

In The Matter Of:
Hays, Kansas & Russell, KS v
Edwards County, Kansas & Kansas Water Transfer Act

Formal Hearing
Vol. 2
July 20, 2023

Court Reporting Service, Inc.
324 W. Central, Suite B
Andover, KS 67002

Original File 07.20.23 Water Hearing 2.txt

Min-U-Script® with Word Index

This Page Intentionally Left Blank

Page 222

1 BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS
2 STATE OF KANSAS
3
4 IN THE MATTER OF:)
5 THE APPLICATION OF THE)
6 CITIES OF HAYS, KANSAS) OAH No. 23AG0003 AG
7 AND RUSSELL, KANSAS)
8 FOR APPROVAL TO)
9 TRANSFER WATER FROM)
EDWARDS COUNTY, KANSAS)
Pursuant to the Kansas)
Water Transfer Act)

10
11
12 FORMAL HEARING
13 VOLUME II
14
15 This matter came on for Formal Hearing
16 before Matthew A. Spurgin, Presiding Officer, at
17 Hyatt Regency Wichita, Riverview Ballroom, 400
18 West Waterman, Wichita, Sedgwick County, Kansas,
19 commencing at 9:23 a.m. on the 20th day of
20 July, 2023.
21
22
23
24
25

Page 224

1 INDEX OF EXAMINATION
2
3 CITY OF HAYS WITNESSES
4 TOBY R. DOUGHERTY
5 DIRECT CROSS REDIRECT RECROSS
6 by Mr. Traster.....229.....351
7 by Mr. Cole.....282
8 by Mr. Lee.....284.....375
9
10 DOUG WILLIAMS
11 DIRECT CROSS REDIRECT RECROSS
12 by Mr. Buller.....383.....441
13 by Mr. Cole.....424
14 by Mr. Lee.....431
15
16
17
18 CITY OF RUSSELL WITNESSES
19 BRAD WAGNER
20 DIRECT CROSS REDIRECT RECROSS
21 by Mr. Cole.....445
22 by Mr. Lee.....462
23
24
25

Page 223

1 A P P E A R A N C E S
2 City of Hays, Kansas appears by its
3 attorneys, David M. Traster, Foulston Siefkin LLP,
4 1551 North Waterfront Parkway, Suite 100, Wichita,
5 Kansas 67206; Daniel J. Buller, Foulston Siefkin
6 LLP, 7500 College Boulevard, Suite 1400, Overland
7 Park, Kansas 66210; and Donald F. Hoffman and
8 Melvin J. Sauer, Jr., Dreiling, Bieker & Hoffman
9 LLP, 111 West 13th Street, Hays, Kansas 67601.
10 Also present were Toby Dougherty and Jami Buck.
11 City of Russell, Kansas appears by its
12 attorney, Kenneth L. Cole, P.O. Box 431, Russell,
13 Kansas 67665. Also present was Jon Quinday.
14 Water PACK and Edwards County appear by
15 their attorneys, Charles D. Lee and Myndee M. Lee,
16 Lee Schwalb LLC, 7381 West 133rd Street - Second
17 Floor, Overland Park, Kansas 66213.
18 Division of Water Resources appears by
19 their attorney, Kate Langworthy, Kansas Department
20 of Agriculture, 1320 Research Park Drive,
21 Manhattan, Kansas 66502. Also present was Lane
22 Letourneau.
23
24
25

Page 225

1 JON QUINDAY
2 DIRECT CROSS REDIRECT RECROSS
3 by Mr. Cole.....465
4
5
6
7 Certificate of Reporter.....548
8
9 CITIES' EXHIBITS
10 EXHIBIT FIRST
11 NUMBER REFERENCED
12 Number 1-54.....505
13 Number 1-92.....232
14 Number 1-102.....233
15 Number 1-127.....234
16 Number 1-144.....235
17 Number 1-164.....259
18 Number 1-182.....256
19 Number 127.....322
20 Number 135.....236
21 Number 255.....355
22 Number 535.....264
23 Number 545.....262
24 Number 760.....244
25 Number 800.....476

1 CITIES' EXHIBITS (Cont.)

2 EXHIBIT FIRST

3 NUMBER REFERENCED

4 Number 801.....477

5 Number 802.....478

6 Number 803.....479

7 Number 804.....479

8 Number 805.....474

9 Number 806.....476

10 Number 1341.....276

11 Number 1343.....246

12 Number 1788.....542

13 Number 2245.....523

14 Number 2475.....271

15 Number 2575.....247

16 Number 2600.....529

17 Number 2602.....529

18 Number 2611.....529

19 Number 2613.....529

20 Number 2617.....529

21 Number 2619.....472

22 Number 2623.....529

23 Number 2626.....529

24 Number 2650.....529

25 Number 2653.....496

1 **PRESIDING OFFICER:** Well, thank you,

2 everybody for bearing with us while we got

3 those technical issues resolved. So we can

4 go ahead and go back on the record now and

5 pick up where we left off yesterday. So

6 we'll just go back on the record with

7 Mr. Dougherty's testimony. Mr. Traster,

8 we'll let you continue that.

9 One additional thing that I caught going

10 through my notes from yesterday, when we

11 did the public comment hearing, we were on

12 the record for that, and then we had the

13 filing for any of those comments that were

14 submitted by mail, so I will just go ahead

15 on the record now and note that those will

16 be admitted to the record as well so those

17 will be part of the official record in this

18 matter. So all those public comments that

19 were filed and having been received by the

20 chief engineer will be admitted.

21 **MR. TRASTER:** Thank you, Your Honor.

22

23 **TOBY R. DOUGHERTY,**

24 having previously sworn or affirmed, was

25 examined and testified as follows:

1 CITIES' EXHIBITS

2 EXHIBIT FIRST

3 NUMBER REFERENCED

4 Number 2659.....357

5 Number 2679.....400

6 Number 2857.....222

7

8

9

10 WATER PACK'S EXHIBITS

11 EXHIBIT FIRST

12 NUMBER REFERENCED

13

14 Number 2091.....348

15

16

17

18

19

20

21

22

23

24

25

1 DIRECT EXAMINATION (Cont.)

2 **BY MR. TRASTER:**

3 Q Mr. Dougherty, good morning.

4 A **Good morning.**

5 Q Let's look at Exhibit 2857, please, Jami.

6 Mr. Dougherty, can you identify this

7 document, please?

8 A **I believe these are past years' tabulations of**

9 **retail trade pull factors within the cities and**

10 **the State of Kansas.**

11 Q And tell us about that, what's -- what's a trade

12 pull factor? You mentioned it yesterday, but

13 can you give us a little more -- flesh that out

14 a little bit?

15 A **Trade pull factor is a representation of**

16 **shoppers from outside the community versus**

17 **inside, essentially it's a ratio. So I can't**

18 **see the year, I believe it's 2020 --**

19 Q 2020 is on the --

20 A **On the screen, it is there, the third column**

21 **over. Hays is a 1.7 --**

22 Q 1.74.

23 A **1.74. So what that means is we are providing**

24 **retail services to a population 1.7 times**

25 **greater than actually lives in the City of Hays.**

Page 230

1 So it's a -- it's a sign of relative retail
 2 health how many people from outside of your
 3 community are coming to your community to shop.
 4 Q And for the record, this covers -- starts with
 5 2022 and goes back over to 2015, and you're
 6 consistently in the upper four or five?
 7 A Yeah, we are typically consistently in the top
 8 five. We have dropped down periodically, but
 9 we've been very consistently in the top five.
 10 Q How important is water, having an active water
 11 supply to maintaining that?
 12 A It's very important. What this shows is the
 13 City of Hays has a disproportionate retail
 14 sector to our population. So we have a retail
 15 sector, shopping, restaurants, hotels, other --
 16 other types of retail endeavors, that -- that
 17 are beyond what our population could normally
 18 support. So we have to have water for those
 19 entities.
 20 I mentioned yesterday we have two travel
 21 plaza developments in the works because we are
 22 located along I-70, and with each one of those
 23 travel plazas, you're going to have restaurants,
 24 hotels, a truck stop in one, possibly an auto
 25 travel plaza in the other, and -- and all of

Page 231

1 those are going to have water requirements.
 2 Q But they're also going to have additional sales?
 3 A They'll have additional sales and they'll
 4 generate sales tax for the City of Hays and the
 5 State of Kansas, and Hays -- Hays is very
 6 dependent upon sales tax. We are -- I still
 7 think we are the only city in Kansas that
 8 doesn't levy a property tax for the general
 9 fund. Our general fund is supported by sales
 10 taxes. We've leveraged our position as a retail
 11 shopping hub, and so this sector is very
 12 important for us, along with the 6.8 percent
 13 that the State of Kansas collects on every
 14 dollar of retail sales.
 15 Q During opening statements, it was noted that you
 16 weren't aware of or couldn't remember any
 17 studies that showed that Hays needed water. Do
 18 you recall that?
 19 A I do.
 20 Q Have you been able to find studies, remember
 21 studies that you -- that do, in fact, indicate
 22 that Hays needs water?
 23 A I have.
 24 MR. TRASTER: Jami, let's pull up
 25 whichever one is next, you can pick. So

Page 232

1 this is Exhibit?
 2 MS. BUCK: 1-92.
 3 MR. TRASTER: I'm sorry?
 4 MS. BUCK: 1-92.
 5 BY MR. TRASTER:
 6 Q 1-92 at PDF page -- well, my version is cut off.
 7 4480. And, Mr. Dougherty, I'd like for you to
 8 take a look at the second paragraph, second full
 9 paragraph, can you tell us what that says or
 10 what that -- read it?
 11 A Could you zoom in, please. As may be seen in
 12 figure 1, the potential maximum daily demand
 13 projected for the City of Hays system is about
 14 6.4 million gallons per day while treatable
 15 capacity of the supply system currently stands
 16 as 5.3 MGD, a deficiency of 1.17 MGD. In our
 17 opinion, the probability of demands exceeding
 18 available supply capacity sometime during the
 19 remainder of 1977 or during 1978 is extremely
 20 high. If such conditions are experienced before
 21 additional supply capacity is available,
 22 reservoir storage will be quickly depleted to
 23 the danger point with regard to fire protection
 24 and water restrictions will have to be imposed.
 25 Q Okay.

Page 233

1 A And I believe this is from 1977, a study in
 2 1977.
 3 Q I believe you're right. The first page of the
 4 study indicates that it's dated July 5th, 1977.
 5 MR. TRASTER: Why don't we pull up
 6 the next one, whichever one you have handy
 7 there, Jami.
 8 MS. BUCK: 1, dash, 102.
 9 MR. TRASTER: 1 dash what?
 10 MS. BUCK: 102.
 11 BY MR. TRASTER:
 12 Q 102. And that's Bates number 4917. And,
 13 Mr. Dougherty, I direct your attention to the
 14 top of the page, the first incomplete paragraph,
 15 the last sentence, can you read that?
 16 A For example, a deficit for Hays begins to show
 17 in 2020, and this increases from a deficit of
 18 .3 million gallons per day in 2020 to 1.47
 19 million gallons per day in 2040. This analysis
 20 was repeated for each public water supplier.
 21 Q Let's go to the first page of that document,
 22 Jami.
 23 And this is Exhibit 1-102 and Bates
 24 number 4903, can you tell us what this document
 25 is?

1 A This was a draft environmental report that
2 Burns & McDonnell did for the Corps of Engineers
3 when the Corps was in the beginning stages of a
4 study to determine if there was possible
5 reallocation of water in Wilson Reservoir for
6 municipal usage. That study was subsequently
7 never completed.

8 Q That study what?

9 A It was never completed.

10 Q But at that time -- and the date is August 2010?

11 A Yes. At that time, the Corps was in the process
12 of determining if there could be a reallocation
13 completed.

14 Q But the rate -- the allocation was never
15 completed, is that your testimony?

16 A It was not, the study was never funded formally.

17 Q Okay. Let's take a look at 1-127. And I guess

18 we ought to look at the first page to get -- to
19 identify the document first. What is this
20 document, Mr. Dougherty?

21 A This is a Water Supply Alternative Review for
22 the City of Hays and Russell performed by
23 Bartlett & West in, I believe, 2003.

24 Q And generally what -- what was the conclusion?

25 A There is a graph in the charts -- or there's a

1 water out of Kanopolis Reservoir via the Post
2 Rock Rural Water District, and that would be
3 with the possibility of purchasing Post Rock
4 Rural Water District.

5 Q And when -- what time frame?

6 A This was 2006.

7 Q Let's skip down to the second page of that
8 document. In the last line -- actually, it's
9 the third page and last line in that section,
10 can you read that?

11 A It says, based on these needs, Hays has a
12 projected water supply deficit beginning in the
13 year 2020. Modifications to the Smoky Hill
14 River wellfield improvement plan may result in a
15 water supply deficit even sooner.

16 MR. TRASTER: What's the next
17 document?

18 MS. BUCK: 135.

19 MR. TRASTER: 135. Why don't you
20 pull that up then. That's not the document
21 I have.

22 BY MR. TRASTER:

23 Q The point is that you had several studies that
24 are -- that have shown that you have a need?

25 A Correct.

1 graph in the document that shows -- if you could
2 zoom in, Jami.

3 Q Let's zoom in to the Bates page so I can put it
4 on the record.

5 A So I believe those lines are -- could you zoom
6 in, Jami, please. I believe those lines are
7 safe yield and water rights. The total water
8 rights are on the top dotted line, the safe
9 yield is the bottom dotted line, and then there
10 are growth projections moving forward that show
11 Hays' growth exceeding the safe yield, in this
12 case around 2010 in the conservative estimate
13 and then 2022 it looks like in the other
14 estimate, and then water rights in subsequent
15 years.

16 Q All right. It's Bates page 5840.

17 MR. TRASTER: What do we have next,
18 Jami?

19 MS. BUCK: 1-144.

20 BY MR. TRASTER:

21 Q And can you go to the first page, what is this
22 document, Mr. Dougherty?

23 A This was a study from Burns & Mac where we had
24 looked at, or Burns & McDonnell for the record,
25 where we had looked at the possibility of taking

1 Q But you didn't need the studies to know you had
2 a need?

3 A No, and it was -- it was why I was reluctant
4 to -- first of all, I hadn't reviewed the record
5 so I couldn't recall a specific study during my
6 deposition, but it was why I was even reluctant
7 to indicate that we had a study that stated we
8 needed additional water because the need was
9 implied, and I didn't want to get impeached if I
10 stated that we had a study that says the words
11 Hays needs more water if that study didn't say
12 that.

13 Q When you say it's implied, it was apparent, I
14 mean, it was not --

15 A When I say it's implied, we wouldn't have been
16 looking at Kanopolis or Cedar Bluff or Wilson or
17 any other water source if we didn't need
18 additional water supply.

19 Q What factors led the governing bodies of Hays
20 and Russell to vote to develop the R9 Ranch?

21 A There was a series of events that started in
22 2010. So we had -- we've talked earlier about
23 the expansion of the Smoky Hill wellfield, the
24 project that took place in 2009, and -- and
25 going back almost 20 years before that, there

Page 238

1 was a lot of faith placed in the benefit that
2 enlarging the Smoky Hill wellfield would
3 provide.
4 And 2009 that project was completed, and
5 2011, '12, and '13, the drought, as we discussed
6 yesterday, really demonstrated to us that we
7 were overoptimistic in how much benefit that
8 wellfield would provide during times of drought.
9 Again, it performed better than it did in the
10 '90s, but it wasn't a matter of adding several
11 years of supply on to our -- our projections, it
12 was just a matter of a much shorter period.
13 When that drought happened, there was a
14 couple things, but let me go back to 2008. So
15 in 2008, we were still considering Kanopolis
16 Reservoir. Essentially we had three main
17 sources we were considering. When I say we,
18 I'm -- I'm including Russell in this because we
19 have been joined in our search for water for
20 many years.
21 Q So let me stop you there for a minute 'cause I
22 don't think we've really discussed that, you
23 know, in any detail.
24 A Okay.
25 Q And I don't want -- there was a public wholesale

Page 239

1 water supply district formed by Hays and
2 Russell, correct?
3 A There was, Public Wholesale Water Supply
4 District Number 15 was formed in the mid '90s, I
5 believe.
6 Q And it had representatives from both Hays and
7 Russell?
8 A That's correct.
9 Q And they took a leading role in the search for
10 water?
11 A Yes. So rather than operate independently,
12 there was a period of, I'm going to say ten
13 years that the Cities appointed representatives
14 to the public wholesale water supply district,
15 the water supply district had a director and
16 they had some assets. And then a lot of the
17 studies and investigations were led by the water
18 district, and then the water district would
19 update the governing body members of both
20 cities. And -- and that was in place -- I think
21 technically the water district is still in
22 effect, it just -- there really hasn't been any
23 meetings or board members appointed for a long
24 time.
25 Q Sorry to take you off track there but --

Page 240

1 A Okay.
2 Q -- I don't think we've covered that.
3 A So in -- in 2008 we had three main options on
4 the table, Kanopolis, the R9 Ranch, and Wilson
5 Lake. And we did a series of investigations in
6 the mid '90s up until -- or mid 2000s up until
7 2008 that looked at the possibility of
8 purchasing water in Kanopolis. We looked at
9 Kanopolis on its own, building an intake,
10 building the infrastructure; we looked at
11 Kanopolis with buying Post Rock Rural Water
12 District and using their right-of-way and
13 infrastructure. Kanopolis dropped off the table
14 when the yield estimate was halved by the -- by
15 the -- by the Corps of Engineers.
16 Q What's that mean?
17 A All reservoirs have a yield, how many million
18 gallons a day or acre-feet can be yielded by the
19 reservoir. And these numbers may not be
20 correct, but I think the yield estimate was
21 halved, it went from 13 1/2 million -- 13
22 million gallons per day to 6 1/2 million gallons
23 per day. And I know at the time that happened
24 in 2008 there were more water right applications
25 on file than water rights available, and there

Page 241

1 was a lot of downstream demand from cities and
2 irrigation districts and we didn't feel like we
3 wanted to get caught up in that fight.
4 Q So you had testified yesterday about how these
5 reservoirs have layers --
6 A Yes.
7 Q -- layer cake and they -- but they're empty, I
8 mean, they're either -- they're just layers for
9 storage that -- but they got to have water in
10 them to be useful, right?
11 A Correct.
12 Q And so the yield, it depends on the size of the
13 reservoir but how much inflow there is. Is that
14 fair?
15 A Yes, all yield depends on inflow and
16 availability.
17 Q Okay. Go ahead, sorry.
18 A So in 2010 -- in 2009, the Corps of Engineers
19 then funded a reallocation study at Wilson Lake,
20 and Wilson Lake, the water rights in Wilson Lake
21 are allocated for flood control and recreation,
22 I believe, are the two -- I think maybe
23 irrigation but it's too salty to irrigate with,
24 but there's no water allocated for municipal use
25 in Wilson Lake.

1 So the Corps of Engineers instituted a
2 reallocation study that began in 2009. In 2010,
3 the study was continuing but it -- it never
4 really got to a defined scope, the Corps was
5 still trying to figure out what they needed to
6 study. The Burns & Mac report was part of that
7 analysis of trying to determine what they needed
8 to study.

9 And then in 2011, the Corps pulled the plug
10 on the reallocation study. I actually went to
11 Washington, D.C. and lobbied the Corps of
12 Engineers to continue the study and was flat out
13 told our efforts are on flood control right now,
14 not -- not water supply.

15 Q So you were in Washington, D.C. at a meeting
16 room someplace?

17 A I was in a conference room with several members
18 of the Corps of Engineers headquarters
19 advocating for them to put funds available for
20 the study and was turned down.

21 So then the drought of '11, '12, and '13
22 hit and we quickly realized the vulnerability of
23 the Smoky Hill wellfield. And when we came out
24 of that in 2014, that left the R9 Ranch as the
25 one viable option that was there and we owned

1 the water rights. And so the governing bodies
2 of Hays and Russell in 2014 signed a joint
3 interlocal agreement and then directed me to
4 develop the R9 Ranch, and we have been at it
5 ever since.

6 Q When you say they directed you, that was in
7 conjunction, then, with the City of Russell,
8 wasn't it?

9 A Right, there are a couple different documents
10 that were adopted, one was the resolution by our
11 governing body, the Hays City Commission. That
12 was a resolution identifying the R9, and I
13 believe you showed that as an exhibit yesterday,
14 and -- and directing me to begin the process to
15 develop it as a municipal water source. The
16 other was a joint interlocal agreement that they
17 adopted jointly with the City of Russell that
18 spells out the legal arrangement between the two
19 cities during the regulatory development and
20 then once the water project is actually
21 developed.

22 Q Is that an interlocal cooperation agreement?

23 A Yes.

24 Q And it was approved by the -- by the attorney
25 general's office?

1 A Yes, and it was approved by the Russell City
2 Council as well as the Hays City Commission.

3 Q I would direct your -- pull up 760, Jami,
4 please, Exhibit 760.

5 Can you identify this document, please.

6 A This is the cover page of a document called The
7 Journey, and I think this was created around
8 2018. This was created by the Hays Daily News
9 staff in -- in Hays, and the reason for this is
10 we had filed the change applications, we had
11 gone far enough through the change application
12 process, we had an idea of what we thought the
13 Master Order was going to look like, the Master
14 Order was to be coming out shortly, and Hays and
15 Russell realized that this has been a long
16 journey looking for an additional water source.

17 The actual process to develop the R9 was a
18 long journey, and we needed a way to concisely
19 inform our residents, as well as anybody else
20 who wanted to know why Hays and Russell are
21 unique and -- and what we have gone through to
22 look for water, we could put something together
23 in a fairly concise, glossy type document.

24 So we had several thousand of these printed
25 up, they ran in two different Sunday editions of

1 the Hays Daily News, I know they ran in more
2 than -- more than one Sunday edition of the
3 Russell Record, and -- and I know they were
4 distributed to lots of different entities around
5 northwest Kansas, and we still -- we still hand
6 them out once in a while.

7 Q So can you describe, can you tell us a little
8 more about it, I mean, what's in this journey
9 that's so important?

10 A So within The Journey, it -- it sort of spells
11 out why -- it talks about Hays and Russell's
12 existing sources, it -- it talks about why those
13 sources are more susceptible to drought. We --
14 we talk about what's going on with the
15 regulatory process because change application
16 processes are something that most people aren't
17 familiar with and the water transfer process had
18 never been undertaken. We -- we talk about why
19 the R9 is -- is our most long-term, sustainable,
20 viable asset, and then we discuss all of the
21 alternatives that we had looked at in the past.

22 And then we have sort of a little -- a

23 little narrative with each, and I'm not sure if
24 we listed everything we looked at but we had a
25 pretty decent list of what we looked at with a

Page 246

1 **brief narrative. And I believe we also talk**
2 **about Russell and Hays' conservation efforts**
3 **too.**
4 Q So, Jami, let's go to the last part where
5 there's that list.
6 So without -- I mean, this describes some
7 of the basis or some of the reasons for
8 rejecting, in short --
9 A **Yes.**
10 Q -- the key alternatives that have been looked at
11 over the years? I direct your attention, then,
12 to -- to these boards here. One of -- it's
13 Exhibit 1343, there are two pages to that
14 exhibit. Can you tell us a little bit about
15 those two documents?
16 A **The two pages contain the same information,**
17 **they're just displayed and presented in a**
18 **different manner. So the visual on the right is**
19 **a time line visual that plots on a linear time**
20 **line the years that -- years and periods that**
21 **Hays and/or Hays and Russell and/or Russell were**
22 **looking at different sources of supply.**
23 Q Starting in the 1970s?
24 A **Starting in the 1970s. Actually starting '69**
25 **with the City of Hays -- or Russell looking at**

Page 247

1 **Landon Creek. And then on the left, the**
2 **information's displayed in block periods by year**
3 **so you can get a sense that there really wasn't**
4 **a time we weren't looking at something, if you**
5 **look at -- and there were some years we were**
6 **looking at lots of different items.**
7 Q Sure. So at the -- in the last few years, the
8 last year or two -- somebody said this worked
9 better. Okay. So there's only one -- one
10 option being reviewed in the last two or three
11 columns, so what option is that?
12 A **That would -- so this chart ends in 2014, and**
13 **that was Wilson Reservoir. And that was, as I**
14 **mentioned before, that was the -- the last**
15 **option that dropped off of the list before the**
16 **governing bodies decided to move forward with**
17 **the R9.**
18 Q I think we're going to come back to Wilson in a
19 bit but let's look at 2575, Exhibit 2575, Jami,
20 please.
21 Can you identify this document?
22 A **This is a letter from the -- or a proposal from**
23 **the Kansas Water Office, I believe the**
24 **director's name was Clark Duffy, and the**
25 **director had a few suggestions for the City of**

Page 248

1 **Hays to help alleviate their -- their water**
2 **problems.**
3 Q And Russell?
4 A **Yes, and Russell.**
5 Q And it's dated in December of 2003, correct?
6 A **I believe so, yes.**
7 Q Jami, let's skip down to sort of the summary, I
8 think it's 96408.
9 So, Mr. Dougherty, this -- this summarizes
10 the options that the Water Office was suggesting
11 in December of 2003?
12 A **Correct.**
13 Q Can you tell us a little bit about each one?
14 A **The first option they recommend was to modify**
15 **the Hays wellfield, and that was the Smoky Hill**
16 **wellfield, and we did make that modification in**
17 **2009. The second modification was to utilize**
18 **the remediation wells to assist in water supply**
19 **issues, and those are the remediation wells we**
20 **discussed yesterday, and so we are following**
21 **that recommendation.**
22 Q But you were already doing that in 2003, were
23 you not?
24 A **Correct. The third recommendation is to**
25 **purchase water rights, and -- and that's --**

Page 249

1 **we'll go to two parts because they were**
2 **suggesting we purchase water rights in the Big**
3 **Creek wellfield alluvium -- the Big Creek**
4 **alluvium as well as the Smoky Hill alluvium.**
5 **The problem the Cities found in exploring both**
6 **of those is there aren't a lot of water rights**
7 **in those alluviums. The water rights that are**
8 **there are relatively small and isolated, and**
9 **most importantly they haven't been for sale. So**
10 **the idea of us -- and to date, we have never had**
11 **the opportunity to buy on the open market a**
12 **water right in that area. So --**
13 Q You could have condemned them?
14 A **I don't think that would be a very popular**
15 **choice by the governing body.**
16 Q It isn't very popular to go to the ranch either,
17 but, I mean, the reality is that condemnation is
18 an option but it's a difficult one?
19 A **It's a very difficult option, and it needs to**
20 **provide an immediate benefit. These water**
21 **rights, I don't know if they provide an**
22 **immediate benefit of substance. As I said,**
23 **they're -- they're pretty small in quantity.**
24 **Once you apply the consumptive use calculations,**
25 **you're going to lose some water, and -- and the**

1 geographic footprint of the collection system to
2 try to collect these water rights and draw water
3 would just be cost prohibitive. And, again,
4 Hays would be forced to condemn in order to get
5 access to the water rights. So that was
6 explored, but it just, it never came to
7 fruition.

8 Q Scrolling down, there's -- are the KU farm water
9 rights there part of that?

10 A Yeah, they're part of that, they were on the
11 Smoky Hill alluvium upstream.

12 Q And then the -- okay.

13 A So then there's a recommendation to -- to
14 purchase rights below Cedar Bluff Reservoir and
15 retire the rights, theoretically then we could
16 get more flow in our wellfield; we actually did
17 explore that possibility, the benefit is
18 extremely small in that.

19 Q And some of those water rights are surface water
20 rights, aren't they, some of the water rights in
21 along the -- along the Smoky?

22 A I -- I believe they are. Those are a very low
23 benefit because there's typically not enough
24 flow in the -- in the Smoky to provide a surface
25 water right with adequate water. And then

1 Q So --

2 A And then number 5 is Hays purchase or lease a
3 portion of Russell's Cedar Bluff water right,
4 and I think that ties directly into the previous
5 recommendation. That -- that would allow us to
6 possibly utilize some of that -- some of that
7 benefit by leasing some of Russell's water
8 rights, but, again, the problem with that is
9 Cedar Bluff is not a reliable -- reliable source
10 of water.

11 Number 6 is develop a reservoir release
12 plan. That was actually completed in 2004 with
13 the Cedar Bluff operations agreement with the
14 State of Kansas.

15 Number 7 is evaluate necessity of modifying
16 the Intensive Groundwater Use Control Area. I'm
17 not sure really what that one was, how you would
18 modify the IGUCA.

