

Mike Beam, Secretary

Laura Kelly, Governor

April 7, 2020

Kyle Spencer, Manager
Western Kansas Groundwater Management District #1
906 W 5th
P.O. Box 604
Scott City, KS 67871

RE: Wichita County Local Enhanced Management Area (LEMA) Proposal of March 26, 2020

Dear Kyle,

Pursuant to K.S.A. 82a-1041, KDA-DWR has reviewed GMD 1's proposal for its proposed Wichita County LEMA as received on March 26, 2020. 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.

K.S.A. 82a-1041 (a) goes on to say that:

If, based on such review, the chief engineer finds that the local enhanced management plan is acceptable for consideration, the chief engineer shall initiate, as soon as practicable thereafter, proceedings to designate a local enhanced management area.

Based on the review, I find that the proposal meets the requirements of K.S.A. 82a-1041 (a) and is therefore acceptable for consideration. I will initiate proceedings to designate a local enhanced management area as soon as practicable.

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.

However, because of state-imposed restrictions on travel and gatherings in response to the COVID-19 pandemic, it is not yet practicable to set an initial hearing date. We will be monitoring the COVID-19 situation closely and will work to schedule the initial hearing as soon as the situation allows.

Sincerely,



Christopher W. Beightel, PE
Acting Chief Engineer
Kansas Department of Agriculture
Division of Water Resources

cc (by email only):

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CWB:srm