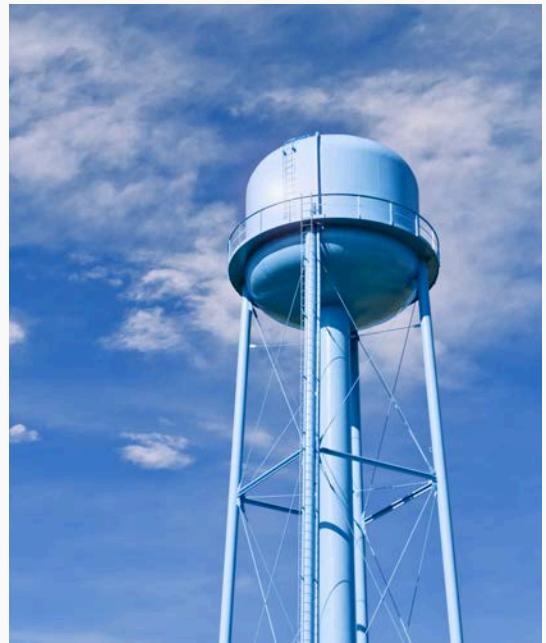




LOCAL ENHANCED MANAGEMENT AREAS (LEMAS)

Local Enhanced Management Areas (LEMAS) are one of several tools available under Kansas water law to address groundwater quantity and quality issues. LEMAs, specifically, can be used to address any of the following concerns:^[1]

- groundwater levels in the area are declining or have declined excessively;
- the rate of withdrawal of groundwater within the area equals or exceeds the rate of recharge in such area;
- preventable waste of water is occurring or may occur within the area; or
- unreasonable deterioration of the quality of water is occurring or may occur within the area.



HOW ARE LEMAS CREATED?

LEMA creation begins at the local Groundwater Management District (GMD), where the GMD develops a plan to address identified issues and then submits it to the Chief Engineer of the Division of Water Resources (DWR) within the Kansas Department of Agriculture (KDA). After public hearings, the Chief Engineer then issues an order accepting or rejecting the plan. If the GMD's LEMA plan is accepted by the Chief Engineer, water users within the boundaries of the LEMA are bound by the plan's corrective controls, making LEMAs a locally-driven vehicle to address groundwater quantity and quality issues, where compliance is mandatory for impacted water users.

**FIND ADDITIONAL
RESOURCES ON THESE
ENVIRONMENTAL ISSUES ON THE
LEGAL FOUNDATION'S WEBSITE:**

- State and Federal water laws.
- Carbon and ecosystems markets
- Pesticides
- Threatened, endangered, and other protected species



TELL ME MORE ABOUT THE LEMA ADOPTION PROCESS.

A LEMA plan must:

- Propose clear geographic boundaries that are wholly within the area of the GMD proposing the plan;
- Propose goals and corrective control provisions adequate to meet the stated goals;
- Give due consideration to water users who already have implemented reductions in water use resulting in voluntary conservation measures;^[2]
- Include a compliance monitoring and enforcement element (either by the Chief Engineer, or by the GMD itself); and
- Be consistent with state law.^[3]

Once the plan is developed by the GMD and submitted to the Chief Engineer, the Chief Engineer reviews it to make sure that it has all the necessary elements. If it does, the Chief Engineer proceeds to the initial hearing.

Initial LEMA hearing:^[4]

- 30 days' notice of the initial hearing must be provided by publication, and mailing to each water right owner that could be affected by a LEMA designation.
- After the hearing, the Chief Engineer (or his representative) must make the following findings of fact:^[5]
 - Whether the LEMA addresses at least one of the four concerns for which LEMAs are designed;^[6]
 - Whether public interest or the GMD Act require one or more corrective control provisions be adopted;^[7] and
 - Whether the proposed geographic boundaries are reasonable.



MORE ABOUT THE LEMA ADOPTION PROCESS, CONT'D

Subsequent hearings:

- If the Chief Engineer (or his representative) has determined that the findings of fact from the initial hearing are all answered affirmatively, then the Chief Engineer or the Chief Engineer's designee can hold subsequent hearing(s) to consider the merits of the LEMA plan – considering the corrective controls and the likelihood that the plan will achieve the stated goals.^[8]
- As with the initial hearing, 30 days' notice of any subsequent hearing must be provided by publication, and mailing to each water right owner that could be affected by a LEMA designation.

Chief Engineer's Order:

- Within 120 days after the last public hearing, the Chief Engineer must issue an order either accepting or rejecting the plan, or returning it to the proposing GMD with an opportunity to revise and resubmit the plan or with some recommendations on how to improve it.^[9] While LEMAs are self-initiated, locally-designed water management strategies, the ultimate decision on whether the plan is consistent with the law rests entirely with the Chief Engineer.
- Any revisions to the plan, other than limited recommendations by the Chief Engineer based on feedback from the public hearings, will go to another public hearing for comment.

