup>, 2026, the Chief Engineer issued an order to GMD1 returning the proposed LEMA renewal plan for further review, and resubmittal within 90 days pursuant to K.S.A. 82a-1041(d)(3). The Order of Decision Regarding the WC LEMA Renewal Plan can be found in Attachment G. The Board has worked diligently in close coordination with the Chief Engineer and DWR Staff to address the concerns outlined in the Order of Decision, while maintaining the elements of local community input and control which are so critical when developing a LEMA Plan.

After careful consideration and additional public outreach initiatives, GMD1 is Re-Submitting the LEMA Renewal Plan, with the following adaptations to the above-mentioned proposal.

- The WC LEMA Plan includes a revised goal statement, noting that the primary goal of this Plan is the achievement of water level stabilization (or estimations of Q-Stable) in an economically viable way according to local input. It is noted that these estimations of Q-Stable are regionalized goals that change over time and vary across the County, however they provide reasonable guidance as to how the Management Plan is progressing.
- The WC LEMA Renewal period will be adjusted to 2026-2035 with an amendment period to the LEMA Plan prior to 2031, by the GMD Board of Directors.
- Incorporation of new requirements for Stock Water Rights and Industrial Water Rights transitioning from Irrigation.
- Allowing for two years of banked allocation from the Original LEMA period to be carried over as allowable banked allocation, to be used anytime throughout the 10-year LEMA period in addition to the 10-year base allocation. The flexibilities of K.S.A. 82a-1041(f)(5) will also pertain to this LEMA period.
- Allowing a strict appeals process that will be available throughout the 10-year LEMA period only to be available at Board discretion in circumstances where undue negative economic hardships would be experienced by an applicant, if action was not taken.
- Reversing the original proposal to remove allocations and banked allocation for those making no use of their allocations during the Original LEMA Period.
- A Combined Well Unit may be filed at any time throughout the ten-year LEMA period.
- Removal of the Wichita County Water Conservation Area participants from the LEMA Plan to allow each program to operate effectively.

The following requirements for LEMA plans in DWR regulations are addressed in the following:

- A description of how the LEMA boundary was determined can be found in **Section 3** of GMD1's testimony to the First LEMA hearing held on August 14<sup>th</sup>, 2020.
- A description of how the LEMA appeal process is reasonably tailored to consider voluntary conservation measures is addressed in **Section 4** of GMD1's testimony at the Second Hearing of November 20, 2020.
- **Attachment A1** to this document provides a listing of WC LEMA active water rights, points of diversions, groupings, Base Allocations for the ten-year period (2026-2035), and allowable banked allocation and total 10-year allocations based on provisional 2025 water use data.
  - Note that the Board will formally engage with KGS to delineate smaller aquifer Sub Regions throughout the County, to better estimate Q-Stable pumping trends. The Board of Directors will formally amend the LEMA Plan prior to 2031 to address any further decline identified within these Sub Regions (to be identified by KGS and the Board of Directors of GMD1). This amendment will be to address any specific Sub Region still experiencing an average decline rate, by requiring an additional reduction up to 10% per Board Discretion. This amendment will be reflected as an edit to **Attachment A1**. Regions that have reasonably achieved what is determined as the estimated Q-Stable goal will not receive a further reduction as stabilization, not recharge is the intent of this current LEMA plan. At this time the Board may also address how this additional data can further benefit or refine the plan if needed.
- **Attachment D** to this document provides documentation indicating the proposed corrective controls will meet the LEMA's stated goal for the period 2026-2035.

- **Attachment E** to this provides a memorandum summarizing public outreach conducted by GMD1 and resulting changes made based on public input for this Renewal LEMA Plan. See also the summary of public outreach done for the original LEMA Plan in **Section 2a** and **Exhibit 7** of GMD1’s testimony to the First LEMA hearing held on August 14<sup>th</sup>, 2020.

