

# Vosburgh Farms

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Big Bend GMD #5

Comments on the proposed LEMA for GMD5

It appears that adequate acre feet of water are available in most years to fulfill Quivira National Wildlife Refuge water right. It is a timing issue. Stream flow today still occurs in Stafford County, meeting MDS standards most of the time, not just adequate enough flow for the Quivira National Wildlife Refuge seasonal needs. Stream flows are at times excessive with Mother Nature's help. 4000 acre feet need to be removed from Zone D to stabilize the stream according to the model. Is it possible to capture, store, slow down Rattlesnake creek losses that pass through the Quivira National Wildlife Refuge? Could storage be increased on the Quivira National Wildlife Refuge, adjacent to their property or a mini Lock and Dam systems placed on the Rattlesnake creek and Wildhorse creek that flow into Quivira National Wildlife Refuge? What effect would occur on the aquifer if streamflow storage was increased, could the aquifer hold more water in Stafford County? Can we utilize more of our runoff from rainfall, save a 1000 acre feet or more to reduce the 4000 acre feet requirement, reducing the economic impact in our area? Would it not be better to capture what's already here? A lot of people, thought Horse Thief Reservoir in Hodgeman County was a joke, but it has turned out to have very beneficial effects on the water table downstream.

In the Water Right Lookup Tool, reported water use (columns P-W Water use tab) exceeds water use (columns Y- AH Water use tab) by 67149.74 acre feet over the 10 years, (6715 acre feet annually). I assume this is from over pumping and not wanting to give credit for over pumping in actual water use history. Is my assumption correct? Water Use in 2012 is more than reported use by 7052.55 acre feet. Is this because of the 2012 over pumping program recording methods?

How was the stream response calculated? Does a well that is the same distant from the stream, in an appropriated area with safe yield of 5000 acre feet affect the stream the same as a well in an area with safe yield of 1200 acre feet? Do two wells setting the same distance from the stream, one with historical use of 6 inches and the other with 15 inches have the same response on the stream?

On page twenty of the LEMA document, the attachment that shows water table increases of the LEMA proposal speaks volumes. A small sacrifice of an end gun shared by all can have such an enormous effect district wide. The concern is what if it's not enough, what are the backstop alternatives. Where do the additional cuts come from? The first step is to figure out what has not been achieved. Then allow credit for what has been achieved.

For example, let's say end guns only meet 78 percent of their goal, and we get 3000 acre feet of Zone D.

$$\begin{array}{rcl} 19000 \times .78 & = & 14820 \quad 4180 \text{ acre feet needed} \\ 4000 - 3000 & = & 1000 \quad 1000 \text{ acre feet needed} \end{array}$$

Total additional cuts needed 5180 acre feet. Are they needed and are they the right amounts, is the first question? Where do they come from? The additional cuts come off of appropriations, each and every appropriation regardless of size or priority as a percentage. The percentage cut is lowered until the 5180 acre feet savings are achieved. Let's assume in this illustration that cut becomes 84.5 percent of the certified of appropriation. Each and every water right becomes 84.5 percent of its original certified right, while the LEMA is ongoing. This is not a permanent reduction of the Certificate of Appropriation; it is in effect as long as the LEMA is in effect.

1. Water rights are still uniformly reduced at this point; Property values based on Certification of Appropriation are still maintained. Water rights are not valued on historical use.
2. Use it or Lose is still dead and conservation is not penalized. No fancy formulas for adding back conservation efforts are needed.

However, we have forgotten one thing. The 6715 acre feet of over pumping that appears to have happened in the 10 year time frame in the Water Right Lookup Tool. If it is deducted from the previous example, we've overshot by 1535 acre feet. The goal has been met. The backstop must be worded so that the affects of the implemented programs are given credit and that adjustments can be made based on assessed results at the review period.

As I close, I want to thank each individual that has worked so hard on this since the mid 90's. I have never been around an issue that is so complex and that great debate can be had on both sides pro and con. I truly appreciate the thousands of hours you have invested, trying to rectify this impairment.

Thank you,

Justin Vosburgh