Future Review:

- The Chief Engineer shall review each LEMA plan within 7 years of the final order designating the LEMA, which process will include a public hearing.^[10]
- Subsequent reviews shall occur within 10 years after the previous review, or earlier if least 10% of the affected water users request it.

DOES KANSAS FARM BUREAU SUPPORT LEMAS?

KFB members have taken the following position as to LEMAs in newly adopted resolutions for the organization's 2026 policy year:

Local Enhanced Management Areas developed by GMD boards and recommended to the chief engineer for approval should be implemented in conformity with the most basic principles of Kansas water law. If reduction in groundwater usage is selected as a solution to over-development, KFB recommends reductions needed to stabilize aquifers should be done by a percentage of water right allocation based upon priority and not preferential use.^[11]

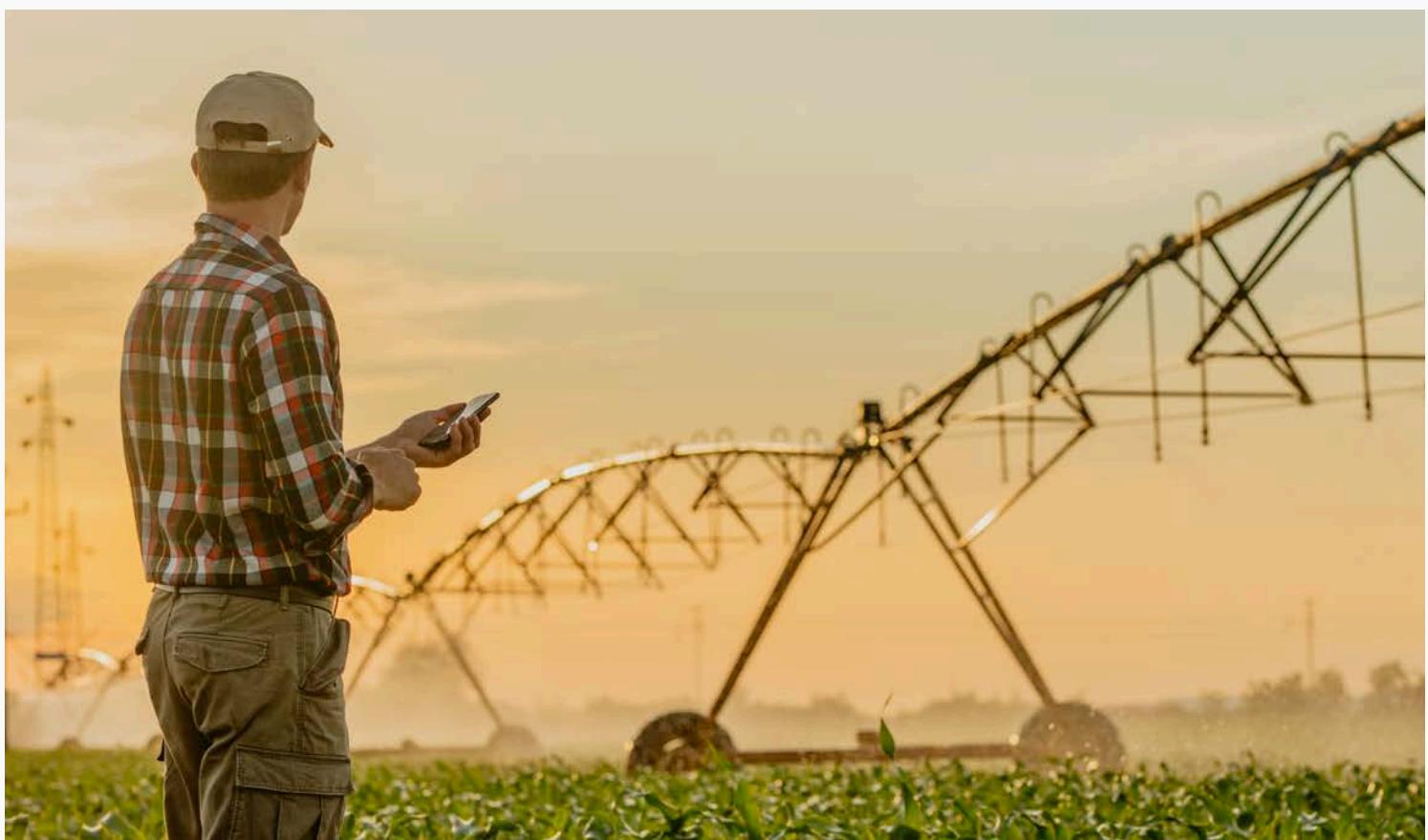
Before 2026, though, KFB policy indirectly addressed LEMAs, for instance, by supporting the Kansas Groundwater Management District (GMD) Act^[12] which gives local water users a voice in determining the use of groundwater.^[13] LEMAs are a part of the GMD Act. KFB policy also supports the Kansas Water Appropriation Act (KWAA),^[14] and voluntary, incentive-based programs that encourage groundwater conservation.^[15] While LEMAs are developed locally, they apply mandatory conditions on water rights once the LEMA plan is adopted by the Chief Engineer.

