

**Department of Agriculture, Division of Water Resources
Notice of Hearing on Proposed
Administrative Regulations, Statewide**

The Kansas Department of Agriculture will conduct a public hearing at 2:00 p.m. on Monday, November 22, 2021 to consider the adoption of proposed regulations. Due to the public health concerns posed by the COVID-19 pandemic, the hearing proceedings will be conducted virtually via video conferencing system only. Anyone desiring to participate in the public hearing via video conference must pre-register at:
https://kansasag.zoom.us/meeting/register/tZMrcuuspzgoHdTsVy_mjsFzR4wz9BMkEqee

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rules and regulations. All interested parties may submit written comments prior to the hearing to the Secretary of Agriculture, 1320 Research Park Dr., Manhattan, Kansas, 66502, or by e-mail to ronda.hutton@ks.gov. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulations during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request that each participant limit any oral presentation to five minutes. These regulations are proposed for adoption on a permanent basis.

K.S.A. 82a-1041 authorizes groundwater management districts to develop local enhanced management areas (LEMA) that address any of the criteria in K.S.A. 82a-1036(a)-(d), which include groundwater declines, waste of water, and the unreasonable deterioration of water quality. K.S.A. 82a-1041(k) directs the Chief Engineer to adopt rules and regulations to effectuate and administer LEMAs. There are currently three LEMAs in place, one of which was renewed for a second five-year term beginning in 2018. All active LEMAs include mandatory reductions in water use to achieve a total savings in water use. While K.S.A. 82a-1041 already requires substantial due process and specific procedural protections for water right owners, including at least two public hearings, these regulations reflect the lessons learned from previous hearing processes and from a district court challenge which upheld a LEMA order. They also generally provide guidance as to the specific information that is most helpful for a hearing process, the specific hearing procedures to be followed, and procedures for later modifying existing LEMAs. A summary of the proposed regulations and their economic impact is as follows:

K.A.R. 5-19-1 – Provides definitions for relevant terms used throughout the regulations.

K.A.R. 5-19-2 – Sets forth the requirements for a LEMA plan and provides that the Kansas Department of Agriculture's Division of Water Resources may assist in developing a plan or may informally review a plan before it is submitted to the Chief Engineer for formal review.

K.A.R. 5-19-3 – Sets forth the requirements for proceedings conducted for the designation of a LEMA. This regulation provides that the Chief Engineer may preside over a public hearing for such purpose or designate a presiding officer to do so. This regulation sets out the authority and responsibilities of the hearing officer as well as the rights and obligations of the parties to a LEMA proceeding.

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K.A.R. 5-19-4 – Provides that the board of directors or staff of a groundwater management district (“GMD”) shall give due consideration to past voluntary reductions in water use that resulted in water conservation when determining water quantity allocations or eligible acres under a LEMA plan, if the plan’s allocations or eligible acres are based on past water use. The regulation further provides that, if a GMD determines that past voluntary reduction in water use has been accomplished through management or conservation practices, an allocation or determination of eligible acres under the LEMA plan, or any average used to calculate the same, may be adjusted based on the amount of water conserved for each year that the conservation measure was in place. Finally, this regulation provides that a GMD, in consultation with the Chief Engineer, develop any methods or criteria for determining reductions in water use that resulted in voluntary conservation as may be suitable to local conditions.

K.A.R. 5-19-5 – Sets forth the requirements for implementing changes to a LEMA plan after a LEMA has been designated, including changes resulting from an informal review of the plan by the GMD board of directors or a formal review by the Chief Engineer.

Economic Impact Statement for K.A.R. 5-19-1 through K.A.R. 5-19-5:

These regulations are not mandated by the federal government. Contiguous states do not have a similar law in place.

The proposed rules and regulations will not enhance or restrict business activities any further than the development of a LEMA already impacts such activities. The regulations provide procedural steps prior to the adoption or amendment of a LEMA and do not further impact business activities. If there is any impact, it is only to expand the due process and information made available to individual water right owners prior to establishment of a LEMA.

The regulations themselves will not have a direct economic impact on any sector, but they will provide predictability and ensure that adequate public outreach and due process is provided to water right owners prior to establishment or modification of a LEMA. While data is still somewhat limited, one study produced by Kansas State University shows that enactment of a LEMA in areas facing groundwater declines resulted in an increase of profits compared to areas just outside the LEMA area. We expect future studies and additional data to continue to be collected. (Monitoring the Impacts of the Sheridan 6 Local Enhanced Management Area, Dr. Bill Golden at https://www.agmanager.info/sites/default/files/pdf/SheridanCounty6_LEMA_2013-2017.pdf.)

