

**Request for a District-Wide LEMA Submitted To the Chief Engineer, Kansas
Department of Agriculture, Division of Water Resources**

June 9, 2017

In order to reduce decline rates and extend the life of the aquifer in Northwest Kansas Groundwater Management District No. 4 (GMD 4) the Board of Directors of GMD 4 proposes the following five year plan be submitted via the Local Enhanced Management Area (LEMA) process contained in KSA 82a-1041 for the entire area within the boundary of the Northwest Kansas Groundwater Management District No. 4.

Overview and Goal Expression

To promote improved management of water used district-wide with a goal not to exceed 1.7 million acre-feet (AF) for irrigation over five years within townships displaying an annual decline rate for the period 2004 – 2015 of 0.5% or greater annual decline and promote more efficient use by non-irrigation uses.

This LEMA shall exist only for the five- year period beginning January 1, 2018 and ending December 31, 2022. The proposed LEMA shall include all points of diversion located within the boundaries of GMD 4 excluding vested rights and points of diversion whose source of supply is 100% alluvial.

The total program diversion amount of 1.7 million AF for irrigation use for townships with annual decline rates of 0.5% or greater shall represent five (5) times the sum of designated legally eligible acres times the amount designated for irrigation water rights;

The Northwest Kansas Groundwater Management District No. 4 shall use the procedures herein to determine the 5-year allocation for each water right, and specify said values in Section 3). All allocation values shall be expressed in terms of total acrefeet for the five-year LEMA period.

1) Allocations – Irrigation

a) Proposed allocations provided in Sections 3 and 4 were determined based on the maximum reported and/or verified acres for years 2009-2015. Proposed allocations are subject to change in the case where incorrect water use data is verified via the process in Sections 5 and 6.

b) All irrigation water rights, excluding vested rights, shall be limited to the allocation for the water right location on the accompanying map over the 5-year period beginning January 1, 2018 and ending December 31, 2022. If a vested right and an appropriation right have the same place of use or same point of diversion, the vested right will be the vested water right's authorized quantity and the appropriation right will be limited to the total system allocation minus the vested water right's authorized allocation.

c) The base water rights will not be altered by any Order issued under this request, but will be subject to the additional terms and conditions described herein for the duration of the LEMA.

d) Wells pumping to a common system or systems shall be provided a single allocation for the total system acres, subject to the review process in Sections 5 and 6. The total amount pumped by all of the wells involved must remain within the system allocation.

d) No water right shall receive more than the currently authorized quantity for that right, times five (5).

e) No water right within a K.A.R. 5-5-11, 5-year allocation status shall receive an allocation that exceeds its current 5-year allocation limit.

f) No water right shall be allowed to pump more than its authorized annual quantity in any single year.

g) In all cases the allocation shall be assigned to the point of diversion and shall apply to all water rights and acres involving that point of diversion. Moreover, in all cases the original water right shall be retained.

h) For water rights enrolled in EQIP and/or AWEP that will be coming out of either program on or before September 30, 2022, the allocation quantity shall be set at the annual allocation for only the remaining years of the 2018-2022 LEMA period.

i) If a water right is or has been suspended, or limited for any year of this LEMA, due to penalty issued by the Kansas Department of Agriculture, Division of Water Resources (DWR), then the GMD 4 and DWR will reduce the allocated quantity for such water right accordingly for the 2018-2022 LEMA period.

j) For water rights enrolled in a KAR 5-5-11 change, MYFA, WCA, or other flexible water plan, the most water restrictive plan will apply.

k) No water right shall be reduced by more than 25% of their average historical pumping based on years pumped 2009-2015 unless it would allow a quantity over 18 inches per acre to be pumped.

l) Should GMD 4 request a new LEMA beyond the first five-year period, the GMD 4 Board will consider a maximum 10% carry-over of the LEMA allocation for the regions depicted in the purple, yellow, and red on Attachment 1 if a new district-wide LEMA is considered or pursued as a result of the LEMA Order Review discussed in Section 11.