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### I. Definitions

- “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.
- “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.
- “Base WC LEMA Allocation, Allocation or WC LEMA Allocation” - The quantity of water in acre-feet allowed for each irrigation Appropriation Water Right, assigned by point of diversion, that may be diverted during the LEMA Period pursuant to the Plan’s methods described in Section IV.(a), adjusted for Appeals granted, not including any allowed Banked Allocation.
- “Board” - The GMD1 Board of Directors.
- “Allowable Banked Allocation” – Banked/unused allocation from the Original LEMA Period determined pursuant to Sections III(g) and IV (a) of the Plan.
- “Chief Engineer” - The Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture.

- g. “Comparison Years” - The years, 2009 through 2015, used to determine Historical Usage of a point of diversion.
- h. “Conservation Factor” - A 25% reduction applied to the Historical Usage for the calculation of a WC LEMA Allocation.
- i. “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 WC LEMA.
- j. “Domestic Water Rights”- Shall mean the same as KSA82a-701 (c).
- k. “DWR” - Division of Water Resources, Kansas Department of Agriculture.
- l. “GMD1” - Western Kansas Groundwater Management District No. 1.
- m. “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 WC LEMA Allocation.
- n. “K.A.R.” - Kansas Administrative Regulations.
- o. “KGS” - Kansas Geological Survey.
- p. “K.S.A.” - Kansas Statutes Annotated.
- q. “LEMA” - Local Enhanced Management Area.
- r. “Initial LEMA Period” - A five-year period that shall run from January 1, 2021, through December 31, 2025. Also, herein in “Original LEMA Period.”
- s. “LEMA Renewal Period” – A ten-year period that shall run from January 1, 2026, through December 31, 2035.
- t. “LEMA 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.
- u. “MYFA or Multi-Year Flex Account” - A type of Term Permit as defined in K.S.A. 82a-736.
- v. “Q-stable Pumping Value” – an annual determination by KGS of the average annual allowable pumping within the LEMA boundary to maintain stable water levels for the next decade or two. Q-stable is an estimation based on long-term monitoring and may change over time.
- w. “WC LEMA Renewal Period Allocation” - The quantity of water in acre-feet allowed for each irrigation Appropriation Water Right assigned by point of diversion that may be diverted during the LEMA Renewal Period including both the Base WC LEMA allocation and any Allowable Banked Allocation determined pursuant to Sections III(g) and IV (a).

- x. “Stakeholder” - Any Water Right owner within the WC LEMA boundaries.
- y. “Sub-Region/Region” – An area within Wichita county delineated by the GMD1 Board of Directors in coordination with the Kansas Geological Survey, for enhanced data collection and monitoring of water levels and aquifer characteristics.
- z. “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.
- aa. “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.
- bb. “Water Rights”- means the same as defined in K.S.A. 82a-701(g).
- cc. “WUC” - Water Use Correspondent.
- dd. “WCA” - Water Conservation Area.
- ee. “WC WCA - Wichita County Water Conservation Area.
- ff. “WC LEMA” - Wichita County Local Enhanced Management Area.
- gg. “WC LEMA Order of Designation” - The Order of Designation issued by the Chief Engineer pursuant to K.S.A. 82a-1041.

## II. LEMA Plan Goals

The goal of the LEMA Plan shall be to maintain stable water levels across the WC LEMA, consistent with the estimate by KGS of Q-stable pumping for the area, while giving due consideration to historical water conservation by water users as required by Kansas statute, which acknowledges the benefits of local management considering the regional economics and to address aquifer Sub Regions that are still declining with an additional reduction in 2031.

The WC LEMA shall continue to exist for a ten-year period beginning on January 1, 2026, and ending on December 31, 2035, with an amendment to be submitted prior to 2031. To address water level declines and withdrawal rates exceeding recharge rates within the proposed WC LEMA boundaries and to maintain recent trends toward stable water levels, the goal of the LEMA Plan shall be to regionally maintain and/or achieve estimated Q-Stable values over time as projected in coordination with the Kansas Geological Survey taking into consideration local input from Stakeholders, and economic impact.

