

**Testimony of the Northwest Kansas Groundwater Management District No. 4 (GMD 4) to Hearing Officer Connie Owen, Appointed by David Barfield, Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.**

**RE: Written Testimony for Proposed District-Wide LEMA of August 23, 2017**

**Presented by: Raymond Luhman**

This written testimony is from the Northwest Kansas Groundwater Management District No. 4 regarding its District-Wide LEMA Proposal. See attached Exhibit 1. It addresses the following three questions:

1. Whether one or more of the circumstances specified in subsection (a) through (d) of K.S.A. 82a-1036 exist:
2. Whether the public interest of K.S.A. 82a-1020 requires one or more corrective control provisions.
3. Whether the geographic boundaries are reasonable.

**Testimony**

**1. Whether one or more of the circumstances specified in subsection (a) through (d) of K.S.A. 82a-1036 exist:**

These circumstances are:

- (a) Groundwater levels in the area in question are declining or have declined excessively;
- (b) the rate of withdrawal of groundwater within the area in question equals or exceeds the rate of recharge;
- (c) preventable waste of water is occurring or may occur within the area; and
- (d) unreasonable deterioration of the quality of water is occurring or may occur.

Groundwater levels in GMD 4 are declining or have declined excessively. Townships used in the calculations, which were based on KGS section level data, have at least 15 feet of saturated thickness. In the GMD 4 areas marked as red, yellow, and purple (see attached map in district request exhibit 1) there is at least a 0.5 % annual decline in the

water table over an eleven year period. Therefore, groundwater levels are declining excessively in those areas. Townships exhibiting less than 0.5 % decline rate have no restrictions proposed, only additional monitoring enforcement criteria.

The rate of withdrawal of groundwater within GMD 4 equals or exceeds the rate of recharge. Specifically, Kansas Geological Survey data estimates district-wide recharge at 126,910 acre-feet (AF) to 160,320 AF. See attached Exhibit 1.1. District-wide water rights have been allocated 848,500 AF per year being allowed to pump. See attached Exhibit 1.1. District-wide yearly pumpage amounts ranged from 307,051 AF to 539,567 AF from 2009 – 2015. See attached Exhibit 1.1. Therefore, there was between an excess of 688,180 and 721,590 AF water allocated than recharged; and, between 146,731 and 412,657 AF of water pumped than recharged from 2009 – 2015.

**2. Whether the public interest of K.S.A. 82a-1020 requires one or more corrective control provisions.**

K.S.A. 82a-1020 is the Legislative declaration relative to establishing groundwater management districts in Kansas. It declares that in the public interest it is necessary and advisable to permit the establishment of GMDs which allow local water users to determine their own destiny with respect to the use of groundwater - - insofar as that destiny does not conflict with the basic laws and policies of the state.

So long as the LEMA process comes from the local board of directors, and whatever corrective control provisions are requested out of that process are consistent with state law, then GMD 4 contends that the public interest of K.S.A. 82a-1020 has been satisfied.

The GMD 4 District-Wide LEMA process took 2 public meetings and multiple GMD 4 Board meetings with many interested people attending, between January 2015 and June 2017. This represents significant public involvement in the process that resulted in the locally developed and locally requested plan that the chief engineer is hearing today.

Also, during the process the GMD 4 annual meeting occurred. At that meeting, three board of director's seats were up for election. One seat was an unchallenged race. The other two seats had challengers. Each seat had a candidate that supported the District Wide LEMA and one that opposed the District Wide LEMA. The candidates supporting the District Wide LEMA were voted into office receiving in excess of 60% of the votes. See attached Exhibit 2.1.

In any event, the GMD 4 provided GMD 4 water users information very early in the discussions of the District Wide LEMA. The evidence provided the water users showed

that adopting and implementing any corrective control provisions that would reduce water use, would also extend the life of the regional aquifer.

A web page was created to keep the process available to the public and was updated regularly by GMD 4 staff. Beginning in January of 2015, the process was covered by at least 28 board meetings.

### **3. Whether the geographic boundaries are reasonable.**

The proposed LEMA has very definite boundaries, those boundaries being the entire area of GMD 4. See attached Exhibit 1.

On December 19, 1974, after a series of informal meetings were held in the GMD 4 area to sense the will of the people relative to forming a GMD, a steering committee filed a declaration of intent and a map of the proposed district boundaries with Kansas' Chief Engineer. After further discussions between the steering committee, the Division of Water Resources, and the Chief Engineer, the Chief Engineer certified a final description of the district boundaries.

