

2/28/28

To: Orrin Feril, Manager GMD 5

From: Water PACK BOD

Re: LEMA Comments

Mr. Feril I am writing to you today on behalf of the Water PACK Board of Directors. The Board has a number of comments, and questions regarding the Draft LEMA presented by GMD 5 at the annual meeting on February 15, 2018.

1. The majority of the people leaving the GMD 5 annual meeting came away with the idea that all they had to do to satisfy the 19,000 acre foot reduction in water use is to remove their end guns. This is not the case. Metered quantities of water must be reduced to meet this goal. By our math they must reduce usage by 1" per year based on their historical use. In the LEMA document it states on page 5, section 3, at the end of paragraph a. "The success of this aspect of the program will be evaluated by examining water-use reports over a 5 year period". The success of any water conservation that occurs through end gun removal must be stated and quantified as to how water users are to gauge and achieve their individual conservation efforts. The draft LEMA mandates end gun removal and must also clearly state the conservation goal of such action.
2. QNWR needs to do their part to help make this LEMA successful. Their water metering, water use plan, and conservation plan will have a direct effect on the on the perceived failure, or success of this LEMA. Their metering must be brought up to the same standard required of other water users in the state. QNWR's conservation, and water use plans must be revised to make the most beneficial use of the water they have available, when it is available. Like the wildlife USFW strives to protect they must adapt to their environment.
3. 4000 acre foot retirement in "Zone D". The Water PACK Board feels that there should be more than 1 option to choose from. Give producers the opportunity to determine what works best for their operation.
 - a. An incentive based program that would pay producers to reduce pumping on the well, or wells of their choice to meet their portion of the reduction.
 - b. Complete buyout of water rights through CREP, WTAP, or other programs.
 - c. WCA or other program that allows them to meet the goals on their own terms.
 - d. Ability to move water out of the impact area, and develop it elsewhere through the Water Bank or other means to be determined.
 - e. Any other option that meets the conservation requirements while still allowing the area economy to function.
4. How will the "Water Safe Deposit Box" function? Can producers carry balances into the LEMA? Will it still function in the LEMA?
5. All other LEMA's proposed have utilized multi-year reporting for increased flexibility in managing water use. Will the Rattlesnake LEMA do the same? If so will you allow producers to carry unused allocation from one term to the next?
6. Will producers have the ability to move water among a group of wells as long as they meet their conservation goals?

7. Past conservation needs to be recognized. In nearly every program in the past the high water users have effectively been rewarded for the practice of using as much of their allocation as possible year after year, while those who did not were penalized. This precedent cannot continue. Historical use is not a property right. If historical use is the basis for allocations moving forward you will be penalizing landowners for their, or their tenant's choice, to conserve water. This effectively lowers the value of the property in the future for rental income, sale price, or as a line item on a financial statement. Conservation goals need to be based on allocation. These property rights were bought and paid for, and need to be honored.
8. Water PACK would like to have a designated seat on the Rattlesnake Creek LEMA Advisory Committee. This would aid us greatly in serving our members, and the other organizations that we are adding as valued partners.
9. The method by which augmentation water is delivered to Quivira needs to be addressed. The efficiency gained by delivering augmented water to the needed point of use on the refuge must be a central focus of the LEMA document. The loss of augmented water through stream bank loss and other environmental factors are too great considering the substantial investment GMD 5 and junior water users are going to incur to fund such augmentation.
10. What legislative changes need to be made to allow for greater flexibility to manage water in the proposed LEMA? This is something that needs to be done sooner rather than later.

The Board of Directors of Water PACK stands at the ready. We are committed to serving our membership in the most effective way possible. We appreciate the opportunity to contribute.

Respectfully,

A handwritten signature in black ink, appearing to read "Patrick Janssen". The signature is written in a cursive, flowing style with a large initial "P".

Patrick Janssen

Secretary

Water PACK Board of Directors.