Farmers, ranchers, feedlot owners, and any business that owns a water right within a groundwater management district would be directly affected by the proposed rules and regulations.

Additional costs are not anticipated because these regulations largely clarify and codify work that is already being performed. The costs are already carried by the GMDs and Division of Water Resources. These costs are mostly in the form of the additional staff time that is necessary to ensure LEMA plans were developed with adequate public outreach and that the goals, corrective controls, and benefits of the plan are clearly documented at a public hearing that provides adequate due process protections to water right owners.

Per K.S.A. 82a-1041, the Division of Water Resources will cover the costs of all public hearings necessary for the designation of a LEMA, and any proposed LEMA plan must meet

specific requirements prior to hearing proceedings being initiated so that resources are not wasted on a plan that is not sufficient.

There will be no annual implementation and compliance costs incurred by or passed along to businesses, local governments, or members of the public.

K.S.A. 82a-1041 was adopted in 2012 and there have been three LEMAs successfully adopted since then, with one LEMA being renewed for a second term with modifications to allow for a simplified process based mostly on existing data. One LEMA proposal submitted to the Chief Engineer was rejected after initial review because of various shortcomings. These regulations do not require any additional costs for either the state or groundwater management districts and mostly place into regulation current standard practice regarding hearings and LEMA plan requirements. Each local district may approach development of a LEMA differently and is free to devote whatever resources they believe necessary during that process. Though such efforts will vary widely, this codification of standard practice is not expected to result in any additional cost.

Although there will be no direct impact on cities, counties or school districts, the Kansas Association of Counties, Kansas Association of School Boards, and League of Kansas Municipalities were each provided a copy of the regulations and asked to assess the economic impact of the proposed regulations on those entities. All of these entities either did not respond or stated that they would incur no impact.

In the summer and fall of 2019, an initial copy of these regulations was shared with various stakeholders, including the Kansas Farm Bureau and the Kansas Livestock Association. Division of Water Resources staff also attended, in-person, a board meeting of each of the five groundwater management districts. Over the last 18 months, multiple in-person meetings and conference calls were conducted with these same stakeholders. In addition, a meeting regarding these regulations was held with the Kansas Water Congress, the Kansas Municipal Utilities, and various individual water users were consulted.

If it were determined that LEMAs could not be created without these rules and regulations, then excessive declines in groundwater levels will likely continue to exhaustion in some areas, thereby substantially decreasing the value of the property and the economic impact on those respective communities, including limited ability to attract new business that requires substantial water amounts to operate.

Any individual with a disability may request accommodations to participate in the public hearing and may request the proposed regulations and impact statements in an accessible format. Requests for accommodations should be made at least five working days in advance of the hearing by contacting Ronda Hutton at (785) 564-6715 or fax (785) 564-6777.

Copies of the regulations and their economic impact statement may be obtained by contacting the Department of Agriculture, Ronda M. Hutton, 1320 Research Park Drive, Manhattan, KS 66502 or (785) 564-6715 or by accessing the department's web site at agriculture.ks.gov. Comments may also be made through our web site at the following link: <https://www.agriculture.ks.gov/document-services/public-comment>

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Chief Engineer
Division of Water Resources
Kansas Department of Agriculture

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Article 19 – Local Enhanced Management Areas

K.A.R. 5-19-1. Definitions. Each of the following terms, as used in this article of the division's regulations, shall have the meaning specified in this regulation:

(a) "GMD" means a groundwater management district established pursuant to K.S.A. 82a-1020 et seq., and amendments thereto.

(b) "LEMA" means a local enhanced management area pursuant to K.S.A. 82a-1041, and amendments thereto.

(c) "LEMA plan" means the document adopted by a groundwater management district that specifies the basis for the designation and operation of a local enhanced management area.

(d) "Presiding officer" means either the chief engineer or a hearing officer appointed for the purpose of conducting public hearings regarding a local enhanced management area pursuant to K.S.A. 82a-1041, and amendments thereto. (Authorized by K.S.A. 82a-1041; implementing K.S.A. 74-510a and K.S.A. 82a-1041; effective P-_____.)