19 And then the last one is Wilson Lake. And
20 it says, add Wilson Lake into the state water
21 marketing program to secure additional water for
22 the area, and that never happened. We explored
23 Wilson Lake until it was taken off the table by
24 the federal government.

25 Q Okay. So -- and I think we'll talk about Wilson

1 the -- there's a recommendation to develop a
2 pipeline between Schoenchen and Pfeifer
3 wellfield. And we discussed yesterday the
4 release of water from Cedar Bluff and how if the
5 alluvium is dried out it takes a lot of water to
6 saturate the alluvium to get to Hays' wellfield,
7 and if we have a depression in our wellfield a
8 lot of that water will stop, so the -- the
9 theory behind this is if there was an
10 interconnect between the two wellfields, water
11 could make it to our wellfield and then be
12 transported to Russell via pipeline versus
13 stream channel which could possibly save some
14 water.

15 Q Was that done?

16 A It was not.

17 Q That would have been a Russell project if it
18 happened, I assume?

19 A It -- it would have been. There would have had
20 to have been, you know, an agreement, but I'm
21 not sure it was viable given the cost and the
22 uncertainty if there's going to be water
23 available in Cedar Bluff when it is necessary to
24 use, so I'm not sure it would be worth the
25 investment.

1 Lake here in a little bit. So that 2575 is a
2 series of alternatives that were considered
3 and -- and many of them done, the ones that were
4 feasible you did?

5 A Absolutely, absolutely.

6 Q Tell us about, was there a plan to do some
7 big -- the water banking in Big Creek, and if so
8 what is water banking?

9 A There was a discussion of Big Creek water
10 banking on more than one occasion from the,
11 possibly even the '80s, into the '90s, and then
12 ending in 2000. Water banking is the concept
13 of -- in Big Creek is the concept of piping some
14 effluent upstream and discharging that effluent
15 back into Big Creek, letting the water go back
16 through the wellfield and then hopefully helping
17 recharge the aquifer.

18 And so that was investigated several
19 different times by a couple different
20 engineering firms over the years, and I -- I
21 don't remember the exact year, but it was -- it
22 was mid 2000s when that was determined that
23 that's probably not going to be a viable option
24 for us.

25 Q So as I understand it, there's no new water,

Page 254

1 it's just using -- reusing some and
2 recirculating it. Is that fair?
3 **A Yes. And so there's a couple reasons why -- why**
4 **we determined that it wasn't a viable option**
5 **forward. So one of the main reasons is is we**
6 **could never get a -- a clear answer from KDHE on**
7 **how much we would have to treat the water to put**
8 **it upstream. So we have a discharge permit for**
9 **our wastewater treatment facility that is point**
10 **specific, and at that time it was based off of**
11 **the treatment capabilities of our wastewater**
12 **facility.**
13 **And so to move the water, the discharge**
14 **upstream, that created a secondary discharge**
15 **point, and KDHE was suggesting that we may have**
16 **to put in some advanced treatment, but they**
17 **really wouldn't give us a clear answer on what**
18 **that treatment was going to be. And they wanted**
19 **more firm designs for the project, and we would**
20 **go back to them and say, we aren't going to**
21 **spend hundreds of thousands or more in --**
22 **million in design until we know what we're going**
23 **to have to treat for. So it was kind of a**
24 **circular -- circular argument here.**
25 **In the end -- I mentioned yesterday we have**

Page 255

1 **some nonconsumptive use water rights, some**
2 **consumptive use water rights, and so the benefit**
3 **we could get by the water banking was only our**
4 **consumptive use water rights. So the Big Creek**
5 **water rights would have to be made whole, we --**
6 **we couldn't continue to reuse all of our Big**
7 **Creek water and then deny Russell or any**
8 **downstream users that water that we had a**
9 **right -- a duty to put back into -- into the**
10 **aquifer.**
11 **So one of the things that happened as we**
12 **had spent several years exploring water banking**
13 **is we continued to invest in our effluent water**
14 **program and -- or reuse water of our effluent**
15 **for irrigation. So when we first started the**
16 **concept of water banking, we didn't use any of**
17 **our water for effluent use. By the time we**
18 **stopped considering Big Creek water banking, we**
19 **were irrigating a golf course, we had a sports**
20 **complex in the planning stages, we knew we were**
21 **going to have demands from Fort Hays State**
22 **University and other users, and we could see**
23 **that portion of -- of that effluent that could**
24 **be beneficial for banking being utilized**
25 **elsewhere and so it was taken off the table.**

Page 256

1 Q Okay. Just one moment. I apologize for the
2 delay here. The Cedar Bluff Reservoir is
3 upstream, and it's a reservoir that holds water.
4 Can you --
5 Let's take a look, Jami, at Exhibit 1-182,
6 please.
7 Can you tell us about this document,
8 please.
9 **A Can you zoom in on the title? This is --**
10 **MR. LEE:** Your Honor, if I may pause
11 here for a moment. We've tried being
12 patient, and I think we have, about the
13 issue of Mr. Dougherty characterizing
14 documents that are presented on the screen.
15 It is best evidence rule alive and well
16 that the document is the document. His
17 characterization of the document doesn't
18 add anything, and he's not an expert, he's
19 said that several times, he's not a
20 hydrologist, he's not a geologist, so if
21 the document needs to be tendered into
22 evidence, which contingently it has been,
23 that's great, but for him to say, well,
24 this is what this document means, that's
25 inappropriate. Depending on what the --

Page 257

1 what your ruling is on that, we would like
2 to lodge a continuing objection to that
3 line of questions.
4 **MR. TRASTER:** Let me just -- I
5 thought I asked him to identify the
6 document. I didn't realize that I asked
7 him to tell us what it means or what it --
8 I was just going to ask him what it says.
9 I -- I didn't realize I asked him to -- to
10 issue opinions about what it is, what the
11 document does, I missed that.
12 **MR. LEE:** I think the question is
13 what is this about.
14 **MR. TRASTER:** Then I withdraw my
15 question.
16 **PRESIDING OFFICER:** Okay. Well,
17 that'll take care of that, then. Rephrase
18 it and we'll move on.
19 **BY MR. TRASTER:**
20 Q Will you identify this document, please.
21 **A This is a letter from Clark Duffy to Kathy**
22 **Greenlee, the chief of staff in the governor's**
23 **office, regarding municipal water supply issues**
24 **for Hays and Russell.**
25 Q And the top paragraph says what?

1 A It says, The Kansas Water Office supports the
2 proposal to create a Governor's Task Force on
3 Cedar Bluff Reservoir. However, we strongly
4 feel that the use of water in the reservoir for
5 municipal water supply is not an appropriate
6 topic for the task force to consider. The
7 primary reason is that the reservoir will not
8 provide a sustainable amount of water for
9 municipal use by Hays and Russell and thus there
10 is really no water available for such a
11 discussion.

12 Q Jami, can you go down to page -- Bates page
13 7819?

14 And this graph and then the description,
15 what does the description below indicate,
16 Mr. Dougherty?

17 A This is a graph that shows the reservoir inflow
18 from the Smoky Hill River upstream, and could
19 you zoom in a little bit on the text, please,
20 Jami. It says, Analysis of the hydrology of the
21 lake shows that Cedar Bluff Reservoir cannot
22 keep up with evaporation from the surface of the
23 lake during extended periods of time.

24 Q So is that something that the City relied on in
25 deciding not to go to Cedar Bluff?

1 Water Office, the Department of Wildlife and
2 Parks, Secretary Hayden was part of that,
3 Secretary Mike Hayden was part of that. I
4 believe the Division of Water Resources was part
5 of that group as well.

6 We actually went to the property, toured
7 the property, and were discussing the
8 possibility of the City buying the actual
9 acreage, along with the water rights, retiring
10 the water rights for downstream credit in the
11 Smoky Hill wellfield, and then leasing the
12 property back to the State to use as a public
13 use area, to wildlife and parks. So the memo
14 that you see is what Burns & McDonnell created
15 as an analysis of that.

16 The two things that led to the -- for us
17 walking away from this option is the water
18 rights that were available, there were about
19 700 acre-feet of water rights that were actually
20 available there. Burns & Mac determined that
21 based off of the aquifer saturation that we
22 could see a realization of 5 to 25 percent of
23 those water rights, you know, downstream.

24 But more importantly for the State to
25 purchase property or be involved in a property

1 A Yes.

2 Q Let's go to Exhibit 1-164. Can you identify
3 this document, please.

4 A This is a memo from Burns & McDonnell to the
5 public works director at the time, Brenda
6 Herrman, regarding the evaluation of the water
7 rights for Cedar Bluff Cattle Feeders.

8 Q And it's dated?

9 A It's dated June of 2008.

10 Q And what -- Cedar Bluff, where is Cedar Bluff
11 Cattle Feeders located?

12 A Cedar Bluff Cattle Feeders is a small feedlot
13 with some water right -- some irrigation and
14 stock watering water rights immediately below
15 Cedar Bluff Reservoir. And I believe it was
16 late 2007, possibly early 2008 we were -- the
17 City was contacted by a Realtor indicating that
18 the property may be for sale. So we contacted
19 the State of Kansas to determine if there was
20 any interest in pursuing the possibility of
21 purchasing the property, and this goes back to
22 Mr. Duffy's memo about securing water rights in
23 the alluvium.

24 So there was an investigation in early 2008
25 that included representatives from the Kansas

1 purchase there has to be a -- there's an
2 appraisal system that takes place, and I believe
3 it's three appraisals, it may just be two; but
4 the State had done an appraisal on the property
5 and determined it was worth a million dollars
6 and the owners wanted \$6 million for it. So we
7 had to politely decline the offer, and it was
8 never brought up again.

9 Q So you mentioned Kanopolis before, I think you
10 covered that, didn't you, you covered what
11 needed to be said about Kanopolis?

12 A Yeah, I think I did.

13 Q So the Kickapoo Indians had an option on the
14 table at one point?

15 A The Kickapoo Nation had a consideration on the
16 table, and I cannot recall the exact year, late
17 '90s, early 2000s; actually it's probably on the
18 chart. It would be '98 is when we have it on
19 the chart, '98, '99, and it was called the
20 Pikitanoi concept.

21 And so the Kickapoo Nation had access to
22 federal funds, and there was a high-level
23 feasibility that was conducted about the
24 possibility of taking Missouri River water to
25 supply the Kickapoo Nation with water. But

Page 262

1 understanding the cost of such a project, the
2 Kickapoo Nation rightly determined that it might
3 be better off to try to find more users for the
4 water, and they reached as far as Hays to
5 determine if there was interest in getting a
6 system big enough to justify a cost.
7 The -- the State of Kansas was actually
8 involved in this, and I believe probably because
9 it had the potential of significant federal
10 dollars that could be associated with such a
11 project, but the project never got beyond the
12 conceptual stage. But we had expressed an
13 interest in being a part of it if it ever -- if
14 it ever moved forward.
15 Q So the Kickapoo Indian Reservation, is it close
16 to Hays?
17 A It is not, it is in northeast Kansas.
18 Q North of Topeka?
19 A Yes.
20 Q So then you'd of had to build a pretty long
21 pipeline?
22 A Correct.
23 Q So I direct your attention to Exhibit 545, can
24 you identify that document?
25 A These are the minutes of the Hays City

Page 263

1 Commission meeting from December of 2000.
2 Q Well, scroll down, Jami, maybe I've given you
3 the wrong one. I have. Strike that.
4 So why would you look for or be involved in
5 a project that would have to bring water from
6 northeast Kansas all the way to Hays?
7 A Because Hays needed an additional source of
8 water, and knowing that, we were contacted by
9 the group that was looking to put a project
10 together to see if we could possibly be part of
11 a larger -- larger statewide water supply
12 project.
13 Q You were looking for any source that you
14 could -- that might be viable?
15 A In -- in the late '90s, there were a lot of
16 options still on the table at the time and a lot
17 of things being considered.
18 Q There's -- this is the document I thought I was
19 asking for but I -- can you identify this
20 document?
21 A I believe this is the minutes of the Public
22 Wholesale Water Supply District Number 15
23 meeting from February 25th of 1999.
24 Q So the public wholesale water supply district
25 had members and -- ex officio members, including

Page 264

1 Judy Sargent and Hannes Zacharias, who are those
2 people?
3 A Judy Sargent was the Russell city manager at the
4 time, and Hannes Zacharias was the Hays city
5 manager at the time.
6 Q And there are several names up there that I
7 recognize, but what I -- I noticed others
8 present, Mr. John Bird?
9 A Yes, and John Bird was the city attorney at the
10 time.
11 Q So who -- I noticed that Lavern Squier's name is
12 on there, who was he?
13 A Lavern Squier was a former economic development
14 person, and then he was also the staff person
15 for the wholesale water supply district when
16 they actually had a staff and some assets.
17 Q He was -- he was very involved in this process
18 of looking for water at that time, was he not?
19 A Yes, yes, he was as a -- the water district was
20 sort of leading the efforts for both cities.
21 Q And he was leading the water district?
22 A And he was leading the water district, yes.
23 Q So let's scroll down, this is Exhibit 535 and
24 let's scroll down to the next page, I think, and
25 let's get the page number here. There we go.

Page 265

1 So can you expand that, Jami, so we can see it?
2 Have you reviewed this document, it's the
3 page, Bates page 19354, 19354?
4 A Yes, I have reviewed this document.
5 Q Without -- I mean, you can read it or summarize
6 it, either way, but the content?
7 A The -- the section on the page is discussing the
8 review of the Kickapoo Tribe proposal and
9 consider an appropriate course of action. And
10 then in the second paragraph, it says, Mr. Bird
11 urged the board to carefully consider the
12 Pikitanoi Rural Water Project and all proposals
13 that come forth as opportunities until
14 thoroughly examined and deemed unacceptable. He
15 noted that such considerations of all projects
16 is important in a water transfer hearing. He
17 also noted that considering opportunities does
18 not mean that the board's resolve is changing
19 direction but that the board is considering all
20 options.
21 Q So let's scroll down to the next page at the
22 top. And can you either read or summarize what
23 happened next?
24 A Mr. Hammerschmidt noted that the current
25 proposal has only limited exposure to the board

1 and that the proposal is to study water needs in
2 Kansas. The board further discussed the
3 proposal. Mr. Hammerschmidt made a motion that
4 Public Wholesale Water Supply District Number 15
5 participate in the special study as proposed by
6 the Kickapoo Tribe and the Northeast Kansas
7 Rural Water Districts.

8 Q And did the City of Hays or the public wholesale
9 water supply district and/or Russell actually
10 participate in the study?

11 A Yes.

12 Q Or in the discussion?

13 A Yes.

14 Q There's a similar source that's an equally
15 distant source in southwest Kansas that was also
16 considered even though like this one it was a
17 long ways away, the -- there was water rights
18 west of Garden City were proposed, can you tell
19 us a little bit about that?

20 A The -- in reviewing the record, I found that the
21 City had received contact in the '90s, I forget
22 the exact year, it's in our chart, but it would
23 be the South Side Ditch Association, received a
24 letter from a Realtor representing water right
25 owners of the South Side Ditch Association,

1 there were several thousand acre-feet that could
2 possibly be on the table, and I believe they
3 were surface water rights. And I could find no
4 further correspondence on that, but it was
5 noteworthy enough that they kept it in the file.

6 Q You've already told us that Post Rock was --
7 that Kanopolis was off the table and -- but in
8 the course of that, there was also a discussion
9 about actually buying, I think, buying the Post
10 Rock Rural Water District. Is that a fair
11 characterization?

12 A Correct.

13 Q Did you have -- what happened with that?

14 A So Kanopolis was evaluated two ways, one was
15 building an intake and building a collection
16 system, a water collection system to -- to Hays
17 and Russell, but Post Rock Rural Water District
18 has an intake, they have water rights, so the
19 framework is in place to be expanded. They also
20 have easements to almost 15 miles west of
21 Hays -- I'm sorry, east of Hays, and -- and for
22 a project that large, land acquisition, easement
23 acquisition is a very strong component of that.

24 Post Rock Rural Water District was having
25 some financial difficulties in the early 2000s,

1 they were financed with USDA loans and were
2 having a hard time paying those loans back.
3 They had water losses of upwards of 40 percent
4 some years. And so we had a discussion with
5 USDA about the possibility of either acquiring
6 Post Rock outright or acquiring it for the debt
7 or possibly having the debt forgiven with us
8 acquiring Post Rock, and we hired a company
9 called Ranson Financial which does financial
10 investigations for cities and counties.

11 Q Can you spell that 'cause I don't think it's --

12 A R-A-N-S-O-N is -- is the company, and I believe
13 they are still in business. Ranson did a
14 financial calculation and determined that using
15 Post Rock as a vehicle, they were in such bad
16 financial shape we were better off considering
17 Kanopolis without Post Rock than with Post Rock.
18 And that was 2006-ish, I think, and then it was
19 just a couple years later Kanopolis got pulled
20 off the table when the yield estimates were
21 reduced.

22 Q Has -- have Hays and Russell looked at the
23 Saline River?

24 A Hays and Russell have looked at the Saline River
25 many times over the years from as far back as

1 the '70s up until 2011. And to characterize the
2 Saline River, north of Hays the water quality is
3 not too bad, north of Russell it is very salty.
4 There are some water rights along the Saline
5 River, but they are -- they are few and far
6 between and they are developed. There are no
7 new water rights being developed in that area.

8 So what -- what all these investigations
9 ran into was the idea of acquiring enough water
10 rights to make the investment necessary to
11 create a wellfield that's going to be viable
12 enough to satisfy the investment. I mean, you
13 would have to acquire virtually all of the water
14 rights, which means if there's not a willing
15 buyer and a willing seller, then condemnation is
16 going to be required.

17 And then those water rights are subject to
18 droughts because the Saline River does become
19 very drought susceptible, especially the further
20 west you get. There are minimum daily
21 streamflow requirements that are imposed on
22 those water rights, so even if you were to
23 acquire those water rights, if it was a time of
24 drought, those water rights could be shut off
25 due to downstream minimum daily streamflow

Page 270

1 requirements. And so each time the Cities
 2 looked at Smoky -- at the Saline River they
 3 would quickly -- quickly walk away.
 4 Q A new water right in that area would be subject
 5 to minimum desirable streamflow requirements?
 6 A That's correct.
 7 Q Not -- not all existing water rights would be
 8 subject to it; is that correct?
 9 A Not all existing water rights but some existing
 10 water rights.
 11 Q Okay. So tell us -- tell us a little bit about
 12 Round Mound Reservoir.
 13 A Round Mound Reservoir was a conceptual reservoir
 14 on Big Creek west of Ellis that was part of this
 15 Pick-Sloan program, which was a large federal
 16 program in the '60s to build impoundment
 17 reservoirs in western part of the United States.
 18 So this was a Bureau of Reclamation's
 19 study. There was a feasibility report produced
 20 in 1971 that discussed the possibility of
 21 building Round Mound Reservoir for two reasons,
 22 for water supply and for flood control. And it
 23 was a rather extensive report, and it
 24 specifically mentions that Hays could benefit
 25 from municipal water in that -- from that

Page 271

1 reservoir.
 2 The study never got past the feasibility
 3 stage. There was no formal study after that.
 4 So we have a study from the Bureau -- or from
 5 the Bureau of Reclamation stating that it could
 6 happen and this is what it could look like and
 7 where it could go and this is the benefit it
 8 could provide, but it never received any formal
 9 federal funding after that.
 10 Q And for the record, that study is Exhibit 2475.
 11 Have there been any discussions -- you've
 12 mentioned the Big Creek water banking but just
 13 alluvial -- additional quantity from the Big
 14 Creek alluvium?
 15 A Yes, there are -- the water rights in the Big
 16 Creek alluvium are very scattered. There are
 17 some privately held water rights in Big Creek.
 18 They're small of quantity and they are very
 19 scattered and there is really no history of them
 20 coming for sale.
 21 And so they kind of suffer from the same
 22 issue as the Smoky Hill water rights, we would
 23 be forced to condemn, it would be extremely cost
 24 prohibitive to build the infrastructure to
 25 gather the water due to the large collection

Page 272

1 system that would be required. And then when
 2 Big Creek alluvial starts drying up, they would
 3 be subject to the same pressures as our existing
 4 wellfield.
 5 Q Have there been any -- has there been
 6 investigation of using -- building pipelines or
 7 going into the Ogallala west of Hays, in Graham,
 8 Trego Counties, other areas than that?
 9 A There were several investigations that took
 10 place in the '90s. We -- we used a gentleman
 11 named Bob Vincent that had a company called
 12 Groundwater Associates to do a lot of exploring
 13 for potential water. It was noted that there
 14 were a couple smaller water rights for sale in
 15 Graham County that appeared to be decent water
 16 and they were part of the Ogallala aquifer, but
 17 they were small, and it was determined that the
 18 ability to gather enough water rights to make a
 19 viable project was going to require condemnation
 20 'cause there was no history of sale.
 21 The same thing happened in Trego County.
 22 Trego County went a step further, and there was
 23 actually some test wells dug -- dug in Trego
 24 County, and it was determined that in order to
 25 gather enough water, it was going to require

Page 273

1 condemnation to -- to do so.
 2 There was a discussion with Trego County
 3 Rural Water District, which right now Trego
 4 County Rural Water District has infrastructure
 5 that surrounds two sides of Hays, and they
 6 hadn't expanded that far to the east yet, so
 7 there was discussion in the early 2000s, I
 8 believe, with Trego County Rural Water District
 9 about them obtaining more supply, working on a
 10 joint project with Hays to provide -- to help
 11 build their infrastructure to Hays and then help
 12 supply us with water. And that was quickly met
 13 with some local opposition in Trego County and
 14 killed.
 15 And I do want to add one thing about the
 16 Ogallala investigations. The Ogallala is a
 17 nonrenewable resource, and so anything we would
 18 have purchased out there, we would have been
 19 mining groundwater.
 20 Q There are a number of other places that you
 21 looked, and I don't know whether to lump them
 22 together or treat them separately, so -- because
 23 they may have some characteristics that are
 24 similar and they may have some distinctions so
 25 I'm -- you looked in Walnut Creek, Pawnee River,

1 the Middle Ark River around Great Bend, are
 2 those related in some way, or were they -- I
 3 mean, can you cover them together, or do they
 4 need to be separate?
 5 **A I can cover them in -- in two tranches. So**
 6 **Pawnee River, Walnut Creek first, there are**
 7 **irrigation rights south of Hays in the -- in the**
 8 **Pawnee River, Walnut Creek area, there is an**
 9 **IGUCA in the Walnut Creek area, and so those**
 10 **water rights are limited by an IGUCA. We've**
 11 **done a couple of investigations there, and to**
 12 **summarize the investigation, there are water**
 13 **rights there, there are no water rights for**
 14 **sale, there is not a history of water rights for**
 15 **sale, and there is definitely not a history of**
 16 **enough water rights being for sale that would**
 17 **justify a economically feasible project. And**
 18 **so, again, we would be forced to condemn. And**
 19 **the same could be said for the Pawnee River**
 20 **area.**
 21 **In the '90s, there was also some**
 22 **exploration by Mr. Vincent and others about --**
 23 **and they would refer to them either the -- the**
 24 **Middle Ark subbasin or the Big Bend area, and it**
 25 **was all the Arkansas River area from Great Bend**

1 **down towards the R9 Ranch. And the conclusion**
 2 **along that area was there are water rights**
 3 **available, there is good water down there, there**
 4 **is not a history of sales, and -- and anything**
 5 **that does come for sale could be very spotty.**
 6 **And so it kind of suffered from the same -- same**
 7 **fault as a lot of our others.**
 8 **But I would say that there was one property**
 9 **that did come for sale on the open market with a**
 10 **lot of water rights in a contiguous area, and**
 11 **that was the R9 Ranch, and the City bought it in**
 12 **1995 and sold Russell an 18 percent stake.**
 13 **MR. TRASTER:** I don't have a lot
 14 more, but I need a small -- a short break.
 15 **PRESIDING OFFICER:** All right. Why
 16 don't we take a break until 10:45.
 17 **MR. TRASTER:** Thank you.
 18 **PRESIDING OFFICER:** So we'll take a
 19 short recess, we'll resume at 10:45.
 20 (Thereupon, a recess was taken;
 21 whereupon, the following was had.)
 22 **PRESIDING OFFICER:** We should be all
 23 set now. I've got the camera mic un-muted,
 24 so I will go ahead and go back on the
 25 record and pick back up.

1 **MR. TRASTER:** Thank you, Your Honor,
 2 appreciate your indulging me. As I said, I
 3 don't think I have much more but ...
 4 **BY MR. TRASTER:**
 5 **Q** So, Mr. Dougherty, you indicated -- you made
 6 several comments about Wilson Reservoir as an
 7 option that was explored, that the Cities have
 8 explored. And I would note that your time line
 9 in -- you know, on Exhibit 1343 is -- has a --
 10 you told us that the Wilson Reservoir was the
 11 last option considered, but there are a number
 12 of -- it's been looked at a number of times over
 13 the years, and we've actually seen a couple of
 14 studies, some of the earlier studies. Tell us
 15 about -- I will show you on the screen here
 16 Exhibit 1341, can you identify that document?
 17 **A Yes, this is an application for 8,000 acre-feet**
 18 **of water rights in Wilson Reservoir by the**
 19 **Cities of Hays and Russell.**
 20 **Q** And the date on that is what, if you know? And
 21 I think the date would be at the bottom.
 22 There's a stamp at the bottom of the page.
 23 **A The date is 1997.**
 24 **Q** Actually, there's a date to the -- to the left
 25 of that that's earlier.

1 **A You'd have to zoom in, please.**
 2 **Q** Okay. Well, it's August 22nd, 1991.
 3 **A Okay.**
 4 **Q** That would be the original filing date. It was
 5 refiled in '77 (sic), but the original priority
 6 date would be that original 1991 filing date.
 7 Why was that not pursued?
 8 **A Wilson was studied on several different**
 9 **occasions. In fact, in 2005 we had a design**
 10 **concept report prepared by Burns & McDonnell**
 11 **that determined what type of intake would be**
 12 **required, what type of treatment, what type of**
 13 **distribution capability would be required,**
 14 **probable cost estimates, and there are several**
 15 **references in the record to independent and**
 16 **comparative cost estimates, either Wilson alone**
 17 **or Wilson compared to other sources.**
 18 **The problem with Wilson that it suffered**
 19 **from all along and ultimately led to its**
 20 **dismissal as a viable source is there's no water**
 21 **allocated for municipal use. So in the mid**
 22 **'90s, there was a report produced by the Corps**
 23 **of Engineers. I mentioned the Bureau of**
 24 **Reclamation before that controls Cedar Bluff**
 25 **Reservoir, the Corps of Engineers controls**

Page 278

1 Wilson Reservoir and so they actually own the
2 reservoir. And so there's references in the
3 '90s to the Corps of Engineers acknowledging
4 that there could be a feasibility study
5 conducted and Wilson could be a municipal water
6 supply if water was reallocated for municipal
7 use.
8 In 2009, that reallocation study was
9 actually funded, the beginning of it. The Corps
10 spent two years working on that. There was a --
11 there was no final work product that I'm aware
12 of of the study, but I know Burns & Mac
13 submitted a environmental assessment as part of
14 that, and that was one of the exhibits we looked
15 at earlier.
16 But then in 2011, the Corps of Engineers
17 indicated that there were no further funds
18 budgeted for the reallocation study. So we
19 lobbied the Corps of Engineers, we asked our
20 legislative delegation to lobby the Corps of
21 engineers. I met with the Corps of Engineers
22 headquarters staff in Washington, D.C., and it
23 was made very clear to me that there was no
24 water -- there is not going to be a reallocation
25 study because their efforts were tied up in

Page 279

1 flood control and flood mitigation projects.
2 So the reallocation study, right before
3 they pulled the plug on it, there was a public
4 meeting in Russell where the Kansas Water Office
5 staff and Corps of Engineer staff informed an
6 audience of several hundred people essentially
7 what a reallocation study is, what they would be
8 looking at, what they would try to ensure
9 wouldn't happen if they looked at a reallocation
10 study, and that was pretty much the only
11 appreciable result from a public standpoint of
12 that.
13 So as I mentioned before, the Corps of
14 Engineers pulled the plug on funding in 2011,
15 and then the drought hit, and then subsequently
16 the R9 was identified.
17 Q So assuming -- assume a reallocation, you have a
18 water right -- you have an application for a
19 water right, in other words a water -- the
20 ability to store water if you had a -- if you
21 had storage, but would you have had to -- would
22 you have had to buy one of those layers that
23 you've talked about?
24 A Well, there's a couple different ways you can
25 acquire water rights in a reservoir. First of

Page 280

1 all, you have to purchase enough storage to
2 yield the water rights. And so the Cities would
3 have had to purchase a layer in the lake
4 outright, and then we would have the ability
5 theoretically to produce the water rights if the
6 water is available in that layer.
7 Q So you had an application for 8,000 acre-feet,
8 so all you'd need is a storage of 8,000
9 acre-feet, right?
10 A I think you need storage in excess of that
11 because you have to be able to yield the
12 8,000 acre-feet. Complicating the issue --
13 and -- and I want to reiterate what ended Wilson
14 as a possibility is there is no water available
15 for municipal use.
16 Q Sure.
17 A So it doesn't matter how much we would want to
18 develop Wilson Lake, there's no water there.
19 But complicating the evaluation of Wilson Lake
20 is two factors. You mentioned the storage.
21 Right now the State of Kansas owns the majority
22 of storage in most reservoirs, it's part of
23 their Kansas Water Marketing Program.
24 And so the Water Office director indicated
25 to me that it was their intent to purchase the

Page 281

1 storage, and then Hays and Russell would be
2 obligated to essentially lease that storage on
3 an annual basis in order to yield our 8,000
4 acre-feet of water rights.
5 So we would have to pay a certain amount to
6 the Kansas Water Office every year in order to
7 have the privilege to pull our 8,000 acre-feet
8 of water rights out. Now, that was going to
9 cost us more than purchasing storage outright,
10 but the Water Office did have the history behind
11 them of purchasing that storage, and we -- we
12 know we probably would have been forced to take
13 part in the Kansas Water Marketing Program.
14 The second complicating issue is Wilson is
15 more expensive than the R9 when we were doing
16 the direct cost comparisons. There were a
17 couple cost scenarios to where the initial
18 investment may have been cheaper at Wilson just
19 because the lengths of the pipeline were
20 shorter, but the water in Wilson Lake is highly
21 saline, it takes reverse osmosis right off the
22 bat or desalination to treat, and so the -- the
23 ongoing costs in Wilson are significantly higher
24 than the R9 Ranch. So even if water were to
25 become available in Wilson Lake, I -- I doubt if

1 **it would have been the choice I would have**
2 **recommended simply because it would have been a**
3 **longer -- or a higher cost, longer term.**

4 Q Would -- would it have indicated the Water
5 Transfer Act?

6 A **It would because it's in excess of 35 miles.**

7 Q Mr. Dougherty, I don't have any further
8 questions at this time.

9 **PRESIDING OFFICER:** All right.