The economic importance of agriculture in Wichita County as well as the entirety of Western Kansas has been studied by Economist Dr. Bill Golden of Kansas State University, specifically regarding the impact of conservation initiatives such as the LEMA Plans. Continued evaluation and research will be critical to ensure that these communities and industries can maintain viability for years to come, and the Board of Directors may refer to this research data when evaluating the WC LEMA.

See **Attachment A1** for a listing of WC LEMA Water Rights, points of diversions, groupings, and Base WC LEMA Allocations for the ten-year period (2026-2035) and **Attachment D** for documentation indicating how the proposed corrective controls will meet the LEMA’s stated goal.

### III. Proposal

The WC LEMA shall include all non-vested irrigation Appropriation Water Rights whose source is the Ogallala Aquifer within the WC LEMA boundaries. Pursuant to K.S.A. 82a-703 Vested Water Rights within the WC LEMA boundaries shall not be regulated.

- a. Base WC LEMA allocations were established for each Water Right through an impartial process without deference to Water Right priority; however, Water Right priority will remain a consideration, if an impairment complaint is filed with the Chief Engineer.
- b. Note that an amendment will take place prior to 2031, as approved by the Board of Directors, utilizing data from the KGS to determine Sub Regional progress towards estimated Q-stable trends, and taking into consideration economic impacts and local water use trends at the discretion of the Board. Sub Regions that have reasonably achieved what is determined as the estimated Q-stable goal will not receive a further reduction as stabilization of groundwater levels not recovery is the intent of the LEMA Plan. Should a Sub Region be identified that has not met estimated Q-stable goals, an additional reduction will be required in an effort to continue working towards the goal of this ten-year LEMA Plan.
  1. To achieve this, GMD1 will establish the Water Level Measurement Enhancement Initiative with KGS as described in **Section XII** of this plan. This effort will work to incorporate the latest groundwater modeling data as appropriate and will assist in KGS's efforts to delineate Sub Regions reflective of localized hydrological characteristics and more reflective Q-stable estimates for these Sub Regions. Efforts will include public outreach and education as well as increased availability of water level monitoring opportunities, and encouragement for annual water levels to be taken and voluntarily shared with GMD1 for data collection. Fiscal assistance will also be available for monitoring equipment or enhancements to allow such monitoring.
  2. Amendment – Prior to 2031 the Board will have the opportunity for an amendment period for the sole purpose of incorporating the above referenced data into the plan, by identifying any (*above referenced*) Sub Region experiencing pumping trends over time not aligned with estimated Q Stable values at which time an additional reduction up to 10% may be implemented, specifically to the remaining 5 years of base allocation in the LEMA Plan (2031-2035) per Board discretion. This reduction would not pertain to banked allocation, only base allocation of the LEMA Plan.
- c. Non-irrigation uses will not be assigned a WC LEMA Base allocation due to their total combined water usage is a minimal percentage of the total water use within the proposed WC LEMA. However, efficiency recommendations are provided for utilization in their management practices.
- d. The WC LEMA 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).

- e. All WC LEMA Allocation quantities shall be expressed in terms of total acre-feet for the LEMA Renewal Period, and such quantities will be provided to each Water Right owner.
- f. In no event shall the WC LEMA Renewal Period Allocation exceed ten times the authorized quantity for the LEMA Period.
- g. Base WC LEMA Allocations are shown in **Attachment A1**, which represents the new allocations for the 10-year LEMA renewal period, 2026-2035. In addition, based on provisional 2025 wateruse data, the attachment includes Allowable Banked Allocations and Renewal Period LEMA allocations, not to exceed that allowed in **Paragraph (f)**. When the provisional 2025 wateruse data is updated, DWR and GMD1 will cooperate in updating the Allowable Banked Allocations and Renewal Period Allocations accordingly. The flexibilities of K.S.A. 82a-1041(f)(5) will also pertain to this LEMA period (2026-2035).
- h. WC LEMA Allocations for Water Rights subject to a DWR penalty order effecting permitted withdrawals from 2009 through the LEMA Renewal Period will be adjusted accordingly by DWR, and such order may not be appealed within the WC LEMA 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 WC LEMA during the LEMA Period.
- j. Water Rights will not be permanently altered by the WC LEMA Order of Designation but will be subject to the terms and conditions of the WC LEMA Order of Designation for the duration of the LEMA Renewal Period.
- k. Water Rights currently in their perfection period shall not be restricted by the LEMA Plan while in their perfection period.
- l. New Water Right applications will be considered by the Board on a case-by-case basis.