2) Allocations – Non-irrigation

a) Livestock and poultry use will be restricted to 76% of the quantity of water deemed to be reasonable for livestock and poultry provided in K.A.R. 5-3-22 in townships with greater than 2% average annual decline and 85% of said amount in townships with average annual

declines between 1% and 2%, based on the maximum head supportable by the feedlot permit in effect on December 31, 2015. At no time will a stockwater right be authorized to pump more than its authorized quantity.

b) Municipal will be encouraged to reduce the amount of unaccounted for water reported annually on the water use report and reduce the gallons per capita per day.

c) All other non-irrigation users will utilize best management practices.

d) When converting irrigation to non-irrigation, then the most restrictive of the LEMA allocation, GMD 4 regulations, or conversion outlined in K.A.R. 5-5-9 will be used to determine the converted allocation amount.

e) The base water rights will not be altered by any Order issued under this request, but will be subject to the additional terms and conditions described herein for the duration of the LEMA.

3) Individual Allocation Amounts

The five-year allocations for every water right per Sections 1.a and 2 above shall be converted to a five-year acre-feet total, with Attachment 1 containing the assigned eligible irrigation restriction for each township. Each water right will be restricted to its total acre-feet allocation within the LEMA order issued through this process, subject to the review processes outlined in Sections 5 and 6.

4) Data Set

The relevant data for this LEMA proposal came from the Water Rights Information System (WRIS) maintained by the Kansas Department of Agriculture, Division of Water Resources (DWR).

If any data errors are discovered, then the GMD 4 Board requests that the person or entity discovering the errors contact GMD 4 to update or correct any alleged errors via the processes outlined in Sections 5 and 6.

Attachment 2 contains pdf files of irrigation and stockwater water right numbers and allocations. Associated spreadsheets will be kept by GMD 4 and DWR; will be available on the GMD 4 and DWR websites; and may be changed with the Chief Engineer's approval or through the processes outline in Section 5 and 6. The GMD 4 and the DWR will document or track any changes made to the irrigation water and stock water right allocations attached hereto.

5) Eligible Acres Process

Based on input from stakeholders, it was agreed that the following procedure would be used to assign eligible acres to every irrigation water right in the District-Wide LEMA and to include in any future LEMA request.

The GMD 4 and DWR determined eligible acres as follows:

- a) The GMD 4 and DWR used the maximum reported authorized irrigated acres from 2009-2015 that could be verified as being legally irrigated with the GMD 4 in-house aerial photography and water right file information.
- b) If the authorized place of use was not irrigated from January 1, 2009 to December 31, 2015, then earlier years that the water user irrigated the acres may be considered.
- c) The DWR will contact every water right owner within 60 days after the Order of Designation and others known to them as operators or interest holders in the water right to inform them of the eligible acres assigned to their water right(s) under the adopted process, allow them the opportunity to appeal the assigned acres under the process described below and allow them the opportunity to provide more information to the GMD 4 Board on the correct acres. The GMD 4 Board's decision is final and the eligible acres determined by the GMD 4 Board will be used to calculate and assign the final allocations.

6) Appeals Process

a) Appeal Process. The following process will govern appeals regarding eligible acres and allocated water:

- (1) Any appeal of the eligible acres and allocated water must be filed before March 1, 2019. Failure to file an appeal of the eligible acres and allocated water by March 1, 2019 will cause the assigned eligible acres and allocated water to become final during the LEMA period.
 - (2) Only eligible acres and allocated water may be appealed through this appeal process. No other issues including, but not limited to, the LEMA boundaries, violations, meter issues, etc., may be appealed through this process.
 - (3) Any appeal will first be heard by the GMD 4 staff who will determine eligible acres based on the factors above in Section 5) Eligible Acre Process.
 - (4) Any determination made by the GMD 4 staff may be appealed to the GMD 4 Board.
 - (5) The GMD 4 and DWR will use the acres and allocated water determined through the processes contained in Sections 5 and 6, as detailed above, to calculate and assign allocations.
- b) Factors to be considered by the GMD 4 Board on appeal. The following factors, in order of importance, will be used when reviewing a determination of eligible acres and allocated water on appeal.

- (1) First, the reviewer will first consider the location of the well(s) and their township allocations.
- (2) Second, the reviewer may consider the authorized place of use.
- (3) Third, the reviewer may consider any and all aspects of the water right, use, place of use, point of diversion, or any other factors the reviewer determines appropriate to determine eligible acres and allocated water.

