

Comments for Attention of:

Earl D. Lewis, PE  
Chief Engineer, Division of Water Resources  
Kansas Department of Agriculture

re: GMD No. 1 4-County Proposed LEMA

After reviewing the water use and water level changes for Scott county where our family farm is located, the primary issues with the proposed 4-County LEMA (LEMA) that I am concerned about are the following:

(1) No specified geographic boundaries in the LEMA other than it covers the whole GMD. The LEMA as proposed requires conservation from individual water rights owners based upon their historical use per their AUTHORIZED acres. The LEMA does not specify conservation efforts for any specific areas, but instead specifies restriction for certain water users based on the amount of their historical pumping versus their authorized acres, regardless of the location of their water use within the GMD.

(a) The LEMA does not consider the actual water use within the 2-mile radius of an irrigator in the GMD (the prescribed method to evaluate safe irrigation water use for permits in the state of Kansas).

(b) The LEMA also does not consider actual historical water use for their historical (rather than authorized) irrigated crop acres.

The lack of any discriminating geographic boundaries in the LEMA means that individual users will be limited without concern as to whether (1) they are located in a safe yield area of the aquifer or an area of the aquifer with less than average or no recent water level decline or (2) an area obviously being overpumped from both historical water use or historical water level decline.

(2) The LEMA uses authorized acres rather than the recent 10-year average irrigated acres to determine the LEMA specified required conservation (ranging from 0 to 25 percent) based on historical use per authorized acres.

***The lack of any management areas based on water use and water declines in the proposed 4-county LEMA means that this LEMA does not specify any certain geographic areas that need enhanced management and just applies a uniform rule to individual irrigators irrespective of their location within the GMD. As such, due to the need for some near-term limitation on water use within the 4-county area, this LEMA as proposed should be provisional for a period of one year from its proposed start date on January 1, 2023, until specific areas of high use are identified for management tied to either water level declines, historical water use within two radii at section centers or historical irrigation water use per actual historical acres watered or some combination identifying criteria.***

I have attached a revised evaluation (to include only irrigated use) in an 84 square mile area along 83 hwy from 3 miles south and 9 miles north and 4 miles west and 3 miles east of 83 hwy from the center of Scott City. This is the largest high use area in both extent and water use in Scott county with the greatest recent 10 year water level decline (up to 12.5 feet or 1.25 feet per year). For comparison, the average Scott county Water Level Decline for the 10-yr period ending on January 2022 was .274 feet per year. This high use area's 10-year historical use per AUTHORIZED acre is only 5.6 inches per authorized acre which shows the effect of using authorized acres in the LEMA cutback calculation. The 10-year historical use per actual irrigated acres of this high use area is a representative and more expected 10.52 inches per irrigated acre.

Under the LEMA, this translates into a required average 7.22% cutback in this large area of historical high water use when the LEMA's county-wide cutback goal is 10% (that is a 10% cutback for the whole county with a .256 feet average annual decline versus only a LEMA proposed cutback of 7.22% for the high use area with an average annual decline of up to over 1.25 feet per year).

The revised evaluation also includes an analysis of a second high use area in southern Scott County next to the Finney county line that only shows an average LEMA proposed irrigation cutback of only 3.06% of historical irrigation use of only 4.10 inches per authorized acres of only . The 10-year historical use per actual irrigated acres of this high use area is a representative and more expected 10.13 inches per irrigated acre. These are rough estimates of proposed LEMA cutbacks since actual cutbacks are on an individual water right basis, and my calculations are averaged over the whole high use area using the data in KGS WIMAS database.

It is an overstatement in the written LEMA introduction for the hearing that all water levels in the GMD are declining. A few areas have no historical decline and many areas have no decline in water level in the most recent 10-year period from Jan 2012 to Jan 2022. The statement appears to imply that all areas of the GMD are in the same boat and sinking at the same rate - this is not true at all when some areas of the GMD in Scott and Lane counties are not declining at all and two separate areas with both large commercial and municipal interests are each declining at up to 12 feet in the recent 10 year period.

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