#### IV. WC LEMA Allocations

Base WC LEMA Allocations for the Original LEMA Period were assigned to each point of diversion and applied to all irrigation Appropriation Water Rights, subject to **Section III**. Base WC LEMA allocations for the Renewal Period, provided in **Attachment A1**, are the same as

determined in the Original LEMA Period, except that vested rights are not included, and as adjusted by appeals during the Original LEMA Period. Base WC LEMA Allocations for each water right will be included in an official Order of Designation issued by the Chief Engineer. Upon approval of the WC LEMA, WC LEMA allocations are subject to review pursuant to **Section IV (a) (5)** and **Section IX**. WC LEMA Allocations will be established based on the following:

a. Irrigation Water Rights

1. An appeal that has already been processed during the Initial LEMA Period will not need to re-apply for an appeal in the WC LEMA Renewal Period. The appealed quantity from the Initial LEMA Period will reflect the Base Allocation found on **Attachment A1** of the WC LEMA Renewal Period.
2. The Historical Usage during the Original LEMA Period (2009-2015) shall be reduced by the Conservation Factor. The result shall be multiplied by ten (10) to establish the total WC LEMA 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 WC LEMA Allocation shall be:  
$$\text{Historical Usage} \times 10$$
  - B. If the Historical Usage is more than 20% of the AAQ for a point of diversion, the WC LEMA Allocation shall be the greater of:
    - (i)  $\text{AAQ} \times 20\% \times 10$ , or
    - (ii)  $\text{Historical Usage} \times 75\% \times 10$
3. If an Appropriation Water Right is authorized for the same point of diversion as a Vested Water Right, a WC LEMA Allocation shall be established for the portion, if any, of the Historical Usage authorized by the Appropriation Water Right, as follows:
  - A. If the AAQ for the overlapped Vested Water Right is greater than the Historical Usage, then no WC LEMA Allocation will be established for that point of diversion, and the Vested Water Right will be unaffected by the WC LEMA.
  - B. If the Historical Usage from the point of diversion is greater than the AAQ of an overlapped Vested Water Right, the WC LEMA Allocation will be established by subtracting the Vested Water Right's AAQ 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).
4. Each point of diversion within the WC LEMA boundaries will be assigned to a WC LEMA Allocation pursuant to **Section IV(a) (1)** and are subject to review pursuant to **Section IV (a) (5), (6)**.
5. 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.

6. If an individual point of diversion, or CWU group has no allocation due to non-use, a certified flow test may be performed to establish an allocation per Board discretion as defined in **Section XIV**.
7. Due consideration will be given for past conservation. Conservation resulting from compliance with the past WC LEMA allocations will not be considered. Any due consideration for past conservation would be determined by the Board of Directors on a case-by-case basis. 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 WC LEMA Allocation will follow the guidelines set forth in **Section XIV**.
8. 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 WC LEMA boundaries that are withdrawn from an existing WCA during the LEMA Period shall be subject to the WC LEMA and provided a WC LEMA Allocation based on the years remaining in the Renewal LEMA Period.
9. As provided in **Section IX**. A. below, in addition to the Base WC LEMA Allocations provided above, the carryforward of up to two years of banked allocations from the Initial LEMA Period will be allowed to create the WC LEMA Renewal Period Allocation for each point of diversion or designated group for the 2026-2035 period, to be used at any time throughout the 2026-2035 LEMA Renewal Period (not to exceed 10-years of base allocation as described in this Plan, and 2 years of allowable banked allocation as described in this Plan.

