

October 26, 2022

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

New Comment regarding Water Rights still in their Perfection Period

The LEMA should not apply to water rights that are still in their perfection period. This same issue came up in public comments for the GMD 4 district-wide LEMA which was approved back in 2017. Following public comments, the Chief Engineer at the time recommended and the exact same language for this matter was included in both the 2017 LEMA as approved and the new proposed GMD 4 district-wide LEMA that is being considered for its possible 5-year renewal.

The GMD 4 language that should be included in the GMD No. 1 4-County Proposed LEMA is as follows: **“Water rights which are still in their perfection period shall not be restricted by this LEMA.”**

As far as I know, our family’s combined and connected permits (43197, 43198 and 43199) are the only non-dismissed irrigation permits with any significant irrigation use in GMD 1 that are still in their perfection period. The current and proposed LEMA does not restrict our permitted pumping while they are still in the perfection period, but the LEMA’s proposed minimal pumping allocations (due to our low historical pumping prior to perfection) would apply if our permits are perfected and receive approval from the State.

The current proposed LEMA would require our family to first appeal the minimal LEMA allocation for our permits that are part of the proposed LEMA, and then apply to the GMD Board on a case-by-case basis to establish specific prior conservation definitions to the Board that would require their consideration of our appeal, and then, if approved by the Board, do a pump test to determine any additional LEMA allowable pumping for our permits.

We still need to make potential additional investments for pipelines and supporting structures while in the perfection period to develop permitted places of use more fully as are allowed under the permits. The current very limited LEMA pumping allocation (5-year total allocation of only 353.25 ac-ft, 70.65 ac-ft/yr) for all three of our permits versus permit capacity of *up to* 930 ac-ft/yr and the LEMA’s required case-by-case appeals procedure has caused us to question the advisability of proceeding with these investments ever since this language was proposed for the GMD 1 LEMA.

John Huslig

Water Right 43197 owner, and representative for Water Rights 43199 and 43198 that are under common family management

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