10 Mr. Cole?

11 **MR. COLE:** Thank you, Your Honor.

12
13 **CROSS-EXAMINATION**

14 **BY MR. COLE:**

15 Q Mr. Dougherty, good morning.

16 A **Good morning.**

17 Q And I have very little here, but you are a
18 co-applicant in this proceeding with the City of
19 Russell seeking a transfer of water; is that
20 correct?

21 A **Correct.**

22 Q And you testified on your direct as to the
23 application itself. Just for summary purposes,
24 it seeks the transfer of 6,756.8 acre-feet per
25 year with a limitation of 48,000 over a ten-year

1 period, which equates to a 4800 acre-feet per
2 year rolling average. Is that a fairly accurate
3 summary?

4 A **That's correct.**

5 Q Okay. Did you attend the public comment hearing
6 in Hays?

7 A **I did.**

8 Q And during that public comment hearing, did you
9 have opportunity to hear some commenters suggest
10 that perhaps they have no objections to the
11 transfer, it's more the quantity that is their
12 concern?

13 A **I did hear that.**

14 Q Okay. And I don't know if you're familiar with
15 this or not, but there is a Kansas statute that
16 provides that the presiding officer has some
17 fairly limited authority to reduce the allowance
18 on a transfer. Have you seen that statute
19 before?

20 A **I have.**

21 Q And I just want to -- just want to quote it for
22 you here briefly, it's 82a-1504, and it provides
23 in part that The presiding officer, this is a
24 quote, The presiding officer may order approval
25 of a transfer of a smaller amount of water than

1 period, which equates to a 4800 acre-feet per
2 year rolling average. Is that a fairly accurate
3 summary?

4 A **That's correct.**

5 Q Okay. Did you attend the public comment hearing
6 in Hays?

7 A **I did.**

8 Q And during that public comment hearing, did you
9 have opportunity to hear some commenters suggest
10 that perhaps they have no objections to the
11 transfer, it's more the quantity that is their
12 concern?

13 A **I did hear that.**

14 Q Okay. And I don't know if you're familiar with
15 this or not, but there is a Kansas statute that
16 provides that the presiding officer has some
17 fairly limited authority to reduce the allowance
18 on a transfer. Have you seen that statute
19 before?

20 A **I have.**

21 Q And I just want to -- just want to quote it for
22 you here briefly, it's 82a-1504, and it provides
23 in part that The presiding officer, this is a
24 quote, The presiding officer may order approval
25 of a transfer of a smaller amount of water than

1 Mr. Dougherty, good morning.

2 A **Good morning.**

3 Q The -- I want to review with you a number of
4 things that you've talked about during your
5 direct examination and correct what I suspect
6 are simply misstatements on your part during
7 that process. I want to start with page 154 of
8 your deposition.

9 **PRESIDING OFFICER:** Now, Mr. Lee,
10 correct me if I'm mistaken here, I don't
11 believe that the deposition has been filed
12 in this case --

13 **MR. LEE:** You're right, Your Honor.

14 **PRESIDING OFFICER:** -- is that
15 correct? Now, it's fine, you can still
16 cite to it, I just want to make sure we
17 don't have an exhibit to need to refer to.

18 **MR. LEE:** We actually have the
19 original here.

20 **PRESIDING OFFICER:** Okay.

21 **MR. LEE:** Would you like us to hold
22 on to it in the interim or --

23 **PRESIDING OFFICER:** You can for now,
24 and if you want to admit part of that as an
25 exhibit --

Page 286

1 **MR. LEE:** Okay.
2 **PRESIDING OFFICER:** -- we can
3 address that.
4 **MR. LEE:** Thank you, Your Honor.
5 **PRESIDING OFFICER:** Do you have the
6 page number of that deposition identified
7 here? I just want to make sure that if
8 there is some part of an exhibit there, the
9 record is clear at this point.
10 **MR. LEE:** Thank you, Your Honor.
11 **MR. TRASTER:** I can't hear you, Your
12 Honor, I'm sorry.
13 **PRESIDING OFFICER:** I'm sorry, I
14 forgot to turn that microphone back on. I
15 was asking Mr. Lee if he had -- I had not
16 seen that deposition filed as an exhibit,
17 so if we could make sure that we identified
18 an exhibit number and not just the page
19 number of that deposition.
20 **BY MR. LEE:**
21 Q So, Mr. Dougherty --
22 **MR. LEE:** Thank you, Your Honor.
23 **BY MR. LEE:**
24 Q -- Mr. Dougherty, you were asked yesterday about
25 the issue of whether Hays needed all the water

Page 287

1 that it was seeking, and during your direct
2 examination, your counsel suggested that somehow
3 the quote that you were asked was truncated, to
4 use his word, and truncated -- truncated in the
5 sense it did not include the "now" word in it.
6 **MR. TRASTER:** Your Honor, may I --
7 I'm old and I can't hear very well. I
8 would request that the examining attorneys
9 be instructed to use the microphone,
10 please.
11 **PRESIDING OFFICER:** All right.
12 Mr. Lee, to the best of your ability, can
13 you --
14 **MR. LEE:** I'll do better.
15 **PRESIDING OFFICER:** -- try to --
16 thank you.
17 **MR. TRASTER:** Thank you.
18 **BY MR. LEE:**
19 Q The question or statement that was provided to
20 you was that somehow the question that was asked
21 of you in your deposition was truncated, to use
22 Mr. Traster's word. The word that he said was
23 left out was "now." What this says, in part,
24 is, I'm quoting from that, If I may elaborate on
25 Commissioner Roth's question, we certainly don't

Page 288

1 need the entire water right now that we can take
2 from the ranch. So, in fact, it was not
3 truncated, was it?
4 **A I'm not sure the context you're asking for.**
5 **It's not truncated there, but you have truncated**
6 **that statement for your benefit in the past.**
7 **You have left the word "now" off.**
8 Q Are you looking at this deposition that I'm
9 looking at?
10 **A I am.**
11 Q And what does it say, read it?
12 **A It says, We certainly don't need the entire**
13 **water right now that we can take from the ranch.**
14 Q And so was that truncated in the sense of what I
15 asked you?
16 **A No.**
17 Q You went through a series of questions,
18 Mr. Dougherty, about water needs that you would
19 recall, I'm sure?
20 **A Yes.**
21 Q And you indicated during that, and, again,
22 talking about the deposition questioning that
23 somehow you were misled or confused about the
24 question that you were asked. Do you recall
25 that?

Page 289

1 **A I do.**
2 Q Let's look at page 92 of the deposition.
3 **MS. LEE:** I'm trying, sorry. Oh,
4 there we go.
5 **MR. LEE:** And can you make that
6 larger, Myndee?
7 **MS. LEE:** Uh-huh.
8 **BY MR. LEE:**
9 Q So at page 92, and this goes to the question
10 that was at issue yesterday, my question to you,
11 Mr. Dougherty, was, And so my question, I'm
12 quoting, to be sure that you understand it, is
13 has the City of Hays and have you personally
14 received any sort of report from any
15 professional who you would consider to be
16 qualified to provide that sort of information
17 about the future water needs of the City of
18 Hays?
19 And your answer was, Without understanding
20 exactly what you're asking for, I can't answer
21 that question.
22 And so my question is, What part of my
23 question don't you understand?
24 Your response was, I think the question is
25 vague when you talk about professional entity

Page 290

1 providing reports on future water needs.
2 The question is, Has the City ever paid
3 anyone to provide a report about the future
4 water needs of the City of Hays?
5 And your response to that is Possibly.
6 My question is, But you don't recall?
7 The answer is, Without reviewing the
8 record, I can't recall off the top of my head.
9 And my question is, And so would you
10 consider that to be unimportant information?
11 Your answer to that is, I'm saying without
12 knowledge of the specific document you're
13 referring to, I can't make a judgment on its
14 importance.
15 My question, Well, I'm not talking about
16 the importance of a particular document, I'm
17 talking about the concept. Do you think that
18 the concept of the future water needs of the
19 City of Hays is important in conjunction with
20 the water transfer application?
21 The answer is, I think water future needs
22 is very important, especially when you take into
23 account our existing water sources are
24 inadequate to meet the demands of our residents
25 now in times of drought.

Page 291

1 My question, So do you think that it's
2 important to get professional advice on that
3 subject?
4 Your answer is, On what subject?
5 The question is, The future water needs of
6 the City of Hays?
7 Your answer is, Could you be more specific
8 with future water needs, are you talking based
9 off of population growth, are you talking based
10 off of further ratcheting conservation measures
11 in place, are you talking are residents using
12 water in a bit more normalized manner like the
13 rest of the State of Kansas? The water needs,
14 I'm not sure where you're going with this future
15 water needs.
16 The question is, Well, do you think that
17 the City of Hays needs access to more water than
18 it has presently?
19 Your answer is, You're talking -- okay. So
20 I want to clarify the question. We have water
21 rights in the Smoky Hill wellfield, we have
22 water rights in Big Creek, and we have Dakota
23 water rights. We also have water rights on the
24 R9 Ranch in Edwards County. Are you talking in
25 excess of that, or are you talking about in

Page 292

1 excess of the water rights that we are able to
2 utilize for municipal purposes right now?
3 The question, I think my question was
4 specifically about what is available to the City
5 right now, and to the extent that you're talking
6 about inaccessible water rights, then we don't
7 need to talk about that.
8 Your answer is, Okay. So could you restate
9 your question then?
10 The question was, Do you believe that the
11 City of Hays requires access to more water than
12 is available to it presently?
13 The answer is Yes.
14 My question then is, And why do you think
15 that?
16 And your answer is, Because I don't feel
17 our existing sources are adequate during times
18 of drought.
19 The question is, And is that only a
20 personal opinion?
21 Answer: I'm here in my personal capacity
22 as city manager, so it's my opinion.
23 The question is, Have you ever received a
24 report from any source that says that the City
25 of Hays needs access to more water than it

Page 293

1 presently has?
2 Your answer is -- or there's -- I'm
3 responding to an objection by Mr. Buller. The
4 question is, Since 2003?
5 Your answer is, We submitted a report as
6 part of our prefiled testimony that showed
7 during times of exceptional drought and decadal
8 drought our existing sources are woefully
9 inadequate --
10 Question: And what was -- and we talked
11 over each other. The question is, And what was
12 the source of that information?
13 The answer, Paul McCormick who is a
14 hydrologist with Burns & McDonnell.
15 The question then is, And aside from
16 Mr. McCormick with Burns & McDonnell --
17 **MR. TRASTER:** Your Honor, objection,
18 if he's going to read the transcript into
19 the record, then he needs to not skip past
20 the questions and answers.
21 **PRESIDING OFFICER:** All right. Do
22 you have a response, Mr. Lee?
23 **MR. LEE:** Your Honor, we are not
24 skipping past anything other than the two
25 of us talking over each other and an

Page 294

1 objection that was lodged by Mr. Buller to
2 the testimony.
3 **MR. TRASTER:** There were a couple
4 lines, or a line or two that were skipped
5 past, I'm sure it was inadvertent. I'm
6 not --
7 **MR. LEE:** We can start over.
8 **MR. TRASTER:** What?
9 **MR. LEE:** We can start over.
10 **MR. TRASTER:** I just -- it was in
11 the middle of the previous page. I'm not
12 accusing you of skipping anything on
13 purpose, Mr. Lee, I just noted that --
14 **MR. LEE:** Well, let's go back.
15 **MS. LEE:** Yeah, I've been reading
16 along and he's not skipped anything, but
17 where do you want to --
18 **MR. TRASTER:** And I could be wrong,
19 it happens.
20 **MR. LEE:** Let's go back to the
21 middle of the previous page.
22 **MS. LEE:** Okay.
23 **MR. LEE:** And what's that?
24 **MS. LEE:** And why do you think that?
25 **PRESIDING OFFICER:** Mr. Traster?

Page 295

1 **MR. TRASTER:** Yes.
2 **PRESIDING OFFICER:** If Mr. Lee
3 offers that entire deposition transcript as
4 an exhibit so that exhibit would then be in
5 the record --
6 **MR. TRASTER:** Yes, I understand but
7 also --
8 **PRESIDING OFFICER:** -- would you --
9 **MR. TRASTER:** -- the transcript
10 would be -- I could be wrong, but I -- I
11 thought there was a line or two that was
12 skipped, and if not, I'll apologize, I
13 will.
14 **PRESIDING OFFICER:** Okay.
15 **MR. TRASTER:** But if we're going to
16 read it into the record, we ought to read
17 the whole thing.
18 **PRESIDING OFFICER:** I'll let him
19 read through it, if he's going to be
20 offering the entire thing or a portion of
21 it as an exhibit anyway, maybe that saves
22 some of your objection.
23 **MR. TRASTER:** Okay, thank you, Your
24 Honor.
25 **MR. LEE:** And, Your Honor, we will

Page 296

1 be offering it as an exhibit.
2 **PRESIDING OFFICER:** All right.
3 **BY MR. LEE:**
4 Q So the question to you, Mr. Dougherty, is Why do
5 you think that?
6 The answer is, Because I don't feel our
7 existing sources are adequate during times of
8 drought.
9 The question is, And is that only a
10 personal opinion?
11 The answer is, I'm here in my personal
12 capacity as city manager, so it's my opinion.
13 The question is, Have you ever received a
14 report from any source that says that the City
15 of Hays needs access to more water than it
16 presently has? The question responding to an
17 objection is, Since 2003?
18 The answer is, We submitted a report as
19 part of our prefiled testimony that showed
20 during times of exceptional drought and decadal
21 drought our existing sources are woefully
22 inadequate --
23 Question: And what was --
24 The answer is, -- which would indicate that
25 we need additional water sources.

Page 297

1 My question is, And what was the source of
2 that information?
3 The answer is, Paul McCormick who is a
4 hydrologist with Burns & McDonnell.
5 And the question is, Aside from
6 Mr. McCormick with Burns & McDonnell, have you
7 ever received any other information that
8 suggests that the City of Hays needs access to
9 more water than it has presently?
10 I would have to review the record. I can't
11 think of anything off the top of my head.
12 Question: So you don't recall?
13 Answer: I don't recall.
14 So let's go back to page 88, if we may, to
15 the part that you were asked about yesterday.
16 The question that's asked in the deposition,
17 What about the next paragraph that says the
18 projected water needs of the applicant and of
19 any other entities to be supplied water by the
20 applicant and the basis for those projections,
21 did the City of Hays get any outside advice to
22 come to the conclusion about water needs?
23 Your answer is, Could you be more specific
24 what you mean by outside advice?
25 The question, How did the City of Hays come

1 to the conclusion that it needed more water?
 2 And the question is, And if you have no idea,
 3 then just tell me.
 4 And the answer is, I'm not here to speak
 5 for the City of Hays, I can speak to my role as
 6 city manager.
 7 The question, Yes, you are, you are the
 8 city manager.
 9 The answer is, As the city manager, the
 10 determination was already made when I arrived in
 11 2005 that we needed more water.
 12 Question: And so I take it from your
 13 testimony that you don't have any opinion at
 14 this point about whether the City of Hays needs
 15 more water?
 16 The answer is, I would like to point out
 17 that I stated earlier in my testimony that our
 18 existing sources, I feel, are inadequate.
 19 And the question is, And why do you feel
 20 they are --
 21 The answer is, And I stand by that
 22 statement.
 23 Question: Why do you feel they're
 24 inadequate?
 25 Because I've seen our existing sources dry

1 up during times of drought in 2011, 2012, 2013,
 2 and I understand how susceptible they are to
 3 drought.
 4 Question: And so if the water supply in
 5 the City of Hays, Mr. Dougherty, is inadequate,
 6 is the City of Hays only relying on your opinion
 7 on that?
 8 The answer is, It's my belief that it's
 9 common knowledge in Hays that our existing
 10 sources are not adequate and we need a future
 11 supply to grow.
 12 The question, So are you telling me that
 13 the City of Hays, in seeking to transfer water
 14 from the R9 Ranch, has not received any
 15 professional advice about the future water needs
 16 of the City?
 17 Your answer is, Could you restate that
 18 question, I'm not sure I understand where you're
 19 going with it?
 20 My question is, Sure. Are you telling me
 21 that your testimony is that in conjunction with
 22 the application to transfer water from R9 to the
 23 City of Hays that the City has not received any
 24 professional advice about the future needs of
 25 the City?

1 And the answer is, We have received reports
 2 that show with various population growth
 3 scenarios what the water demand could possibly
 4 be with those growth scenarios. But back to my
 5 original statement, our existing sources are
 6 inadequate and they are entirely inadequate
 7 during times of drought for our existing -- our
 8 existing citizens right now. So this isn't
 9 about future, this is about right now not being
 10 adequate.
 11 Question: Well, I don't really think you
 12 want to tell me that the City of Hays has never
 13 gotten any professional advice about future
 14 needs, and my question is whether there are
 15 entities or individuals who are qualified to
 16 provide that sort of advice that have been
 17 consulted?
 18 Answer: I think you're going to have to be
 19 more specific. If you have a specific report
 20 that you're referring to, I'd be happy to
 21 comment if I have knowledge of it.
 22 Question: Yes, well, tell me about the
 23 specific reports that addressed the need, the
 24 future needs of the City of Hays.
 25 Your answer is, off the top of my head, I

1 can't tell you specific reports that have
 2 addressed water needs.
 3 So is it still your sense that somehow you
 4 didn't understand what we were talking about
 5 there?
 6 **A You were asking if I could recall specific**
 7 **reports and I couldn't, I had not reviewed the**
 8 **record at the time. I was under oath, I was**
 9 **instructed by my attorneys to tell the truth and**
 10 **only answer fully if I knew exactly what I was**
 11 **answering. I did not know specific report**
 12 **titles, names, years, subject matter, and I knew**
 13 **that if I would give a answer that turned out to**
 14 **be incomplete or incorrect that I would be**
 15 **impeached during my testimony here.**
 16 **Q** Well, Mr. Dougherty, you have testified chapter
 17 and verse about the details of this water
 18 transfer project, it seems as if the most
 19 delicate minutia is something that you're able
 20 to recall almost instantly but somehow this
 21 escaped you?
 22 **A Again, you were asking for a specific report**
 23 **that contained a specific needs statement, and I**
 24 **wasn't able to recall that.**
 25 **Q** Well, let's go really to the heart of this,

Page 302

1 then, there's not a needs statement that is
2 included with the WTA application, correct?
3 **A I believe there's several reports, several that**
4 **we cited today that were attached to the water**
5 **transfer application.**
6 Q And you consider those to be water needs
7 applications or water needs reports?
8 **A I believe them showing reports that our existing**
9 **sources are inadequate and that we need water.**
10 Q Is there any report, and I'm sure you know this,
11 Mr. Dougherty, is there any report that is
12 included with the water transfer application
13 that says in the future the City of Hays needs
14 this much water?
15 **A I would have to review the record.**
16 Q I'm sure you do. Let's look -- you recall as
17 part of your deposition that you were provided
18 what's called an errata sheet, do you not?
19 **A I do.**
20 Q And this is it, the court reporter sent this to
21 you, it related to your June 8th of 2023
22 deposition, and you actually go through and make
23 four corrections indicating, of course, that you
24 have, it appears, carefully read the deposition,
25 correct?

Page 303

1 **A Correct.**
2 Q And if one then scrolls down from that a little
3 bit, you then certify under oath that you've
4 read your deposition in the above case and
5 request the above changes be made, none of which
6 have anything to do with what we've just been
7 talking about, correct?
8 **A Correct.**
9 Q So you had an opportunity after your deposition
10 to go and review the records if you were unsure,
11 right?
12 **A Unsure of?**
13 Q Whether there were water needs studies that had
14 been commissioned by the City of Hays?
15 **A I was corrected to review the deposition to**
16 **determine if there were misstatements or things**
17 **that needed to be corrected.**
18 Q And did you go back after the deposition and
19 look to see if a water needs study had been
20 prepared on behalf of the City of Hays?
21 **A I did not.**
22 Q And so where did these documents today come from
23 that you characterize as water needs studies?
24 **A These documents have been part of our records**
25 **for decades.**

Page 304

1 Q So they're part of your records for decades, but
2 you can't tell me at the time whether there's
3 been a water needs study when you're under oath,
4 right?
5 **A I can't tell you a specific study.**
6 Q You weren't asked about a specific study, you
7 were asked about any study?
8 **A I was asked if there was a study determining**
9 **that Hays needed more water, and I don't know if**
10 **I had a study that made that determination.**
11 Q And you still don't, do you?
12 **A I can't tell you without reviewing the record.**
13 Q Okay. You certainly don't have a study that
14 says that in the future you need X amount of
15 water, right?
16 **A We have studies showing our, as we alluded to**
17 **today, we have studies showing that we have**
18 **future water demands, we have current water**
19 **demands, we have maximum daily demands, we have**
20 **population growth projections, and there are**
21 **various lines that cross, meaning our water**
22 **sources are inadequate.**
23 Q Well, I understand what you're saying, but what
24 you have, you've referenced reports, some of
25 which, for example, were from the 1990s that say

Page 305

1 that the City of Hays will need more water, but
2 they don't say how much more water, right?
3 **A I couldn't tell you without looking at the**
4 **specific study.**
5 Q So you don't -- you looked at them probably last
6 night, didn't you?
7 **A I looked at a couple of them last night.**
8 Q And you can't -- you know, that's escaped you?
9 **A I don't have an eidetic memory.**
10 Q The Cities, Mr. Dougherty, are seeking in the
11 application to transfer 6,756.8 acre-feet
12 annually from the R9 Ranch, right?
13 **A That's correct.**
14 Q And the City of Hays in --
15 **A Actually, I would like to clarify that. Up to**
16 **6,756 acre-feet.**
17 Q Fair enough. If the application is approved on
18 the face of the application, then you would have
19 authority to do that, right?
20 **A We could not transfer that much because we have**
21 **a reasonable-needs determination that wouldn't**
22 **allow us to transfer that much.**
23 Q Okay. Well, so reasonable needs is an important
24 consideration, then, as part of the Water
25 Transfer Act process, right?

1 **A Not as part of the Water Transfer Act process,**
2 **as part of the Water Appropriations Act.**

3 Q Okay. So if it's part of the Water
4 Appropriations Act, which it is, do you think
5 that you would be limited under the Water
6 Appropriations Act not to have any limitations
7 imposed by the Water Transfer Act?

8 **A I'm not sure I understand your question.**

9 Q Okay. Do you know why the Water Transfer Act
10 regulations require you, require you to provide
11 a reasonable-needs analysis as part of the
12 application?

13 **MR. TRASTER:** Object, Your Honor,
14 calls for a legal conclusion.

15 **A I don't know the Water Transfer Act requires**
16 **a reasonable needs --**

17 **MR. LEE:** Hold on.

18 **PRESIDING OFFICER:** All right.
19 Mr. Lee, do you have a response?

20 **MR. LEE:** Well, Your Honor, if --
21 but for the fact that -- and Mr. Dougherty
22 has testified as a lawyer for six hours
23 during this proceeding, I suppose one might
24 countenance that objection, but the -- he
25 has repeatedly said this is what this

1 **MR. LEE:** There are in the
2 regulations which is what the question was.

3 **MR. TRASTER:** But the question was
4 whether there's anything in the Water
5 Transfer Act itself, and there's nothing in
6 there about needs. There are some -- there
7 are some regulations about what it takes to
8 file and complete applications, but it's
9 not a Water Transfer Act requirement.

10 **MR. LEE:** Well, Your Honor, the
11 regulations implement the Water Transfer
12 Act, and that's the question that's pending
13 on the floor.

14 **PRESIDING OFFICER:** Okay. I'll
15 sustain the objection, rephrase the
16 question so that it accurately reflects
17 you're asking him about the statute or
18 regulations, which one you're asking about.

19 **BY MR. LEE:**

20 Q Mr. Dougherty, do you know why the Water
21 Transfer Act implementing regulations require
22 that the application include a future water
23 needs analysis?

24 **A I do not.**

25 Q And do you know why your application did not

1 means, this is what this regulation means,
2 this is what this document means, and my
3 question is only do you know why the --
4 there is a requirement for a needs analysis
5 as part -- as part of the WTA process.

6 **MR. TRASTER:** Calls for a legal
7 conclusion.

8 **PRESIDING OFFICER:** All right. I'm
9 going to sustain the objection, why don't
10 you rephrase your question, ask him as a
11 layperson if he knows what it means, and
12 we'll just correct it that way.

13 **BY MR. LEE:**

14 Q Mr. Dougherty, as a layperson, do you know why
15 the Water Transfer Act regulations require that
16 the application include a future water needs
17 analysis?

18 **A I would have to look at the Water Transfer Act**
19 **to see if there's a requirement for future needs**
20 **analysis.**

21 Q Let me represent to you that there is.

22 **A I would have to look at the water --**

23 **MR. TRASTER:** I object, there's
24 nothing in the Water Transfer Act about
25 needs that I've seen.

1 include one?

2 **A I would have to review my application to ...**

3 Q To determine that?

4 **A To determine if something was included or not**
5 **that addressed that.**

6 Q That's not my question. Let me represent to you
7 that it was not included. So do you know why it
8 was not included?

9 **A I am not going to speculate on that because I**
10 **would have to review the application to see if**
11 **anything met that requirement.**

12 Q No, you don't understand my question. I'm
13 telling you that it doesn't include a water
14 needs analysis, I'm asking you if you know why
15 that is true?

