

**SUPPLEMENTAL WRITTEN TESTIMONY OF THE WESTERN KANSAS GROUNDWATER  
MANAGEMENT DISTRICT #1**

**To Hearing Officer Earl Lewis,  
Division of Water Resources, Kansas Department of Agriculture,  
For the Hearing Scheduled October 17, 2022.**

**Submitted by: Katie Durham**

This written testimony is from the Western Kansas Groundwater Management District #1 (“GMD 1”) regarding its proposal for a Local Enhanced Management Area (“LEMA”) for Greeley, Lane, Scott, and Wallace Counties, the Four County LEMA (FCL). This testimony is offered as a supplement to the previously submitted written and oral testimony by GMD 1. On October 17, 2022, the initial public hearing was conducted by hearing officer Earl Lewis, on three questions related to GMD 1’s Proposed Four County LEMA (FCL).

Following this hearing, GMD 1 offers the following clarifying testimony addressing testimony submitted to the Division of Water Resources.

The Division of Water Resources has received written testimony from one individual with comments related to the proposed boundary of the FCL. These comments point out that some areas in the proposed FCL boundary may experience little to no water level decline under the current pumping. While the principal point of the comment does appear to question the Proposed LEMA boundaries per se, GMD 1 recognizes and acknowledges these comments and continues to emphasize the need for the Proposed FCL boundary to be approved.

First, including the entire GMD within the four counties in the FCL boundary is supported by a founding pillar of the GMD: that this region is a common “hydrologic community of interest.” Under KAN. STAT. ANN. § 82a-1024, in order for land to be included in a Groundwater Management District, the chief engineer was required to determine that “lands proposed to be included in the district substantially comprise a hydrologic community of interest.” As part of this larger, connected community, and as supported by the record of the initial hearing, all lands located in GMD 1, and more specifically within the four counties subject to the FCL proposal, are in need of conservation to support the collective goal of the Proposed LEMA.

Second, while some areas within the Proposed LEMA boundary may be experiencing little to no decline in water levels, these regions are limited and should remain in the LEMA. In some cases, individual sections on the edge of the GMD 1 boundary have always contained limited saturated thickness, and were never developed. In such areas, the Proposed LEMA will have minor effects.

Other areas with little to no current declines in water levels were developed, but current rates of decline are limited due to the significant drop off in pumping rates due to excessive declines in water levels of the past. The Proposed LEMA will help stabilize these areas of low pumping rates and declines. All of these statements can exist as true, simultaneously with the overall water level in the aquifer declining. The overall health and sustainability of the groundwater levels within GMD 1 are impacted by the conservation efforts throughout the proposed geographic boundary of the Proposed LEMA.

Finally, seeking to define areas for carve-outs or exclusions would create unnecessary complexity. The administrative efforts needed to more clearly define areas of minimal decline

not in need of conservation, to exclude those regions from the governance of the Proposed LEMA, and to effectively reach the conservation goals of the public and the GMD 1 Board, would be a significant undertaking. The fact remains that the entire geographic region within the Proposed LEMA boundary is tied together as a “hydrologic community.” Creating exclusion regions within the four counties of the Proposed LEMA would undermine the overall conservation efforts of the GMD 1 Board and the public.

GMD 1 emphasizes and reiterates the content and rationale of the previously provided Written Testimony for the 1<sup>st</sup> Public Hearing. We believe the geographic boundary as identified in the Proposed LEMA is reasonable and request that this Supplemental Written Testimony be used to further support that conclusion.

Respectfully Submitted,

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Katie Durham  
Manager, GMD #1