b. Vested Water Rights

1. Pursuant to K.S.A. 82a-703, Vested Water Rights shall not be subjected to the LEMA Plan.

- c. Non-Irrigation Uses - The water use reports of all non-irrigation water rights will be reviewed annually by the Board. Although not requiring the following actions, the board will consider compliance with the following actions as “past conservation efforts” in future renewals. Additionally, each type of use is strongly 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 actively implementing or planning for water reclamation technology.
- B. Encouraged participation in the Irrigation Technology Initiative Program.
- C. Require the development of a long-term water conservation plan and identification of long-term economic regional needs, and appropriate measures to reach stable water levels.

- D. When a water use change application is submitted to change an existing water right from Irrigated water use to Stock water use, it is strongly encouraged that the LEMA allocation be abided by throughout the WC LEMA Renewal Period.
- E. In 2031 the Board of Directors may choose to formally add Stock Water Rights to the LEMA Plan, with an amendment to the Plan.
- F. Use less than the recommended maximum water authorized by K.A.R. 5-3-22.

## 2. Industrial Water Rights

- A. Require the development of a long-term water conservation plan and identification of long-term economic regional needs, and appropriate measures to reach stable water levels.
- B. When a water use change application is submitted to change an existing water right from Irrigation water use to Industrial water use, it is strongly encouraged that the LEMA allocation be abided by throughout the WC LEMA Renewal Period.
- C. Implement scheduled infrastructure inspections, conduct system repairs in a timely manner, implement systems to account for all water usage.
- D. In 2031 the Board of Directors may choose to formally add Industrial Water Rights to the LEMA Plan, with an amendment to the Plan.

## 3. 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.

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

5. 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.

d. Wichita County Water Conservation Area (WC WCA)

1. Any water right that is enrolled in the WC WCA is exempt from the Wichita County LEMA Management Plan as long as it remains enrolled. Any water right that leaves the WC WCA will be subject to a prorated quantity of its 10-year allocation under the LEMA as provided in **Attachment A2**.

## **V. Flexibility to exceed annual authorized quantities (See Attachment B)**

Pursuant K.S.A. 82a-1041(f)(5), water users will be allowed to apply for the flexibility to exceed their annual authorized quantity on any water right without applying for a MYFA, on application to the GMD1 Board using **Attachment B**, subject to not exceeding LEMA allocations and the review and approval, on a case-by-case basis, via review and approval by GMD1 staff and/or Board.

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

Wells within a Combined Well Unit will be allowed to share the combined quantity of their individual WC LEMA Allocations. New enrollments in a CWU may occur at any time during the LEMA Renewal Period 2026-2035. 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 prior to application. All Combined Well Units must be approved by the Board and the Chief Engineer prior to implementation

## **VII. Violations**

The WC LEMA Order of Designation shall serve as initial notice to all Water Right owners within the WC LEMA boundary on its effective date. A copy of the Order of Designation and the LEMA 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 ten-year Renewal Period, WC LEMA 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 WC LEMA Renewal Period Allocation.

### **VIII. Metering and Monitoring**

- a. GMD1 will enter into an agreement with the KGS to enhance water level monitoring capabilities and incorporate appropriate data from the Airborne Electromagnetic Survey as a part of renewing the 2019 GMD1 Groundwater Model.
- b. 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.
- c. GMD1 will begin efforts to establish a text messaging program, aimed at providing regular reminders to Stakeholders to check their meter readings.
- d. In addition to following DWR requirements and reporting annually the quantity of water diverted from each point of diversion, all Water Right owners within the WC LEMA boundaries are encouraged to implement at least one additional well or meter monitoring procedure.
- e. 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.
- f. Whenever a meter is repaired or replaced, the Water Right owner or authorized designee shall notify (by telephone or email) the GMD or DWR within seven days, prior to removing or replacing the water flowmeter. The designee must then submit the 1-560 Water Flowmeter Repair/Replacement Form to GMD1 or DWR within thirty days of the completed repair or replacement.
- g. 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.