In 1975, the water users voted in favor of creating GMD 4. On May 24, 1976, the initial meeting was held in Colby, Kansas. 11 positions were opened for election and all the positions were filled. GMD 4 was established.

Now, those same boundaries contemplated in 1974 and adopted in 1976 are being used to establish further water conservation measures.

Within the larger boundaries of the District, there are sub-boundaries. These boundaries are each township within the district. Each township was analyzed for its respective annual decline rate from 2004 – 2015 using KGS section level data. Based on this decline rate, various restrictions in pumping are proposed.

These restrictions are based on “zoned” values for the District; the “zoned” valued being based on the Natural Resource Conservation Services (NRCS) Net Irrigation Requirement (NIR). See U.S. Dept. of Agric., Nat. Res. Cons. Serv., Nat'l Eng'r Handbook, Irrigation Guide, KS210-652-H,, Amend. KS31, KS652-4.1 thru 4.25 (2014), [https://www.nrcs.usda.gov/Internet/FSE\\_DOCUMENTS/nrcs142p2\\_030990.pdf](https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcs142p2_030990.pdf). The State of Kansas has used the NIR amounts since at least 1994 and referenced the NIR amounts in K.A.R. 5-5-9, K.A.R. 5-5-10, K.A.R. 5-5-11 and other regulations. The GMD 4 Board used the NRCS NIR 50% and 80% values for corn by county. 50% NIR represents the net irrigation requirement for corn that would be sufficient in 5 out of 10 years (considered to be normal) based on the precipitation that would be expected in 5

out of 10 years. 80% NIR represents the net irrigation requirement for corn that would be sufficient in 8 out of 10 years (considered to be dry) based on the precipitation that would be expected in 8 out of 10 years. These figures were then interpolated to derive a value at the western edge of each zone. Townships exhibiting greater than a 2% annual decline rate were assigned the 50% NIR for corn by zone. Townships exhibiting from 1% to 2% annual decline rate were assigned the 80% NIR for corn by zone. Townships exhibiting 0.5% to 1% were assigned an 18 inch allocation district-wide. Those townships that are below the 0.5% decline rate will not have restrictions on their diversions imposed. The only provisions of this request that will apply to them are the increased compliance and enforcement. The GMD 4 Board determined the townships with less than 0.5% annual decline appropriate because 75% of the saturated thickness will remain in 50 years. Given the limited five year scope of this proposal, the GMD 4 Board deems such decline rates acceptable for now.

In addition, stockwater rights are proposed to have some restrictions imposed. 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.

In sum, GMD 4 contends that:

- 3.1. The majority of invested persons were made aware of the process and invited to participate;
- 3.2. The public had ample time to discuss the issues brought up;
- 3.3. GMD 4 staff appropriately facilitated the meetings and discussion resulting in a LEMA proposal that has been locally crafted and adopted by the board of directors; and that
- 3.4. The public interest as envisioned in K.S.A. 82a-1020 will be served by adoption of the corrective control provisions included in the GMD 4 District Wide LEMA.

## **EXHIBIT 1**

### **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

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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

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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

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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

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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

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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

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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

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- 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

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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

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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

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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

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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

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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

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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

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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.

