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Jerry Cullop - Rice (Sec.)
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Phil Martin - Barton
Kerry Froetschner - Pawnee
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April 13, 2018

David Barfield, Chief Engineer
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, Kansas 66502

RE: LEMA discussion
Follow up

Dear Mr. Barfield,

This letter is in follow up to discussions the District board had with you and your staff in Topeka on March 19, 2018. Thank you for coordinating this meeting to discuss items of significance regarding the proposed Rattlesnake Creek LEMA. I feel these discussions have been productive over the past several months and the LEMA process is moving forward appropriately.

One of the points of discussion in Topeka centered around the subject of water use in excess of authorized quantities within the 2003-2012 time period. The District board is concerned with the answers you provided at that time. When comparing the actual water use for the period vs the authorized water use, there is a differential of approximately 6,700 AFY that was diverted from the aquifer. There are several factors that need to be understood about this issue. Firstly, this is actual reported over pumping by water users that honestly reported this usage. It is likely that the 6700 AFY is a conservative quantity when considering the minority that may have misrepresented their actual water use on the water use reports. These reports were from water flow meters that were not chained to the measurement chambers. Since this timeframe, water flow meters have had ever increasing scrutiny placed upon them. This has further reduced the potential for misrepresentation of water use on the annual reports. The proposed LEMA draft document currently has severe penalties for pumping beyond authorized annual quantities. This will have an additive effect to disincentivize using water beyond authorized quantities into the future.

It is the understanding of the District that the Chief Engineer believes the water saved from end gun removal to be approximately 12,000 AFY vs the LEMA committee's estimation of 19,000 AFY. When considering the conservative amount of 6700 AFY of "over-pumping" in addition to the 12,000 AFY, the target of 19,000 AFY is essentially achieved. When discussing this issue with Balleau Groundwater staff, the reduction of future over-pumping will have a real impact on the aquifer and have real consequences. It is very difficult to predict water diversions into the future. This is especially true for potential future over-pumping.

The District continues to have concerns with the accuracy of the water use data currently used by KDA-DWR. Water flow meters have an inherent margin of error in their operation. Even if the

margin of error is 2%, this will affect both the historical water use figures and any future projections based on these numbers. The margin of error, in this case, relates to an amount larger than the water use reduction targets set out by KDA-DWR. The District is concerned with overshooting the targets and causing economic hardship on the local stakeholders.

The District remains committed to pursuing a reasonable remedy for the alleged Quivira NWR impairment based on sound data. The items identified in the March 19 meeting are of significant concern to the District. It is difficult for the District to continue to move forward with these issues still outstanding. We appreciate your consideration and look forward to working through these issues as soon as is feasible.

Sincerely,

A handwritten signature in cursive script that reads "Darrell Wood". The signature is written in black ink and is positioned below the word "Sincerely,".

Darrell Wood

Board President