DOES KANSAS FARM BUREAU SUPPORT LEMAS?, CONT'D

The policy of the GMD Act is *to preserve basic water use doctrine* and to establish the right of local water users to determine their destiny with respect to the use of the groundwater *insofar as it does not conflict with the basic laws and policies of the state of Kansas*.^[16] Some LEMA plans have raised concerns when evaluated under even pre-2026 KFB policy because they do not preserve basic Kansas water use doctrine. For example, one of the basic principles of the KWAA is that priority is based on timing, and not on the type use of the water:

The date of priority of every water right of every kind, and not the purpose of use, determines the right to divert and use water at any time when the supply is not sufficient to satisfy all water rights...^[17]

KFB members have adopted long-standing policy that stresses the importance of priority for water appropriation matters.^[18] As a result, when a GMD proposes a LEMA plan that only applies corrective controls (restrictions) on one type of use (e.g. irrigation), regardless of priority, KFB has determined those actions to be inconsistent with state law and diminutive to the targeted types of water rights. This position was reaffirmed by KFB's voting delegates in consideration of their 2026 policy.^[19] After all, there are 14 different types of beneficial water use under Kansas law.^[20]



END NOTES

- [¹] K.S.A. 82a-1041(a), incorporating the conditions set forth in K.S.A. 82a-1036(a) through (d) (a statute addressing intensive groundwater use control areas).
- [²] K.A.R. 5-19-4 provides a little more detail about how past voluntary water conservation should be taken into consideration by the GMD board. How that conservation could impact allocations under the LEMA plan is left largely to the GMD board's discretion.
- [³] K.S.A. 82a-1041. K.A.R. 5-19-2 provides more detail about the required LEMA elements.
- [⁴] K.S.A. 82a-1041(b) and (c). K.A.R. 5-19-3 provides more procedural details about the hearing process, including a requirement for a pre-hearing conference, the methods for providing and receiving formal and informal testimony, including the order of witnesses.
- [⁵] K.S.A. 82a-1401(b).
- [⁶] K.S.A. 82a-1036(a)-(d).
- [⁷] The following corrective controls are available for use in LEMA plans: (1) Closing the local enhanced management area to any further appropriation of groundwater. In which event, the Chief Engineer shall thereafter refuse to accept any application for a permit to appropriate groundwater located within such area; (2) determining the permissible total withdrawal of groundwater in the local enhanced management area each day, month or year, and, insofar as may be reasonably done, the Chief Engineer shall apportion such permissible total withdrawal among the valid groundwater right holders in such area in accordance with the relative dates of priority of such rights; (3) reducing the permissible withdrawal of groundwater by any one or more appropriators thereof, or by wells in the local enhanced management area; (4) requiring and specifying a system of rotation of groundwater use in the local enhanced management area; or (5) any other provisions making such additional requirements as are necessary to protect the public interest. K.S.A. 82a-1041(f)(1)-(5).
- [⁸] The Chief Engineer may appoint a hearing officer for the initial or subsequent hearings. While an appointed hearing officer has authority to issue an order after the initial hearing, their authority is limited in subsequent hearings to only making recommendations to the Chief Engineer, who must ultimately issue the order on the merits. K.A.R. 5-19-3(b) and (c).
- [⁹] K.S.A. 82a-1041(d).
- [¹⁰] K.S.A. 82a-1041(j).
- [¹¹] Kansas Farm Bureau Resolutions 2026, WA-1.
- [¹²] K.S.A. 82a-1020 through 82a-1042.
- [¹³] Kansas Farm Bureau Resolutions 2026, WA-1. The Kansas Water Appropriation Act can be found at K.S.A. 82a-701 et seq.
- [¹⁴] Kansas Farm Bureau Resolutions 2026, WA-5.
- [¹⁵] Kansas Farm Bureau Resolutions 2026, CNR-10.
- [¹⁶] K.S.A. 82a-1020.
- [¹⁷] K.S.A. 82as-707(b).
- [¹⁸] "State laws must provide for the protection, development and administration of water rights to protect individual ground and surface water right holders consistent with their priority." "When water shortages occur in any area of the state, water rights should be administered in strict adherence to their priority as set forth in the Kansas Water Appropriation Act." Kansas Farm Bureau Resolutions 2026, WA-5.
- [¹⁹] Kansas Farm Bureau Resolutions 2026, WA-1.
- [²⁰] K.A.R. 5-1-1(o).

This publication was written for The Kansas Farm Bureau Legal Foundation by Wendee Grady, of Wendee Grady Law Office, LLC.

Disclaimer: This document is intended for informational purposes only and NOT provided as legal advice. Information contained in this paper is limited by considerations of space and the laws that exist at the time of its publication. Our laws are subject to change yearly through legislative procedures, regulatory rulemaking, and judicial determinations. Additionally, this document does not and shall not be construed to establish an attorney-client relationship. If you have legal questions, you should contact a private attorney with experience in matters relating to your specific facts and circumstances.