7) Violations

- a) The LEMA order of designation shall serve as initial notice of the creation of the LEMA and its terms and conditions to all water right owners within the GMD 4 on its effective date.
- b) Upon GMD 4 learning of an alleged violation, GMD 4 will provide DWR with the information GMD 4 believes shows the alleged violation. DWR, under its discretion, may investigate and impose restrictions and fines as described below or allowed by law.
- c) DWR will address violations of the authorized quantities as follows:
 - (1) Exceeding any total allocation quantity of less than 4 AF within the allocation period will result in a \$1,000.00 fine for every day the allocation was exceeded.
 - (2) Exceeding any total allocation quantity of 4 AF or more within the allocation period will result in an automatic two-year suspension of the water right and a \$1,000 fine for every day the allocation was exceeded up to a maximum of \$10,000.
- d) In addition to other authorized enforcement procedures, if the GMD 4 Board finds by a preponderance of evidence that meter tampering, removing the meter while pumping, or any other overt act designed to alter the metered quantity as described in K.A.R. 5-14-10 occurred, then the GMD 4 Board will make a recommendation to the Chief Engineer that a written order be issued which states:
 - (1) The nature of the violation;
 - (2) The factual basis for the violation;
 - (3) That the water right is suspended for 5 years; and
 - (4) That the water right loses all remaining assigned quantities under the District-Wide Local Enhanced Management Area.

8) Metering

- a) All water right owners shall be responsible for ensuring their meters are in compliance with state and local law(s). In addition to being in compliance and reporting annually the quantity of water diverted from each point of diversion, all water right owners shall implement at least one of the following additional well/meter monitoring procedures:

(1) Inspect, read and record the flow meter at least every two weeks the well is operating. The records of this inspection procedure shall be maintained by the well owner and provided to the district upon request. Should the flow meter reported readings be in question and the bi-weekly records not be available and provided upon request of the district, the well shall be assumed to have pumped its full annual authorized quantity for the year in question. Following each year's irrigation season, the person or persons responsible for this data may at their discretion transfer the recorded data to the district for inclusion in the appropriate water right file for future maintenance.

(2) Install and maintain an alternative method of determining the time that the well is operating. This information must be sufficient to be used to determine operating time in the event of a meter failure. Should the alternative method fail or be determined inaccurate the well shall be assumed to have pumped its full annual authorized quantity for the year in question. Well owners/operators are encouraged to give the details of the alternative method in advance to GMD 4 in order to insure that the data is sufficient.

b) Any water right owner or authorized designee who finds a flow meter that is inoperable or inaccurate shall within 48 hours contact the district office concerning the matter and provide the following information:

- (1) water right file number;
- (2) legal description of the well;
- (3) date the problem was discovered;
- (4) flow meter model, make, registering units and serial number;
- (5) the meter reading on the date discovered;
- (6) description of the problem;
- (7) what alternative method is going to be used to track the quantity of water diverted while the inoperable or inaccurate meter is being repaired/replaced; and
- (8) the projected date that the meter will be repaired or replaced.
- (9) Any other information requested by the GMD 4 staff or Board regarding the inoperable or inaccurate flow meter.

c) Whenever an inoperable or inaccurate meter is repaired or replaced, the owner or authorized designee shall submit form DWR 1-560 Water Flowmeter Repair/Replacement Report to the district within seven days.

d) 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 the advisory committee.

9) Accounting

a) DWR, in cooperation with GMD 4, shall keep records of the annual diversion amounts for each Water Right within the LEMA area, and the total 5-year quantity balances will make this information available to the Water Right Holder and the GMD 4 on their request.

10) Advisory Committee

a) A District-Wide LEMA Advisory Committee shall be appointed and maintained by the GMD 4 Board consisting of fourteen (14) members as follows: one (1) GMD 4 staff; one (1) GMD 4 Board Member; one (1) representative of the Division of Water Resources, Kansas Department of Agriculture as designated by the chief engineer; and the balance being irrigators with regional distribution identical to GMD 4 board member distribution. One of the District-Wide LEMA members shall chair the committee whose direction shall be set to further organize and meet annually to consider:

- (1) water use data;
- (2) water table information;
- (3) economic data as is available;
- (4) violations issues – specifically metered data;
- (5) any new and preferable enhanced management authorities become available;
- (6) other items deemed pertinent to the advisory committee.

b) The advisory committee in conjunction with DWR shall produce an annual report which shall provide a status for considerations (1) through (6) and any recommended modifications to the current LEMA Order relative to these six items. Said report shall be forwarded to the GMD 4 board and the chief engineer.

