

December 19, 2018

Mr. Tracy Streeter

Kansas Water Office

900 SW Jackson, Suite 404

Topeka, Ks 66612

Dear Mr. Streeter,

I would like to address a few things put forward in your December 12, 2018 letter in response to Ms. Becca Flowers concerning the Quivira National Wildlife Refuge's impairment claim.

1. I would like to know how the Chief Engineer has made this determination. It is my understanding that the years in question the reservoir was full, and they had to let water go in order to keep from flooding the surrounding properties. Also, it is my understanding that they mismanaged the amount of water in the refuge, and when the driest part of the season occurred (July, August, September), they were surprised when the refuge wasn't refilled. I would like to know what steps have been taken by the refuge to manage their allotted water right more efficiently. I know this comes down to a question of seniority, but does that give them the right to squander their entire water right and then demand more? I know that in agriculture, lots of steps have been taken to more efficiently use their water, with some of the groups even able to cost-effectively recycle water. This brings me to my next point.
2. GMD #5 had a proposal to remove end guns on center pivots and augment water into the refuge or into the creek to help with the mismanagement of the refuge. Furthermore, GMD #5 has for the last 15 years sought the services of Balleau Groundwater, Inc. out of Albuquerque, NM, to help in modeling their water plan, and they are in support of the latest proposal by GMD #5 and have stated they believe it is more than sufficient. It is, again, my understanding that the chief engineer told the water board that the LEMA remedies proposed to him were not sufficient. That is what led to the digression of communication between the water board and the chief engineer. It wasn't local inaction that caused the digression but abuse of power in the hands of a government bureaucrat.
3. I agree there will inevitably be a lawsuit to force an IGUCA and then for an injunction of the IGUCA until all the facts can be taken to the courts.

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Big Bend GMD #5

4. As far as the reduced yields and recent years cited on page two of your letter, the past years have been above average in terms of rainfall amounts which have contributed to your assertion that there haven't been declines in production. It's obvious to anyone who has grown anything at all that if it rains, there is no need to run an irrigation system. Nowhere in your letter did you state the amount of "water curtailing" you were citing, but as Mark Twain most eloquently put it: "Figures don't lie, but liars do figure".

I hope you will reconsider your position and maybe have a heart to heart with the chief engineer to bring talks back to the table with GMD#5 on a LEMA, but if you are unable to do so I hope you take solace in the fact that the taxpayers, many of whom are farmers, will be funding the lawsuit on your behalf.

Sincerely,

A handwritten signature in black ink, appearing to read "Aaron Cross", with a long horizontal flourish extending to the right.

Aaron Cross

Cc: Orrin Feril, Big Bend Groundwater Management District #5
Jackie McClaskey, Secretary, Kansas Department of Agriculture
Senator Mary Jo Taylor
Representative Greg Lewis