16 **A I do not.**

17 Q Hays, Mr. Dougherty, in 2020 used
18 1792 acre-feet, am I correct about that?

19 **A I would have to review the water use reports to**
20 **determine usage.**

21 Q If Mr. Hamilton said that, would you accept that
22 as the right figure?

23 **A Again, I would have to review; Hays uses**
24 **approximately 2,000 acre-feet on an annual**
25 **basis.**

Page 310

1 Q And that's been consistently the case in recent
2 years?
3 A **For the most part, yes.**
4 Q So if you say that it uses in general
5 2,000 acre-feet per year, then the City of
6 Russell, I think, uses about 1,000 acre-feet; is
7 that right?
8 A **I can't speak for the City of Russell's exact
9 usage, but I do believe it's around or slightly
10 in excess of 1,000 acre-feet.**
11 Q So the combined application on behalf of the two
12 Cities would be coming from Cities that in
13 recent years cumulatively, between the two of
14 them, have used 3,000 acre-feet per year,
15 correct?
16 A **Correct.**
17 Q And so the application is for the authority to
18 use up to 7,000 acre-feet, correct?
19 A **6,756 acre-feet.**
20 Q You have a good memory about figures like that,
21 so some things you can remember and some things
22 you can't?
23 A **Apparently.**
24 Q About the application?
25 A **Apparently.**

Page 311

1 Q So that figure of 6700 acre-feet is more than
2 twice what the Cities are presently using,
3 right?
4 A **Correct.**
5 Q So it states, back to, I think, your
6 observation, the water transfer application
7 requires that transfers be limited to the
8 Cities' reasonable needs. Would you agree with
9 me?
10 A **I would have to review the record, I'm not
11 familiar with that requirement.**
12 Q Have you ever reviewed the water transfer
13 application?
14 A **I have but, again, I don't have an eidetic
15 memory.**
16 Q When's the last time you reviewed it?
17 A **Several weeks ago.**
18 Q Not any time during this hearing or immediately
19 before?
20 A **No.**
21 Q Do you as a layperson think that the Cities are
22 entitled to more than the reasonable needs in
23 terms of what is approved by the Water Transfer
24 Act application?
25 A **To clarify, are you asking if I think we are**

Page 312

1 **entitled to the approval of 6,756 acre-feet of
2 water --**
3 Q I am not.
4 A **-- for municipal use?**
5 Q I am not. I'm asking you whether you believe
6 that the Cities are entitled to approval of an
7 amount of water that exceeds the reasonable
8 needs?
9 A **I'm not going to answer that question.**
10 **MR. LEE:** Your Honor.
11 **PRESIDING OFFICER:** Well, you're
12 asking him for an opinion, why don't you
13 clarify for the record if you're asking
14 him -- what capacity you're asking him to
15 offer that sort of opinion as to what his
16 belief is.
17 **BY MR. LEE:**
18 Q Well, I would offer -- I would ask you to offer
19 your opinion as the city manager for the City of
20 Hays and the person who has been presented as
21 the witness for the City of Hays as being
22 presumably the most knowledgeable about the
23 application in terms of its holistic sense?
24 A **You asked me about water in excess of reasonable
25 needs. I would like to know your definition of**

Page 313

1 **reasonable needs, are you asking about the
2 reasonable-needs limitation that was included in
3 the Master Order issued by the chief engineer?**
4 Q Well, actually, I'm not trying to use technical
5 language, Mr. Dougherty. I'm saying do you
6 believe in your capacity as I just framed that
7 the Cities are entitled to more water than they
8 reasonably need?
9 A **I want to qualify my answer by stating I am
10 basing the reasonable-needs answer off of the
11 reasonable-needs limitation in the Master Order.
12 Yes.**
13 Q And so framed another way, you believe the
14 Cities are entitled to more water than they
15 need?
16 A **I believe the Cities are entitled for enough
17 water to allow us to grow into the future and
18 make sure that the R9 represents a viable source
19 50 to 75 years into the future and that that
20 water is going to be available for use during
21 that time frame, and I don't know what the needs
22 are going to be 75 years from now.**
23 Q And you don't know what the needs are going to
24 be because you don't have a reasonable-needs
25 analysis, correct?

1 **A I don't know what the needs are going to be**
2 **because I can't predict the future.**
3 Q And if you had a reasonable-needs analysis, then
4 that would assist you, would it not?
5 **A If the reasonable-needs analysis could predict**
6 **the future, I guess, but we don't know what's**
7 **going to happen in the future.**
8 Q What do you think a reasonable-needs analysis is
9 intended to do?
10 **A I would like to -- I don't know what a**
11 **reasonable-needs analysis is.**
12 Q Never heard of it?
13 **A In conjunction with the Master Order, there was**
14 **a reasonable-needs limitation, but I'm not sure**
15 **what you're referring to by reasonable-needs**
16 **analysis.**
17 Q Well, a reasonable-needs analysis would predict
18 the amount of water that the applicant would
19 need in the future. Is that understandable
20 enough?
21 **A Okay.**
22 Q And so if you had a reasonable-needs analysis,
23 using that definition, you would have a better
24 idea of what your needs are in the future,
25 correct?

1 **speculate on your definition.**
2 Q Okay. Well, let's just focus on my definition.
3 Would it not be the case that if you had a
4 reasonable-needs analysis, meaning a study to
5 predict how much water the Cities would need in
6 the future, that you would be better able to
7 know how much water the Cities would need in the
8 future?
9 **A I don't think so.**
10 Q And do you have a reason for that?
11 **A Again, because I think it's hard to predict the**
12 **future.**
13 Q And isn't that what a reasonable-needs analysis
14 is designed to assist with?
15 **A I'm not going to speculate, again, on your**
16 **definition of a reasonable-needs analysis. Our**
17 **needs are immediate and we have future needs**
18 **that are uncertain and variable.**
19 Q So you don't know -- pardon me. You don't know
20 what your future needs will be?
21 **A I can't state exactly what our future needs will**
22 **be. Our existing sources are inadequate.**
23 Q Okay. Can you state approximately what your
24 future needs are going to be?
25 **A I cannot.**

1 **A Does this reasonable-needs analysis take into**
2 **account our existing sources are inadequate now?**
3 Q A reasonable-needs analysis would take into
4 account how much water the Cities would need in
5 the future.
6 **A Okay.**
7 Q And so if you had one, you would be better able
8 to predict what your needs would be; is that
9 correct?
10 **A I'm not sure that is correct.**
11 Q And why is it not correct?
12 **A Because I'm not sure what you mean specifically**
13 **by reasonable-needs analysis, there's a lot of**
14 **factors that would go into something like that,**
15 **and I'm not sure your -- your definition of**
16 **reasonable-needs analysis would match up the**
17 **definition of a reasonable-needs analysis of the**
18 **Cities of Hays and Russell.**
19 Q So you have a definition of a reasonable-needs
20 analysis?
21 **A I do not.**
22 Q So how would you know that the definition that I
23 just gave you somehow conflicts with the City of
24 Hays and City of Russell?
25 **A I don't know, I'm just saying I don't want to**

1 Q Because you don't know, right?
2 **A Because I can't predict the future.**
3 Q Because you don't know?
4 **A Because I can't predict the future.**
5 Q Because you do not know, correct?
6 **MR. TRASTER:** Asked and answered.
7 **PRESIDING OFFICER:** Sustained, move
8 on.
9 **BY MR. LEE:**
10 Q You testified yesterday that, and again today,
11 that the existing sources of the City of Hays do
12 not meet daily demands, what does that mean?
13 **A That means during droughts they will not meet**
14 **daily demands. We submitted a report, along**
15 **with our prefiled expert testimony, that**
16 **demonstrates how susceptible our sources are to**
17 **exceptional, decadal, and multidecadal droughts.**
18 Q So it would be true, however one defines the
19 existing demands or daily demand, there's never
20 been a customer in Hays that has had his or its
21 water cut off, right?
22 **A Not in my tenure.**
23 Q You referred yesterday not by name,
24 Mr. Dougherty, but to your economist, is that
25 Mr. Hamilton?

Page 318

1 A Yes.

2 Q And is Mr. Hamilton someone that has been
3 retained as an expert by the Cities?

4 A Yes.

5 Q Do you trust his analysis and judgment?

6 A **I think you would have to be more specific on
7 what you're asking me to trust.**

8 Q His analysis and judgment?

9 A **I -- again, I think you would -- ask me to --
10 ask me a specific portion of his testimony you
11 would like me to exhibit trust in.**

12 Q So are there -- I take it there must be parts of
13 Mr. Hamilton's testimony that you have reviewed
14 and don't agree with?

15 A **I have viewed Mr. Hamilton's testimony, I have
16 not committed it to memory.**

17 Q So if you have reviewed it and did not agree
18 with some of it, do you think that would have
19 stuck with you?

20 A **Possibly, yes.**

21 Q And possibly or yes?

22 A **Possibly, yes.**

23 Q So let's look at a part of Mr. Hamilton's expert
24 report. We're looking at the Hamilton expert
25 report, a portion of it, Mr. Dougherty, that is

Page 319

1 paragraph 115 -- or, no, I'm sorry, it is part
2 of his -- part of his direct testimony -- or
3 rebuttal testimony. And he makes the statement
4 that, and I'll just read it, Specifically for
5 Hays, the initial water use is set at
6 1792 acre-feet in my report compared to 2009
7 acre-feet in the HE, which refers to the Harvey
8 Economics report. For Russell, the initial
9 water use is set at 974 acre-feet as compared to
10 1,078 acre-feet in the Harvey Economics report.
11 So that goes back to my question about usage for
12 the City of 1792, he is, I assume, correct about
13 that usage?

14 A **I don't -- I couldn't tell you our exact usage.
15 Again, it's an approximation for me, it's around
16 2,000 acre-feet.**

17 Q This is taken from the Hamilton expert report,
18 I'll represent to you, Mr. Dougherty, and he
19 says that the -- during a decadal drought, and
20 what is, if you know, what is a decadal drought?

21 A **I believe a decadal drought is a drought that
22 persists for up to ten years.**

23 Q And you used that -- that terminology in your
24 direct testimony, did you not?

25 A Yes.

Page 320

1 Q And so did you know precisely what a decadal
2 drought meant when you were testifying?

3 A **I know what I believe a decadal drought is.**

4 Q Okay. So Mr. Hamilton says, During a decadal
5 drought, for example, Hays firm water yield will
6 decline to 800 acre-feet per year resulting in
7 devastating losses to the City. Do you know
8 what firm water yield is?

9 A **I believe he is referring to the amount of water
10 that we could actually produce in a given year.**

11 Q And so he is -- his conclusion is 840 acre-feet
12 per year during a decadal drought, right?

13 A Yes.

14 Q Okay. Do you agree with that number?

15 A **That is the number that is pulled from the
16 wellfield yield report from our --**

17 Q Okay.

18 A **-- other expert.**

19 Q And, in fact, let's look at that, that's
20 slide 3. This is what you just referenced, the
21 McCormick wellfield yield report, right?

22 A **It's part of it, correct.**

23 Q And in the column under decadal drought, it has
24 at the bottom a total number of 840 acre-feet
25 per year. Did I read that correctly?

Page 321

1 A **Correct.**

2 Q So both of these experts are -- are saying that
3 during a ten-year drought that the City of Hays
4 would have available at a minimum 840 acre-feet
5 of water, right?

6 A **That's what they're saying.**

7 Q Okay. And you don't disagree with that, do you?

8 A **My personal opinion is I think Mr. McCormick is
9 being optimistic.**

10 Q And so what is your personal opinion based on?

11 A **My personal opinion is based off of watching the
12 water levels go down in the Smoky Hill River
13 aquifer.**

14 Q But these two -- two individuals, Mr. Hamilton
15 and Mr. McCormick, are the retained experts for
16 the City, right?

17 A **Correct.**

18 Q So you talked about a report or a relationship
19 that the Cities would have had with an
20 individual whose name was Bob Vincent?

21 A **Correct.**

22 Q And that was back in the '90s, I think; is that
23 right?

24 A **I believe so.**

25 Q Okay. The -- Mr. Vincent prepared a report,

1 which have you -- have you seen the report?
2 **A I've seen many reports with Mr. Vincent's name,**
3 **you'll have to be more specific.**
4 **Q** Okay. Well, a November 17th, 1994 report, he
5 basically states to the Cities that R9 is not a
6 viable option. Do you recall that?
7 **A I do not.**
8 **Q** Okay. And he also says in that same report that
9 R9 would produce, and this is in the '90s around
10 the time that the Cities were considering
11 acquiring the property, that it would produce
12 1400 acre-feet of potable water. Do you recall
13 that?
14 **A I do not.**
15 **Q** Okay. But that report is part of the record, I
16 believe, is it not?
17 **A I would have to look at the specific report.**
18 **Q** Okay. You were asked about an Exhibit 127,
19 which is a -- it was a letter actually from
20 Black & Veatch where they were discussing a
21 study to determine safe yield or firm yield. Do
22 you recall that?
23 **A Is it the 2003 study?**
24 **Q** It's -- I don't have a date in front of me, but
25 it's, I believe, older than that. It's

1 **not familiar really with the term --**
2 **Q** Okay.
3 **A -- firm yield.**
4 **Q** So what did Black & Veatch conclude was the safe
5 yield?
6 **A I would have to review the report to tell you**
7 **that.**
8 **Q** Have you ever reviewed the record?
9 **A I believe I've seen this report.**
10 **Q** And --
11 **A But I don't recall off the top of my head.**
12 **Q** -- how recently did you review it?
13 **A I cannot recall that.**
14 **Q** So the WTA application, Mr. Dougherty, is -- is
15 premised on a projected 2 percent population
16 growth rate, right?
17 **A I don't know if I can answer that. I know the**
18 **reasonable-needs limitation in the Master Order**
19 **is based off a 2 percent population growth but**
20 **I'm --**
21 **Q** Well, we can help with that. We can proceed,
22 Mr. Dougherty, while we look for that document.
23 **MS. LEE:** It's pulled up now, sorry.
24 Oh, sorry.
25 **BY MR. LEE:**

1 Exhibit 127, which perhaps we could display.
2 **MR. TRASTER:** Just for the record,
3 we're happy to display it.
4 **MR. LEE:** Thank you, we're there.
5 **MS. LEE:** Sorry, sorry, user error
6 on my part.
7 **MR. TRASTER:** I'm glad I never make
8 computer errors.
9 **MS. LEE:** Okay. I think I have it.
10 **MR. LEE:** Okay, you do. If you
11 could make that just a tad bit bigger.
12 **MS. LEE:** Yeah.
13 **BY MR. LEE:**
14 **Q** I really -- Mr. Dougherty, about this, this is
15 actually a letter from Black & Veatch to the
16 City of Hays, Mr. Paul Montoia, it's dated
17 July 19 of 1996, and the first sentence says,
18 Black & Veatch is pleased to submit this letter
19 of proposal for completion of a safe yield study
20 for the Dakota wellfield, and then under the
21 study purpose that's also highlighted, this
22 study is to determine the safe yield of Hays
23 Dakota wellfield. So safe yield is a synonym
24 for firm yield, is it not?
25 **A I'm not sure how he's using safe yield, and I'm**

1 **Q** My question was which -- and I will represent to
2 you that the water transfer application assumes
3 a 2 percent growth rate, population growth rate.
4 Is that something you're just not aware of or
5 that you dispute?
6 **A It's something I did not recall.**
7 **Q** So you don't dispute it, you just don't recall
8 it?
9 **A Correct.**
10 **Q** Okay.
11 **MS. LEE:** And it is pulled up now.
12 Sorry to interrupt.
13 **BY MR. LEE:**
14 **Q** This is from the WTA application, and it recites
15 that the 2010 population and 2017 population
16 estimates are from the U.S. Census. Population
17 projections for 2026 and 2036 are based on a
18 2 percent annual population growth as approved
19 by the chief engineer. So that probably
20 refreshes your memory, doesn't it?
21 **A The phrase as approved by the chief engineer**
22 **indicates that this is part of the**
23 **reasonable-needs analysis limitation that was**
24 **included in the Master Order.**
25 **Q** And it's -- the population projections are based

Page 326

1 upon a 2 percent projection, right?

2 **A Yes.**

3 **Q** Okay. So we would agree that that figure is

4 incorrect, wouldn't we, that population growth

5 estimate?

6 **A I would not.**

7 **Q** Did you -- did you, the Cities or through your

8 attorneys, hire a woman whose name is Ms. Haase?

9 **A Ms. Haase, yes.**

10 **Q** Okay. Let's -- let's look at her direct

11 testimony. This is from, and I apologize for

12 the mispronunciation of Ms. Haase's name, she is

13 asked the question, What is the purpose of your

14 direct testimony?

15 Her answer is, My opinions are set forth in

16 detail in my expert report, but in general, my

17 testimony relates to Hays' population

18 projection.

19 The question is then, In summary, what did

20 you conclude?

21 The answer is, I conclude within a

22 reasonable degree of professional certainty that

23 an estimated growth rate of 1 percent annually

24 over the next 10 to 20 years is likely for the

25 City of Hays.

Page 327

1 So I'm assuming since that's the Cities'

2 expert that you agree with that number?

3 **A I agree with Ms. Haase.**

4 **Q** So that would then mean that the WTA application

5 is overstated by two, right?

6 **A No, there are two separate calculations.**

7 **Q** Okay. Well, tell me how those calculations

8 differ.

9 **A The 2 percent is a calculation utilized for a**

10 **reasonable-needs limitation authorized by the**

11 **chief engineer which is a cap on our existing**

12 **water sources.**

13 **Q** Well, it says this is the population projection,

14 does it not --

15 **A I believe --**

16 **Q** -- if you go back and look at it?

17 **A I believe it is taken from the Master Order as**

18 **part of the reasonable-needs limitation.**

19 **Ms. Haase was asked to weigh in on the potential**

20 **of Hays experiencing future growth.**

21 **Q** Well, Mr. Dougherty, are you saying that the WTA

22 application says something other than what it's

23 saying?

24 **A I'm saying they're different endeavors.**

25 **Q** Does it not say, does the WTA application not

Page 328

1 say that it is premised in terms of population

2 growth on a 2 percent rate?

3 **A What is stated is a regurgitation of what was in**

4 **the Master Order with a reasonable-needs**

5 **analysis which puts a cap on Hays and Russell's**

6 **water sources.**

7 **Q** Let's go back and look at it again. So the

8 question that's being answered here,

9 Mr. Dougherty, is, If applicable, the population

10 projections for any public water supply system

11 that will be supplied by the water transfer and

12 the basis for those projections, so would you

13 agree that I read that correctly?

14 **A Yes, sir.**

15 **Q** And it shows below that in the highlighted part

16 the 2010 population and the 2017 population

17 estimates are from the U.S. Census. Population

18 projections for 2026 and 2036 are based on

19 2 percent annual population growth as approved

20 by the chief engineer. So that's using a

21 2 percent figure for population growth, is it

22 not, in response to the question, If applicable,

23 population projections for any public water

24 supply system that will be supplied by the water

25 transfer and the basis for those projections?

Page 329

1 **A It is using a 2 percent population growth**

2 **estimate as approved by the chief engineer as**

3 **part of our reasonable-needs limitation as part**

4 **of the Master Order development.**

5 **Q** Well, let's -- let's go back to the question

6 that sort of started this colloquy. Is

7 2 percent not twice as much as 1 percent?

8 **A Yes.**

9 **Q** And so does not the application use a population

10 growth that is two times what your expert says

11 is the reasonable expectation?

12 **A They are different applications of population**

13 **projections, meant for different outcomes.**

14 **Q** Which one is right?

15 **A I don't know.**

16 **Q** So --

17 **A I can't predict the future.**

18 **Q** Okay. So Ms. Haase could be wrong too, I take

19 it?

20 **A It's possible, yes.**

21 **Q** And she could be wrong up or she could be wrong

22 down, correct?

23 **A Correct.**

24 **Q** One of the things that you talked about, and

25 this relates to the question of water needs,

1 Mr. Dougherty, you testified, and we've seen
 2 this in other places, that the R9 project is
 3 going to be developed in phases; is that
 4 correct?
 5 **A That's the intent.**
 6 Q And you said yesterday that that is, at least in
 7 part, because the Cities do not need all the
 8 water, right?
 9 **A Correct.**
 10 Q Okay. Let's talk a little bit about the cost of
 11 the project and financing of it. The -- I think
 12 we'll hear about this from one of your experts,
 13 but the current cost estimate for the capital
 14 expenditures for the project are in excess of
 15 \$130 million, right?
 16 **A Correct.**
 17 Q And that estimate is exclusive of operating and
 18 maintenance costs, true?
 19 **A Correct.**
 20 Q It's also the case that at some point down the
 21 road the City will need to construct a water
 22 treatment plant?
 23 **A Incorrect.**
 24 Q Okay. Let's look at your deposition at
 25 page 141. Which by the way I have a copy if

1 Q It's also true, is it not, Mr. Dougherty, that
 2 the Cities have at this point not secured any
 3 rights-of-way for the necessary pipeline?
 4 **A We have not.**
 5 Q In terms of paying for the project, one of the
 6 things you said, and I think this is at least
 7 close to a quote, that the Cities have a
 8 substantial amount of money in the water sales
 9 tax account. Is that -- is that consistent with
 10 your testimony yesterday?
 11 **A Correct.**
 12 Q What's the figure?
 13 **A I don't know to the dollar, approximately**
 14 **\$45 million.**
 15 Q Okay. And the -- the cost of the project,
 16 again, is going to be about 138 million
 17 projected; is that right?
 18 **A I couldn't tell you, I think 134 sticks in my**
 19 **memory.**
 20 Q Okay. And it is true, is it not, that the City
 21 has never obtained a water impact -- or water
 22 rate impact analysis?
 23 **A We have.**
 24 Q You have?
 25 **A We had a study done in, I don't remember the**

1 that would be of benefit to you?
 2 **A Not right now.**
 3 Q Okay. So the highlighted part at the bottom,
 4 simply my question is, So some sort of new water
 5 treatment plant?
 6 And your answer is, In the future, yes.
 7 So was that question and answer, was that
 8 answer to that question incorrect?
 9 **A It was a misstatement on my part. You asked**
 10 **about a treatment plant. We might have to add a**
 11 **treatment process to our existing plant, reverse**
 12 **osmosis, in the future if we -- reverse osmosis**
 13 **or something similar in the future depending on**
 14 **the threshold.**
 15 Q And so it is -- it is true that you carefully
 16 read your deposition after you received it,
 17 right?
 18 **A Yes.**
 19 Q And it's true that you filled out an errata
 20 sheet under oath, correct?
 21 **A Yes.**
 22 Q And you didn't correct that, right?
 23 **A I didn't notice that.**
 24 Q But you noticed the punctuation issues?
 25 **A Apparently.**

1 **year, 2013, '14, something like that, the**
 2 **finance director had a water rate study done,**
 3 **and the city commission raised water rates in, I**
 4 **believe, 2018, something like that.**
 5 Q Well, let me just read to you -- well, we can
 6 look at it, it's at page 150 of your deposition.
 7 And my question to you on this topic was, Has
 8 the City or if -- has the City of Hays or if you
 9 know the City of Russell undertaken a rate or
 10 fee impact analysis for purposes of the R9
 11 project?
 12 Your answer is, I can't speak for the City
 13 of Russell. The City of Hays has not because we
 14 don't intend to address rates to pay the
 15 project.
 16 Is that incorrect?
 17 **A No.**
 18 Q So is what you're saying today incorrect, you
 19 said you have done a rate analysis?
 20 **A Not for this project. We did a rate analysis**
 21 **because we had been underfunding our capital**
 22 **infrastructure.**
 23 Q So it would be true, then, that for purposes of
 24 determining what, if any, impact the R9 project
 25 would have, the City has not undertaken a rate

Page 334

1 analysis?
2 **A We have not because we do not have -- it's our**
3 **intent to build the project without affecting**
4 **rates. If there are future costs that -- O&M**
5 **costs that could affect rate, we don't know what**
6 **they are yet because the project has not been**
7 **designed. That would take place after the**
8 **project has been designed to a point where we**
9 **could determine what those costs were and how it**
10 **would affect rates.**
11 Q Who is Kim Rupp?
12 **A Kim Rupp is the finance director.**
13 Q And how long has he been the city finance
14 director?
15 **A I believe since 2007.**
16 Q And you would recall, I think, that he during a
17 city commission meeting, when the cost of the
18 project was estimated to be \$66 million,
19 provided an estimate that water rates would
20 increase by 70 percent?
21 **A I believe you have mentioned something before to**
22 **that effect, but I would have to see the exact**
23 **minutes to be specific.**
24 Q Okay. But you're not disputing that?
25 **A No.**

Page 335

1 Q Okay. So I take it sort of as an overarching
2 matter, Mr. Dougherty, that you or perhaps the
3 City at large thinks that if you don't get the
4 amount of water that you're seeking here and get
5 something less than that, or nothing at all of
6 course, but if you get something less than that,
7 that you can't finance it, is that a correct
8 understanding of your opinion?
9 **A I say my opinion is it would -- it could be**
10 **difficult to finance the project if the source**
11 **of water, the quantity of water does not exceed**
12 **the life span of the infrastructure.**
13 Q So what would be -- I guess you just have to
14 elucidate for me, why is the life span of the
15 structure contingent upon how much water is
16 going to be approved?
17 **A Because I don't think we want to build**
18 **infrastructure that is not beneficial in the**
19 **future, and if we don't have enough water to**
20 **satisfy future needs and we have to build**
21 **redundant infrastructure to another water source**
22 **that's quite a distance away, that means we're**
23 **going to have possibly competing payments for**
24 **infrastructure.**
25 Q So you're not saying, I don't think, that --

Page 336

1 that somehow what the Cities were planning to do
2 would exhaust the resources of the R9 Ranch?
3 **A We have no intention of exhausting the**
4 **resources, it's a sustainable source.**
5 Q And so that would be particularly true if less
6 water was approved than the amount of water
7 you're seeking?
8 **A If less water were to be considered, we might**
9 **not be following the water transfer process.**
10 Q Well, but my question is if -- if at
11 4800 acre-feet per year you're confident that
12 you won't exhaust the resources at the R9 Ranch,
13 that certainly would be true if that figure was,
14 to pick a number, 2,000 acre-feet, right?
15 **A Correct.**
16 Q And in terms of the financing piece of this,
17 Mr. Dougherty, the City hasn't gone very far
18 down the road in terms of that analysis. Is
19 that a fair statement?
20 **A Could you be more specific?**
21 Q Sure. You haven't consulted bond counsel, for
22 example, right?
23 **A We have not. We have consulted with the KDHE**
24 **state revolving loan fund, and we have done a**
25 **consultation with the EPA through their WIFIA**

Page 337

1 **financing program.**
2 Q And do you have any commitments?
3 **A We have letter -- we have actually a commitment**
4 **from the state revolving loan fund, we're on**
5 **their intended use plan, and we have a**
6 **commitment for funding from them.**
7 Q In what amount?
8 **A \$100 million for the wellfield and 34 million**
9 **for the -- or 100 million for the wellfield, 34**
10 **for the pipeline.**
11 Q And is that a document that's part of the
12 record?
13 **A It's a document we only received a couple weeks**
14 **ago.**
15 Q Will you produce that for your lawyers?
16 **A I can.**
17 Q And in terms of that document -- and what should
18 I call it?
19 **A I would call it the state revolving loan fund.**
20 Q Okay. In the case of the state revolving loan
21 fund, what sort of contingencies are entailed?
22 **A I couldn't tell you because all we did is make**
23 **an application for funding and were notified**
24 **that we are eligible for funding. But all of**
25 **the paperwork would have to be filed once the**

1 **project was designed and before it would be bid.**
2 **The application, I believe, was based off of the**
3 **4800 acre-feet on an annual basis, plus future**
4 **benefit.**

5 Q Well, let's be sure we're talking about the same
6 thing because I asked you about a commitment,
7 you just said that you are eligible. I think
8 there's a difference, is there not?

9 A **What I'm saying is we have been notified that we**
10 **are eligible for funding, we have been selected**
11 **for funding. But that's not a commitment; a**
12 **commitment is a contract based off of firm**
13 **terms, based off of an amount. Right now we**
14 **have been notified that we are eligible to**
15 **receive funding up to this amount, with a**
16 **certain amount of loan forgiveness, but the**
17 **details have to be worked out once the project**
18 **is further down the road.**

19 Q Okay. So when I use the word commitment, do you
20 know what I'm talking about?

21 A **I'm not sure.**

22 Q The -- I think the best way for our purposes is
23 to say has somebody contractually told you that
24 they will lend you \$130 million?

25 A **I'm not sure I can make that statement right now**

1 **without reviewing the records.**

2 Q Well, will you produce those records to us so
3 that we can review them?

4 A **I have to consult with my attorneys first but**
5 **pending their approval, yes.**

6 Q When we took your deposition, Mr. Dougherty, you
7 made the statement that the Cities do not have
8 any firm plans for how the project will be
9 financed. Do you recall that testimony?