11) LEMA Order Reviews

a) In addition to the annual LEMA Order reviews per Section 10 the District-Wide LEMA Advisory Committee shall also conduct a more formal LEMA Order review 1.5 years before the ending date of the LEMA Order. Review items will focus on economic impacts to the LEMA area and the local public interest. Water level data may be reviewed.

b) The committee, in conjunction with DWR and GMD 4, shall also produce a report following this review to the chief engineer and the GMD 4 board which contains specific recommendations regarding future LEMA actions. All recommendations shall be supported by reports, data, testimonials, affidavits or other information of record.

12) Impairment Complaints

While this program is being undertaken, the GMD 4 stakeholders request that any impairment complaint filed in the district while this management plan is in effect, which is based upon either water supply issues or a regional decline impairment cause, be received by the Chief Engineer, and be investigated by the Chief Engineer with consideration to the on-going Local Enhanced Management Area activities.

13) Water Level Monitoring

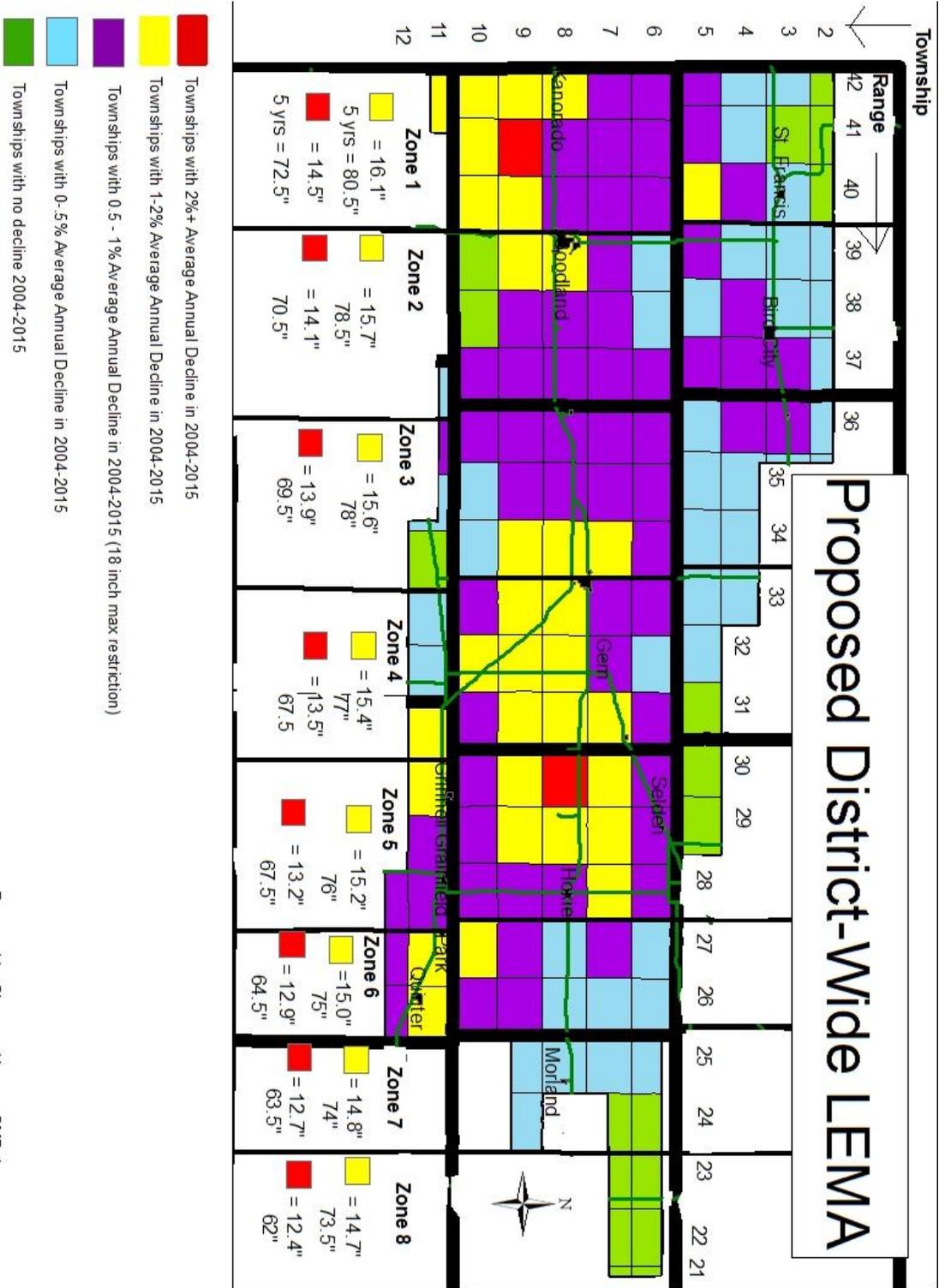
The data used to determine regional aquifer declines in Attachment 1 are based on the annual water level monitoring taken by KGS and DWR. Those measurements will continue as the data set used in determining water level declines. In the future, GMD 4 could, but is under no obligation, install additional monitoring wells.

