

Office of the President

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

From: Richard Felts, President of Kansas Farm Bureau

Date: November 22, 2017

Re: GMD 4 District-Wide LEMA proposal

Chief Engineer Barfield on behalf of Kansas Farm Bureau I want to thank you for the opportunity to provide written comments regarding the proposed Groundwater Management District (GMD) 4 district-wide Local Enhanced Management Area (LEMA). We strongly support and encourage the GMD 4 Board in their efforts to address aquifer overdraft in seeking to reduce or eliminate ongoing groundwater declines, consistent with state law.

Kansas Farm Bureau has policy supportive of the Groundwater Management District Act and the authority it grants to local water users by representation through their elected board of directors. The GMD Act preserves basic water-use doctrine while promoting local efforts to determine their destiny with respect to the use of groundwater.

K.S.A. 82a-1041 authorizes and governs the use of LEMAs. As part of the GMD Act, LEMAs must not conflict with the basic laws and policies of the state of Kansas (K.S.A. 82a-1020) which includes the overarching principles found in the Kansas Water Appropriation Act (KWAA).

One of the basic precepts set forth in the KWAA is found in K.S.A. 82a-707(b) ***...the date of priority of every water right of every kind, and not the purpose of use, determines the right to divert and use water at any time when the supply is not sufficient to satisfy all water rights....***

The amended GMD 4 district-wide LEMA proposes mandatory corrective controls that only apply to irrigation water rights. This goes contrary to the statute referenced above by singling out only one type of beneficial use to carry the burden of the corrective controls for dealing with an insufficient supply and is therefore not consistent with state law.

Targeting select types of water users to bear the corrective controls violates current water law, is not consistent with court rulings recognizing water-right priority and diminishes private property rights. If we continue down this path, the value of water rights will no longer depend upon priority but type of use.

We want to see the intent of the GMD 4 LEMA move forward in a way that will benefit all water users and help stabilize agriculture today and indefinitely. This must be accomplished with conservation that sustains the economy while upholding our state's water law and the private property rights the KWAA grants.

Sincerely,



Rich Felts, President
Kansas Farm Bureau