

December 3, 2020

WHC LEMA
c/o Ronda Hutton
1320 Research Park Drive
Manhattan, KS 66502

Dear Madam:

I am submitting written statements regarding the proposed Wichita County LEMA. I am an irrigated farmer in Wichita County that fully supports irrigation management to extend the life of the Ogallala Aquifer.

This being said, it seems that this LEMA plan has been dictated by a handful of irrigators that VOLUNTARILY started their own WCA for their farms. Just because their plan works for them does not mean that it works for an entire county or GMD.

I want to thank the GMD board for all their time and effort that they have put into this very important matter. It is not an easy task to tackle a project like the LEMA.

Sincerely,

A handwritten signature in black ink, appearing to read "B. W. Bauck". The signature is stylized with a large, sweeping "B" and "W".

Brian W. Bauck
Circle B Farms, Inc.

Wichita County Proposed LEMA

1. Appeals process

The opportunity to appeal for various reasons is a nice option to have in the new LEMA. The downfall of this option is the fact that there is a deadline for the appeals – March 1, 2022. This is barely over 1 year into the 5 year LEMA which leaves four years that no appeals are allowed. If land should change hands during this period, the new owner/operator is stuck with whatever the previous owner/operator was allocated. Appeals should be allowed over the entire 5 years of the LEMA.

My other concern with the appeals is the amount of time and personnel that it is going to require to handle appeals. I believe that there will be so many appeals that it will be overwhelming for the board, GMD, DWR, etc. to handle them in a timely manner.

2. Boundaries

This proposed LEMA only applies to Wichita County inside GMD 1. Any LEMA should be applicable to all water rights/wells (excluding vested rights) inside the boundaries of GMD 1. The county by county differences will create issues and generate lawsuits across the GMD.

3. Allocations

Allocations are based on the pumping history of each water right/well. As farmers, we are an independent sort that have different ideas and ways of production that influence how we use our water. The complexity of the allocation system in this LEMA will cause producers to file an appeal in order maximize their allocation. I believe this to be especially true in a situation where the irrigator feels that they were conserving water during the 2009-2015 period that is being used to calculate the allocations. This system also creates management issues where more than one well pumps on several circles. A set allocation across all water rights is the most straight forward way to alleviate conflict and appeals.

4. Acre Inches – The Solution

A simple solution to simplify this LEMA is to use a proven implementation of acre inches. This has been used by previous LEMA plans such as the Sheridan 6 and GMD 4. It has already been stated that the remaining counties in the GMD are going to be allocated using acre inches.

Is Wichita County going to be given the opportunity to move to acre inches?