10 A **Correct.**

11 Q And has that changed since your deposition?

12 A **No.**

13 Q What percentage of the R9 project is complete at
14 this point?

15 A **Of the R9 project?**

16 Q Yeah.

17 A **No percent of the project.**

18 Q Zero?

19 A **Correct.**

20 Q Okay. Let's then look at the question of
21 conservation and review a document. The -- this
22 is taken, and you and I have discussed this in
23 your deposition, but it's useful for Judge
24 Spurgin to hear, this is a recitation, as you
25 will recognize, about conservation measures in

1 **without reviewing the records.**

2 Q Well, will you produce those records to us so
3 that we can review them?

4 A **I have to consult with my attorneys first but**
5 **pending their approval, yes.**

6 Q When we took your deposition, Mr. Dougherty, you
7 made the statement that the Cities do not have
8 any firm plans for how the project will be
9 financed. Do you recall that testimony?

10 A **Correct.**

11 Q And has that changed since your deposition?

12 A **No.**

13 Q What percentage of the R9 project is complete at
14 this point?

15 A **Of the R9 project?**

16 Q Yeah.

17 A **No percent of the project.**

18 Q Zero?

19 A **Correct.**

20 Q Okay. Let's then look at the question of
21 conservation and review a document. The -- this
22 is taken, and you and I have discussed this in
23 your deposition, but it's useful for Judge
24 Spurgin to hear, this is a recitation, as you
25 will recognize, about conservation measures in

1 Hays. And the statement, and it's worth
2 reading, says, Hays currently uses a variety of
3 methods to encourage and maintain conservation.
4 For example, the City has installed
5 high-efficiency fixtures in all city-owned
6 properties. Is that correct?
7 A **Yeah.**
8 Q It uses treated effluent from its municipal
9 sewage treatment plant for irrigation purposes,
10 allocating approximately 25 percent of the
11 treated water to irrigate local outdoor
12 recreational facilities. Is that correct?
13 A **As an average, some years it can be more.**
14 Q Okay. To discourage excessive water use, the
15 City has adopted increasing block water rates
16 that penalize excessive water uses; is that
17 correct?
18 A **Yes.**
19 Q Hays also offers various incentives to its
20 residents to promote water conservation,
21 including free low-flow showerheads and faucet
22 aerators, rebates for high-efficiency
23 appliances, and rebates for converting irrigated
24 turf grass to water-efficient, drought-tolerant
25 landscaping. Is that correct?

1 A **Yes.**
2 Q In addition, Hays has the only cash-for-grass
3 program east of the Rocky Mountains and north of
4 Texas. Is that right?
5 A **At the time, it was correct.**
6 Q Other cities, I take it, have now done something
7 along those lines?
8 A **I don't know but I know at the time that was**
9 **correct.**
10 Q Okay. And it goes on to say, Hays also uses
11 compulsory measures to ensure conservation.
12 During summer months, the City prohibits outdoor
13 water use from noon to 7:00 p.m., and it has
14 year-round water restrictions including
15 forbidding washing down hard surfaces like
16 driveways or windows. Is that right?
17 A **That's correct.**
18 Q Today, Hays is currently the only city in Kansas
19 that has adopted the green plumbing code, which
20 requires reduced-flow appliances and fixtures to
21 encourage water conservation. So, finally, is
22 that correct?
23 A **At the time it was correct.**
24 Q Okay. Meaning that as far as you know it's
25 still correct?

Page 342

1 **A Meaning at the time it was. I don't know what**
2 **other codes cities have adopted since then.**
3 Q Okay.
4 **MR. TRASTER:** Can we have -- can we
5 have some identification what document that
6 is being referred to, is this -- is it an
7 exhibit, what is this?
8 **MR. LEE:** This is the Hamilton
9 report.
10 **MR. TRASTER:** Thank you.
11 **BY MR. LEE:**
12 Q So it's true we just reviewed these conservation
13 measures, and it's the City's intent to keep
14 those conservation measures in place whether the
15 water transfer application is approved or not,
16 right?
17 **A Correct.**
18 Q And along those lines, it's also true that the
19 City is not looking to dramatically increase the
20 City's water usage, right?
21 **A I can't answer that.**
22 Q Well, let's look at Exhibit 11. And if we can
23 make that just a little larger. You're quoted
24 here, Mr. Dougherty, saying that we're not
25 looking to dramatically increase our water use.

Page 343

1 So actual quote?
2 **A Could you give me the context of this document,**
3 **please.**
4 Q Sure, go back up to the top.
5 **A Can you tell me the publication and the year?**
6 Q Well, I think that the publication is The
7 Climatewire, and the publication date is
8 July 15th, 2022 at 7:04 a.m.
9 **A Thank you.**
10 Q So is the City looking to dramatically increase
11 water use?
12 **A Dramatically is a subjective statement. I am**
13 **not looking to dramatically increase the City's**
14 **water usage, and I don't believe any city**
15 **commission currently or staff is looking to**
16 **dramatically increase the City's water usage.**
17 Q And it is also true, I think, Mr. Dougherty,
18 that even if the project is approved, the City
19 is -- is not looking to recruit a water
20 intensive industry?
21 **A I can't tell you what future city commissions or**
22 **economic development may recruit. I can just**
23 **tell you the temperament is that we have avoided**
24 **water excessive industries in the past, and so**
25 **there would have to be a value judgment made on**

Page 344

1 **anything in the future.**
2 Q So as an example, a meatpacking plant is
3 probably not on the list. Is that -- is that
4 fair?
5 **A I think that depends on the conservation**
6 **measures they could put in place.**
7 Q Okay. Well, you at least have been quoted as
8 saying you're not looking to recruit water
9 intensive industries, so is that -- is that --
10 I'm not looking for you to have a global -- a
11 globe to look forward to make that
12 determination, I'm talking about right now?
13 **A I have stated that that is not our intent by**
14 **developing the R9 as a project.**
15 Q So if this project is -- is approved, then the
16 engineering fees that will accrue to Burns &
17 McDonnell are in the neighborhood of \$8 million;
18 is that right?
19 **A Burns & McDonnell was awarded a \$8 million**
20 **design contract for the wellfield and pipeline**
21 **project.**
22 Q Which that, of course, is contingent upon
23 whether the R9 project moves forward, right?
24 **A The contracts?**
25 Q Yes.

Page 345

1 **A They are not.**
2 Q So they may be paid even if the project doesn't
3 move forward?
4 **A They are paid to design a project.**
5 Q And so if it's not approved, do you plan to go
6 ahead and design the project?
7 **A Design is being -- taking place right now.**
8 Q Okay. So the -- would the -- is that to any
9 degree contingent upon approval of the water
10 transfer?
11 **A You mean the contracts themselves?**
12 Q Do you have any ability to say to Burns &
13 McDonnell, you need to stop because we can't
14 transfer any water?
15 **A I would have to look at the contracts, I'm**
16 **not --**
17 Q Do you think that you do?
18 **A I would have to look at the contracts, I'm not**
19 **speculating on that.**
20 Q Would you have gone into negotiation with them
21 typically and said, we don't care whether we get
22 the Water Transfer Act application approved, we
23 will have you design the project?
24 **A It was assumed we were doing the project, and we**
25 **wanted to make sure that we had the project**

1 ready to bid when we finished the water transfer
2 process.

3 Q So I guess -- I guess it's conceivable, then,
4 the City is on the hook one way or the other
5 whether the transfer application is approved or
6 not?

7 A Burns & Mac is being paid on a contract, but the
8 contract is for services performed. So,
9 theoretically, if we ask them to stop performing
10 services, then we could stop. But, again, I
11 would have to review the contract for a specific
12 answer to that.

13 Q The information we have seen, Mr. Dougherty,
14 would suggest that there's insufficient
15 workforce in Hays as we speak to even provide
16 current job requirements. Is that a fair
17 statement?

18 A It's a fair statement we have low unemployment.

19 Q Okay. And the -- in fact, and I can show this
20 to you but I can also just quote it to you, the
21 City contracted with RDG Planning & Design for a
22 2022 housing study. Do you recall that?

23 A I do.

24 Q And that was with Ms. Haase, correct?

25 A That was correct.

1 Q And she has a statement in that report that
2 says, the City has experienced a significant
3 labor shortage and a slow construction market
4 since 2013 resulting in a significant pent-up
5 demand. So that's consistent with your
6 observation that there's -- there's not enough
7 workers as it is in the City of Hays?

8 A I think the construction demand was -- or the
9 construction market was more related to housing.
10 We -- we know we're not building enough houses
11 and we've tried to put tactics in place to build
12 enough houses for our current population and for
13 future populations at different income ranges.

14 Q Okay. Well, that's fair. But it's -- but it is
15 the case that the City needs more people, more
16 workers, right?

17 A Correct.

18 Q Okay. How long have you lived in -- in Hays?

19 A I moved to Hays in 2005.

20 Q It's a good place to live?

21 A Yes.

22 MR. LEE: Thank you. Nothing else,
23 Your Honor.

24 PRESIDING OFFICER: All right.

25 Ms. Langworthy, do you have any questions?

1 MS. LANGWORTHY: I have nothing,
2 Your Honor.

3 PRESIDING OFFICER: Do you have any
4 redirect for your witness?

5 MR. TRASTER: I will have some
6 redirect, Your Honor.

7 PRESIDING OFFICER: Okay.

8 MR. TRASTER: Should we take a break
9 for some lunch?

10 PRESIDING OFFICER: Well, I guess my
11 next question was how much redirect do you
12 have? If you've got five or ten minutes,
13 let's just get it done and then
14 Mr. Dougherty is done, he doesn't have to
15 worry about coming back to the witness
16 stand after lunch. If it's going to be
17 more than that, this is a good time to go
18 ahead and take a break then.

19 MR. TRASTER: I actually need a
20 little time, I don't know exactly how much
21 time it's going to take. I would imagine
22 it would take 10 or 15 minutes, maybe
23 longer.

24 PRESIDING OFFICER: Okay. All
25 right. We'll give you a little bit of time

1 to get your questions ready, we'll go ahead
2 and take a break. Why don't we come back
3 at 1:30 and pick up the hearing at that
4 point, then.

5 MR. TRASTER: Thank you, Your Honor.

6 PRESIDING OFFICER: Thank you.
7 (Thereupon, a lunch recess was
8 taken; whereupon the following was
9 had.)

10 PRESIDING OFFICER: We'll go ahead
11 and go back on the record now so we can
12 resume our afternoon hearing for July 20th.

13 MR. LEE: Your Honor, could we just
14 address two quick preliminary issues before
15 we do that?

16 PRESIDING OFFICER: All right. Go
17 ahead.

18 MR. LEE: One is we had talked about
19 the deposition exhibit that we would
20 propose to offer which I think would be
21 Exhibit 2091.

22 PRESIDING OFFICER: Okay.

23 MR. TRASTER: Is it the entire
24 deposition?

25 MR. LEE: Yes.

1 **MR. TRASTER:** No objection.
 2 **PRESIDING OFFICER:** All right.
 3 **MR. LEE:** And then separately we had
 4 made a request to Mr. Dougherty for a copy
 5 of what he referred to as the eligibility
 6 determination from the State, don't know if
 7 we can get a copy of that or not.
 8 **MR. TRASTER:** I -- we did not
 9 discuss that over the noon hour. We will
 10 certainly take that up and -- and make a
 11 decision about -- I presume it's public
 12 record and that you're entitled to it, but
 13 I haven't seen it so I don't want to say,
 14 yeah, you can have it without at least some
 15 ability --
 16 **MR. LEE:** Just let us -- just let us
 17 know.
 18 **MR. TRASTER:** We will do that.
 19 **PRESIDING OFFICER:** All right. Any
 20 other matters to address before --
 21 **MR. LEE:** No, Your Honor, thank you.
 22 **PRESIDING OFFICER:** Okay.
 23 **MR. TRASTER:** Thank you, Your Honor.
 24 **PRESIDING OFFICER:** Mr. Traster, you
 25 may go ahead with your redirect.

1 **scenario with the drought projection scenarios**
 2 **looking at the possibility of a multidecadal**
 3 **drought.**
 4 Q So let me stop you there. So does the City need
 5 a -- so if there's a decadal drought, the need
 6 is in the future, but can you -- when you --
 7 when you reach that point, will you be able to
 8 instantly have water, how -- how will you get
 9 water at that point?
 10 A **Well, we would have to build a pipeline and**
 11 **develop a wellfield on the property in order to**
 12 **transport the water to Hays and Russell.**
 13 Q So when you're planning water resource needs,
 14 you have to look to the future, don't you?
 15 A **Exactly. We bought an asset in the R9 Ranch**
 16 **that came with water rights, and Hays and**
 17 **Russell need to know that those water rights are**
 18 **available, the full bulk of the asset we bought,**
 19 **we need to know those water rights are available**
 20 **in the future for future generations to use.**
 21 Q But you don't have the bulk, the full bulk, you
 22 only -- you bought 7700 acre-feet plus
 23 irrigation rights?
 24 A **Right.**
 25 Q And that got cut back?

1 **REDIRECT EXAMINATION**
 2 **BY MR. TRASTER:**
 3 Q Mr. Dougherty, during your cross-examination by
 4 Mr. Lee, he kept asking you about need and what
 5 your need is and have you done a study and what
 6 do you need. And you kept telling him that you
 7 don't -- can't predict the future, but I never
 8 heard, and I could be wrong, but I never heard
 9 him say, you know, by when? In other words, I
 10 didn't know -- I couldn't tell whether he was
 11 asking you whether you need the water now or you
 12 need it in 10 years, 20 years, 50 years, I just
 13 didn't understand his question, and so I'm
 14 asking you about what your needs are and what
 15 you believe your needs are in -- now and how you
 16 might -- how your -- how you think about what
 17 your needs are going forward?
 18 A **Our needs right now are, one, to shore up our**
 19 **existing sources which are inadequate during a**
 20 **drought. Depending on the severity of that**
 21 **drought equates to need. I can't tell you what**
 22 **drought is going to happen when and therefore**
 23 **how much I would need that our sources wouldn't**
 24 **produce right now, but I know our sources are**
 25 **inadequate, and so I'm assuming worst-case**

1 A **That number was cut back to 6756 by consumptive**
 2 **use regulations and then further cut to the**
 3 **ten-year rolling average which we agreed to with**
 4 **the Division of Water Resources.**
 5 Q Okay. You knew going in that you were going to
 6 lose some quantity for the reasonable -- for the
 7 consumptive use?
 8 A **That's correct.**
 9 Q And you have no objection to that?
 10 A **No.**
 11 Q I mean, that was -- that was a known?
 12 A **We initially objected to the ten-year rolling**
 13 **average, but we then agreed to it, so, yes, we**
 14 **have no objections to it in practice.**
 15 Q What -- when you objected to it, what were your
 16 objections?
 17 A **Our objections were twofold. The first**
 18 **objection was we didn't believe that the**
 19 **Division of Water Resources had the legal or**
 20 **regulatory right to further reduce our water**
 21 **rights below consumptive use calculations.**
 22 Q In other words, from the 77 plus for irrigation
 23 down to 6756, that was -- you agreed but you
 24 didn't -- you didn't think you could reduce it
 25 further. Is that accurate?

1 **A Correct. Consumptive use regulations are put in**
2 **place to ensure that future use of the water**
3 **rights do not potentially consume more water**
4 **than there is existing use.**

5 Q Okay.

6 **A They are put in place to protect adjacent water**
7 **rights. So we did not feel that the chief**
8 **engineer had the legal authority to impose the**
9 **ten-year rolling average on us.**

10 Q A further reduction from what you knew was
11 coming. Okay, go ahead.

12 **A Correct. So the second item -- and in the end,**
13 **we gave up on that, we agreed to it because we**
14 **wanted to use the property sustainably and had**
15 **no intention of using it in an unsustainable**
16 **manner.**

17 **But the second reason why we were opposed**
18 **to it is because we assumed that would then be**
19 **the starting point for somebody else to further**
20 **reduce what we could utilize from the property.**
21 **And -- and we felt like we were making a huge**
22 **concession by agreeing to the ten-year rolling**
23 **average. It's my understanding there are not**
24 **water right owners lining up willing to reduce**
25 **their water rights by 28 percent voluntarily,**

1 Q So when you -- when you are planning for a
2 drought, you -- you need to know how much --
3 your need is based on the quantity you're going
4 to need in this future unknown drought, and in
5 Kansas typically you're -- you're aware that
6 KDHE -- excuse me, DWR looks about 20 years out
7 for municipal planning, correct?

8 **A Correct.**

9 Q And has that -- does that -- is 20 years a
10 reasonable time limit for Hays and Russell?

11 **A Not for this project.**

12 Q For any project?

13 **A Theoretically, I think 20 years could be a**
14 **decent planning horizon if an entity had very**
15 **rapid access to available water that they could**
16 **incrementally increase without lengthy legal**
17 **delays and significant cost, then 20 years could**
18 **be an adequate planning horizon.**

19 Q Well, but I guess what I'm asking is whether
20 20 years is a reasonable planning horizon for
21 the City of Hays and the City of Russell?

22 **A It is not.**

23 Q Because?

24 **A Because we -- our existing water sources are not**
25 **adequate. We are spending a lot of money on**

1 **and -- and -- and we knew that there would be**
2 **people that would use that as a starting point**
3 **to ratchet our rights down further.**

4 Q You knew that, you predicted that?

5 **A We did -- we did predict that, and we told the**
6 **chief engineer that was likely to happen, and it**
7 **did.**

8 Q So if you are planning for a drought that you
9 don't know -- you don't know when they start, do
10 you?

11 **A You do not.**

12 Q And you don't know when they're over, right?

13 **A Correct.**

14 Q It rains a little bit, I mean, we saw a -- an
15 exhibit where it rained 7 inches during a
16 drought and the Smoky didn't recover very
17 quickly even then?

18 **A That's correct.**

19 Q In fact, we're looking at it here, it's
20 Exhibit 255, figure 3 where in July, June or
21 July of 2013 you had like a 7-inch rain and it
22 helped for a day or a few -- a week or two or a
23 short period of time and then the decline
24 continued on down, correct?

25 **A That's correct.**

1 **this, we are susceptible to droughts on the High**
2 **Plains, and we know the droughts are going to**
3 **happen, it's just a matter of when and -- and**
4 **the duration.**

5 Q Okay. Mr. Dougherty, I'm showing -- we've got
6 Exhibit 2659 on the screen, and we've -- you've
7 previously talked about the idea that the
8 Ogallala is a distance away?

9 **A Correct.**

10 Q That -- that you're already tapping into the
11 Smoky and Big Creek, the alluvium, and you've --
12 they're not adequate?

13 **A Correct.**

14 Q And there is -- there isn't -- there isn't a
15 very good -- we talked about Kanopolis
16 downstream and Wilson and Waconda and Cedar
17 Bluff and they're all -- there are all problems
18 with each one of those -- one of those
19 reservoirs, right?

20 **A Correct.**

21 Q So if you're -- if you're Garden City or Ulysses
22 or Colby and you've got access to irrigation
23 rights close by, it doesn't take 20 years?

24 **A Theoretically not, those cities could increase**
25 **their overall water rights in smaller amounts**

Page 358

1 **knowing that they could extend the circle**
 2 **further in subsequent years to expand those**
 3 **amounts.**
 4 Q Are there any water sources like the R9 Ranch
 5 within 35 miles of Hays or Russell that you
 6 could obtain or buy, even by condemnation,
 7 6756 acre-feet of water?
 8 A **Not that I'm aware of.**
 9 Q Okay. And would you be aware of it if there
 10 were?
 11 A **I believe so.**
 12 Q Because?
 13 A **Because we probably would have studied it.**
 14 Q And as shown on Exhibit 1343, you've done
 15 extensive studies, right?
 16 A **Correct.**
 17 Q So when Mr. Lee was asking you about reasonable
 18 needs and you were talking about reasonable-need
 19 limitations, without placing any time limits on
 20 it or time constraints, I mean, now that -- what
 21 I'm asking about is what your needs are with
 22 respect to timing, and you -- you've said that
 23 you need to buck up your existing sources in the
 24 short run, but in the long run you may need and
 25 you -- the full boat, the full 4800 acre-feet,

Page 359

1 is that what you're telling us?
 2 A **Correct.**
 3 Q And is that because of some projected need based
 4 on anything like population and timing?
 5 A **It is -- could you restate that?**
 6 Q Well, it's not a very good question. You know
 7 that -- I mean, you've watched the news and
 8 you've read the expert reports here and you know
 9 that we're dealing with a climate -- climate --
 10 significant changes in climate and that the
 11 prospects of a decadal drought, a ten-year
 12 drought or multidecadal drought are out there
 13 and you don't know when it's coming. And so
 14 with that in mind, how much -- what is your
 15 need?
 16 A **We don't know what our future need is. Hays and**
 17 **Russell's water sources are inadequate now.**
 18 **Hays and Russell's water sources in -- let me**
 19 **qualify that, during times of drought they are**
 20 **inadequate. Russell is actually having issues**
 21 **right now, but we are in an exceptional drought.**
 22 **We have forced our residents into some of**
 23 **the most stringent water conservation measures**
 24 **in the State of Kansas because we have had to.**
 25 **We have avoided a lot of industry because we**

Page 360

1 **have had to. So, therefore, I don't know what's**
 2 **going to happen in the future, but we need to**
 3 **know that we have enough water to satisfy our**
 4 **demands during a drought and allow for future**
 5 **growth.**
 6 **We are one of the few communities in Kansas**
 7 **that are growing, and we have aspirations of**
 8 **continued growth. And we would like to have**
 9 **water to support that continued growth, but I**
 10 **don't know what that growth is going to be, and**
 11 **so, therefore, I don't know what the water needs**
 12 **may be 50 or 75 years into the future.**
 13 Q And you don't know what -- what the consequence
 14 of -- I mean, there are predictions about what
 15 the consequences of a multidecadal drought are?
 16 A **Right, and for the -- for the City of Hays, a**
 17 **multidecadal drought will result in our water**
 18 **sources combined producing a maximum of**
 19 **480 acre-feet a year, which is one-fourth, less**
 20 **than one-fourth of our current water usage,**
 21 **which is a humanitarian crisis.**
 22 Q So is it fair to -- so can you tell me how much
 23 you need from this -- from this transfer based
 24 on what you've just told us?
 25 A **We need 6,756 acre-feet of water, subject to the**

Page 361

1 **48,000 acre-feet on a ten-year rolling average.**
 2 Q Now, Mr. Lee asked you about need and how much
 3 you really need, and I'm assuming, and I
 4 probably shouldn't do that, but I'm assuming
 5 he's -- well, I'm not assuming, I know that he
 6 wants to -- he is suggesting that you need less
 7 than this 4800 acre-feet. Assume for a moment
 8 that -- that there is an approval of the
 9 transfer for something less, what happens to the
 10 balance of those water rights?
 11 A **I don't know what happens. They become**
 12 **temporarily unusable. We -- we bought -- Hays**
 13 **and Russell bought an asset, and after**
 14 **conversion to consumptive use and subject to the**
 15 **ten-year rolling average, we have on average**
 16 **4800 acre-feet of sustainable water rights. And**
 17 **what Hays and Russell need is the ability to**
 18 **know those water rights will be there in the**
 19 **future for future generations to use if we make**
 20 **a hundred and some million dollar investment in**
 21 **the near future. That's what we need.**
 22 Q So do you need a -- do you need an engineer or
 23 city planner to -- some other kind of
 24 professional other than your profession to tell
 25 you that?

1 A I don't believe so. The Hays and Russell
2 governing bodies made the decision to move
3 forward, so I think they determined the need
4 based off of their citizenry.

5 Q But they based it on more than just that, they
6 based it on studies of the aquifer, the studies
7 of their -- of their current -- of engineering
8 and hydrological studies of the current -- your
9 current sources?

10 A Of course. I want to clarify my citizenry
11 comment, they did it with the consent of the
12 citizenry.

13 Q Sure.

14 A They did it based off of the fact that they have
15 been living through our water issues for
16 decades.

17 Q And it's not based on just some guess, I mean,
18 you have -- you have a Aquifer Health Index that
19 tells you about the ability of your current
20 sources to produce water, I mean, you know a lot
21 about your existing sources, don't you?

22 A Correct.

23 Q Jami, can you play that video?

24 Mr. Dougherty, I'm going to represent to
25 you that this -- we're going to play a short

1 statement, his actual statement, it was
2 correctly reported in the newspaper except when
3 they cut it, comma, Mayor Schwaller said, or
4 something to that effect, comma, and then went
5 on with the quote, that "now" got dropped?

6 A It did.

7 Q So is it -- in fact, in your deposition, you
8 said, yes, I agree with the statement that we
9 don't need the full amount now?

10 A Correct.

11 Q And you still agree with that?

12 A Correct.

13 Q Jami, can you pull up -- well, let me -- well,
14 yeah, can you pull up the application, please,
15 the Exhibit 1.0, the amended water transfer
16 application, and go to Bates page 11. I hope I
17 can find my notes here.

18 So, Mr. Dougherty, this -- this is the
19 first amended change application -- or first
20 amended water transfer application that was
21 filed shortly after the Master Order was issued?

22 A Correct.

23 Q And you've reviewed it before?

24 A I have.

25 Q I'm going to direct your attention to the Bates

1 video. It's of a city commission meeting in
2 which you and the former mayor, Mr. Schwaller,
3 spoke, and can you set the stage for us here a
4 little bit?

5 A This appears to be the April 8th, 2019 Ellis
6 County Commission meeting, and Mayor Schwaller
7 and I gave the county commissioners an update on
8 the R9 project. This would have been shortly
9 after the Master Order had -- Master Order had
10 been issued.

11 Q Do we know that the sound can play in the
12 system? And we're not -- Jami, this is at what
13 time? Okay. Beginning at 20 -- about
14 20 minutes and 20 seconds into the meeting so
15 you don't have -- we're not going to make you
16 listen to an hour's worth of meeting.

17 (Video playing.)

18 BY MR. TRASTER:

19 Q Thank you, Jami.

20 So in your deposition and in your responses
21 to request for admission you -- you corrected
22 the newspaper report that -- that eliminated
23 that word "now"?

24 A Correct.

25 Q And so Mayor Schwaller -- Mayor Schwaller's

1 page 11, and there's a reasonable needs -- it's
2 under the heading Reasonable-Needs Limitation,
3 will you read that into the record, please.

4 A The Kansas Water Appropriation Act limits
5 appropriation rights to the reasonable needs of
6 the appropriators. DWR regulations reflect that
7 requirement when changing irrigation water
8 rights to municipal use.

9 Pursuant to these requirements, the chief
10 engineer has imposed the reasonable-needs
11 limitation on each of the Cities. These
12 limitations cap the total quantity of water that
13 can be diverted from the R9 Ranch for municipal
14 use by each of the Cities, when combined with
15 all other water rights owned by each City.

16 The project will provide a long-term supply
17 of water to the Cities and to other communities
18 in the region and is expected to have a design
19 life of at least 50 years and to be productive
20 even longer.

