

April 4, 2019

Honorable Mike Beam
Secretary of Agriculture
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, KS 66502
Fax: 785-564-6777

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LEGAL SECTION
KS DEPT. OF AGRICULTURE

Re: City of Hays and Russell's application to change numerous water rights in Edwards County
Kansas

Dear Secretary Beam:

This letter is to inform you that I wish to file a petition for administrative review by the Secretary of Agriculture of the change applications by the cities of Hays and Russell.

My name is Leroy Wetzel and my family farms on the western border of the R9 Ranch. We have numerous water rights on the land adjacent to the ranch. We consider ourselves good stewards of the land we farm and irrigate. In order to enhance the flow of the Arkansas River and to preserve the aquifer for future generations we seldom pump our full water right appropriation. Only on rare occasions do we use the full allotment.

To help you realize that I am qualified to make the following claims I want you to know that in 1974 I received a Bachelor of Science Degree from KSU in Mechanical Engineering with some graduate classes in Fluid Dynamics. I then returned to the "Family Farm" after the death of my father and incapacity of my uncle. The farm has been in my family since 1894.

The basis for my petition is that the change applications proposed do not preserve or stabilize the aquifer. In fact to pump 48,000 acre feet of water in 10 years off the property would actually amount to an increase in the consumptive use out of an already over appropriated aquifer. I base this on years of personal observation.

We are close to a sustainable aquifer as evidenced by the flow in the Ark River to the south of the R9 Ranch. The flow stops as it approaches the ranch from the south. This flow has recently increased due to above average rainfall and the curtailment of pumping on the ranch. But to pump 4800 acre feet every year will mean an end to flow in the Arkansas River in the area. Conservative use of water for irrigation is not enough. The cities of Hays and Russell must participate also. GMD 5 has asked that the allowed pumping be reduced to 4000 acre feet. This seems a compromise that fell on deaf ears. The truth is according to a world renowned engineering firm is that sustainability can be reached only at an even lower pumping out of the area. Keep in mind that farmers in the area have already done their part by reducing pumping voluntarily.

I am asking that DWR take a new look at the consumptive use calculations used. Return flow is much greater than calculated. Kansas law allows for the use of site specific consumptive use calculations. There has never been a more appropriate time to use this! In fact no analysis is correct without it!

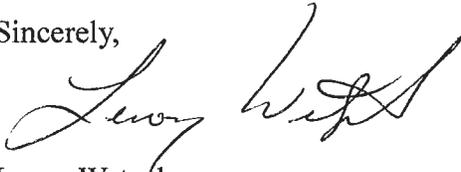
K.A.R. 5-5-9 allows no increase in consumptive use after a change by the words "shall not be approved". This behooves us to seek a site specific consumptive use quantity. In fact it seems to me

that DWR is bound to seek this new consumptive use quantity in an objective manner. If not by DWR's engineers then it should be done by a more objective engineering firm, not one who is paid by the beneficiary of the change!

This is not the first request to take a new look at the consumptive use calculation . All other requests have been ignored., including a request by GMD 5. Please understand that we will continue our efforts to preserve the aquifer not only for our descendants but use by the cities. It is in our own interest as well as the interest of the cities of Hays and Russell to get it right the first time. "The consumptive use calculated needs to be redone".

Another fact to consider is that the Arkansas River at Dodge City almost never flows. Recharge is no longer realized from the river, only from local rainfall! These facts were ignored by Burns McDonnell when using the Ballue Model.

Sincerely,

A handwritten signature in cursive script, appearing to read "Leroy Wetzel". The signature is written in black ink and is positioned to the right of the word "Sincerely,".

Leroy Wetzel