



**BERT & WETTA
SALES, INC.**

P.O. BOX 130 - LARNED, KS 67550 (620) 285-2867



March 8, 2018

RE: Comments on Proposed LEMA Plan

Bert & Wetta farms for Compton Hoffman Land Co which owns the NE 1/4 of 30-22-14 in Stafford County. The quarter section has an irrigation well that supplies a pivot to irrigate crops. The water right file number is 19,930 with a priority date of 01/04/1973.

We are of the understanding that a LEMA proposal that concerns the above ground would make MDS wells in the area on the same footing as senior water rights. Kansas water law is very clear in that it gives priority dates and makes senior wells have priority over junior rights. The MDS wells were drilled after April 12, 1984 giving them junior status. Those wells should be curtailed before any wells are effected in this area. If the MDS wells are treated the same as a senior right then Kansas Water Law is being ignored. We have years of precedence in the state of Kansas and strict water laws.

It is also our opinion that the location of the ground detailed above is not in the Rattlesnake basin but is located in the Arkansas River Basin as Compton Hoffman Land Co has indicated to us and was appropriated as such.

If a LEMA is the only solution to the desired stream flow for the Rattlesnake then make sure all MDS wells are curtailed first. They should never be put on the same level as a senior water right. Priority dates have a purpose. If they are ignored then our entire water appropriation system and laws are being ignored.

Sincerely,

C.R. Bert
President

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MAR 12 2018

Big Bend GMD #5