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In accordance with K.S.A. 82a-1041, Big Bend Groundwater Management District #5 (“District”) is pursuing a Local Enhanced Management Area (“LEMA”). On February 15, 2018, the District board presented the key components of the draft LEMA plan at the annual meeting. These components are: 1) end gun removal within entire LEMA area, 2) implement streamflow augmentation at a rate of 15 cubic feet per second (“cfs”); and 3) promote movement or retirement of water rights out of sensitive areas of the LEMA. The draft LEMA document is available for public review and comment. Please submit comments and feedback to : LEMA@gmd5.org

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August 30, 2018

RE: Local Enhanced Management Area (“LEMA”)

To Whom it May Concern:

After attending the meeting on August 27, 2018 and reading through the draft proposal, there are two general comments that need to be addressed. First the grouping of water rights, particularly for groups 2&3, 4&5, 6&7, to be placed in either group 3, 5 or 7 and be penalized 3% - 5% because you did not participate in the “AWEP” program, which was a voluntary program with monetary incentive for participation. It seems unreasonable to penalize someone who did not take a monetary incentive and did not volunteer for a voluntary program.

The second general point noticed was that there were no proximity factors. The water rights priority dates in the Ninnescah Basin have the same percent reduction in acre-feet as a water right within a mile of Rattlesnake Creek; this needs to be addressed.

On a more specific issue, there was discussion on changing the LEMA boundary line. Since the impairment was filed against JR water rights in the Rattlesnake Creek Basin and even by the model’s number, the Ninnescah Basin may have only a 10% influence. It seems the Ninnescah Basin is in the LEMA boundary mainly to satisfy an acre-feet goal. The percent of acre-feet that the Ninnescah Basin is contributing to a Rattlesnake Creek Basin impairment seems to be excessive.

For these reasons, I think the Ninnescah Basin should not be within the LEMA boundary. Casting a net to wide may give you less results.

Respectfully submitted,

Steve Maechtlen