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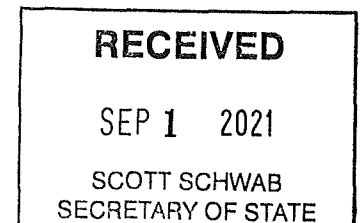
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K.A.R. 5-19-2. LEMA plans. (a) Before a GMD's board of directors recommends formal approval of a LEMA plan and submission to the chief engineer for review, the GMD's board of directors or staff may request the division to assist in the development of the LEMA plan or to informally review the LEMA plan.

(b) In addition to the requirements for LEMA plans specified in K.S.A. 82a-1041 and amendments thereto, each GMD that recommends approval of a LEMA plan and formally submits the LEMA plan to the chief engineer shall ensure that the LEMA plan includes the following:

- (1) Each condition specified in K.S.A. 82a-1036(a) through (d), and amendments thereto, that the LEMA plan is intended to address;
- (2) a statement of each goal that the LEMA plan is intended to achieve;
- (3) documentation that quantifies how any corrective controls that establish allocations, cuts, or limitations to water use would affect each individual water right within the proposed boundaries;
- (4) an appropriate appeals procedure for water right owners based on the corrective controls implemented;
- (5) an executive summary of the proposed goals and corrective controls;
- (6) documentation, evidence, or other information indicating that the proposed corrective controls will meet each stated goal of the proposed LEMA plan;
- (7) a description of how the boundary of the proposed LEMA was determined;
- (8) a description of how due consideration was given to water users who already have implemented reductions in water use resulting in voluntary conservation measures if the

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corrective controls result in any allocations, reductions, or limitations of water rights that are based on past use. If applicable, the description shall include the following:

- (A) An explanation of the criteria or methods used to address voluntary water management or conservation that reduced water usage; and
 - (B) a requirement that any owner or holder of a water right provide documentation of any voluntary conservation that resulted in the use of less water;
 - (9) if applicable to the LEMA plan, specification of how past reductions in water use resulting in voluntary conservation will be considered in any appeal process provided; and
 - (10) if a stated goal of the LEMA plan is to address an impairment or there are known cases of direct impairment within the LEMA, an explanation of how each impairment is legally addressed.
- (c) A separate memorandum containing a summary of the public outreach conducted by the GMD before recommending the LEMA plan for approval shall be submitted simultaneously with the LEMA plan and shall include a description of any changes made to the LEMA plan due to any public comments.
- (d) If the stated goal of a LEMA plan is to improve water quality, the GMD's board of directors or staff may consult with the chief engineer before formal submission of the proposed LEMA plan to determine which requirements in subsections (b) and (c) are applicable and to determine any other information necessary in order for the chief engineer to perform a review of the LEMA plan. (Authorized by and implementing K.S.A. 82a-1041; effective P-

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K.A.R. 5-19-3. Public hearings. (a) If the chief engineer initiates proceedings to designate a LEMA, the chief engineer may preside over any public hearings or may designate a presiding officer.

(b) If, following the initial hearing, the presiding officer determines that the proposed LEMA plan meets the initial requirements in K.S.A. 82a-1041 and amendments thereto, then a second hearing or hearings on the elements of the proposed LEMA plan shall be held. Each subsequent hearing shall include consideration of the LEMA plan's corrective controls, the likelihood that the LEMA plan will achieve the stated goals, and any other matters deemed necessary by the presiding officer.

(c) If a presiding officer is appointed to conduct a subsequent hearing as described in subsection (b), the presiding officer for the subsequent hearing shall be authorized only to make recommendations to the chief engineer and shall not have the authority to issue an order of decision or an order of designation.

(d)(1) Before any public hearing, the presiding officer shall hold a prehearing conference, with at least 15 days of notice, to select a date for the public hearing, specify the procedures to be followed at the public hearing, set any deadlines, and consider any other matters necessary for conducting the public hearing.

The presiding officer may establish any procedural rules that are deemed necessary or expedient for the conduct of the public hearing, including holding formal and informal phases of testimony, rules for discovery, and cross-examination of witnesses.

(2) Following the prehearing conference, the presiding officer shall issue a prehearing order that specifies the formal parties designated pursuant to paragraph (d)(1) if requested, all

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procedures to be followed during the public hearing, all deadlines, and any other matters necessary for conducting the public hearing.

(e) If formal and informal phases of testimony are held, the GMD that proposed the LEMA and the division shall be considered formal parties at the public hearing. Each other person or entity that wishes to be designated as a formal party shall file a timely request with the presiding officer. The presiding officer shall have discretion to approve or deny any request based upon the effect that the proposed LEMA would have on that person or entity or the timeliness of the person's or entity's request.

