August 6, 2018

Board of Directors
Big Bend Groundwater Management District No. 5
125 South Main Street
Stafford, Kansas 67578

Re: DRAFT LEMA Management Plan, Dated July 7, 2018

Dear Board of Directors:

Thank you for providing an updated draft of your local enhanced management area (“LEMA”) management plan dated July 7, 2018. We appreciate the hard work that has been put into this process and look forward to a continued constructive dialogue as you continue your efforts.

In order to facilitate your on-going work, we have prepared the attached document to provide our feedback in outline form. Most of the feedback provided has been part of our dialogue for many months and will be familiar to you. Since the principle goal of the proposed management plan is to remedy the impairment of the water right held by Quivira National Wildlife Refuge (“Refuge”), such a plan needs to be clear and specific on the methods necessary to achieve this goal. Therefore, you will find in the attached document our attempt to highlight where additional clarity is needed. The following are some important concepts included in the attached that we may not have previously discussed in much detail:

- The implementation of augmentation to be based upon a three-step roadmap with potential deadlines.
- As suggested by your plan, an updated model should be used to re-assess whether the LEMA targets are sufficient, however, this evaluation should be done within the proper LEMA process and should be used to implement suggested targets for the second ten-year period, 2030-2039.

Both the dates applied to the development of augmentation and for model updates are initial proposals and are open to further discussions. We understand that determining the specific means to accomplish these outcomes is a difficult task and our staff are willing to provide any technical assistance within our means. Further, if you believe it would be helpful in reaching a consensus on a plan, we are willing to provide the Board with a facilitator to assist with these challenges.

Finally, as you are already likely aware of, we clarified that a management plan which sets a target withdrawal of 210,000 acre-feet per year within the proposed LEMA boundaries for water rights that are junior in priority to the water right held by the Refuge would be an acceptable basis for a management plan. This would include not setting a withdrawal goal for water rights within the proposed boundary that are senior to the Refuge’s water right.

As requested via email last week, please provide us with the expected date of your next management plan draft by August 10, 2018. Again, we appreciate your efforts and encourage you to let us know how we can be helpful in this process.

Sincerely,

David W. Barfield, P.E.
Chief Engineer, Division of Water Resources

Attch: KDA Feedback
KOA feedback regarding GMD 5's July 12, 2018 Draft LEMA Plan

Green = current draft plan is in good shape. Yellow = needs more clarification. Red = elements are missing or incomplete

**AUGMENTATION**

- Augmentation project; 15 cfs capacity; up to 5,000 AF annually
- Design completed by December 31, 2019
- Financing secured by June 30, 2020
- Fully functional by March 15, 2022

**WATER USE**

- Water use targets/allocations set for 2020-2029
- Performance evaluated in 2025 for 2020-2024, and in 2030 for 2025-2029
- Water use by seniors is not restricted by the LEMA
- LEMA-wide: Water use by juniors is held to an average of 210,000 AF per year
- Zone D/St. John area/high priority area: Water use by all users is held to an average of 25,655 AF per year (is there senior use in Zone D?)
- The five-year limit may be climate adjusted, but the ten-year limit will be 2,100,000 acre-feet of junior use in the LEMA.
- No other adjustments to the water use limits
- Quality controlled water use reports are sole basis for determining water use
- Water use targets/allocations given to each junior water right based on priority (and maybe proximity), giving due consideration for past conservation.
- Water users who limit themselves to their target use 2020-2024 will receive the same target use 2025-2029.
- If the LEMA water use limitation is exceeded either:
  - Water users who exceed their target use 2020-2024 will receive the same target use 2025-2029 less the total amount of their over use in 2020-2024, OR
  - If the limit is exceeded by less than 3,500 acre-feet, then the basin has until December 31, 2025 to take actions to remedy the shortfall and avoid enforcing allocations on the water rights that exceeded their 2020-2024 target use

**MODELING**

- GMD5 Model updated and re-calibrated by December 31, 2026 using data through 2024
- Model update and recalibration conducted collaboratively with KDA-DWR and others
- 2026-updated model to find allowable junior pumping to reduce rate of increasing depletions by half or more for 2030-2039

**IF NO AUGMENTATION**

- If augmentation is not fully functional by December 31, 2022: Juniors immediately restricted to annual limit of 150,000 acre-feet in the LEMA using original allocation methodology
- If augmentation is not fully functional by December 31, 2024: LEMA is terminated, IGUCA proceedings will determine the level of pumping allowable to remedy impairment.

**LEMA PLAN DOCUMENT**

- Include executive summary/overview that lays out the major corrective control elements of the plan with pumping numbers, dates, and consequences