

BEFORE THE KANSAS DEPARTMENT OF AGRICULTURE
DIVISION OF WATER RESOURCES

In The Matter of the Designation of the)
Groundwater Management District No. 4)
District-Wide Local Enhanced Management Area)
in Cheyenne, Decatur, Rawlins, Gove, Graham,)Case No. 002-DWR-LEMA-2017
Logan, Sheridan, Sherman, Thomas, and)
Wallace Counties in Kansas.)
_____)

NOTICE OF INTERVENTION

COMES NOW, Jon and Ann Friesen Farms, Tom Sloan, Bert Stramel, Justin Sloan, and Doyle Saddler and notifies the Chief Engineer of their intervention in the above-captioned LEMA proceeding. In support of this Notice, the Intervenors assert the following:

1. The Northwest Kansas Groundwater Management District #4 (“GMD4”) has proposed a Plan pursuant to K.S.A. 82a-1041, that, if approved as provided in the cited statute, will impose “enhanced management” standards within the GMD.
2. Each Intervenor owns, leases, or has some other interest in agricultural property within the boundaries of the GMD that is the authorized place of use for a water appropriation right.
3. The proposed Plan imposes “additional terms and conditions” that include limitations in the quantities of water that can be diverted from the Intervenors’ water appropriation rights that are lower than the quantities authorized by each of the water rights. Plan ¶ (1)(b) and (c).
4. Each of the Intervenor’s water rights will be affected by the proposed GMD Plan.

5. The Plan imposes limitations on the Intervenor's irrigation rights that are different than the water rights for other beneficial uses in violation of K.S.A. 82a-707(b) including, livestock water rights, Plan ¶(2)(a); municipal water rights, Plan ¶ (2)(b); and other water rights, Plan ¶(2)(c).

6. The proposed Plan violates the LEMA statute, K.S.A. 82a-1041; the Groundwater Management Act in general, K.S.A. 82a-1020, *et seq.*; and the Kansas Water Appropriation Act, K.S.A. 82a-701, *et seq.*

7. The Intervenor's are entitled to intervene in this case to protect their property interests in their water appropriation rights.

Respectfully submitted,

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ATTORNEY FOR INTERVENORS

CERTIFICATE OF SERVICE

On this 10th day of October 2017, I hereby certify that the original of the foregoing was sent by electronic mail and by U.S. First Class Mail, postage prepaid to:

David W. Barfield, Chief Engineer
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