

STATE OF KANSAS



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GOVERNOR JEFF COLYER, M.D.
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

August 6, 2018

Board of Directors
Big Bend Groundwater Management District No. 5
125 South Main Street
Stafford, Kansas 67578

Re: DRAFT LEMA Management Plan, Dated July 7, 2018

Dear Board of Directors:

Thank you for providing an updated draft of your local enhanced management area ("LEMA") management plan dated July 7, 2018. We appreciate the hard work that has been put into this process and look forward to a continued constructive dialogue as you continue your efforts.

In order to facilitate your on-going work, we have prepared the attached document to provide our feedback in outline form. Most of the feedback provided has been part of our dialogue for many months and will be familiar to you. Since the principle goal of the proposed management plan is to remedy the impairment of the water right held by Quivira National Wildlife Refuge ("Refuge"), such a plan needs to be clear and specific on the methods necessary to achieve this goal. Therefore, you will find in the attached document our attempt to highlight where additional clarity is needed. The following are some important concepts included in the attached that we may not have previously discussed in much detail:

- The implementation of augmentation to be based upon a three-step roadmap with potential deadlines.
- As suggested by your plan, an updated model should be used to re-assess whether the LEMA targets are sufficient, however, this evaluation should be done within the proper LEMA process and should be used to implement suggested targets for the second ten-year period, 2030-2039.

Both the dates applied to the development of augmentation and for model updates are initial proposals and are open to further discussions. We understand that determining the specific means to accomplish these outcomes is a difficult task and our staff are willing to provide any technical assistance within our means. Further, if you believe it would be helpful in reaching a consensus on a plan, we are willing to provide the Board with a facilitator to assist with these challenges.

Finally, as you are already likely aware of, we clarified that a management plan which sets a target withdrawal of 210,00 acre-feet per year within the proposed LEMA boundaries for water rights that are junior in priority to the water right held by the Refuge would be an acceptable basis for a management plan. This would include not setting a withdrawal goal for water rights within the proposed boundary that are senior to the Refuge's water right.

As requested via email last week, please provide us with the expected date of your next management plan draft by August 10, 2018. Again, we appreciate your efforts and encourage you to let us know how we can be helpful in this process.

Sincerely,

David W. Barfield, P.E.
Chief Engineer, Division of Water Resources

Attch: KDA Feedback

RECEIVED

Aug 06 2018

Big Bend GMD #5

KDA feedback regarding GMD 5's July 12, 2018 Draft LEMA Plan

Green = current draft plan is in good shape. Yellow = needs more clarification. Red = elements are missing or incomplete

AUGMENTATION

Green	Augmentation project; 15 cfs capacity; up to 5,000 AF annually
Yellow	Design completed by December 31, 2019
Yellow	Financing secured by June 30, 2020
Yellow	Fully functional by March 15, 2022

WATER USE

Red	Water use targets/allocations set for 2020-2029
Yellow	Performance evaluated in 2025 for 2020-2024, and in 2030 for 2025-2029
Yellow	Water use by seniors is not restricted by the LEMA
Yellow	LEMA-wide: Water use by juniors is held to an average of 210,000 AF per year
Yellow	Zone D/St John area/high priority area: Water use by all users is held to an average of 25,655 AF per year (is there senior use in Zone D?)
Yellow	The five-year limit may be climate adjusted, but the ten-year limit will be 2,100,000 acre-feet of junior use in the LEMA.
Red	No other adjustments to the water use limits
Red	Quality controlled water use reports are sole basis for determining water use
Yellow	Water use targets/allocations given to each junior water right based on priority (and maybe proximity), giving due consideration for past conservation.
Yellow	Water users who limit themselves to their target use 2020-2024 will receive the same target use 2025-2029.
Green	If the LEMA water use limitation is exceeded either:
Green	Water users who exceed their target use 2020-2024 will receive the same target use 2025-2029 less the total amount of their over use in 2020-2024, OR
Yellow	If the limit is exceeded by less than 3,500 acre-feet, then the basin has until December 31, 2025 to take actions to remedy the shortfall and avoid enforcing allocations on the water rights that exceeded their 2020-2024 target use

MODELING

Red	GMD5 Model updated and re-calibrated by December 31, 2026 using data through 2024
Red	Model update and recalibration conducted collaboratively with KDA-DWR and others
Red	2026-updated model to find allowable junior pumping to reduce rate of increasing depletions by half or more for 2030-2039

IF NO AUGMENTATION

Red	If augmentation is not fully functional by December 31, 2022: Juniors immediately restricted to annual limit of 150,000 acre-feet in the LEMA using original allocation methodology
Red	If augmentation is not fully functional by December 31, 2024: LEMA is terminated, IGUCA proceedings will determine the level of pumping allowable to remedy impairment.

LEMA PLAN DOCUMENT

Red	Include executive summary/overview that lays out the major corrective control elements of the plan with pumping numbers, dates, and consequences
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