

1320 Research Park Drive
Manhattan, KS 66502
785-564-6700
www. agriculture.ks.gov



900 SW Jackson, Room 456
Topeka, KS 66612
785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

March 10, 2026

KATIE DURHAM
WESTERN KANSAS GMD NO 1
PO BOX 604
SCOTT CITY KS 67871

RE: Order of Decision Regarding the Wichita County
Local Enhanced Management Area


Dear Ms. Durham:

In accordance with K.S.A. 82a-1041(d)(3), I am returning the District's Local Enhanced Management Plan to allow the District an opportunity to resubmit a modified plan within 90 days. While I have concerns with the plan as submitted, I will consider approving the plan with the following modifications:

- All water rights within the LEMA should receive a fair allocation. Stripping some files of an allocation because they did not use water during the initial LEMA period creates a perception of "use it or lose it," which is contrary to State policy. Conversely, files that used a small portion of their allocation should not benefit from a larger allocation than that allowed during the initial term of the LEMA.
- Carryover of unused allocations while also expanding the overall allocation goal is problematic. The LEMA should be modified to either provide no carryover into second period, and just rely on base allocation, or should allow limited carryover with an adjustment to the base allocations in the second LEMA term to account for overall carry-forward.
- There was no clear case made in the plan or in any of the testimony for expanding the appeal period beyond that allowed in the District's initial plan. Doing so creates a sliding allocation target which could result in missing the overall LEMA allocation goal with a potential for large number of late appeals during the LEMA period. Therefore, the appeal period should be limited to the first year of the LEMA as was provided during the previous LEMA term.
- We heard testimony that the inclusion of files which are also enrolled in the more restrictive Wichita County Water Conservation Area (WCA) creates an allocation system conflict, specifically with regard to carry-over quantities. Therefore, I strongly encourage the District to consider options for files already enrolled in the Wichita County Water Conservation Area to be excluded from the LEMA or addressed in some other manner.

Please feel free to contact me or my staff should you have any questions regarding these provisions.

Sincerely,



Earl D. Lewis Jr., P.E.
Chief Engineer
Division of Water Resources

Enclosure
pc: Garden City Field Office