14) Coordination

The GMD 4 stakeholders and the GMD 4 board expect reasonable coordination between the chief engineer's office and the GMD 4 board on at least the following efforts:

- a) Development of the LEMA Order resulting from the LEMA process;
- b) Accounting for annual pumpage amounts by LEMA water right owners/operators.
- c) Compliance and enforcement of the District-Wide LEMA Order.

Attachment 1



Prepared by Shannon Kenyon GMD 4

Attachment 2
Irrigation and Stockwater Allocation PDF Files



GMD 4 LEMA
Irrigation Water Right



GMD 4 LEMA Stock
Water Rights.pdf

Attachment 3
Public Meeting Notes and Sign-in Sheets
PUBLIC LEMA BOARD MEETINGS QUESTIONS AND COMMENTS
COLBY (97 signed in)

Questions:

Is this a 5 yr. program?

What about restricting dairies?

We used to flood and haven't for a while, how will that affect me?

At the end of 5 years are you going to increase or decrease our allocation?

Why would we do this if we're the only district doing it?

Will we get a letter on what we will get under the plan?

Will we be able to bank the water?

Will there be a vote?

How much water is this going to save?

How is this a LEMA? It looks like an IGUCA

Why cut people that don't have a problem ?

What happens in 5 years?

Can we just "knock off" the new wells?

What happens if we do nothing?

Why the whole district?

Public Comments:

0.5 – 1% should also have a reduction.

This plan is a personal agenda.

You need more measureable goals.

Data other than KGS should be used.

I've lost nine windmills, how here isn't afraid of the water going away.

PLEASE SIGN IN ^{Colby}

Bret Rogers	Conna Wilson
Jerry Binning	Steve Wilson
Norma Zerr	Dan Reichenbach
Kent Hyatt	Kevin Mawcath
Kit Miller	Bar Hoeling
Phil Kest	Mike Stephens
Carl Ziegelmeier	Michael Juchemana
Chuck Young	Tan Starvo
ALAN & Andy Query	Don Anthony
Jeff Younger	Marvin Myers
Daniel Schultz	Angie Rahl
Larry Towns	Richard Gail
Jim McFee	Robert Anderson
Ken Christiansen	Steve Brumback
Auto Lopez	Ray Hall
Chas. P. Beamer	Mark Myers
Richard	Jeremy Myers
Jon Fricson	Jim Young
Jeremy Kersenboom	Harold E. Neff
Zorn Redmond	Jamie Dunn
Eugene Schwarz	Dale Darg
Shirley Barber	Alan Darg
Todd Ziegelmeier	Dale Darg
Shirley Harlett	Walter
William Nikoll	Walter
Rod Evans	R. J. M.
Steve Friesen	

Edward Muffey
30/1/17

PLEASE SIGN IN ^{Colby}
97

Jeff Soban

Alex ZERR

Sarah Jane Barrett

Dave Hubbard (not from)