21 Q Scroll down to the next page, please, Jami.

22 Why don't you go ahead and continue to read
23 on Bates page 11 -- 12.

24 A DWR's traditional method to establish reasonable
25 needs of municipal users uses 20- to 40-year

Page 366

1 time frames, which is appropriate for most
 2 growing municipalities, principally because most
 3 are close to alternative sources that can meet
 4 their short-, medium-, and long-term needs.
 5 Unlike most other cities, the Hays and
 6 Russell must look far afield to find reliable
 7 water sources.
 8 Because obtaining long-term financing for
 9 the project is unlikely if the 6,756 acre-feet
 10 of water for municipal use that is available
 11 from the R9 Ranch could not be accessed without
 12 the chief engineer's approval, he indicated --
 13 included an objective method to increase the
 14 quantity of water that could be used as needs
 15 increase based on actual and projected
 16 population changes, the reasonable needs of
 17 additional users, and other measurable indices.
 18 The reasonable-need limitations are set out
 19 in the Master Order and discussed in more detail
 20 in paragraphs (s) and (z).
 21 Q In your discussions -- well, strike that. The
 22 chief engineer ultimately issued a Master Order
 23 that had -- that dealt with this whole issue of
 24 reasonable projected needs capping the
 25 quantities that could be used based on Water

Page 367

1 Appropriation Act requirements, correct?
 2 A Correct, and the reasonable-needs cap, again, it
 3 is a ceiling that the Cities have to adhere to.
 4 It is a limitation on the Cities' sources
 5 combined, but it is a hard ceiling that gives
 6 the Cities room to grow into before they have to
 7 ask to modify that reasonable-needs number.
 8 Q And it's based on 2 percent growth, right?
 9 A It is.
 10 Q And that's -- you would agree that's pretty
 11 aggressive?
 12 A That is very aggressive, but I would also add
 13 that we have been at this process now for almost
 14 ten years, and we need wiggle room in order to
 15 know that we don't get just enough water to get
 16 by for possibly a year or two and then have to
 17 spend ten years and millions of dollars in
 18 regulatory costs in order to pursue another
 19 just-in-time source of water.
 20 Q Okay. Jami, can you go to page 48, Bates
 21 page 48 of the -- of Exhibit 1? And scroll up,
 22 I think.
 23 So this is -- I'm showing you the --
 24 that -- the page I mentioned, and it -- this is
 25 the portion of the mas -- of the transfer

Page 368

1 application that Mr. Lee provided you that shows
 2 the projections into the future, correct?
 3 A Correct.
 4 Q The next section, it talks about projected water
 5 needs, I mean, that's the subject of the next
 6 section?
 7 A It is.
 8 Q Would you read that next section, please.
 9 A The chief engineer has found that the project
 10 will provide a long-term supply of water to the
 11 Cities, is expected to have a design life of at
 12 least 50 years, and to be productive even
 13 longer. While it is likely the Cities will
 14 provide municipal water to other communities,
 15 the Cities do not have commitments to or from
 16 the owners of the other public water supply
 17 systems at this time.
 18 Q Let's scroll up a little bit here.
 19 MS. BUCK: UP or down?
 20 BY MR. TRASTER:
 21 Q Down, I'm sorry. Go ahead.
 22 A The Kansas Water Appropriation Act limits
 23 appropriation rights to the reasonable needs of
 24 the appropriators. DWR regulations reflect that
 25 requirement when changing irrigation water

Page 369

1 rights to municipal use.
 2 Q So I'm not sure we need what's following but
 3 let's look at that, refresh my recollection.
 4 Yeah, go ahead.
 5 A The Master Order and the change approvals
 6 establish reasonable-need limitations for Hays
 7 and for Russell that limit each City's municipal
 8 use from the R9 water rights when combined with
 9 the City's use of water from all other sources.
 10 Q So the rest of that looks like text you've
 11 already kind of read?
 12 A Correct.
 13 Q About 20- to 40-year time frames, the fact that
 14 it doesn't -- it doesn't really -- it doesn't --
 15 it's difficult for Hays and Russell to comply
 16 with that.
 17 So let's scroll -- I want to see more --
 18 scroll up, I guess. Down, then. I mean, I want
 19 to see -- so I don't know where we were, I lost
 20 my place. Okay. So yeah.
 21 There's a paragraph here, you've already
 22 talked about financing being difficult. So
 23 beginning with that paragraph, for these
 24 reasons, go ahead.
 25 A For these reasons, the chief engineer has agreed

1 that DWR's traditional method to determine
2 reasonable needs of municipal users is not
3 appropriate in this case and that a longer
4 planning horizon is necessary.

5 Q And it goes on to talk about that he put in
6 reasonable-need limitations that are based on
7 objective standards, right?

8 A Correct.

9 Q Please go to 40 -- is this -- where did I -- 48
10 is where I want to be, I think. Get to the
11 public health section, please, if that helps
12 you. Sorry, Jami, I thought I had it written
13 down. There we go, thank you. What page is
14 this? 42.

15 Do you see the section here with the title
16 Public Health and Welfare Impacts?

17 A I do.

18 Q Can you read that, please.

19 A Approving the proposed transfer will have
20 obvious and significant positive impacts on the
21 public health and welfare of the Cities, their
22 surrounding areas, and on the State as a whole,
23 and no negative impacts.

24 Kansas law does not directly define the
25 phrase public health and welfare. Use of the

1 phrase throughout the state and federal law
2 indicate that the term has broad applicability
3 and general meaning, but at a minimum the term
4 refers to conditions that impact human, animal,
5 and plant health.

6 Kansas public policy favors ensuring that
7 individuals and communities have an adequate
8 water supply in order to maintain and improve
9 the public health and welfare.

10 The legislature has stated that proper
11 utilization and control of the water resources
12 of the state requires comprehensive planning.
13 The State's long-range objectives for
14 management, conservation, and development of the
15 waters of the state include development of
16 sufficient supplies of water to meet the
17 anticipated future needs of the people of the
18 state, including specifically the public health
19 and general welfare.

20 Q Scroll on, I'm not sure -- go ahead.

21 A The legislature requires that water resources
22 planning include design and -- the legislature
23 requires that water resource planning include
24 designing municipal water systems to provide an
25 adequate water supply to meet the needs during a

1 drought having a 2 percent chance of occurrence.

2 The legislature has recognized the
3 importance of an adequate water supply of
4 potable water in numerous provisions, including
5 those dealing with rural water supply districts,
6 rural water districts, water supply and
7 distribution districts, public wholesale water
8 supply districts, the State Water Plan Storage
9 Act, and the extensive authorities and powers
10 conferred on the Cities to develop and operate
11 public water supply systems.

12 Q I think that's fine. You said that this is an
13 existential issue for Hays and Russell?

14 A Correct.

15 Q And is that, at least, part of the reason why,
16 what we just read?

17 A It is.

18 Q Is -- is your request for 6756.8 acre-feet,
19 limited to 4800 acre-feet on a rolling average
20 basis, is that a reasonable request in your
21 mind?

22 A Yes, it is a very reasonable request.

23 Q Is it unreasonable?

24 A No, it is a reasonable request. The Cities of
25 Hays and Russell bought an asset on the open

1 market, and those asset -- that asset contains
2 water rights which are governed by ownership
3 rights. The City of Hays and Russell have the
4 right to put those water rights to use like
5 every other water right owner. The Cities of
6 Hays and Russell need to know that those water
7 rights are going to be available for future
8 generations when they are needed when the
9 investment is made.

10 The Cities of Hays and Russell have the
11 right to utilize water like every other city in
12 the State of Kansas does. There seems to be
13 this idea that we should only be able to use a
14 little bit of our water rights because we don't
15 need more water. That flies in the face of
16 Kansas water law. If an irrigator buys a water
17 right, an irrigation water right, they have the
18 right to use that water right any way they so
19 choose. If they want to grow alfalfa, if they
20 want to grow corn, if they want to grow
21 soybeans, they have the right to do that; they
22 don't have an entity chattering in the
23 background saying, you don't need to grow corn,
24 you should just grow wheat because you could use
25 less water or you should irrigate grass because

Page 374

1 it'll take less water. Nobody says that because
 2 they have a right to use that water right.
 3 Hays and Russell should be afforded the
 4 ownership responsibilities and duties that all
 5 other water right owners in the state have, and
 6 they should be afforded to use water like every
 7 other city in the State of Kansas does.
 8 Q Should they also be entitled to the -- to
 9 exercise their rights in the order of priority?
 10 A That's correct.
 11 Q So that if -- if taking 4800 acre-feet of water
 12 from the R9 Ranch in Edwards County is going to
 13 impair, create regional impairment, which water
 14 rights should be limited or cut off?
 15 A I know it's not proper to correct your attorney,
 16 but I don't think our 4800 acre-feet would
 17 create reasonable impairment. Our
 18 4800 acre-feet could possibly be part of a
 19 regional impairment, and if the regional
 20 impairment is determined, there are methods that
 21 the Division of Water Resources has, laws and
 22 regulations dealing with the regional
 23 impairment, and there are water rights that
 24 could possibly be shut off to deal with that
 25 regional impairment. They won't be us.

Page 375

1 Our water rights are not the most junior
 2 water rights down there. There are a lot of
 3 water rights junior to ours. And so if there is
 4 a future determination of regional impairment
 5 and an attempt to administer the area in order
 6 to resolve that impairment, I'm not worried
 7 about our water rights being shut off. In fact,
 8 the water rights around us can reduce their
 9 water rights by 30 percent and get on board with
 10 what Hays and Russell is doing and then we can
 11 talk about future declines.
 12 Q I stand corrected. No further questions.
 13 A Thank you.
 14 MR. COLE: No questions.
 15 PRESIDING OFFICER: All right.
 16 Mr. Lee?
 17 MR. LEE: Your Honor, I would have a
 18 few, if the Court can -- if the tribunal
 19 can accommodate that. Thank you.
 20
 21 RECROSS EXAMINATION
 22 BY MR. LEE:
 23 Q Mr. Dougherty, as I understood your responses to
 24 Mr. Traster, I think we are still in the same
 25 place we were in the sense that you're saying

Page 376

1 that you need more water but you don't have
 2 something that says this is how much water we
 3 need, fair?
 4 PRESIDING OFFICER: Mr. Lee, can you
 5 use the microphone there?
 6 MR. LEE: Sorry.
 7 PRESIDING OFFICER: Thank you.
 8 A I can't tell you a specific report for a
 9 specific point in time that says you need this
 10 much water at this point in time.
 11 BY MR. LEE:
 12 Q And in terms of the -- in terms of the R9
 13 project, clearly the City of Hays purchased and
 14 then sold part of it to Russell, there's no
 15 question that you own the real estate, but
 16 you're not under the impression that you own the
 17 water, are you?
 18 A We own the water rights, the State of Kansas
 19 owns the water.
 20 Q Right, so you recognize that distinction?
 21 A I do.
 22 Q So you can, and I'm talking in terms of what's
 23 physically possible, you can remove on an annual
 24 basis whatever volume of water you wish up to
 25 the 4800 TYRA limit, right?

Page 377

1 A Subject to the total cap of 6,756 acre-feet --
 2 Q Right.
 3 A -- of water which is a consumptive use number.
 4 Q Sure, right. So you indicated, and I think
 5 candidly in response to Mr. Traster's questions,
 6 you don't know what future population growth
 7 will be?
 8 A Correct.
 9 Q And you don't know of -- I guess, to my
 10 knowledge, there are no contractual agreements
 11 that exist between Hays and/or Russell and any
 12 other city to purchase water if this transfer is
 13 approved?
 14 A We have a contractual agreement with Russell as
 15 part of the joint interlocal agreement that
 16 spells out Russell's procurement of water via
 17 this project.
 18 Q Yes.
 19 A We do not have any contractual arrangement with
 20 other cities.
 21 Q Okay, that's -- that's my understanding.
 22 MR. TRASTER: Excuse me, I am going
 23 to interpose an objection here. Your
 24 Honor, in response to -- to Mr. Cole's
 25 question, there was a discussion -- his

1 question was about whether or not the
2 quantity could be reduced based on the
3 interest of the State as a whole, and these
4 questions we've established that -- that --
5 I mean, that is the statute. And it seems
6 to me that this discussion about need and
7 how much is needed is not really relevant
8 given the fact that the statute says -- I
9 mean, none of these questions go to the
10 interest of the State as a whole, at least
11 as I'm understanding them. And I want to
12 just interpose that objection for the
13 record.

14 **PRESIDING OFFICER:** So your
15 objection is that the --

16 **MR. TRASTER:** Relevance.

17 **PRESIDING OFFICER:** Relevance for
18 the need, okay. Do you have a response to
19 that, Mr. Lee?

20 **MR. LEE:** Well, Your Honor, there
21 will be certainly information that will be
22 provided to you on this issue of the
23 relative balance of interest to the State,
24 but part of that obviously is is there a
25 need, I mean, that's what the regulations

1 talk about, that there is a requirement to
2 show what the projected need is, so to say
3 it's not relevant, I think, is more than a
4 stretch.

5 **MR. TRASTER:** And I would just add
6 that the regulations that he's referring to
7 are requirements for a complete transfer
8 application, but they do not -- they're not
9 specifically requirements that are imposed
10 by the Water Transfer Act, and, in fact, to
11 the extent that they implement the Water
12 Transfer Act and violate the -- the
13 limitation on the panel's ability to reduce
14 the quantity for some reason other than the
15 interest of the State as a whole, they're
16 not -- they're not valid. I mean, so --
17 which they can, of course, make, but if
18 that's the purpose, then they -- the
19 regulations can't change the limitation in
20 the statute is my point.

21 **PRESIDING OFFICER:** The statutes and
22 regulations are what they are, I don't have
23 any authority to alter or amend any sort of
24 regulation or statute that's in place.
25 Now, for purposes of the record, I'll give

1 you just a couple minutes here, Mr. Lee, to
2 go on with that, but then otherwise when
3 you present your case, you want to get into
4 more of that there and make some argument,
5 make sure you have some things lined up
6 where you can show me where there's some
7 support for that in what I'm allowed to
8 address.
9 **MR. LEE:** So -- thank you, Your
10 Honor.
11 **BY MR. LEE:**
12 Q The -- you were shown portions of the WTA
13 application by Mr. Traster during your redirect,
14 do you recall?
15 A **Correct.**
16 Q Who wrote the WTA application?
17 A **I believe David Traster authored that.**
18 Q Are you aware of -- of any citizen of Hays that
19 has moved to Hays on the expectation that the
20 WTA transfer will be approved?
21 A **I'm not aware of that.**
22 Q And when you say in your testimony that -- what
23 I take to mean that you think the City is being
24 treated unfairly in some sense of not being able
25 to do what it wants with its water rights, you

1 understand there's a distinction between most
2 water right owners and those who have to go
3 through the WTA process, are you not?
4 A **I do.**
5 Q So that is, in fact, an added burden for someone
6 who's looking to transfer water more than
7 35 miles?
8 A **There are a series of statutes that govern the
9 mechanisms to allow transfer of the water,
10 correct.**
11 **MR. LEE:** Thank you, I don't have
12 anything else, Your Honor.
13 **MS. LANGWORTHY:** No questions, Your
14 Honor.
15 **PRESIDING OFFICER:** All right.
16 **MR. TRASTER:** No further questions,
17 Your Honor.
18 **PRESIDING OFFICER:** Thank you,
19 Mr. Dougherty, I think that finishes up
20 everything with your testimony, then.
21 I think yesterday, Mr. Traster, you
22 indicated that Doug Williams would probably
23 be your next witness, is that still the
24 plan?
25 **MR. TRASTER:** I believe and

Page 382

1 Mr. Buller is going to take that witness.
 2 MS. LANGWORTHY: Your Honor, may I
 3 request a short five-minute restroom break
 4 between witnesses?
 5 PRESIDING OFFICER: Yes.
 6 MS. LANGWORTHY: I apologize.
 7 PRESIDING OFFICER: Yeah, let's go
 8 ahead and take five minutes here. We'll
 9 come back and pick back up in five minutes.
 10 We'll just leave everything on and in place
 11 here.
 12 (Thereupon, a recess was taken;
 13 whereupon, the following was had.)
 14 PRESIDING OFFICER: Mr. Williams is
 15 your next witness, then; is that correct?
 16 MR. BULLER: Correct, Your Honor.
 17 PRESIDING OFFICER: All right.
 18 MR. BULLER: The City calls -- the
 19 City of Hays calls Doug Williams to the
 20 stand.
 21 PRESIDING OFFICER: All right. Good
 22 afternoon, Mr. Williams. Your testimony
 23 will be under oath subject to the perjury
 24 laws of the State of Kansas. Would you
 25 please raise your right hand.

Page 383

1 DOUG WILLIAMS,
 2 having first duly sworn or affirmed, was
 3 examined and testified as follows:
 4
 5 PRESIDING OFFICER: All right. You
 6 may proceed, Mr. Buller.
 7 MR. BULLER: Thank you, Your Honor.
 8
 9 DIRECT EXAMINATION
 10 BY MR. BULLER:
 11 Q Good afternoon, Mr. Williams, and thank you for
 12 joining us today. Please state your name for
 13 the record.
 14 A My name is Doug Williams.
 15 Q And state your business address, sir.
 16 A My business address is 219 West 10th Street in
 17 Hays, Kansas.
 18 Q What is your current employment, Mr. Williams?
 19 A I'm currently the executive director of Grow
 20 Hays.
 21 Q And how long have you been in that position?
 22 A I started that position January 1st of 2019.
 23 Q Okay. What was your employment before
 24 January 1st of 2019?
 25 A Well, that's varied over a long period of time,

Page 384

1 but I was a real estate broker for many years,
 2 as well as a business owner for a number of
 3 years.
 4 Q And over the course of your employment in those
 5 positions, were they all in the City of Hays,
 6 Kansas?
 7 A They were.
 8 Q Other than a real estate broker and agent, have
 9 you done anything else in your professional
 10 career?
 11 A Well, I was a owner of a couple of technology
 12 companies and partner in another technology
 13 company over that through -- 1990 through 2005
 14 and then have kind of been in and out of the
 15 real estate business since 1977.
 16 Q And were those companies that you mentioned all
 17 located in the City of Hays?
 18 A Most of them were, one was located in Salina,
 19 Kansas.
 20 Q Okay. During your involvement with that
 21 particular company, were you a resident of the
 22 City of Hays?
 23 A Yes, I've been a resident of the City of Hays
 24 virtually all my life.
 25 Q Okay. What are your duties as executive

Page 385

1 director of Grow Hays?
 2 A Well, Grow Hays is the economic development
 3 organization for Ellis County, and we are
 4 charged with promoting the economic development
 5 within the county. My role is to -- we have a
 6 total of four employees, including myself, so I
 7 oversee the day-to-day activities of the
 8 operation. I also work with city, county, other
 9 organizations in the implementation of economic
 10 incentives or the recruitment of businesses to
 11 the community, the expansion of businesses in
 12 the community, as well as creation of businesses
 13 in the community.
 14 Q So you work with prospective businesses thinking
 15 about moving to the City of Hays?
 16 A We do.
 17 Q And you work with new entities that are thinking
 18 about creating businesses in the City of Hays?
 19 A Yes.
 20 Q And you work with existing companies that are
 21 looking to grow in the City of Hays?
 22 A Yes.
 23 Q Okay. But it's all in the City of Hays?
 24 A It's all in Ellis County.
 25 Q Okay, thank you. And you mentioned something I

1 would like to clarify, do you work with
 2 governing bodies? Is that true?
 3 **A We do.**
 4 **Q** Okay. Explain that, please.
 5 **A Well, we receive about 60 percent of our funding**
 6 **from governing bodies, primarily the City of**
 7 **Hays and the County of Ellis, also the -- and**
 8 **also the City of Ellis, as well as City of**
 9 **Victoria. The other 40 percent of our funding**
 10 **comes from the private sector. But in our**
 11 **normal day-to-day capacity we work extensively**
 12 **with the local governments implementing programs**
 13 **that are -- whether it be for housing or for**
 14 **industrial revenue bonds, for manufacturers, or**
 15 **whatever the case might be.**
 16 **Q** Okay. And we asked you to come and testify
 17 today in support of this water transfer,
 18 correct?
 19 **A You did.**
 20 **Q** Okay. And the basis of your testimony is to
 21 kind of give an account from a local,
 22 on-the-ground resident of -- long-term resident
 23 of Hays, is that roughly --
 24 **A That's true --**
 25 **Q** Yeah.

1 **technology.**
 2 **Q** What did your dad do for a living?
 3 **A My dad was a real estate broker and later a real**
 4 **estate appraiser.**
 5 **Q** And was he a real estate broker and appraiser in
 6 the City of Hays?
 7 **A Yes.**
 8 **Q** What about your mom?
 9 **A My mom was a travel agent.**
 10 **Q** Also in the City of Hays?
 11 **A Also in the City of Hays.**
 12 **Q** Let's talk about your education just briefly.
 13 **A Okay.**
 14 **Q** I assume you weren't in -- you weren't being
 15 educated or a student when you were an infant
 16 not in Hays, so is it correct to say that all of
 17 your education experience has been in the City
 18 of Hays?
 19 **A It has been, I attended kindergarten through**
 20 **high school, graduated from Hays High School in**
 21 **1975, attended Fort Hays State for a couple**
 22 **years, and determined that that was not for me**
 23 **and entered the real estate business.**
 24 **Q** When you were at Fort Hays State, did you have a
 25 point of emphasis in schooling, or was it

1 **A -- very long-term.**
 2 **Q** And you came today of your own choice, right?
 3 **A I did.**
 4 **Q** Not being paid anything, correct?
 5 **A No.**
 6 **Q** Okay. You mentioned this, but how long have you
 7 been a Hays resident?
 8 **A Well, I'm 66 years old, I was born in Hays, had**
 9 **a couple years as an infant where my parents**
 10 **relocated but moved back when I was 3 years old,**
 11 **and I've been there ever since. So since about**
 12 **1960, I believe, is when we moved back to Hays,**
 13 **and I've been a resident since that time.**
 14 **Q** And you've been a resident continuously since
 15 about 1960; is that right?
 16 **A That's correct.**
 17 **Q** And in your professional career in Hays -- as a
 18 Hays resident, it mostly sounds like it's been
 19 in the real estate business; is that --
 20 **A Lots and lots of real estate activity in one**
 21 **form or another, either ownership or brokerage,**
 22 **that -- those type of things, been involved in**
 23 **both construction, new construction, lots of**
 24 **different aspects of it, but very -- a strong**
 25 **emphasis in real estate, as well as some**

1 general ed?
 2 **A Just business primarily --**
 3 **Q** Okay.
 4 **A -- general ed and business.**
 5 **Q** And you've worked in the real estate business
 6 roughly since 1977?
 7 **A Off and on, yes.**
 8 **Q** Did you work with your dad?
 9 **A Initially I did.**
 10 **Q** How did you like having your dad as a boss?
 11 **A We got along pretty well surprisingly, we really**
 12 **didn't have many clashes so it went fine.**
 13 **Q** And as a real estate agent, did you work in
 14 real -- I'm sorry, residential, commercial, or
 15 both, explain that, please.
 16 **A Worked in both. Initially, it was just**
 17 **primarily residential, but then later on and in**
 18 **later years I had a heavy emphasis on commercial**
 19 **as well, I found that more interesting. But**
 20 **always did some residential and then the**
 21 **emphasis did move to commercial later in my real**
 22 **estate career.**
 23 **Q** Talk, if you would, about any experience that
 24 you have in public service, service on boards,
 25 committees, things of that nature.

Page 390

1 A Well, I was -- I'm a two-time president of the
2 Hays Board of Realtors, recipient of the Realtor
3 of the Year award two times; if you stay around
4 long enough, that -- that happens, they rotate
5 you through again. And received a public
6 service award from the Board of Realtors.
7 Haven't had a whole lot of other civic activity
8 and that type of thing. Long-time member of the
9 Chamber of Commerce and those type of things but
10 not a whole lot of other civic activity.
11 Q Okay, thanks. Talk briefly, if you would, about
12 conservation measures that are in place, water
13 conservation measures that are in place from the
14 perspective of a resident, a long-term resident
15 of the city.
16 A Well, you know, there are a lot of water
17 conservation efforts that the City of Hays has
18 put forth, whether it be for proactive use of
19 low-flow toilets, low-flow showerheads, those
20 type of things, or punitive things like fining
21 you if you're letting the water run down the
22 gutter during the wrong time of day and that
23 kind of thing.
24 And so -- and also another way is in the --
25 the billing system with which the City has in

Page 391

1 place. If you -- if you're an excessive user,
2 the cost gets more -- higher and higher
3 progressively, and it does discourage excess
4 water usage. So have a lot of experience with
5 the -- with the City's policies and quite
6 familiar with getting the knock on the door and
7 finding out that there's water running down the
8 gutter and it's not supposed to be.
9 Q Have you ever received a ticket for --
10 A Just warnings so far.
11 Q Okay. Is it your experience, and talk about, if
12 you can, conservation measures in place before
13 1991 versus after 1991, if you have a specific
14 understanding or recollection.
15 A Well, certainly, you know, I was -- I was in the
16 real estate before and after 1991, and -- in the
17 real estate business, and, you know, it became
18 much more, oh, in the forefront, I mean, we
19 became much more aware, people became much more
20 conscious of water usage and water conservation.
21 Prior to that, it -- I don't recall there
22 being a lot of emphasis on that, with the
23 exception of maybe the -- in the late '80s when
24 we had a economic, kind of a meltdown in our
25 community. Part of that was driven by a

Page 392

1 drought, you know, the farm economy was really
2 bad and there was kind of an ag crisis in
3 western Kansas, and some of that, at least in
4 our county, was driven by poor crops due to
5 drought.
6 But after 1990 or '91 when those measures
7 were put in place, it becomes very top of mind
8 when you live there as to the conservation
9 efforts that exist. And as a Realtor, many
10 times, you know, new people move to town, you
11 have to kind of condition them on what the --
12 what the rules are because they may come from a
13 place where there aren't those types of
14 conservation methods in place, and you've got to
15 make sure they understand or they're going to
16 get the knock on the door. But also understand
17 there are things they can -- if they got a leaky
18 toilet or something like that, they can put a
19 new one in and get a nice portion of it paid for
20 by the City because of some of these -- these
21 conservation methods.
22 Q As a real estate agent, I imagine you've had an
23 opportunity to show properties to prospective
24 purchasers. Is that fair?
25 A Absolutely.

Page 393

1 Q And have, over the course of your career, have
2 you had occasion, mainly after 1991 when the
3 conservation practices were implemented, did you
4 have an opportunity to show prospective
5 purchasers properties when those purchasers were
6 from outside of Hays that you had to educate?
7 A Many times, many times.
8 Q And walk us through that -- that conversation,
9 you know, just in general terms. I know each
10 one is unique, but in general what would the
11 conversation go like?
12 A In general, you know, you have to make sure they
13 understand that it's a different set of rules in
14 our community and that -- that we take
15 conservation very seriously in Hays and in our
16 county as a whole. And so you would -- you
17 would want to make sure they understood the
18 limitations on when they could water their lawn,
19 you want to make sure that they understood that
20 there were low-flow showerheads and low-flow
21 toilet rebates and those type of things
22 available, that if they're going to put in a new
23 yard that they have to put in warm-season -- you
24 know, low water usage grasses, those type of
25 things.

1 And people are -- I think today people are
2 more conscious of that because water issues
3 are -- we're not unique in that respect in many
4 parts of the country, but over the last 30 years
5 that has evolved. But at that -- you know,
6 early on they -- they were not aware of those
7 type of things and they needed to understand
8 that. So part of my job as a real estate broker
9 was to make sure that they had a clear
10 understanding of that. In as positive a way as
11 you could spin it, I guess, from that standpoint
12 because it -- it does have kind of a negative
13 connotation associated with it.

14 Q Talk about that a little bit, if you would, the
15 pos -- the inclination to put a positive spin
16 when you're showing properties to prospective
17 purchasers, why would you do that and what --
18 what -- explain that a little bit if you could?

19 A Well, you know, I think we want to portray,
20 especially as a Realtor, you want to portray a
21 positive image of your community, and I think
22 we've got a great story to tell, always have
23 had, but there are situations where they need to
24 understand that. You don't want them to have a
25 bad experience and get surprised by something.

1 So in -- in as positive a way as possible,
2 you just have to explain that in the summertime
3 we have some rules that we have to follow and
4 that, you know, they've got to be cautious about
5 when they water, make sure that if they have a
6 sprinkler head or something like that that is
7 not draining properly that they don't have water
8 running down the gutter because there could be
9 consequences.

10 And we have a pretty good neighborhood
11 police force all over the community that's more
12 than happy to call you in if you got water
13 running down the gutter because they can't do it
14 and they figure that you shouldn't be able to
15 either. And so -- but that's the -- that's the
16 balance that you -- you try and put together is
17 promoting your community, yes, but making sure
18 they understand there are rules they have to
19 follow.

20 Q Have you ever as a resident of Hays received a
21 call from the city water utility advising you
22 that you have particularly high water use that
23 month?

24 A I have.

25 Q What are -- what is the scenario, what's the

1 triggering event for something like that?

2 A Well, I think it's obviously the meter reading
3 and the usage that has occurred. I've owned
4 rental properties and that type of thing where
5 I'll get a call and they'll say, you know, your
6 water usage tripled or quadrupled last month and
7 you're going to get a bill for 300 bucks, or
8 something like that.

9 And you -- it's great to get the
10 call 'cause you know you've got a problem, but
11 you go down and you find out that a tenant maybe
12 had a stool that was running and they paid no
13 attention to it because they weren't paying the
14 water bill, they didn't understand how much
15 water can run through a stool in a month's time.

16 And so -- but I found the City to be
17 very -- that they're very accommodating in that,
18 they -- they are proactive in that, they call
19 you, they tell you about it. Doesn't mean your
20 bill is going to be any less necessarily because
21 you did use that amount of water, but they --
22 they've been very proactive in doing that. And
23 I think as technology has improved, they have a
24 greater ability to know when something like that
25 is going on.