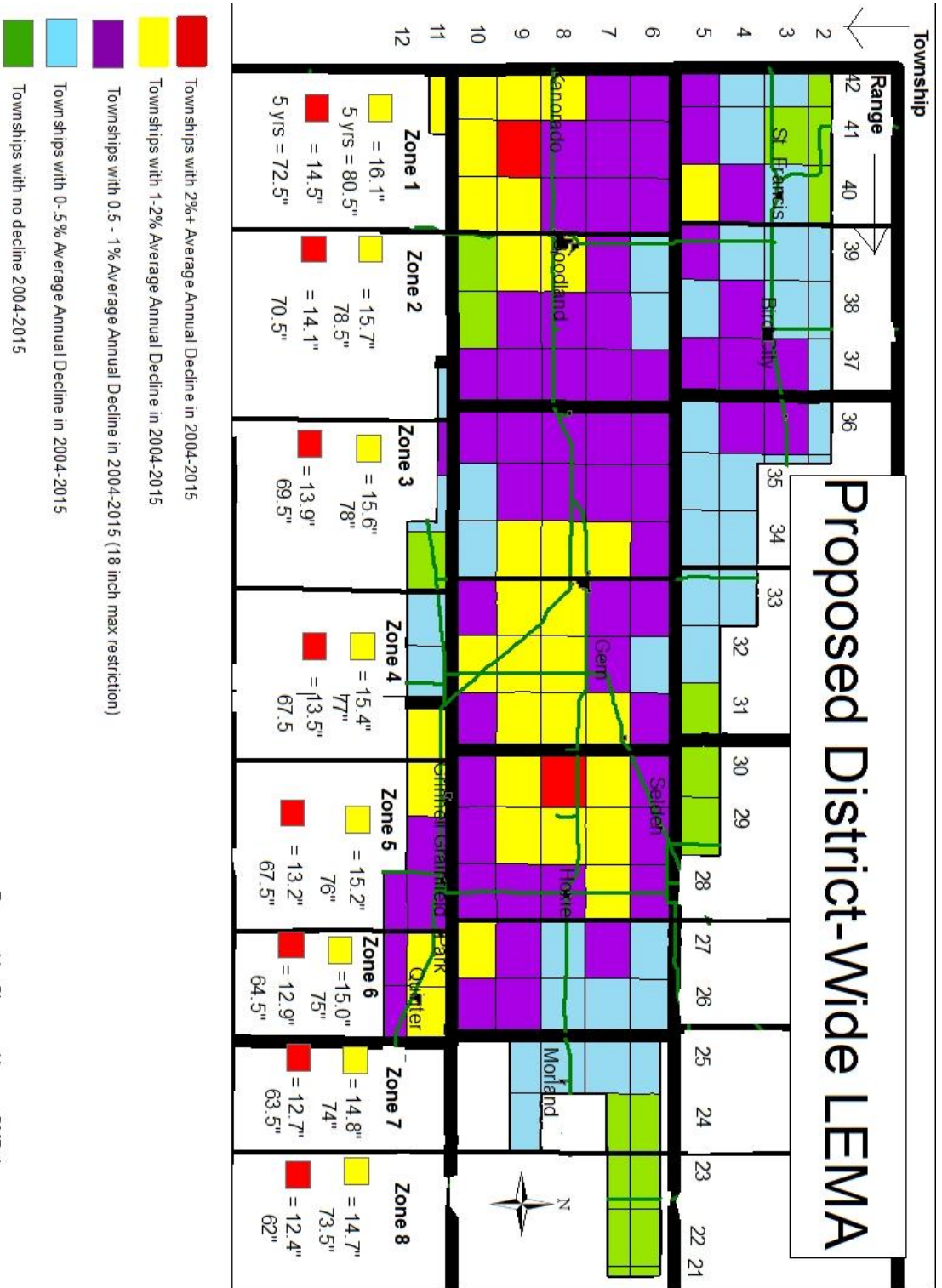
## 14) Coordination

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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



## **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 <sup>Colby</sup>

Bret Rogers	Conna Wilson
Jerry Binning	Steve Wilson
Norma Zerr	Dan Reelhood
Kurt Hoad	Kurt MacCath
Kit Miller	Bar Hocking
Phil Keck	Mike Stephens
Carl Ziegelmeier	Michael Juchemann
Chuck King	Tan Starvo
ALAN & Audrey Query	Dan Anstholz
Jeff Younger	Marvin Adams
Daniel Schultz	Angie Rahl
Larry Lewis	Richard Ford
Jim McKea	Ron Erickson
Ken Christiansen	Steve Brumback
Luigi Lopez	Ray Hall
Chas. P. T. Beamer	Mark Myers
Paul Dan	Jersey Myers
Jon Fricson	Jim Fryer
Jeremy Kersenboom	Harold E. Neff
Zam Redmond	Jamie Darr
Eugene Schwarz	Dale Dard
Shirley Barber	Alan Dyer
Todd Ziegelmeier	Dale Dyer
Shirley Harlet	Jim Dyer
William Nikoll	Jim Dyer
Rod Evans	R. J. M.
Steve Friesen	

David Murphy  
301

PLEASE SIGN IN <sup>Colby</sup>  
97

Jeff Soban

Alex ZERR

Sarah Jane Barrett

Dave Hubbard (MA form)

