

To: Earl Lewis, P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture

From: Joe Newland, President of Kansas Farm Bureau

Date: February 2, 2023

Re: GMD 1 Four-County LEMA proposal

Chief Engineer Lewis on behalf of Kansas Farm Bureau thank you for the opportunity to provide written comments regarding the proposed Western Kansas Groundwater Management District (GMD 1) Four-County Local Enhanced Management Area (LEMA). **We strongly support and encourage efforts to address aquifer overdraft and groundwater declines with strategies that are consistent with state water law.**

As with previous LEMA proposals, this proposed LEMA targets mandatory reductions for a single user group (irrigation) based upon their being the majority user. There is also no semblance of water right priority built into the corrective controls. As you are aware, both strategies disregard basic Kansas water law principles **K.S.A. 82a-707 (b)** and create concern for maintaining an orderly and legal process for addressing water shortage across Kansas moving forward. When KFB testified in support of what is now K.S.A. 82a-1041 it was because of the plain language within the bill stating that the chief engineer's review, among other things, would verify the proposed LEMA is consistent with state law.

The Kansas Water Authority recently recommended the states longstanding water policy for the Ogallala be updated from planning for depletion and merely prolonging the inevitable demise of the precious, life-giving resource to a "collaborative process" halting the decline of the Ogallala.

We give our utmost encouragement to GMD's, all stakeholders, and all water right holders, including the often-overlooked domestic water right holders, to develop local strategies which will minimize further declines of aquifers across the state.

If we continue down the path of socializing water use, creating winners and losers based purely on the type of beneficial use, when supply is inadequate through some "logical" conclusion, then we will undermine our water law principles; create an investment and monetary environment that will be impossible to predict; violate basic property rights and at the end of the day continue to deplete the aquifer. Furthermore, this sort of policy fails to



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recognize even the most basic of water demand needed to sustain our domestic water right holders across the landscape, let alone a thriving and growing economy.

Thank you for your consideration of these comments and we look forward to helping devise long-term solutions, which are formed on the basis of Kansas water law, respect private property rights, sustain local economies, and utilizes local, stakeholder input.

A handwritten signature in black ink that reads "Joe Newland".

Joe