

1320 Research Park Drive  
Manhattan, Kansas 66502  
(785) 564-6700



900 SW Jackson, Room 456  
Topeka, Kansas 66612  
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

June 27, 2017

RAY LUHMAN, MANAGER  
NW KANSAS GROUNDWATER MANAGEMENT DIST #4  
PO BOX 905  
1290 W 4<sup>th</sup> Street  
COLBY KS 67701

RE: GMD 4 District-wide LEMA Proposal of June 8, 2017

Dear Ray,

Pursuant to K.S.A. 82a-1041, I and my staff have reviewed GMD 4's proposal for its proposed District-wide LEMA as received on June 8, 2017.

Pursuant to K.S.A. 82a-1041 (a), this initial review was limited to the following, as to whether the plan:

- (1) proposes clear geographic boundaries;
- (2) pertains to an area wholly within the groundwater management district;
- (3) proposes goals and corrective control provisions as provided in subsection (f) adequate to meet the stated goals;
- (4) gives due consideration to water users who already have implemented reductions in water use resulting in voluntary conservation measures;
- (5) includes a compliance monitoring and enforcement element; and
- (6) is consistent with state law.

Based on our review, I find that, the proposal meets these requirements and thus is acceptable for consideration. On this basis, I am initiating proceedings to consider the designation of the proposed local enhanced management area.

Statute requires two hearings on the proposed LEMA. The initial hearing is to resolve the following findings of fact:

- (1) Whether one or more of the circumstances specified in subsection (a) through (d) of K.S.A. 82a-1036, and amendments thereto, exist;
- (2) whether the public interest of K.S.A. 82a-1020, and amendments thereto, requires that one or more corrective control provisions be adopted; and
- (3) whether the geographic boundaries are reasonable.

If the initial hearing is favorable on all three issues noted above, a second hearing is required to determine whether the area should be designated and the GMD's proposed local enhanced management plan for the area be adopted.

The initial hearing will be conducted by Ms. Connie Owen on my behalf. I plan to conduct the second hearing assuming the results of the first hearing are favorable.

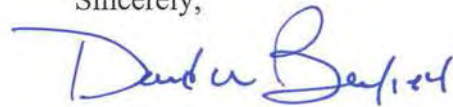
Ms. Owen will be in contact with you in the near future to finalize the date and venue for the hearing and any other arrangements that might be necessary. We have passed on to her your suggestion for location and our desire to have the hearing as soon as feasible. She will also determine if any pre-hearing conference or orders are needed to outline hearing procedures, etc. If you wish to have a pre-hearing conference, that can be arranged with Ms. Owen (12207 Gillette St., Overland Park, KS 66213, 913-568-3703, connieowen@evcrestkc.net).

Per statute requirements we will provide notice of the hearings to each water right holder within the proposed LEMA as well as notification of the hearings in an area newspapers in the coming weeks.

Let Ms. Owen or I know if you have any questions on these matters.

Thanks.

Sincerely,

A handwritten signature in blue ink that reads "David W. Barfield". The signature is fluid and cursive, with the first name "David" being the most prominent.

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

pc:

Connie Owen, 12207 Gillette St., Overland Park, KS 66213  
Susan Metzger, Assistant Secretary, KDA  
Chris Beightel, Program Manager, KDA-DWR  
Lane Letourneau, Program Manager, KDA-DWR  
Kelly Stewart, Stockton Water Commissioner  
Kenneth Titus, Chief Counsel, KDA