Thad Hahn

Paro Paro

Dale Bueh

Jon McKee

Bob Stephens

Steve Hunter

Jeff Carty

Robert Jones

Wade Salko

Kevin Clark

Will Miller

John Flanagan

Richard Keck

Ron Lynn

- Matt Zischman

Travis Towns

Kelly Stewart

Rick Kuper

Zan de Ward

Zach Zuoysocht

Benjamin Stamm

Wayne Wilson

DON WOOFER

Chris Sochner

Shawn Diekerich

Paul Hines

Douglas Bell

Chris Weber

MARSHALL RHEA

Kelly Horinek From Credit
Glenn Morgan Note
Mike Brumby
Jared Flurin
Nathan Goetz
Bob Gillen - KSU
Keith Downing (May Ann)
Jim Kopra
Bernard Meyer
~~Bob~~

Robert D. ...

GOODLAND: (88 signed in)

Questions:

- Is the purple 18" per circle?
- What about EQIP acres?
- Does this apply to vested rights?
- How do you figure out where you are located?
- How did you come up with the zones?
- Who on the board represents Wallace County?
- Is the maximum 25% reduction based on your historical pumping?
- Will there be a vote?
- Can we do a district-wide WCA instead?
- Why was 2009-2015 used?
- What is your depletion goal?
- Are you going to install more observation wells?
- What's the reversal process if there is public outcry?
- Is SD6 going to re-up?
- Is this going to permanently reduce my water right?
- Was there an economic study?
- Has the board been advised to wait until the economic study is over?
- Is the economic study available?
- Can we vote?
- What is the time frame for implementation?
- Have you contacted the county assessor?
- Is there economic impact in SD 6?
- How many of the wells in SD 6 get measured?
- How did you get the different colors?
- When are the observation wells measured?

Comments:

- You should do a 20% reduction of all wells and for one year in five you can't pump water.
- South of Ruleton I don't have a decline problem, but four miles away they do.
- A provision needs to be included to discontinue the plan and make it a reversible process.
- This will create a 10% net decrease in economics.
- I want to see the scatter plots to determine the % reduction needed in the decline areas.
- The longer we extend the aquifer, the longer we benefit.
- You need to include a possible drought contingency plan.
- Bigger government is not good.
- Blue areas should have restrictions if truly a groundwater management district.
- Thank you for your efforts.
- There should be a 10% reduction in five years for areas that still have a decline. That 10% reduction should continue every five years until no decline.
- Thank you to the board for listening to our comments at the last public meetings. The map is proof that you listened to us.

PLEASE SIGN IN ^{Goodland} 80

Craig Bogard

Royce Kehlbeck

Steve Ewert

Chantel Lee

HD House

David Leonard

Lucas Schelling

Keri Bellamy

Ken Tarnes

Larry King

Shauna Johnson

Mary Volk

Jace Mosbarger

Jim Maloney

Barry Guyer

James Frite

David Don

Greg Sedlett

Jane McCary

Bob + Norma Strangger

Kelly Stewart

Whit Armstrong

Pat Smith

Leonard Kestler

24

PLEASE SIGN IN

Goodland

Brent Cook

DICK PETTIBONE

Zach Conyell

Nate Emig

John Bode

Chris Soehner

Keith Sneath

1

PLEASE SIGN IN

Goodland

David Pedersen

Watie Harness

John Deeds

Darla Deeds

Scott Brinen

Frank Van Loey

KIRK RICE

Elmer & Joyce Purvis

Ken Palmgren

Zach Zwiggert

Ron Robinson

Brady Philbrick

Lanette Whiteker

BEARDB FRANKLIN

Linda Franklin

Thad Hahn

Neal Thornburg

Joey Smetten

Scott Houtter

DENNIS SHANK

~~Spencer~~

Norman House

Jim Dale

Evan Dale

Stam Clark

Gregory & Lisa

24

PLEASE SIGN IN ^{Goodman}

~~Ross Hansen~~

Mike Roberts

Rick Blumberg

Tyson Davis

4

)

PLEASE SIGN IN ^{Goodland}

Ron & Marsha Schilling

Kevin Schmidt

Tan de Waal

Frank Lunden

Curtis Dofan

Myelin R. Parnochek

Conner Sign

Jeff Younger

TEN PARKER

Dan Stephens

Dad Stephens

Chuck Thomas

Allen Quenzen

Steve Duell

Rich Simon

Dillon Trachsel

Jake Bolin

John Namy

Rut Millers

Mike Scott

Jamie Falk Jones

Darrell Owens

Robin Peeds

Dennis Coryell

Darrel Cloyd

Low Hines

Tom Livensoo

ST FRANCIS (49 signed in)

Questions:

How are acres determined?