(f) Each GMD proposing a LEMA plan shall be required to prove that the LEMA plan meets the requirements of K.S.A. 82a-1041, and amendments thereto, and that the corrective controls are sufficient to meet the stated goals. The GMD's representative shall call witnesses or testify first, followed by the division, and then by any other formal parties, unless the presiding officer determines that another order of testimony will better facilitate the proceedings. The division may proffer its record along with providing testimony or in lieu of providing testimony.

(g) In all hearings, the presiding officer shall make any rulings regarding procedure and evidence that are necessary to provide all interested persons and entities with a reasonable opportunity to be heard and present evidence into the record, whether the persons or entities are admitted as formal parties or not. The presiding officer shall not be bound by the formal rules of evidence or by any rules of civil procedure. In each case, all testimony received during the hearing or admitted as evidence during the hearing shall be taken under oath or affirmation, and a reasonable opportunity after the hearing shall be provided for the submission of written testimony and comments.

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(h) During each hearing for the renewal of a LEMA plan that proposes adoption of a LEMA plan substantially similar to the LEMA plan that was previously adopted, the hearing schedule and requirements may be consolidated and simplified if notice of the consolidation or simplification is provided in the public notice required by K.S.A. 82a-1041 and amendments thereto, the proposing GMD does not object, and all parties are given a reasonable opportunity to be heard.

(i) The GMD and other parties shall not be required to pay any costs related to the presiding officer, hearing location, court reporter, and published notice or any other costs related to hosting a public hearing that may be approved by the chief engineer, except that the GMD may assist in organizing the hearing and may contribute funds to cover part or all of any costs incurred by the division.

(j) The presiding officer may conduct any public hearing by using a medium for interactive communication that meets the requirements of the Kansas open meetings act, K.S.A. 75-4317 et seq. and amendments thereto, if requested or approved by the GMD. The presiding officer may hold any prehearing, scheduling, or other conference by using a medium for interactive communication at the presiding officer's sole discretion. (Authorized by K.S.A. 82a-706a and K.S.A. 82a-1041; implementing K.S.A. 74-510a and K.S.A. 82a-1041; effective P-
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K.A.R. 5-19-4. Due consideration for past voluntary water conservation. (a) Each past reduction in water use that has resulted in voluntary water conservation implemented during any period upon which a LEMA plan's corrective controls are based shall be given due consideration by the GMD's board of directors or staff in determining allocations or eligible acres under a LEMA plan if the allocations or eligible acres are based on past use.

(b) If the GMD's board of directors or staff determines that water use has already been voluntarily reduced through management or conservation practices, the allocation or eligible acres under the LEMA plan or the average used to determine individual allocations and eligible acres may be adjusted based on the amount of water conserved for each year that the conservation measure was in place.

(c) The GMD's board of directors or staff, in consultation with the chief engineer, may develop or apply any other criteria or methods to determine reductions in water use that resulted in voluntary conservation that are suitable to local conditions under the LEMA plan. (Authorized by and implementing K.S.A. 82a-1041; effective P-_____.)

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K.A.R. 5-19-5. Review and modification of a designated LEMA. (a) Once a LEMA has been designated by the chief engineer, the corrective controls in the LEMA plan shall remain in place until the LEMA expires pursuant to the terms of the LEMA plan or until the LEMA plan is changed.

(1) A GMD's board of directors or staff may request assistance in developing changes or informally reviewing any proposed changes to a LEMA plan before recommending adoption of the changes and submitting the changes to the chief engineer for consideration.

(2) In order to change an existing LEMA plan, each proposed change shall first be adopted by resolution of the GMD and then sent to the chief engineer for a public hearing.

(3) If the chief engineer determines that the proposed changes should be made part of the LEMA plan based on the findings at a public hearing, an order amending the LEMA plan shall be issued. However, no amendments may be retroactively applied in a way that requires greater reductions in water use than were required by the existing LEMA plan.

(b) If any proposed changes result from a formal review of the LEMA plan pursuant to K.S.A. 82a-1041 and amendments thereto or as required by the LEMA plan, the proposed changes with the chief engineer's findings shall be sent to the GMD's board of directors following the formal review hearing. The GMD's board of directors shall have 60 days to review the proposed changes and approve, reject, or amend the proposed changes.

(1) If the proposed changes are approved by resolution of the GMD, the chief engineer shall issue a LEMA review order containing the chief engineer's findings and implementing the changes and amending the LEMA plan.