1 Q Based on your description of your discussions
2 with tenants and prospective purchasers, it
3 sounds like you, at least, and, if you know, the
4 residents of Hays do a lot of educating each
5 other when it comes to water use. Is that fair?

6 A I think that's fair, I think we have a very
7 strong conservation mindset in the community,
8 and -- with a few exceptions, and there's always
9 going to be exceptions. But by and large, I
10 think people realize that -- that we have a
11 challenge in the area of water and that we're
12 good stewards of the water that we do have.

13 Q You mentioned water rates, explain the water
14 rate structure of Hays and the escalating costs
15 that you can incur from the perspective of
16 somebody who has to pay those bills.

17 A Well, I don't understand it completely, I
18 understand the consequences; I don't understand
19 exactly, but I do know it's based on usage. And
20 a household is -- has base use of X amount of
21 gallons per month, and then when you go over
22 that, you pay a little bit higher rate; and when
23 you go over that, you pay a little bit higher,
24 and it escalates fairly rapidly. And if you get
25 into high, high usage, it can -- it can get

Page 398

1 quite expensive.
2 Now, they do have programs and policies in
3 place, if you're putting in a new yard, you can
4 register with the City so that you aren't
5 penalized while you're trying to get a yard
6 going, or something. But, otherwise, it's a
7 pretty progressive -- it gets expensive.
8 Q Related to that, it's a -- it's a progressive
9 rate structure during normal times, does that
10 rate structure become even more progressive
11 during drought, if you know?
12 A I don't know. I don't think so, but I don't
13 know the answer to that.
14 Q Okay, fair enough. Have you ever been -- other
15 than that tenant situation, have you ever been
16 the recipient of a particularly high water bill?
17 A Well, I've had a couple swimming pools, and so
18 when you fill a swimming pool and that kind of
19 thing, you can see the jump. And as I say, as
20 you get higher, it jumps faster, and so I have
21 experienced a couple of those.
22 Q If you remember, what's the highest water bill
23 you've ever had?
24 A Oh, I think my highest water bill was when there
25 was that leaky toilet scenario, and I think that

Page 399

1 was \$400, or something like that.
2 Q Okay. Talk about the -- the lawn programs,
3 'cause you mentioned you had to educate
4 prospective purchasers about warm-season grass,
5 what did you mean by that?
6 A Well, they have in place policies regarding new
7 lawns, and they -- they promote and even, I
8 think they've got some financial incentives to
9 planting a warm-season grass that's going to be
10 low water use grass. And they encourage people
11 to change over their existing lawn that might be
12 bluegrass or something that takes a lot of water
13 to a low water usage type grass and they give
14 some financial incentives to do so. I'm not
15 100 percent sure exactly what they are, but I
16 know they encourage that both by saying that's
17 what they'd like you to do but also financially.
18 Q Okay. Talk about Grow Hays.
19 Jami, if you could go to the growhays.com
20 website and put that up on the screen, if you
21 would.
22 Mr. Williams, can you identify what's being
23 shown on screen right now?
24 A Well, I think that's our website where we talk
25 about our organization, our programs and the

Page 400

1 things we do.
2 Q And, Jami, if you could, scroll down and --
3 scroll back up and let's try to zoom in on that
4 paragraph there. A little bit more. Okay,
5 that's enough.
6 Mr. Williams, it's probably difficult for
7 you to read that, right?
8 A It's more than difficult.
9 Q Okay. I'm going to read it to you, okay?
10 A Okay.
11 Q Grow Hays, formerly the Ellis County Coalition
12 for Economic Development, was founded in 1988
13 during a period in which the County experienced
14 a downturn in the ag and oil industry, as well
15 as the loss of a major employer.
16 Mr. Williams, did you -- are you the person
17 who wrote that?
18 A I believe I am.
19 Q Okay. Jami, if you would, please pull up
20 Exhibit 2679. Now, Jami, please zoom into the
21 section right around 1990. A little bit more.
22 There you go.
23 Mr. Williams, I direct your attention to
24 Exhibit 2679, this is a drought plot, it shows
25 the various droughts that have occurred in Ellis

Page 401

1 County over the years, and I want to direct your
2 attention to this -- to this little spot right
3 before 1990. Do you see that, sir?
4 A I do.
5 Q Okay. And the red, dark red, lighter red, and
6 orange portions of Exhibit -- of that time line
7 indicate drought.
8 A Okay.
9 Q And earlier in your testimony you mentioned that
10 drought was, in part, related to that ag and oil
11 downturn that -- that you went through in the
12 late '80s, and based on what we just read from
13 your Grow Hays website, it looks like that was
14 around the time that the Ellis County Economic
15 Coalition for Economic Development -- I probably
16 mangled that.
17 A Now you know why we changed our name.
18 Q So -- and I understand that there were a number
19 of reasons why that organization formed, but --
20 but did drought have something to do with that?
21 A Drought -- drought had something to do with the
22 agricultural portion of that --
23 Q Sure.
24 A -- the downturn in the ag business. There were
25 other factors as well, even in the ag industry,

1 but you couple a downturn ag with a downturn oil
2 industry, because Ellis County is very -- we're
3 the number one oil-producing county in the
4 state, and then with the closing of the Baxter
5 Travenol plant, all of those together kind of
6 created that perfect storm, but the drought
7 played a role.

8 Q Sure. And then, you know, moving forward it
9 looks like there's slightly more mild but still
10 down here exceptional drought in the early
11 1990s. Do you recall that?

12 A I do.

13 Q And you mentioned earlier that the conservation
14 program in the City of Hays really started
15 around that time. Was that conservation program
16 a result of that early '90s drought?

17 A In part, yes, based on my recollection.

18 Q Sure. So if you know, in the late '80s and
19 really in the early '90s, right before the
20 conservation program was enacted, what was the
21 feeling in Hays, what was the -- what was the
22 general sentiment, if you can --

23 A Well, it was, in my 66 years, it was as bad a
24 time as I've ever seen, you know, it was a bad,
25 bad time. The -- most of the financial

1 Q There were a myriad number of factors that
2 resulted in that perfect storm as you -- as
3 you've said, right?

4 A That's correct.

5 Q The drought was part of it?

6 A It -- it played a role, certainly in the ag
7 business, and I think probably in people's
8 attitudes.

9 Q Jami, if you would go back to the website. And
10 just for the record, that URL is
11 <https://www.growhays.com/about-us/>.

12 In the late '80s and early '90s, can you
13 recall Hays losing out on any commercial
14 opportunities, business opportunities?

15 A Well, in that time frame, Cessna was looking at
16 an expansion, and Hays was one of the finalists
17 in that expansion that they were going to do.
18 And they ultimately chose Independence, Kansas
19 as the recipient of that. I don't know what the
20 exact reasons were that they chose Independence,
21 but we always wonder, you know, did water play a
22 role in that because it's always that cloud over
23 our head and many times you don't know.

24 You know, we talk about the opportunities
25 we lose because of our water situation. I worry

1 institutions failed, lots and lots of real
2 estate was foreclosed upon and liquidated
3 through the Resolution Trust Corporation. And
4 you've got to be old enough to even remember
5 what the Resolution Trust Corporation was, but
6 it was a government agency that took over the
7 assets of banks and then liquidated those
8 assets; and there was lots and lots of that
9 going on in our community, and it was -- it was
10 just a really bleak time.

11 And that's when this group of local
12 businesspeople got together, the heads of
13 hospital and the local utility and the banks
14 that were still left, and formed -- recognized
15 that we needed more diversity in our local
16 economy, that we -- we had to do something, we
17 couldn't be this vulnerable. Even though this
18 was kind of a perfect storm, we were still not
19 as diversified as we needed to be, and they
20 formed the Ellis County Coalition for Economic
21 Development as an organization to promote
22 economic development in the county.

23 Q Now, you're not testifying that that was all
24 because of drought, right?

25 A No.

1 as much about the opportunities that we didn't
2 ever know we had a chance to play in because
3 they just don't -- we don't even get the
4 opportunity because they look at our situation
5 and say, that -- that isn't going to fit for us
6 or we're not going to take that risk. But
7 Cessna was one of those that looked at our
8 community seriously and then opted to go
9 elsewhere.

10 Q And they went to Independence, you say?

11 A They did.

12 Q Did that -- did that -- was that an airplane
13 manufacturing plant?

14 A Yes.

15 Q How many jobs approximately?

16 A I think it was -- I think it was 4 or 500 jobs.

17 Q And a -- and a construction project, I presume,
18 of some kind?

19 A Yeah, I think they were making small aircraft.
20 They later closed that plant because of some of
21 the liability laws with small aircraft, or
22 something like that, I can't remember for sure
23 'cause it was in Independence, I didn't pay that
24 much attention, but I don't think the plant
25 exists anymore.

Page 406

1 Q They should have chose Hays?
2 A **Exactly.**
3 Q And I understand you're not testifying that you
4 lost the Cessna opportunity solely because of
5 water, right?
6 A **No.**
7 Q But it was the feeling in the community that
8 water played -- could have played a role or did
9 play -- do you remember having any conversations
10 at the time about whether water played a role in
11 the loss, you know, in that?
12 A **You know, I was somewhat removed from that**
13 **process so I don't know. Had I been in the role**
14 **I'm in today, I would have been very much**
15 **involved in that. But at that point in time I**
16 **was fighting for my own life in the local**
17 **economy that we had, and so I don't know if --**
18 **if anybody ever mentioned water or if that was a**
19 **consideration. Somebody would know but it**
20 **wouldn't be me.**
21 Q But it was hot at the time, right?
22 A **It was.**
23 Q In the summers?
24 A **It was miserable.**
25 Q And it was dry?

Page 407

1 A **Yes.**
2 Q Well, moving beyond Cessna, do you have any
3 knowledge or experience with other commercial
4 opportunities that Hays lost because of water?
5 A **Certainly in the job I have now, I have talked**
6 **to various companies who have expressed an**
7 **interest or we have attempted to recruit to our**
8 **community, and one of the first things we have**
9 **to ask is what's your water usage, because**
10 **that's a significant factor in their ability**
11 **to -- or our ability to service them.**
12 **And in particular, one western Kansas**
13 **feedlot owner wanted to put a relatively small**
14 **packing plant, was interested in locating in**
15 **Hays, was a Fort Hays graduate and wanted to**
16 **come back, he loves our community, and, you**
17 **know, the first question I asked him was, well,**
18 **what's your water usage, and he told me, about**
19 **350,000 gallons a day, and this is a small**
20 **packing plant.**
21 **Well, I wasn't 100 percent sure, but I**
22 **called, I believe, Toby and I called Jeff**
23 **Crispin, and they quickly informed me that that**
24 **just isn't going to work in the environment we**
25 **have now, with the water resources we have**

Page 408

1 **available to us. And so they, I think, have**
2 **either relocated either in Salina or Colby, I'm**
3 **not sure what they've done yet, but that would**
4 **be one. We also have this discussion with**
5 **others who are looking at expansion and things,**
6 **and, you know, water is always a consideration.**
7 Q It sounds like the lack of an adequate water
8 supply has inhibited the economic opportunities
9 that Hays has had?
10 A **I believe it has. I have direct evidence of it,**
11 **and then as I said I believe we are overlooked**
12 **in some cases simply because we don't have**
13 **adequate water supply. When I look at -- I get**
14 **the comparison all the time, why can't we be**
15 **more like Kearney, Nebraska? Well, if you look**
16 **at it, they're both located on an interstate,**
17 **they're college towns, college about the same**
18 **size, regional hub, that kind of thing. What's**
19 **the biggest difference? They got a river that**
20 **runs through there, they've got water, which**
21 **allows them to raise corn and that kind of**
22 **thing, and it just changes the economic picture.**
23 **And I believe if we had an adequate water supply**
24 **and it wasn't a huge issue, we would have**
25 **experienced a lot more growth than we have.**

Page 409

1 Q And you may not know, but I take it -- I mean,
2 'cause Hays has a river that flows through it,
3 Big Creek.
4 A **Yeah.**
5 Q But -- but I -- if you know, I mean, is
6 Kearney -- is the river that runs through
7 Kearney susceptible to drought the same way that
8 the Smoky Hill and Big Creek are at Hays?
9 A **Not at the same level, based on my understanding**
10 **of it. You know, they have -- they have the**
11 **Ogallala beneath them and the river and they**
12 **have irrigated corn and things that we just**
13 **cannot do in our community. So a difference**
14 **there. And there's others, I don't want to**
15 **blame it all on water that we haven't grown at**
16 **the same rate that Kearney has, but at the root**
17 **of things, it's a -- it's a big difference**
18 **maker.**
19 Q Do you know whether the City of Russell has
20 similar initiatives relating to conservation?
21 A **I am not familiar with Russell's conservation**
22 **efforts. I am going to assume that they do**
23 **because I -- their water issues are the same as**
24 **ours for the most part, but I'm not familiar**
25 **with them specifically.**

1 Q And in some ways, at least, Russell being
2 downstream is even in a little rougher spot than
3 Hays --
4 A Yes.
5 Q -- is that what you would think too?
6 A That would be my observation, but I'm -- I'm not
7 sure how that works.
8 Q What is life like in Hays during serious
9 drought? Think back to --
10 Jami, could you pull up Exhibit 2679?
11 Think back to the drought of 2011, 2012,
12 2013, do you recall that drought?
13 A I do. I do.
14 Q What was life like in Hays during the peak of
15 that drought?
16 A Well, it was pretty challenging, lots of dead
17 yards, lots of heat. I mentioned it before and
18 I would be -- I wouldn't be doing my duty if I
19 didn't say that our slogan at that time was if
20 it's yellow, let it mellow, if it's brown, flush
21 it down.
22 Q Okay.
23 A And that's really not the recruiting slogan
24 we're going to put on our Grow Hays recruiting
25 brochure, but it -- it's a challenging time.

1 And there are times when you think how bad could
2 it really get? You know, they're putting out
3 announcements about how bad the wellfield down
4 in the Smoky is and that it continues to drop,
5 and you wonder, is there going to come a time
6 when I turn on the spigot and nothing comes out?
7 Q Did you have conversations with other folks
8 around Hays about the water issue?
9 A Oh, yes.
10 Q And was it on the minds of other people?
11 A Very much so.
12 Q And were they concerned about it as you were, in
13 your -- in your recollection?
14 A Very much so.
15 Q How do you perceive the ranch playing into Hays'
16 story?
17 A Well, I -- I think, and, you know, this has
18 obviously been going on a long, long time, I can
19 remember back in the early '90s when they were
20 talking about different things that might be
21 done for water, Toby alluded to some of them,
22 water banking and all this kind of stuff that
23 was different sources, but I think the ranch is
24 a game changer for our community. I think it
25 opens up all kinds of opportunities for our

1 community for the next 50 to 100 years, I really
2 do.
3 We have -- we have such a good story to
4 tell in our community, we've got a four-year
5 university, we got an interstate highway that
6 goes right by, we've got a great regional
7 medical center, we're the number one
8 oil-producing county in the State of Kansas, and
9 yet that one thing that always hangs over our
10 head is that water issue. And this could --
11 this could alleviate that, and I think it makes
12 a huge difference.
13 Q Did the drought of 2011, '12, '13 cause stress
14 in your personal life?
15 A You know, not so much my personal life as the
16 one in 1988 and '89, '90, but it -- it does --
17 you know, the whole outside lawn, plants and
18 trees that die and that type of thing, there's
19 always a little bit of stress associated with
20 that. I don't want to act like that's life and
21 death, but it just contributes to the overall
22 stress of an already hot summer.
23 Q What if the fear of no water coming out when you
24 turn the spigot came true, would that be life
25 and death?

1 A That would be a bad day, I mean, that -- that's
2 a serious problem and it would cause, I don't
3 know if irreparable is the right word, but I
4 just think of any business or any person -- you
5 know, so many people can choose where they live
6 now because of remote work and that type of
7 thing, and an event like that or just a
8 continued drought where you can't have plants
9 outside or what have you, it gets you to the
10 point where is this really where I want to live,
11 and we don't want to get to that point.
12 Q You probably don't put those kinds of stories up
13 on the Grow Hays website, do you?
14 A No, we try and focus on the positive. And
15 there's lots of -- plenty of positive to focus
16 on so we focus on that.
17 Q Would you call the issue of obtaining an
18 adequate water supply for Hays an existential
19 issue for the City?
20 A I would, absolutely.
21 Q What do you expect to happen -- what do you
22 expect to happen to water rates in the City of
23 Hays if this water transfer goes through and the
24 ranch comes online?
25 A Well, I know that the City has been putting

Page 414

1 money back for a long time through, I believe,
2 the sales tax and has raised a fair amount of
3 money. Obviously the costs have escalated a
4 lot, and it's going to be more than what we have
5 put back. I think we'll probably see some
6 escalation of rates at some point in time, and
7 depending on how much that is, it could be
8 problematic or not.

9 But based on some of the numbers I'm -- I'm
10 thinking that they would be, I don't think
11 it's -- I don't think it's that significant.
12 But it is a price we're going to have to pay.
13 You know, what's the price of doing -- not doing
14 something? You know, that's far in excess of
15 what the monthly water bill might go to.

16 Q What is the value of obtaining the ranch as a
17 water supply, what is that -- how would you
18 value that?

19 A Well, I think that's virtually impossible to
20 measure because -- or to value because it's
21 immeasurable. I mean, that's like saying -- I
22 know every year Fort Hays State does a community
23 impact economic deal and they talk about the
24 value of Fort Hays State to our community, and
25 you can put a -- you can quantify that at some

Page 415

1 level; there's a lot of intangibles there, but
2 you can quantify it; the same with the hospital.
3 But water in a community when you know water is
4 basically the lifeblood of the community and
5 existential in keeping that community, it's
6 pretty hard to put a value on that. But it --
7 it's just very, very high.

8 Q As a lifelong resident of Hays, do you have an
9 understanding or an opinion about whether other
10 residents of Hays agree with your valuation of
11 obtaining the ranch for a water -- as a water
12 supply?

13 A I think most people do. I think I have kind of
14 a unique perspective as a lifelong resident but
15 also as the executive director of Grow Hays, the
16 economic development director, so I have a
17 better understanding of the economic impact.
18 But I believe people understand very much the
19 importance of it.

20 I look on social media when we make an
21 announcement we are doing something, inevitably
22 there will be some say, yeah, but we don't have
23 enough water for that, but what about the water,
24 and that kind of thing. So it's top of mind
25 with people. Obviously during a drought it's

Page 416

1 very much top of mind, but it's on people's
2 minds all the time, and I think they recognize
3 the value. I think that's one of the reasons
4 why we do such a good job of conservation is
5 because people recognize the importance of it.

6 Q Going -- obtaining the ranch and going through
7 this water transfer proceeding is not a cheap
8 deal, is it, for Hays?

9 A Not at all.

10 Q But the City is making that investment, right?

11 A The -- they are making that investment, along
12 with Russell.

13 Q Sure.

14 A And I -- I applaud the previous commissions who
15 bought the ranch, you know, they had the
16 foresight to do that, and someday it will pay
17 dividends.

18 Q You mentioned that obtaining the ranch as a
19 water supply is -- has immeasurable value to
20 you, how would you estimate the value of Hays
21 Regional Medical Center to Hays, to the region,
22 and even to the State of Kansas?

23 A Very valuable, particularly to the region and to
24 Hays. And that -- that chart that was up this
25 morning with the pull factor showing Hays in the

Page 417

1 top five of pull factor all the time, a
2 sustainable water supply isn't just about Hays,
3 it's about the region 'cause Hays is very
4 important to the region, and people count on
5 Hays for medical care, they count on Hays for --
6 for education, for shopping, and those type of
7 things. And so it's important to everybody in
8 western Kansas that -- that we are successful
9 and that we have sufficient water to make sure
10 we are successful. So all of those things are
11 important.

12 Q I mean, you can't let Kearney beat you?

13 A Well, they're doing a pretty good job so far.

14 Q Same question as to Fort Hays State, what's the
15 value of Fort Hays State to the region in which
16 Hays sits?

17 A Again, they -- they quantify that every year
18 when they do their study, but I think that --
19 that quantifies the financial impact. It
20 doesn't quantify the -- the social and the
21 cultural aspect. And so it's almost
22 immeasurable, I think, it's extremely important,
23 and it's part of what makes western Kansas what
24 it is.

25 Q Is it your understanding that Fort Hays State

1 plays an important role in keeping western
 2 Kansas kids at home?
 3 **A Yes, they do.**
 4 **Q Why do you say that?**
 5 **A Well, I think it -- for one they offer the most**
 6 **cost-effective education you can get and so --**
 7 **and it's -- it's away from home but it's close**
 8 **to home for kids to be able to go to. We're in**
 9 **a good, safe community that parents don't have**
 10 **to worry too much about what their kids are**
 11 **doing, and they get a great education for a**
 12 **great price. So I think Fort Hays plays a**
 13 **critical role, and they're just a very valuable**
 14 **resource to our community.**
 15 **Q How would quality of life in Hays change when**
 16 **the ranch is brought online?**
 17 **A Well, I think it -- I think it takes that cloud**
 18 **away that -- that kind of hangs over us all the**
 19 **time. I don't know that -- that our community**
 20 **will change their habits that much, but it -- it**
 21 **does allow us to recruit other businesses that**
 22 **might have a hesitation otherwise. It allows**
 23 **maybe people to plant maybe a little bit more**
 24 **yard, just to have a better overall attitude**
 25 **about things, so I think -- I think there's some**

1 **real positives from that standpoint just with --**
 2 **with attitude and perception of the community.**
 3 **Q Mr. Williams, I'm not going to keep you on the**
 4 **stand very much longer, I want to ask you about**
 5 **two more things.**
 6 **A Okay.**
 7 **Q Jami, pull up the 2023 Grow Hays operations**
 8 **plan.**
 9 **Mr. Williams, do you recognize this**
 10 **document?**
 11 **A I do.**
 12 **Q Did you write this document?**
 13 **A Most of it.**
 14 **Q Okay. Jami, if you would -- can you describe**
 15 **this document, please.**
 16 **A Well, this is our -- this is primarily our**
 17 **operations plan which we present to the**
 18 **governing bodies each year, as well as our**
 19 **investors, just to tell them what we're going --**
 20 **what we're doing and what our projects are and**
 21 **where our focus is. It's also a little bit of a**
 22 **marketing document -- it's a marketing document**
 23 **for us to those entities because they fund us,**
 24 **and we want to make sure they understand that**
 25 **they're getting their money's worth but also to**

1 **the community that they know what's going on and**
 2 **that they know what projects we're working on.**
 3 **Q Jami, if you could turn to page 9 of that**
 4 **document. And zoom in on the paragraph, that**
 5 **top paragraph, the business recruitment**
 6 **paragraph, if you would.**
 7 **Mr. Williams, I'm going to read this to**
 8 **you.**
 9 **A Okay.**
 10 **Q Business recruitment remains the single-most**
 11 **challenging objective for Grow Hays, with**
 12 **workforce shortages, high land and housing**
 13 **costs, regional depopulation, and in the recent**
 14 **pandemic, recruitment of large employers or**
 15 **retail establishments is challenging. That**
 16 **being said, Grow Hays is actively engaged in**
 17 **several projects that address the recruitment**
 18 **challenge. Does that sound familiar?**
 19 **A Sounds very familiar.**
 20 **Q Did you write that?**
 21 **A I did.**
 22 **Q Water PACK's expert quotes that paragraph in his**
 23 **report --**
 24 **A Okay.**
 25 **Q -- in arguing that lack of an adequate water**

1 supply really has nothing to do with Hays'
 2 future growth opportunities, and that paragraph
 3 doesn't mention water, does it?
 4 **A It does not.**
 5 **Q Is the lack of a water supply, the lack of a**
 6 **sufficient water supply relevant to the business**
 7 **recruitment challenges that you have identified**
 8 **in that paragraph, Mr. Williams?**
 9 **A It is.**
 10 **Q But you don't mention the lack of a water supply**
 11 **there, do you?**
 12 **A I don't.**
 13 **Q Why not?**
 14 **A Well, primarily because this is a one-year**
 15 **report, you know, it's over a one-year period of**
 16 **time basically; it says '23 and '24, but it's --**
 17 **it's designed to cover the '24 budget year, and**
 18 **we're not going to address our water challenge**
 19 **in 2024. We can address -- we are addressing**
 20 **housing and we will address housing, and we can**
 21 **address workforce when you address housing, the**
 22 **ability to recruit people. And so that's one**
 23 **reason why it's not in there is because it's --**
 24 **it's a longer, broader issue than just a**
 25 **one-year problem.**

1 The other reason is that we don't want to
2 brag about the fact that we have a water
3 challenge when other people are seeing this and
4 that type of thing. I think -- I think an
5 employer can come into a community and recruit
6 people, even if it's from other businesses, but
7 if we give them a sense of fear because we may
8 not have adequate water, that means we may not
9 even get to engage with them. So that would be
10 the other reason that it's not mentioned in
11 there.

12 Q Do you agree with Water PACK's expert's
13 contention that water has nothing to do with
14 those business recruitment challenges?

15 MR. LEE: Your Honor, I would object
16 to that characterization, that's not what
17 the report says; it says water is not the
18 only challenge, not that it's not a
19 challenge.

20 PRESIDING OFFICER: Response?

21 MR. BULLER: Yeah, he will have an
22 opportunity to address that with his expert
23 report. I disagree with that
24 characterization completely.

25 PRESIDING OFFICER: Okay. I'll

1 And really, you know, I know we're here
2 about water, and that's really the only thing --
3 not the only thing, but it's the main thing that
4 stands in the way of us and -- and a lot more
5 growth than we've been able to experience thus
6 far.

7 Q Mr. Williams, thanks for coming down and taking
8 time out of your day to help us. I have no
9 further questions at this time.

10 PRESIDING OFFICER: All right.

11 Mr. Cole?

12 MR. COLE: Yes, thank you.

13
14 CROSS-EXAMINATION

15 BY MR. COLE:

16 Q Mr. Williams, my name is Ken Cole, and I
17 represent the City of Russell, and I just have a
18 few questions.

19 A Okay.

20 Q You indicated in your direct testimony that you
21 were active in residential sales as a Realtor?

22 A Yes.

23 Q Are you still active in that area?

24 A Well, I'm active in a different way. I no
25 longer have a real estate license, an active

1 overrule the objection, allow the witness
2 to testify to what his understanding is,
3 and then you can address that on either
4 your cross-examination or with the
5 witnesses, Mr. Lee.

6 MR. LEE: Thank you, Your Honor.

7 A Could you repeat that question?

8 BY MR. BULLER:

9 Q Do you agree with Water PACK's expert?

10 A I don't agree with him that water is not a
11 problem. I know better.

12 Q Last thing, Mr. Williams, give us your elevator
13 speech for Hays, what makes Hays a great place
14 to live, work, and grow up?

15 A Well, I think Hays is the gem of the high
16 plains. We're -- we're located right on I-70
17 halfway between Kansas City and Denver, we have
18 a great four-year university that I would put up
19 against any university in the country. We have
20 a tremendous regional medical center. We have
21 great cultural activities because of the
22 university and sporting events, and we have a
23 great culture, it's a safe community. I just
24 can't say enough that we -- we have a terrific
25 community.

1 real estate license; it was a conflict of
2 interest for me to have one in the role I'm in
3 so I went inactive with it. But Grow Hays is
4 involved in several residential developments,
5 two where we are -- with a not-for-profit
6 organization, our community developing lots and
7 getting houses, homes built, and ...

8 Q I'm assuming that you have friends and
9 acquaintances that are Realtors?

10 A That I do.

11 Q Do you think you have a general idea of what the
12 demand is for residential housing in Hays?

13 A I do.

14 Q Can you -- does -- how does the demand compare
15 to the supply?

16 A Well, we have a lot more demand than we have
17 supply, in particular in certain price ranges,
18 but there's -- there's definitely more demand
19 than there is supply, and it's resulted in a
20 very, very tight real estate market.

21 Q So you got more people looking to purchase
22 residential housing in Hays than you have
23 housing units available?

24 A We do.

25 Q Do some of those folks looking to purchase, do

1 they -- are they from communities other than
2 Hays?

3 **A They are.**

4 **Q** If -- if you could get to the point where you
5 could grow that housing stock enough, would you
6 see an influx of people?

7 **A I believe we would.**

8 **Q** So do you believe that the rate of growth of the
9 population of Hays is actually being depressed,
10 not because people don't want to live there but
11 because construction has not kept up?