### **IX. Accounting**

- a. After the 2025 water use data is available, DWR in cooperation with GMD1, shall determine the amount of banked allocation from the Original LEMA period, and shall create a table of WC LEMA Renewal Period Allocations for each point of diversion and designated group by adding to the Base WC LEMA Allocation for 2026-2035, the amount of banked allocation from the Original LEMA period, up to two years of average annual allocation, limited to ten times the authorized quantity associated with the point of diversion or designated group. This banked allocation may be used at any time from 2026-2035. DWR, in cooperation with GMD1, shall provide notice to all effected water right

owners and water use correspondents.

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

## **X. LEMA Reviews**

The Board will serve as the Review Board to assess the annual progress and implementation of the LEMA and will work closely with all appropriate agencies throughout the review process. An annual report will be prepared by GMD1 staff in cooperation with KGS and DWR and presented to the Review Board in a timely manner once annual water use has been verified. Additionally, this annual report will be presented at the GMD1 Annual Meeting and will be made available on the District's website.

### **a. Annual Review Items**

- 1. Wateruse data. Specifically, each annual review shall examine how the average annual water use under the LEMA Plan compares with the average total allocation allowed under the LEMA Plan as well as comparing how total average annual use within the LEMA area, including non-regulated uses, compares with the Kansas Geological Survey's most recent Q Stable estimate for the LEMA area.
- 2. Water table information.
- 3. Economic data as made available.
- 4. Compliance and enforcement concerns.
- 5. Any new and preferable enhanced management authorities that become available at the discretion of the Board of Directors.
- 6. Other items deemed pertinent by the Review Board.

### **b. WC LEMA Order of Designation Reviews**

In addition to the annual review of the WC LEMA as described above, the Board of Directors shall conduct a more formal review of WC LEMA Order of Designation in the fourth year of the LEMA Period in coordination with the Kansas Geological Survey.

The Board and GMD staff shall produce a final report to the Chief Engineer following this review and amendment period that contains specific recommendations regarding future WC LEMA actions. This report shall be presented at Stakeholder meetings for the purpose of considering any future LEMA plans. All recommendations shall be supported by the local Stakeholders, reports, data, testimonials, affidavits or other

information of record.

## **XI. 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 LEMA Plan.

The Wichita County WCA is an action plan also operating within the County's boundary. Should it be determined throughout the ten-year LEMA plan that the annual average water use of the WCA is impairing the goal outlined in this LEMA Plan the GMD1 in coordination with DWR may request further evaluation or action to protect efforts working to achieve estimated regional Q-Stable.

## **XII. Water Level Monitoring**

Prior to this WC LEMA proposal there were 43 recognized observation wells, two with continuous water level sensors and one continuously monitored index well, all within or near the WC LEMA 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 LEMA Plan. The Board is dedicated to continued research with the Kansas Geological Survey in efforts to refine data collection, and enhance the Board's capabilities to make localized decisions, in Regions that continue to see decline as opposed to areas that have begun to stabilize. The Water Level Measurement Enhancement Initiative, is an ongoing GMD effort, working with appropriate partners to enhance and refine water level data collection efforts, therefore strengthening the Board of Directors ability to make local decisions based on the best information available.

## **XIII. Coordination**

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

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

## **XIV. Allocation Appeal Process**

- a. The following process will govern appeals for the possible modification of WC LEMA Allocations, and will remain available throughout the ten-year period of the LEMA
  1. Any appeal submitted to the GMD1 Board must be evaluated by the Board in a regular Board meeting and must demonstrate that the relief requested by the appeal is needed to prevent undue economic hardships. The Board reserves the discretion to evaluate an appeal on a case-by-case basis utilizing the parameters outlined below.
  2. Only the amount of the WC LEMA Allocation may be appealed.
  3. Due consideration for past conservation will be allowed per KSA 82a-

1041(a)(4) past conservation must be proven to be a voluntary action taken prior to the Original LEMA Period of 2021-2025.

