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April 26, 2018

Board of Directors
Big Bend Groundwater Management District #5
125 S. Main St.
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Directors,

After our call Friday, April 13, I thought it would be helpful to recap where we are with our mutual efforts to implement a LEMA in your district, and to note an idea we've had to help address the board's need for the flexibility to adapt to new opportunities and better ideas as they come along.

We believe that KDA and the district agree that the district's plan must include:

1. The amount of allowable withdrawals over 2020-2029 — LEMA-wide and "Zone D."
2. Target water use goals, by water right, for each year of 2020-2029 (for report card).
3. An evaluation of whether total water use was less than, equal to, or exceeded the targeted amount of allowable withdrawals over 2020-2024.
    - If total water use over 2020-2024 is less than or equal to the target amount, then the plan is on track and would continue without allocations. Performance would be evaluated again at the end of 2029.
    - If total water use over 2020-2024 is greater than the target amount, then defined allocations, by water right, for 2025-2029 will be implemented to ensure that the 2020-2029 withdrawals do not exceed the allowable withdrawals for that entire period.

These elements are essential because they ensure that the plan will be successful in reaching the goal, and because they are within the authority of the chief engineer to order.

We need the board to confirm that its plan will include these elements and to decide how to set the target water use goals (second requirement above) by using the allocation tool that KDA provided to you, or some equivalent tool. We would appreciate knowing your specific concerns with the tool that KDA provided so that we can resolve them.

We have heard your concerns that defining all the LEMA's corrective controls at the beginning of the LEMA term limits the district's flexibility to develop better solutions once the LEMA begins. We believe our need for certainty and your desire for the ability to adapt the LEMA plan can be achieved by including in your LEMA plan language that does two things: a) permits a hydrologically equivalent solution to fulfill the LEMA goal, and b) provides that this LEMA will be reviewed as 2024 nears to determine of corrective controls need to be adjusted. If it found there needs to be an adjustment in those controls, the existing LEMA can be terminated upon the approval of a subsequent LEMA which could use different corrective controls to achieve the goal of halving the rate of increase of depletions to the Rattlesnake at Zenith. This will allow the GMD Board flexibility in determining alternative means to address any shortfalls that can be ordered by the chief engineer.

The board chose to use the LEMA instead of the IGUCA to address this impairment, and I'm glad you did. KDA and the district have learned a great deal as we've worked together to develop the plan. Recent experience with the GMD 4 district-wide LEMA underscores the importance of a clearly written plan and engagement with affected water users. In order to continue to move forward, we need to have your revised plan, including the numbered and bulleted items above, by Friday, May 18.

The next version needs to be very clear, especially regarding targeted water use expectations and options for future enforcement measures. I then suggest we schedule another public meeting in late May or early June to provide an update to water users in the district. Please don't hesitate to reach out to the KDA team for support as you work to complete this next step.

Sincerely,

Jackie McClaskey

Jackie McClaskey
Secretary of Agriculture