Thad Hahn

Paro Paro

Dale Bueh

Jon McKee

Bob Stephens

Steve Huthen

Jeff Carty

Robert Jones

Walter J. Salter

Kevin Clark

Will Miller

John Flanagan

Richard Keck

Ron Lynn

- Matt Zischman

Travis Towns

Kelly Stewart

Rick Kuper

Jan de Waard

Zach Zuoyzort

Benjamin Stamm

Wayne Wilson

DON WOOFER

Chris Sechner

Shawn Diederich

Pauline Hill

Douglas Bell

Chris Weber

MARSHALL RHEA

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

Robert Dabney



**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 <sup>Goodland</sup> 80

Craig Boggs

Royce Kahlbeck

Steve Ewert

Chantel Bell

HD House

David Leonard

Mace Schelling

Mrs. Bellamy

Nick Tarnoff

Lamp King

Shauna Johnson

Mary Volk

Lace Masbarger

Jan Maloney

Barry Guyer

James Frite

David Don

Greg Sedlett

Jane McCary

Bob & Norma Strangert

Kelly Stewart

Shirley Armstrong

Pat Smith

Deborah Kuebler

24

PLEASE SIGN IN <sup>Goodland</sup>

Brent Cook

DICK PETTIBONE

Coch Conyell

Nate Emig

John Bode

Chris Soehner

Keith Snetken

1

PLEASE SIGN IN <sup>Goodland</sup>

David Pedersen

Watie Harness

John Deeds

Darla Deeds

Scott Briens

Frank Van Loey

Kirk Rice

Elmer & Joyce Turvis

Ken Palmgren

Zach Zwiggert

Ron Robinson

Brady Whitcomb

Louise Whiteaker

BEARLE FRANKLIN

Linda Franklin

Thad Hahn

Neal Thornburg

Joey Smeaton

Scott Hooker

DENNIS SHANK

~~Franklin~~

Norman House

Jim Dale

Evan Dale

Stam Clark

Gregory & Luce

24

PLEASE SIGN IN Goodlam

Bob Jensen

Mike Roberts

Rick Blumberg

Tyson Davis

4

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PLEASE SIGN IN <sup>Goodland</sup>

Ron & Marsha Schilling

Kevin Schmidt

Jan de Waal

Frank Lunden

Curtis Dofan

Stephen R. Nunechek

Conner Sign

Jeff Younger

TEN FARMER

Dan Stephens

Dad Stephens

Chuck Thomas

Allen Quenzen

Steve Duell

Rich Simon

Dillon Truesel

Jake Bohm

Tom Hamoy

Kent Williams

Mike Scott

James 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  
Michael Roach  
Lannie Willis  
Willie H. Hayslet  
Darin Stephens  
Alex Ewert  
Dennis Wright  
Wm Younger  
Clayton Janicke  
Adam Deeds  
John Deeds  
David Hendricks  
Kale 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

Angus Pugh KKDnr

Kelly Stewart

Ken Waffin

Nick Hixon

Paul Brennan

Matt Falgout

Edward Gaskett

Paul Beaman

Randall Youki

Ray Siptre

Bob Bennett

Nathan Lee

Harold Mingle

Ray Buel

Jersey McKenna

Kevin Lager

Ed Day

Tom Clark

Wade Tremacy

Shane Beckman

Randy Ochs

Paul Bangs

Paul Wilkin

Lenny Petro

Pat Heil - Horie  
Rick Ross - Hoxie  
Don Moss - Hoxie  
Harold Foster - "  
Frank Jellison - Grantfield  
Mike McHenry

## EXHIBIT 1.1

### Usage

YEAR	IRR	ALL	PCT IRR
2009	298748	307051	97.3 %
2010	366963	374985	97.9%
2011	424196	433331	97.9%
2012	530102	539567	98.2%
2013	463169	472237	98.1%
2014	392994	401167	98.0%
2015	398847	410616	97.1%

Source: GMD 4 File : 2000-2015 wur STANDARDIZED ANNUAL SHEETS 12-9-16

### Allocations

TOTAL 848476.9 AF  
IRR 831928.0 AF  
Source: GMD 4 File: wells.dbf

### Recharge Figures

USGS=160320.2018 DWR=126910.1816  
Source: GMD/KGS file F:\SECTION LEVEL FILES\all section level data 9-8-14 w x-sec

### Decline Data

Source: GMD 4 file OBSMSTR.XLS

**Proposed 42nd Annual Meeting Minutes – Goodland, Kansas – Feb 1st 2017**

*Subject to Approval at the 43<sup>rd</sup> Annual Meeting of the Northwest Kansas Groundwater Management District No. 4*

42nd Annual Meeting Minutes – Northwest Kansas Technical College, Goodland, Kansas, February 1<sup>st</sup>, 2017.

