

LEMA Overview

What is it?

Local Enhanced Management Area (LEMA)

- Authorized by K.S.A. 82a-1041
- Began in NW Kansas when local water users were not sure of the result of an IGUCA, but recognized there was a need for corrective controls.
- Established in 2012 to provide the Groundwater Management Districts with the ability to initiate a public hearing process to consider a specific conservation plan to meet local goals.

Why a LEMA?

- Decision making process starts at the local level to address local issues by local leaders
- Ability to determine the destiny of the local resource at the local level rather than from state level
- K.S.A. 82a-1020 establishes the Groundwater Management Districts to be this local leader
- “You don’t necessarily get what you want in the end, but you are guaranteed to not get what you don’t want.”
– Wayne Bossert (2011)

What is in a LEMA?

- K.S.A. 82a-1041 requires each LEMA to:
 - Propose clear geographic boundaries;
 - Pertain to an area wholly within a GMD;
 - Propose goals and corrective control provisions as provided in subsection (f) adequate to meet the stated goals;
 - Give due consideration to water users who already have implemented reductions in water use resulting in voluntary conservation measures;
 - Include compliance monitoring and enforcement element; and
 - Consistent with state law.

LEMA Process

- GMD develops the LEMA goal and plan – Submit to Chief Engineer
- Chief Engineer reviews the plan to ensure that it is “acceptable for consideration”
- Chief Engineer initiates hearing process
 - Required 30-day notice by publication to each affected water right owner prior to hearing.
- First Hearing “shall resolve the following findings of fact:
 - One or more of the circumstances specified in K.S.A. 82a-1036 (a)-(d) exist;
 - Public interest per K.S.A. 82a-1020 requires that one or more corrective controls be adopted; and
 - Geographic boundaries are reasonable

LEMA Process (cont.)

- Hearing officer for first hearing does not have a time limit to make his/her decision
- If the hearing officer makes a positive finding on all three questions in first hearing, the Chief Engineer holds one or more hearings on the merits of the plan only.
 - Required 30-day notice by publication to each affected water right owner prior to each hearing.
- Chief Engineer must issue an order of decision within 120 days and then an “order of designation” within a reasonable time afterwards.