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(2) If the proposed changes are rejected by resolution of the GMD or the GMD fails to act within 60 days, the chief engineer shall issue a LEMA review order summarizing the chief engineer's findings and recommendations but without ordering any changes or amending the LEMA plan.

(3) If the proposed changes are amended by resolution of the GMD and sent back to the chief engineer, an additional public hearing to consider the amendments shall be held. The additional hearing shall allow for the submission of written comments and may be conducted by using a medium for interactive communication that meets the requirements of the Kansas open meetings act, K.S.A. 75-4317 et seq. and amendments thereto. The amendments to the proposed changes shall not be amended by the chief engineer but may only be adopted or rejected as received from the GMD. Following the public hearing on the amendment, the chief engineer shall issue an order with findings that either reject the changes or order the amendment of the LEMA plan.

(c) Each hearing to consider changes in a designated LEMA and each formal review hearing shall be conducted pursuant to the hearing requirements in K.A.R. 5-19-3, unless the existing LEMA plan prescribes different or additional procedural requirements for a formal review.

(d) In addition to any topics required by the LEMA plan to be reviewed, each LEMA plan formal review hearing shall, at a minimum, include review and consideration of the effectiveness of the current corrective controls to meet the LEMA plan's stated goal. This subsection shall not serve as a limitation on topics that the presiding officer may hear or that the

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public may present during a formal review. (Authorized by K.S.A. 82a-706a and K.S.A. 82a-1041; implementing K.S.A. 82a-1041; effective P-_____.)

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**Kansas Administrative Regulations
Economic Impact Statement
For the Kansas Division of the Budget**

Kansas Department of Agriculture
Agency

Ronda Hutton
Agency Contact

(785) 564-6715
Contact Phone Number

5-19-1; -2; -3; -4; and -5
K.A.R. Number(s)

Submit a hard copy of the proposed rule(s) and regulation(s) and any external documents that the proposed rule(s) and regulation(s) would adopt, along with the following to: Division of the Budget
900 SW Jackson, Room 504-N
Topeka, KS 66612

I. Brief description of the proposed rule(s) and regulation(s).

K.S.A. 82a-1041 authorizes groundwater management districts to develop local enhanced management areas (LEMA) that address any of the criteria in K.S.A. 82a-1036(a)-(d), which include groundwater declines, waste of water, and the unreasonable deterioration of water quality. K.S.A. 82a-1041(k) directs the Chief Engineer to adopt rules and regulations to effectuate and administer LEMAs. There are currently three LEMAs in place, one of which was renewed for a second five-year term beginning in 2018. All of the active LEMAs include mandatory reductions in water use to achieve a total savings in water use. While K.S.A. 82a-1041 already requires substantial due process and specific procedural protections for water right owners, including at least two public hearings, these regulations reflect the lessons learned from previous hearing processes and from a district court challenge which upheld a LEMA order. They also generally provide guidance as to the specific information that is most helpful for a hearing process, the specific hearing procedures to be followed, and procedures for later modifying existing LEMAs.

II. Statement by the agency if the rule(s) and regulation(s) is mandated by the federal government and a statement if approach chosen to address the policy issue is different from that utilized by agencies of contiguous states or the federal government. (If the approach is different, then include a statement of why the Kansas rule and regulation proposed is different)

These regulations are not mandated by the federal government. Contiguous states do not have a similar law in place.

III. Agency analysis specifically addressing following:

A. The extent to which the rule(s) and regulation(s) will enhance or restrict business activities and growth;

The proposed rules and regulations will not enhance or restrict business activities any further than the development of a LEMA already impacts such activities. The regulations provide procedural steps prior to the adoption or amendment of a LEMA and do not further impact business activities. If there is any impact, it is only to expand the due process and information made available to individual water right owners prior to establishment of a LEMA.

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- B. The economic effect, including a detailed quantification of implementation and compliance costs, on the specific businesses, sectors, public utility ratepayers, individuals, and local governments that would be affected by the proposed rule and regulation and on the state economy as a whole;**

The regulations themselves will not have a direct economic impact on any sector, but they will provide predictability and ensure that adequate public outreach and due process is provided to water right owners prior to establishment or modification of a LEMA. While data is still somewhat limited, one study produced by Kansas State University shows that enactment of a LEMA in areas facing groundwater declines resulted in an increase of profits compared to areas just outside the LEMA area. We expect future studies and additional data to continue to be collected. (Monitoring the Impacts of the Sheridan 6 Local Enhanced Management Area, Dr. Bill Golden at https://www.agmanager.info/sites/default/files/pdf/SheridanCounty6_LEMA_2013-2017.pdf).