The 42nd annual meeting was opened at 1:44 P.M. MST, February 1, 2017 at the Northwest Kansas Technical College, Goodland, Kansas. Board members present were:

Dave Rietcheck	Jeff Deeds	Doug David
Roger Zweygardt	Lynn Goossen	Mitchell Baalman
Justin Sloan	Brent Rogers	Scott Maurath
Shane Mann	Monty Biggs	

Others present were: Staff: Ray Luhman, Shannon Kenyon, Dan Simmering, Rita Wade; Adam Dees - attorney; Lane Letourneau, Kelly Stewart, Steven Walters and Chelsea Erickson - DWR; Tracy Streeter & Richard Rockel – KWO; Jonathan Aguilar – K-State Research and Extension; Brownie Wilson – KGS; Bill Golden – K-State; Shawn Beach - USDA

There were 108 persons that signed the attendance sheet. The attendance roster is available from the district office.

President Brent Rogers opened the meeting with a welcome and introductions of the board, staff, state agency staff, and former board members present.

President Rogers then turned over the meeting to Jeff Deeds for presentation of the 41st annual meeting minutes, Hoxie, Kansas, February 10, 2016. Jeff directed attention to the annual meeting minutes printed in the annual meeting packet (page 3) and gave everyone a chance to review them. It was moved and seconded to accept the minutes on a unanimous voice vote.

Dave Rietcheck next presented the 2018 proposed operating budget. Dave reported that the 2018 budget was \$479,165. With no further questions or comments, the proposed 2018 budget of \$479,165 was moved and seconded to be approved on a unanimous voice vote.

Dave Rietcheck next presented the 2016 calendar year financials. Dave directed attention to the financial report contained in the annual meeting packet at page 7 & 8 and asked everyone to review the report. He summarized by reporting that the district brought in \$699,821; spent \$491,167. The total cash on hand reported as \$208,654. Dave finally noted that the Foundation (not affiliated with the district) had a December

31, 2016 balance of \$440,058. Following review and with no questions or comments, it was moved and seconded the financials be approved on a unanimous voice vote.

Justin Sloan next conducted the board elections. Justin opened Position 1 (Cheyenne County) announcing that Roger Zwegardt was the single candidate that had pre-filed. Justin opened the floor for additional nominations for Position 1. With no additional nominations, It was moved and seconded the nominations for Position 1 cease and a unanimous ballot be cast for Roger Zwegardt. With no further discussion, the motion passed unanimously by voice vote.

Justin opened Position 4 (Sherman/Wallace County) announcing that Nathan Emig and Jace Mosbarger. . Justin then opened the floor for additional nominations for Position 4. Each candidate spoke to the audience on their position. With no additional nominations, it was moved and seconded that nominations for Position 4 cease and a ballot be cast. No further discussion, the motion passed unanimously by voice vote.

Justin opened Position 6 (Thomas County) announcing that Lynn Goossen and Tyler Hill had pre-filed. Justin opened the floor for additional nominations for Position 6. No additional nominations were made. Lynn Goossen spoke to the audience on his position. It was moved and seconded that nominations for Position 6 cease. With no further discussion, the motion passed unanimously by voice vote.

Eligible voters then cast their ballots to be tallied by Adam Dees, Linda Franklin and Tracy Streeter.

As ballots were being tallied Brent Rogers discussed several items of interest printed in the meeting packet. Discussion was also had about the proposed District Wide LEMA with several questions asked and comments made.

Justin Sloan then announced the election results with Roger Zwegardt in the Cheyenne 1 position uncontested, Nathan Emig with 63 votes and Jace Mosbarger with 37 in the Sherman/Wallace 4 position, and Lynn Goossen with 59 votes and Tyler Hills with 32 votes in the Thomas 6 position.

It was moved and seconded that the 42nd annual meeting of the Northwest Kansas Groundwater Management District No. 4 be adjourned. With no objections, President Rogers declared the 42nd annual meeting of the Northwest Kansas Groundwater Management District No. 4 adjourned.

Respectfully submitted

Jeff Deeds, Secretary