

Smith Family Farms
1303 E County Rd M
Marienthal, KS 67863

November 19, 2020

WHC LEMA
c/o Ronda Hutton
1320 Research Park Drive
Manhattan, KS 66502

Dear Madam:

We are submitting written statements regarding the proposed Wichita County Lema. We are irrigated farmers in Wichita County. We fully support the irrigation management to extend the life of the aquifer. We are no-til farmers and have seen the benefits of saving moisture through its practice.

Sincerely,
Don Smith
Earl Smith
Luke Smith
Andrew Smith

Wichita County Proposed Lema

1. LEAD WCA Conflict

We are just finishing year two operating within the LEAD WCA with five more years to go. Our WCA was developed with the DWR and approved by GMD1. When the LEMA comes into force we will be on year three. When we started developing the WCA, we attempted to stay clear of the forth coming LEMA by increasing our conservation factor. The LEMA at that time was working towards a 20% conservation goal. We used a 25% conservation goal. A late change by GMD1 moved their conservation goal to 25% which created a conflict with us. A problem occurs because we have several points of diversion that have no pumping history during the LEMA's comparison years. As such, these points of diversions receive a low to zero allocation. As part of the WCA development we agreed with DWR to use a more recent pumping history and apply the conservation factor to that history for these particular wells. Using the recent pumping history is more conservative than using a past pumping history. We now have a conflict as the LEMA is now designated as more conservative then the LEAD WCA. We will be forced to file appeals and then complete a pumping test during the time frame of June 15-September 15 to ensure the continuation of our WCA. We will be operating with an unknown pumping allocation until the pump test is completed and the board meets to approve or deny the appeal. With the board's monthly meeting schedule, best case decision is July 21. We will be operating without a plan for most of the irrigated growing season. We asked the board to exclude the two WCA's in Wichita County by name from the LEMA, but they declined. We have been operating our farm on a 7 year pumping conservation plan that needs to be continued and protected because of our historical conservation already in place prior to the LEMA. I also wonder if there will be any cases of irrigation wells in the Wichita County WCA that are facing a similar situation.

2. Appeals

The opportunity to file an appeal is limited to a deadline of March 1, 2022. This may have a negative impact on land values. The purchase or development of any irrigated land that does not have a pumping history during the LEMA's comparison years is locked to an allocation for the subsequent 4 years following the deadline. The allocation may require the land to be farmed as dry land. It would be of financial benefit to the county to allow for the changes that come to land across time and not close appeals across the life of the LEMA.

The appeal allows for a pumping test late in the growing season, June 15-September 15. This will create additional risk on the grower. Decisions on planting populations and a growing program will have to be made before a water allotment is known. We think the test window should be allowed earlier in the season.

If the appeal grants a flow test, the resulting value is based upon a 150 day pumping cycle. The net number is then reduced by 25%, or 112.5 days of pumping. That net number is 3.75 months of pumping. If the irrigated circle grows a singular crop such as corn, that time line may work. If the circle grows a half circle of wheat and a half circle of corn then the irrigating cycle is longer window than 3.75 months.

3. The Allocation Basis

The LEMA is based upon pumping history. The GMD1 board followed a path set out by previous decisions. The use of this technique has created a challenging system of allocation not to mention a colorful discussion to get a LEMA plan. This plan also does require anyone that has been previously pumping conservatively to file an appeal as the new numbers may push their allocation to unrealistic levels. But, we have arrived where we are. We would not recommend any future LEMA planning be based upon this system. A fixed allocation of acre inches seems the most straight forward technique.