What happens to water rights still in their perfection period?

What does “encourage” mean in relation to municipalities?

What is depth to water in these areas?

Will it be a reduction in the water right or only what is allowed to be pumped?

If you change tenants in the middle of the five year period, what happens to your remaining allocation?

How much water does this save?

What are the ramifications for going over?

How much is allowed in SD 6?

Can you bank the water if you don't use it?

What are the economic ramifications?

How have the other meetings gone?

Is there any provisions on contiguous acres?

Why is there no flexibility in this plan?

Comments:

I pump 21” per year but was hailed out one year so my average is skewed. That may not trigger the no more than 25% reduction.

St. Francis

PLEASE SIGN # IN

(49)

Jeff Younger
Martin Hayslet
Tom Hayslet
Craig Bussie
Mike Rooney Bird City
Kermit Benz Bird City
Mahal Roach
Lannie Willis
Willie H. Hotal
Dain Stephens
Alex Ewert
Dennis Wright
Wm Young
Clayton Janicke
Adam Deeds
John Deeds
David Hendricks
Kole Yankee
Brooks Brown

HOXIE (60 signed in)

Questions:

If SD 6 re-ups will they keep their flexibility?
What about restricting the well at the Sheridan Lake?
How many AF do they have?
Who came up with the 12 g/h/d?
Why did you go on a township level instead of individual wells?
How many acres does each observation well cover?
How and when will you know it's working?
How many wells in SD 6?
How do the declines compare to outside of SD 6?
What happens when SD 6 re-ups?
How many townships in SD 6?
Does 5 years give you enough time to readjust if it's not working?
Are you going to get tougher if there is still a decline?
There's not much irrigation in my red township, but there is a huge feedlot and ethanol plant. Have you taken this into account?
How many other hot spots (HPA) are there in the district?
Can you buy water rights like you can in SD 6?
After 5 years what's the plan?
Does the amount I've historically pumped affect me?
If we don't do something now, will the state come in later?

Comments:

The data is inaccurate.
If SD 6 can do it then it should be district-wide.
I want out of the district.
I have issues with tax payers paying for the building and supplying money to the Foundation.
We need to educate the people in town on the water problem.
You can't wait another 20 years to solve this problem.
I testify the LEMA is working. The farm management improves.
The probes, and other technology work.

Please Sign in here

John Lindenman

Shawn Lindenman

Mark Hill

Andrew Pugh KKD unit

Kelly Stewart

Ben Waffin

Nick Hixon

Paul Chapman

Matt Palmquist

Edward Blackett

Paul Beaman

Randall Youki

Ray Slipke

Paul Bennett

Walter Lee

Harold Murphy

Ray Bird

Jerry McKenna

Kevin Lager

Ed Stein

Tom Clark

Wade Tremberg

Shane Beckman

Randy Ochs

Paul Bangs

Paul Wilkin

Lenny Peters

Pat Heil	Horie
Rick Ross	Hess
Don Moss	Hoxie
Harold Foster	"
Paul Jellison	Grant & K
Mike M. Jones	

Please sign in

Stew Aslett

David Engelhaupt KDA-DWR

Alex Heeger

Ron Byrman

Greg Haffner

Kol & Tyler Goetz

Frank Jeff

Janet Shuff

Scott Shuff

Phil Milliman

Valley Wigginton

Travis Brent

Van Freeman

Dan Weyand

Jim Wilder

Kyle Tremblay

Salt Younger

Stuart Beckman

Bill Noddy

Galvin Beckman

Larry Geyler

Walt Ho

Yong Geeder

Larry Alstrom

Brandon Mader

Roger Johnson

Don Dalke