

1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700



900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

March 6, 2017

RAY LUHMAN, MANAGER
NORTHWEST KANSAS
GROUNDWATER MANAGEMENT DIST #4
PO BOX 905
1290 W 4th Street
COLBY KS 67701

RE: Sheridan 6 LEMA Proposal for 2018-2022

Dear Ray,

Pursuant to K.S.A. 82a-1041, I and my staff have reviewed GMD 4's proposal for an extension to Sheridan 6 LEMA for years 2018 to 2022, received on February 6, 2017.

Pursuant to K.S.A. 82a-1041 (a), this initial review was limited to the following, as to whether the plan:

- (1) proposes clear geographic boundaries;
- (2) pertains to an area wholly within the groundwater management district;
- (3) proposes goals and corrective control provisions as provided in subsection (f) adequate to meet the stated goals;
- (4) gives due consideration to water users who already have implemented reductions in water use resulting in voluntary conservation measures;
- (5) includes a compliance monitoring and enforcement element; and
- (6) is consistent with state law.

Based on our review, I find that, the proposal meets these requirements and thus is acceptable for consideration. On this basis, I am initiating proceedings to consider the designation of the proposed local enhanced management area.

Statute requires two hearings on the proposed LEMA. The initial hearing is to resolve the following findings of fact:

- (1) Whether one or more of the circumstances specified in subsection (a) through (d) of K.S.A. 82a-1036, and amendments thereto, exist;
- (2) whether the public interest of K.S.A. 82a-1020, and amendments thereto, requires that one or more corrective control provisions be adopted; and
- (3) whether the geographic boundaries are reasonable.

If the initial hearing is favorable on all three issues noted above, a second hearing is required to determine whether the area should be designated and the GMD's proposed local enhanced management plan for the area be adopted.

As the area proposed for the LEMA extension is unchanged and there are only minor changes in the goals and proposed corrective controls, I believe it extremely unlikely that the result of the first hearing will reverse the findings of the 2012 hearing on these questions. However, I am unable to waive the statutory requirement to hold this initial hearing.

We believe that the best path forward is to conduct the two required hearings on the same day, one right after the other.

Accordingly, we have made arrangements to hold the hearings at the Sheridan County Courthouse in Hoxie on May 31, 2017, at 10:00 a.m. Per statute requirements we will provide notice of the hearings to each water right holder within the area as well as notification of the hearings in an area newspaper in the coming weeks.

Finally, in 2012, I held a pre-hearing conference and afterward issued the attached Hearing Management Order to outline hearing procedures, etc. If you wish to have a pre-hearing conference, that can be arranged. Otherwise, I will just issue a similar order, updated as needed.

Let me know if you have any questions on these matters.

Sincerely,



David W. Barfield, P.E.
Chief Engineer
Kansas Department of Agriculture
Division of Water Resources

pc:

Susan Metzger, Assistant Secretary, KDA
Chris Beightel, Program Manager, KDA-DWR
Lane Letourneau, Program Manager, KDA-DWR
Kelly Stewart, Stockton Water Commissioner
Kenneth Titus, Chief Counsel, KDA