- C. Businesses that would be directly affected by the proposed rule and regulation;**

Farmers, ranchers, feedlot owners, and any business that owns a water right within a groundwater management district.

- D. Benefits of the proposed rule(s) and regulation(s) compared to the costs;**

We do not anticipate any additional costs because these regulations largely clarify and codify work that is already being performed. The costs are already carried by the groundwater management districts and Division of Water Resources. These costs mostly consist of additional staff time to ensure LEMA plans involved adequate public outreach and the goals, corrective controls, and benefits are clearly documented at a public hearing that provides adequate due process protections to water right owners.

- E. Measures taken by the agency to minimize the cost and impact of the proposed rule(s) and regulation(s) on business and economic development within the State of Kansas, local government, and individuals;**

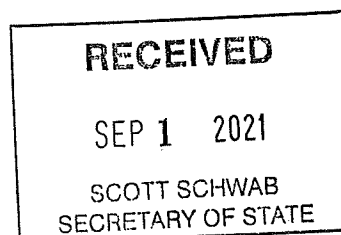
Per K.S.A. 82a-1041, any proposed LEMA plan must meet specific requirements prior to initiating the hearing procedure so that resources are not wasted on a plan that is not sufficient and the Division of Water Resources will cover the costs of any public hearings.

- F. An estimate, expressed as a total dollar figure, of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to business, local governments, or members of the public.**

\$0

An estimate, expressed as a total dollar figure, of the total implementation and compliance costs that are reasonably expected to be incurred by or passed along to business, local governments, or members of the public.

\$0



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Do the above total implementation and compliance costs exceed \$3.0 million over any two-year period?

YES ☐ NO ☒

Give a detailed statement of the data and methodology used in estimating the above cost estimate.

K.S.A. 82a-1041 was adopted in 2012 and there have been three LEMAs successfully adopted since then, with one LEMA being renewed for a second term with a simplified process based mostly on existing data. One LEMA proposal was submitted to Chief Engineer and was rejected at initial review for various shortcomings. These regulations do not require any additional costs for either the state or groundwater management districts and mostly place into regulation current standard practice regarding hearings and LEMA plan requirements. Each local district may approach development of a LEMA differently and is free to devote whatever resources they believe necessary during that process. Though such efforts will vary widely, we do not anticipate this codification of standard practice to incur any additional cost.

Prior to the submission or resubmission of the proposed rule(s) and regulation(s), did the agency hold a public hearing if the total implementation and compliance costs exceed \$3.0 million over any two-year period to find that the estimated costs have been accurately determined and are necessary for achieving legislative intent? If applicable, document when the public hearing was held, those in attendance, and any pertinent information from the hearing.

YES ☐ NO ☒

- G. If the proposed rule(s) and regulation(s) increases or decreases revenues of cities, counties or school districts, or imposes functions or responsibilities on cities, counties or school districts that will increase expenditures or fiscal liability, describe how the state agency consulted with the League of Kansas Municipalities, Kansas Association of Counties, and/or the Kansas Association of School Boards.**

Although there will be no direct impact on the members of these entities, each was provided a copy of the regulations and either did not respond or stated that they would have no impact.

- H. Describe how the agency consulted and solicited information from businesses, associations, local governments, state agencies, or institutions and members of the public that may be affected by the proposed rule(s) and regulation(s).**

An initial copy of these regulations was shared with stakeholders in late summer and fall of 2019. This included the Kansas Farm Bureau and the Kansas Livestock Association. DWR staff also attended, in-person, a board meeting of each of the five groundwater management districts. Over the last 18 months multiple in-person meetings and conference calls were conducted with these same stakeholders. In addition, a meeting was held with the Kansas Water Congress, the Kansas Municipal Utilities, and various individual water users were consulted.

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SECRETARY OF STATE

DOB APPROVAL STAMP

APPROVED

APR 15 2021

DIVISION OF THE BUDGET

- I. For environmental rule(s) and regulation(s) describe the costs that would likely accrue if the proposed rule(s) and regulation(s) are not adopted, as well as the persons would bear the costs and would be affected by the failure to adopt the rule(s) and regulation(s).

If it were determined that LEMAs could not be created without these rules and regulations, then excessive declines in groundwater levels will likely continue to exhaustion in some areas, thereby substantially decreasing the value of the property and the economic impact on those respective communities, including limited ability to attract new business that require substantial water amounts to operate.

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