4. An Appeal by a water right owner must be in writing with proper documentation identifying total ownership or permission to appeal. The request shall specify the point(s) of diversion, relevant year(s) of the Comparison Years, and the factual basis for the appeal. During the appeal period, each point of diversion is limited to one appeal for each of the 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). A System Evaluation performed by a License Irrigation Engineer through the Irrigation Technology Initiative Program, is recommended, but not required part of this appeals process.

New WC LEMA Allocations authorized by the Board will become effective by the year the appeal is approved. Appeals may be based on any of the following reasons:

- a. Verification of reported water use history used for the WC LEMA Allocations provided in **Attachment A1**. Appeals based solely on correcting reported water use history will be referred to DWR for verification of meter readings. Written notification will be provided to the Water Right owner when the process is completed.
- b. Due consideration of previous voluntary conservation measures resulting in an incomplete or diminished Historical Usage record. For appeals during the Renewal Period, only those whose average annual allocations under the LEMA are less than 20% of their authorized quantity and who can demonstrate clear conservation in the record used to determine the allocation may appeal.
- c. For water rights who received no original LEMA allocation (no use from 2009-2015) or no historical use prior to 2025, they shall have the option appeal to obtain an allocation during the Renewal Period pursuant to the flow rate test procedure below (per Board discretion).
- d. 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:
  5. Denial of appeal.
  6. Grant an extension for the Water Right owner to provide additional information.
  7. New WC LEMA Allocation based on the information presented.
  8. Approval of appeal.
  9. 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.
  10. Authorize a WC LEMA Allocation equal to 20% of a point of diversion's AAQ x 10.
- e. Flow Rate Test Procedure
  11. All flow rate tests shall be conducted by GMD1 or DWR between June 15 and

September 15 and are applicable only to current wetted acres. Measures will be taken to ensure that the well's pumping rate at the time of testing is truly representative and not inflated due to past nonuse or adaptations to the motor.

12. 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 or may dismiss the appeal.

13. Each well within a Combined Well Unit shall be tested independently.

14. 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 WC LEMA Allocation pursuant to **Section IV (a) (1)**.

f. Identification of stabilizing water levels through self-reporting and historical monitoring. As addressed in **Section III(b)** of this document, it is important for the appeals process to be available as in 2031 data will be reviewed on the Sub Regional basis as determined by KGS. An applicant who can demonstrate generally stable water levels over a reasonable time-period may appeal for no further reduction in base allocation at the time of the amendment period described in this document.

g. **Attachments**

Attachment A1-3: Listing of WC LEMA Water Rights, points of diversions, groupings, and Base Allocations for the period 2026-2035

Attachment B: Flexibility Request Form

Attachment C: Combined Well Unit Form

Attachment D: Documentation indicating the proposed corrective controls will meet the LEMA's stated goal

Attachment E: Memorandum summarizing public outreach conducted by GMD1 and resulting changes made based on public input

The following additional attachments are provided for general reference:

Attachment F: January 13<sup>th</sup>, 2026, Hearing Testimony

Attachment G: WC LEMA Order of Decision

**XVI. References**

1. GMD1 testimony at Initial LEMA Hearing titled; "WRITTEN TESTIMONY OF THE WESTERN KANSAS GROUNDWATER MANAGEMENT DISTRICT #1; To Hearing Officer Christopher W. Beightel, Division of Water Resources, Kansas Department of Agriculture; For the Hearing Scheduled August 14,2020; Submitted by: Kyle Spencer
2. GMD1 testimony the Second LEMA Hearing titled: "WRITTEN TESTIMONY OF THE WESTERN KANSAS GROUNDWATER MANAGEMENT DISTRICT #1; To

Hearing Officer Earl D. Lewis, Jr., Division of Water Resources, Kansas Department of Agriculture; For the Second LEMA Hearing, Scheduled November 20, 2020; Submitted by: Kyle Spencer, Manager