

December 11, 2023

Zachery Gale
111 North Main
Syracuse, KS 67878
fdfarms@gmail.com

Seth Nelson
Box 481
Johnson, KS 67855
nelson_seth1@hotmail.com

Re: Removal Request

Gentlemen,

This letter is sent on behalf of the Board of Directors of the Southwest Kansas Ground Water Management District #3, (District). It is in response to the request of the Board signed by you and others which is stated in part as follows:

“We respectfully request that the Board of GMD 3 vote to approve this request to remove Hamilton County from the boundaries and jurisdiction of GMD 3 and then direct GMD 3 staff to engage with the Chief Engineer of DWR to implement this action at the earliest possible date.”

This letter is directed to you as members of the Board of Directors who have signed the above request. At your discretion, you may share it with others.

The boundaries of the District were established at its origin by factual determinations of the Chief Engineer of the Division of Water Resources. Those factual determinations met the requirements of KSA 82a-1024 and more specifically the 7 points in subsection (b).

To meet the duties and responsibilities of the Board in considering your request, it must also consider those factual determinations. We ask you to provide facts to the Board that it can use in meaningful consideration of your request. Initially, please answer the following questions:

- a. Do the lands you propose to be removed from the District comprise a hydrologic community of interest with the rest of District? If your answer is ‘no’, please explain the facts upon which you rely for your answer.

- b. Do the lands you propose to be removed from the District overlie an aquifer or aquifers subject to management? If your answer is 'no', please explain the facts upon which you rely for your answer.
- c. Is the removal of the lands as you propose consistent with the intent and purpose of the Groundwater Management Act and the legislative declaration in KSA 82a-1020? Please explain your answer.
- d. Will the public interest be served by the proposed removal? Please explain your answer.

Answers to these initial questions will enable the Board to consider your request based upon facts as opposed to opinions. Should you need additional explanation or clarification, please let me know.

Sincerely



Thomas A. Adrian
tom@aplawpa.com
Attorney

TAA/jls

cc: mrude@gmd3.org