12 **A That's part of it, yes.**

13 **Q** The folks that are building housing, the things
14 that you've talked about, the limitations that
15 are created because they -- of the limitations
16 of water, the uncertainty of water, do you know,
17 having been in the construction business, if
18 that affects someone's decision to build
19 residential housing?

20 **A I can't speak to any particular situation where
21 somebody has questioned building residential
22 housing because of the water situation. We're
23 in a market right now where in a particular
24 development on the east side of Hays, we've had
25 54 lots, 30 -- two phases, one with 36 lots, the**

1 **other with 18. The first 36 is about to build
2 out in the last couple years, and the next 18,
3 there's nine of them under construction, all
4 have sold well before they were done. Really
5 the ones that are in the new 18 lots, they're
6 sold before they even break ground. So we have
7 strong, strong demand for housing, particularly
8 that type of housing.**

9 **Q** And, again, that's from nonresidents or at least
10 a portion of it is?

11 **A A portion of it is.**

12 **Q** It interests me a little bit you having lived
13 through this. We talk about the effects of
14 droughts, unavailability of water, and
15 perhaps -- I know the question was asked of you
16 about stress and your personal experience with
17 that. In -- in these periods of rather severe
18 drought that you've experienced, is it your
19 observation that the attitude of the community,
20 the way people interact with one another, the
21 attitudes people have change because of that
22 drought?

23 **A To some extent, yes.**

24 **Q** Okay. And you've testified that Hays has
25 regulations dealing with the use of water and

1 particularly limiting the use of water in times
2 of drought. Does that sometimes pit neighbors
3 against neighbors?

4 **A Well, I think there are occasions when the
5 tattletale impact is -- creates a little stress
6 in a neighborhood, if you've got the
7 neighborhood gutter Nazi that's calling in and
8 saying that so-and-so has got water running down
9 their gutter and that type of thing, things that
10 wouldn't exist if we didn't have these -- these
11 restrictions, but nonetheless you see some of
12 that.**

13 **Q** And that's things that people maybe that didn't
14 live in the community wouldn't even realize that
15 it was a cost to the community, correct?

16 **A True. I mean, I think we're a pretty hearty
17 bunch so we deal with the hand we're dealt with,
18 you know, droughts have become a little bit of a
19 way of life out there. But the consequences of
20 those droughts and the stress that they can
21 bring along and that type of thing is very real.**

22 **Q** So if Hays could secure a reliable, adequate
23 source of supply, would it be your position that
24 those concerns among the public, those
25 hardships, those hard feelings could also be put

1 to rest?

2 **A Well, they could be lessened.**

3 **Q** Okay. It interests me a little bit when you
4 mentioned Kearney, and I know that there is
5 probably competition between Fort Hays and the
6 university at Kearney, correct?

7 **A Uh-huh.**

8 **Q** I'm taking from your testimony that what Kearney
9 also has -- or has, in addition to what you both
10 have, which would be the medical facilities, the
11 higher education facilities, the shopping
12 facilities, the sporting events, all of those, I
13 think we call pull factor or items that bring
14 people to your town, is it your testimony that
15 they also have is industry that can rely upon a
16 secure source of water that Hays simply doesn't
17 have?

18 **MR. LEE:** Objection, foundation,
19 Your Honor.

20 **PRESIDING OFFICER:** You have a
21 response, Mr. Cole?

22 **MR. COLE:** It came up in the context
23 of why we're not more like Kearney when
24 people were talking about a lack of water,
25 and I guess that's my question. Is that

Page 430

1 the reason that they're comparing Hays to
2 Kearney in a negative respect because Hays
3 doesn't have water?
4 **PRESIDING OFFICER:** I'll overrule
5 the objection, allow the question.
6 **A That's certainly part of it.**
7 **BY MR. COLE:**
8 **Q** Do you know whether Kearney has more
9 industrial --
10 **A They definitely have more industrial companies**
11 **and -- and a greater industrial community**
12 **than -- than we do.**
13 **Q** And do you know whether that relies more heavily
14 upon the use of water than Hays does?
15 **A I don't know that for a fact, I just make an**
16 **assumption.**
17 **Q** Okay. I don't have any other questions, thank
18 you.
19 **PRESIDING OFFICER:** All right.
20 Mr. Lee?
21 **MR. LEE:** Thank you, Your Honor.
22 **PRESIDING OFFICER:** I guess before
23 we start in with another -- another
24 attorney's questions, does anybody need a
25 break before we start this?

Page 431

1 **MR. LEE:** Actually we've got to take
2 a couple minutes to set this up so that
3 would work.
4 **PRESIDING OFFICER:** Okay. Why don't
5 we take five minutes and just start back up
6 in five minutes, then.
7 (Thereupon, a recess was taken;
8 whereupon, the following was had.)
9 **PRESIDING OFFICER:** I think we have
10 everybody back. Mr. Lee, if you are ready?
11 **MR. LEE:** I am ready, Your Honor,
12 thanks.
13 **PRESIDING OFFICER:** All right.
14 We'll go ahead and let you begin with your
15 cross-examination of Mr. Williams.
16
17 **CROSS-EXAMINATION**
18 **BY MR. LEE:**
19 **Q** Mr. Williams, good afternoon.
20 **A Good afternoon to you.**
21 **Q** My name's Charles Lee, I'm one of the lawyers
22 for Water PACK and Edwards County. I don't have
23 a lot of questions for you, but I do want to
24 talk a little bit --
25 **A Okay.**

Page 432

1 **Q** -- about your testimony. Just to make sure that
2 you're not left with the wrong impression, I
3 want to show you a part of the direct testimony
4 of one of our experts that was referred to by
5 the City's counsel. That's on the screen now.
6 I can read it for you --
7 **A Okay.**
8 **Q** -- I can see you're squinting. But the question
9 that's asked, and this is direct, written
10 testimony, the question's asked, What are the
11 actual growth rates of the Cities of Hays and
12 Russell?
13 And the answer is, Over the last four
14 decades growth for Hays has averaged about 0.65
15 percent per year with slower growth,
16 0.29 percent per year, between 2010 and 2020.
17 Russell has experienced a continuously declining
18 population since 1980. This slower declining
19 growth is unlikely attributed to water
20 availability solely but most likely influenced
21 by various factors. So to the point of my
22 objection --
23 **A Right.**
24 **Q** -- they don't blame that all on something else.
25 Do you know who Mason Ruder is?

Page 433

1 **A I do.**
2 **Q** And he is either the mayor or former mayor of
3 Hays?
4 **A Former mayor.**
5 **Q** Okay. Let me show you a letter, if I may, that
6 Mr. Ruder wrote to the Kansas Senate Ways and
7 Means Committee, and it's fairly recent, it's
8 March 9th of 2023. And the -- he is writing to
9 support the House Bill 2290, which I would guess
10 you probably know what that is?
11 **A Refresh my memory.**
12 **Q** Okay. Well, it is actually a way to encourage
13 economic development in --
14 **A Okay.**
15 **Q** -- in your part of the world. He goes on to say
16 that Please accept this letter as written
17 testimony of my support for House Bill 2290.
18 Fort Hays State University and so on have long
19 been beacons of opportunity and drivers of
20 economic prosperity in rural Kansas. Today and
21 in the days ahead our communities face
22 significant demographic and economic challenges
23 including, and he lists three things, a
24 shrinking rural population, an aging workforce,
25 a decline in the number of college-bound

1 students in rural Kansas. And then he says,
2 Economic impact of these demographic changes is
3 nothing less than devastating to our rural
4 Kansas economy.

5 So as to those three bullet points, those
6 are probably things you agree with, it sounds
7 like, from your testimony?

8 **A We -- we suffer from all of those, yes.**

9 **Q** Okay, okay, thank you. We think from what we
10 have read, and there's some -- some document to
11 support that, but we think that Hays is somewhat
12 limited in terms of the actual physical space it
13 has for commercial development. Would that be
14 fair?

15 **A I -- I don't know that I would agree with that;
16 I'd have to know in what context somebody was
17 saying that.**

18 **Q** Well, we can -- we can show a document, and if
19 you don't agree with it, I promise I won't hit
20 you. So this is, as you can see, a memo, it's
21 from Mr. Dougherty and it's dated April 5th of
22 2018 and he says, under the heading of
23 background, There's a limited amount of
24 developable land in and adjacent to the City of
25 Hays that is conducive for retail, commercial,

1 County; is that right?

2 **A That's correct.**

3 **Q** Okay. Let me show you some data, if I may.
4 This is from the Kansas Department of
5 Agriculture, and I know that's really hard for
6 you to see, but the -- it shows that -- and this
7 is 2017 data, it shows 603 farms accounting for
8 501,699 acres, \$65 million and change in crop
9 and livestock sales in 2017. So would I be
10 correct that probably cumulatively is the
11 largest industry in Ellis County?

12 **A I would have to look at the oil industry and
13 compare those two because I -- that may be, but
14 I think the oil industry would be right there
15 with it.**

16 **Q** Okay. But at least in comparison to any
17 stand-alone business in Hays that would be
18 significantly larger; is that right?

19 **A What was that top number?**

20 **Q** 65 million.

21 **A Well, the hospital, I think, is about a \$250
22 million operation and --**

23 **Q** Okay, fair enough, fair enough. The -- you
24 mentioned the concept of pull factor during
25 your -- your testimony. My understanding of

1 and business part to use. The property near
2 Commerce is for sale at an asking price of
3 \$800,000, infrastructure is nearby and the land
4 is poised for development. So he's talking
5 about a recommendation, I believe, but also
6 saying there's a limited amount of land. Is
7 that -- is that consistent with your
8 understanding?

9 **A Not really consistent with my understanding of
10 limited amount of land. I think limited amount
11 of price -- properly priced land --**

12 **Q** Okay.

13 **A -- is more what I think that was driving that.**

14 **Q** And is -- we've also read that land in Hays and
15 the Hays community is relatively high priced; is
16 that right?

17 **A That is right.**

18 **Q** Okay. And I assume that that is somewhat of a
19 drag on development?

20 **A It can slow things down, yes.**

21 **Q** Okay. The -- I think you alluded to, sort of in
22 passing, but it was of interest to us, the role
23 of agriculture in -- in and around the City of
24 Hays, and I would assume that agriculture plays
25 a significant role in the economy of Ellis

1 pull factor, and you're the expert here, but my
2 understanding of pull factor is that is a
3 percentage based metric that -- that shows as
4 a -- in relation to the number of full-time
5 residents how many folks from out of town come
6 to the community for various reasons, shop,
7 hospital, so on; is that right?

8 **A Yes.**

9 **Q** So in other words, and ultimately my question,
10 the -- that's not bodies, that simply is a
11 percentage; is that right?

12 **A It's dollars is what it is.**

13 **Q** Okay. So is it shown as dollars --

14 **A I believe it's revenue based.**

15 **Q** Okay. Okay. So if you are talking about a
16 county the size of Ellis as opposed to, to pick
17 something near and dear, Johnson County, then a
18 much smaller percentage in Johnson County as far
19 as pull factor creates a lot more dollars; is
20 that right?

21 **A Well, a lot more -- a lot more of the money
22 comes from within Sedgwick County than from
23 outside of Sedgwick County, so they don't have
24 as big a pull factor, or they may have a bigger
25 pull factor but it's -- it's based on dollars**

Page 438

1 **that come in from outside the community as**
 2 **opposed to dollars that just would be spent**
 3 **within the community.**
 4 Q But that is as a percentage, right?
 5 A **I believe that's right, yes.**
 6 Q Okay. You also mention that there are what
 7 sound like a number of folks who are looking to
 8 move to Hays but there's insufficient housing
 9 stock to support that. Is that -- did I hear
 10 that correctly?
 11 A **We have a shortage of housing relative to what**
 12 **we need.**
 13 Q Okay. Okay. Well, let me -- let me show -- you
 14 were -- you made a presentation, which I'm sure
 15 you recall, to the, I think to the Hays City
 16 Commission in January 2023 talking about
 17 economic prospects essentially. Do you recall
 18 that?
 19 A **I do.**
 20 Q Let me show you a newspaper article, you can
 21 tell us if it's accurate or not.
 22 A **Okay.**
 23 Q The -- this is from the Hays Post, Mr. Williams,
 24 that was dated January 29th, 2023, it reports on
 25 your appearance, I think, the week prior to

Page 439

1 that?
 2 A **Right.**
 3 Q And if we scroll down, there's just part of this
 4 that I want to look at, which is -- which is
 5 highlighted. And that's the first place, it
 6 talks about the microfactory that will be an
 7 incubator for four to six industrial start-ups
 8 at a time, allowing manufacturers to operate --
 9 operations at a much lower cost than if they
 10 were set up in their own location. So that
 11 sounds as if that's a pretty positive
 12 development, or at least that's how it was
 13 characterized by the newspaper; is that right?
 14 A **Yes.**
 15 Q Okay. So if we scroll down and there you're
 16 talking about Imagine Ellis County, and what --
 17 what is Imagine Ellis County?
 18 A **Imagine Ellis County is a committee, a group we**
 19 **put together within -- as a Grow Hays committee**
 20 **to promote Ellis County --**
 21 Q Okay.
 22 A **-- basically.**
 23 Q Well, that group, it says, is marketing the area
 24 to pull in new residents with a targeted focus
 25 on people who may want to leave the hectic

Page 440

1 living conditions in the Denver and Rocky
 2 Mountain front range area. And then it says,
 3 business activity in Hays last year was robust.
 4 Is that -- is that accurate?
 5 A **Yes.**
 6 Q Okay. It says that 17 new businesses or
 7 acquisitions were opened in the community, and I
 8 presume that's correct, right?
 9 A **Yes.**
 10 Q Okay. And that the trend continues into the new
 11 year with five more in the process that will
 12 open in the next 60 to 90 days, correct?
 13 A **Yes.**
 14 Q Okay. And then also it's reported that you said
 15 there are retail developers actively looking at
 16 the community, including a couple of big-box
 17 retailers, and, again, correct?
 18 A **Yes.**
 19 Q Okay. So I think that is all of that that we
 20 have highlighted. So the -- at least based on
 21 this indication, economically things in this
 22 period of time are -- are -- you're feeling good
 23 about. Is that a fair statement?
 24 A **It is a fair statement.**
 25 Q Okay. Thank you, I don't have anything else,

Page 441

1 Mr. Williams, thanks for your time.
 2 A **Okay.**
 3 **PRESIDING OFFICER:** Ms. Langworthy,
 4 anything?
 5 **MS. LANGWORTHY:** No questions, Your
 6 Honor.
 7 **MR. BULLER:** Just a few, Your Honor.
 8 **PRESIDING OFFICER:** All right.
 9 Mr. Buller?
 10
 11 **REDIRECT EXAMINATION**
 12 **BY MR. BULLER:**
 13 Q Mr. Williams, thanks again, this won't take
 14 long, I hope.
 15 A **Okay.**
 16 Q Mr. Lee asked you about the ag industry in Ellis
 17 County, and that's a significant economic
 18 portion of Ellis County, that's fair, right?
 19 A **Yes.**
 20 Q The farmers, their families, their hired hands,
 21 those folks that work in the ag industry, do
 22 they rely on the City of Hays?
 23 A **Yes.**
 24 Q What do they rely on the City of Hays for?
 25 A **Well, they buy farm machinery from the City of**

1 **Hays, they buy groceries from the City of Hays,**
 2 **they buy cars, they buy trucks, they send their**
 3 **kids to school, so they ...**
 4 Q Groceries?
 5 A **Yes.**
 6 Q Gasoline?
 7 A **Yes.**
 8 Q Restaurants?
 9 A **All of the above.**
 10 Q And if this water transfer doesn't go through
 11 and the Cities don't get the water, you
 12 mentioned that it could represent an existential
 13 crisis in the event of a significant drought,
 14 remember that?
 15 A **I do.**
 16 Q And those farming families and -- that are
 17 surrounding Hays, north of Hays, the folks who
 18 are competing -- who -- that Kearney is
 19 competing with --
 20 A **Uh-huh.**
 21 Q -- if Hays goes away, are more of those folks
 22 liable to go to Kearney for their groceries or
 23 their shopping, for their dining, for their
 24 cars, for everything that they rely on Hays for,
 25 are they more likely to go to Kearney for those

1 **MR. COLE:** Yes, as we discussed
 2 before. So there will be more Hays
 3 witnesses to be called --
 4 **PRESIDING OFFICER:** That's fine.
 5 **MR. COLE:** Okay. Call Brad Wagner.
 6 **PRESIDING OFFICER:** All right. And,
 7 Mr. Wagner, I'll swear you in, but just for
 8 our court reporter need to make sure we
 9 have you spell your name so she can get
 10 that correct.
 11 **THE WITNESS:** Okay.
 12 **PRESIDING OFFICER:** Can you please
 13 raise your right hand, your testimony will
 14 be under oath subject to the perjury laws
 15 in the State of Kansas.
 16
 17 **BRAD WAGNER,**
 18 having first duly sworn or affirmed, was
 19 examined and testified as follows:
 20
 21 **PRESIDING OFFICER:** All right. Go
 22 ahead and spell your name for the court
 23 reporter.
 24 **THE WITNESS:** It's Brad, B-R-A-D,
 25 Wagner, W-A-G-N-E-R.

1 things if Hays goes away?
 2 A **In some cases, yes.**
 3 Q That would represent dollars going out of the
 4 State of Kansas, wouldn't it?
 5 A **It would.**
 6 Q That would be a net detriment to this state,
 7 would it not?
 8 A **It would.**
 9 **MR. BULLER:** No further questions.
 10 **PRESIDING OFFICER:** Mr. Cole,
 11 anything?
 12 **MR. COLE:** No.
 13 **PRESIDING OFFICER:** Mr. Lee,
 14 anything further?
 15 **MR. LEE:** No, Your Honor, thank you.
 16 **PRESIDING OFFICER:** Ms. Langworthy?
 17 **MS. LANGWORTHY:** No questions, Your
 18 Honor.
 19 **PRESIDING OFFICER:** Thank you. All
 20 right. Thank you, Mr. Williams.
 21 Mr. Traster, Mr. Buller, who would you
 22 like to call as your next witness?
 23 **MR. TRASTER:** I believe that the
 24 City of Russell would --
 25 **PRESIDING OFFICER:** Okay.

1 **DIRECT EXAMINATION**
 2 **BY MR. COLE:**
 3 Q And, Brad -- is it all right if I call you Brad?
 4 A **Sure.**
 5 Q Yeah. We've known each other for some years,
 6 correct?
 7 A **We have.**
 8 Q Where do you reside?
 9 A **I reside in Russell.**
 10 Q Okay. And how long have you lived in Russell?
 11 A **I'm a lifetime resident.**
 12 Q Okay. Are you employed?
 13 A **I just recently retired, my career was as a**
 14 **financial adviser; the last 20 years I spent**
 15 **with Edward Jones.**
 16 Q In Russell?
 17 A **In Russell.**
 18 Q And prior to that, where did you work?
 19 A **Prior to that I was also a financial adviser for**
 20 **UMB Bank for about 15 years prior to that, also**
 21 **in Russell.**
 22 Q Okay. Any employment prior to that?
 23 A **I worked at UMB Bank prior to that as a loan**
 24 **officer so always some type of financial type**
 25 **business.**

Page 446

1 Q So I'm assuming you graduated from Russell High?
2 A **I graduated from Russell High, went to college
3 at Fort Hays State.**
4 Q In Hays?
5 A **In Hays.**
6 Q And did you receive a degree there?
7 A **I have a bachelor's in finance.**
8 Q And you indicated that you lived in Russell for
9 sometime, is that all your life?
10 A **All my life.**
11 Q So your parents, are they from Russell?
12 A **My -- my mother grew up in Russell, my father
13 grew up in Otis, Kansas, not too far away, but
14 they both spent their adult lives in Russell.**
15 Q Okay. And did any of your mother's family have
16 family from Russell?
17 A **My mother -- my mother grew up in Russell, her
18 parents lived there for an extensive period of
19 time.**
20 Q Okay. So having been in Russell for all of your
21 life and probably knowing the history of Russell
22 for generations before that, what can you tell
23 me about the subject we're here about, and
24 that's water, availability of water for the City
25 of Russell?

Page 447

1 A **Yeah, sometimes it's talked about this being a
2 crisis that's developed more recently, but my
3 experience is from my youngest memories, you
4 know, Russell was frequently under water
5 restrictions during the summertime. My -- my
6 dad worked in the oil field, he was gone from
7 7:00 in the morning till 7:00 at night, so I
8 took care of the yard, I was the one that mowed
9 the grass, and I was the one that would usually
10 water it. And I know that there were many times
11 that we could only water on our trash days, and
12 that was -- that was true when I was young.**
13 Q So that was a limitation on watering, and now
14 you're talking about before you even graduated
15 from high school?
16 A **That's correct.**
17 Q And you graduated when?
18 A **In '78.**
19 Q Okay. Go on.
20 A **So, I mean, I do remember times that outdoor
21 watering was banned at that time also, I
22 remember not being able to wash the car.**
23 Q Okay.
24 A **And at that time, I don't even think Russell had
25 a commercial car wash; I mean, if you wanted to**

Page 448

1 **wash your car, you washed it at home, there were
2 times we could not do that.**
3 Q Did your family take pride in its yard as you
4 were growing up?
5 A **They did. It was important to my dad, we had
6 bluegrass, we fertilized it and we watered it
7 when we were able to.**
8 Q Okay. And were you able to do that throughout
9 your youth?
10 A **We really, for the most part, we were. Again,
11 there were -- there were a couple of times that
12 I remember not being able to water, but somehow
13 we were able to put enough water on the grass
14 that we were able to sustain it. They -- they
15 had that type of lawn until probably the last
16 ten years or so before it finally went to native
17 grass.**
18 Q Okay. Other than that, the lawn-scaping, is
19 there other things that come to your mind as far
20 as what your experiences are with respect to the
21 use of water?
22 A **Yeah, there's -- you know, we talked about the
23 drought that occurred around 2011, '12, '13, in
24 through there. Russell has been under
25 continuous water restrictions for more than ten**

Page 449

1 **years, and we have different levels, and I can't
2 tell you exactly what the levels are and what
3 the restrictions are, but I do know the most
4 restrictive one bans any outdoor use of water,
5 and Russell has been under that numerous times.**
6 **And I think a lot of people around Kansas
7 would be shocked to know that there are times
8 it's unlawful to use a faucet on the outside of
9 your house to water a plant or a garden, I think
10 that would come as a shock to a lot of people,
11 but it's reality in Russell. Again, not all the
12 time; when we are at that level of restriction,
13 you cannot water anything outside.**
14 Q And do the citizens of Russell generally accept
15 these limitations and restrictions?
16 A **They do most -- you hear very little complaints
17 about water restrictions as far as like when
18 it's not so strict that you just have to water
19 on a certain day and that you can only water
20 early in the morning or late at night, we accept
21 that. But when you get to the point where you
22 can't water a tree or you can't water a garden,
23 that really hits home, that -- that to me is a
24 definition of a water crisis.**
25 **Everybody has a different definition, but**

1 I'll give you an example. A couple years ago, I
2 have a shed that I put up that's kind of a man
3 cave, a place to hang out in retirement, and I
4 wanted to plant some trees. And I'm 63 years
5 old, so I wasn't going to buy a little sapling,
6 I bought the biggest trees you can buy because I
7 want to get some shade from these trees during
8 my lifetime. And so that's a couple thousand
9 dollars. And I had to have a plan in place for
10 how am I going to water these trees if we go on
11 level 4 water restriction.

12 And so my plan is, you know, I've got rain
13 barrels at my house where you can actually
14 capture the water that comes out of the
15 downspout in these tanks, and you have that and
16 then I'd have to have a way to transport those
17 from where I live, where I capture the water to
18 my shed so I can hook up a garden hose and water
19 the tree. But you have to have a plan like that
20 in place or you can potentially lose your trees.

21 Q So the shed that you have, is it located at your
22 residence?

23 A It's not at my residence, no, that's correct.

24 Q And do you know folks that have had to just sit
25 and watch during these times of drought and let

1 Q And you have at least access to a private well;
2 is that correct?

3 A Yes, that was one of the appeals when I bought
4 the property was that those properties in our
5 little neighborhood actually do have fescue
6 grass and it's green, and it was something that
7 was a source of pride for me when we first
8 bought the home.

9 Q Okay. The well that you're talking about, does
10 it serve more than one house?

11 A There are -- there are four different households
12 that use that well.

13 Q And are you limited on its use?

14 A We have certain days that we can each use it.

15 Q Okay. Its quality, what can you use it for?

16 A It's okay for irrigating grass. It contains a
17 lot of dissolved solids. I mean, if you get it
18 on the window of your residence, you have to --
19 the only way to get it off is with a razor
20 blade. And you have to be very careful. If you
21 water a plant and get it on the leaves, you can
22 actually kill a plant. But if you put it
23 directly on the ground and it soaks in, it's
24 usable for watering a lawn or something like
25 that.

1 things die?

2 A Yes, if you don't have a plan -- we talked about
3 this in Hays, but it is legal to use gray water.
4 And so for people that don't know what that is,
5 it's okay to capture bath water or to have some
6 container in the shower with you and capture
7 water like that, and that water could be used
8 outside. That'll work for some potted plants,
9 but it's not a viable option for watering a
10 large tree or, you know, some bigger use like
11 watering a large garden.

12 Q And have you done that at times?

13 A I have done that at times.

14 Q Now, the home you live at now, how long have you
15 lived at that home?

16 A We moved in in 2000.

17 Q Okay. And you lived somewhere else in Russell
18 for several years prior to that?

19 A That's correct.

20 Q While you have a shed at a different location
21 that you talked about what you had to do for
22 watering there, the place that you live, like
23 there are a few places in Russell that have
24 private wells; is that correct?

25 A That's correct.

1 Q Okay. Now, since your retirement, have you got
2 involved in some of the local activities?

3 A I actually ran for city council, and I started
4 my term in just this last January.

5 Q Okay.

6 A I serve on the hospital board, and I'm on the
7 board of directors of the local community
8 theater.

9 Q Okay. And being on that -- well, aside from
10 your recent activity with the city council, do
11 you have any prior experience with the City as
12 it relates to its water issues?

13 A I'm not sure if I understand your question.

14 Q Did you once serve on the public --

15 A Oh, yes, I'm sorry. Russell and Hays had a
16 public wholesale water district, I believe it
17 was number 15, and I was asked to serve on that
18 board in the '90s. And the board was -- we met
19 regularly through the early 2000s, and it was
20 our responsibility to research other possible
21 water sources for Russell and Hays.

22 And I believe it was an organization that
23 even had some -- had their own assets, had some
24 money, and I believe even had a director at one
25 time that was paid. And we did spend

Page 454

1 considerable time researching other water
2 sources, but ultimately each of them was found
3 to either have an inadequate amount of water or
4 had water quality issues that were -- would be
5 too expensive to treat.

6 Q The subject of this proceeding is the water
7 rights of the R9 Ranch, do you recall if that
8 ever came before the district while you were
9 still on --

10 A Yes, I do remember I was on the board at the
11 time that the water ranch was acquired.

12 Q Okay. So that would have been in, what, the mid
13 '90s?

14 A In the mid '90s, yeah.

15 Q When -- do you recall when the last time you
16 actually participated in a meeting with that
17 board?

18 A It would have been probably somewhere around
19 2003, '4, '5, somewhere in through there.

20 Q Were there still at that time active
21 considerations of alternative sources?

22 A We really felt like at that point that we had
23 exhausted any -- any option that was viable, and
24 so once we had acquired the rights to the ranch,
25 it just seemed like this is -- this is what we

Page 455

1 have to pursue. We all knew -- it wasn't -- it
2 wasn't what we wanted to do because we all knew
3 how costly it would be not only to go through
4 the legal process to be able to use the water,
5 but then if that gets approved, the process of
6 building and doing all the consulting work and
7 putting all the infrastructure in place, we all
8 knew that was a very -- a very high bar to get
9 over, but we reached the conclusion that there
10 just was no other option.

11 Q In your mind, in what you've experienced in your
12 life as well as your professional career, do you
13 have an opinion as to whether the City of
14 Russell does have a water issue that it needs to
15 address through the R9 Ranch?

16 A I don't see how -- I don't see how we can not do
17 this. I mean, as a person that serves on the
18 city council, it would be irresponsible for us
19 not to pursue this option to -- to develop water
20 from the R9. When we've already experienced a
21 level of restriction that you can't use water
22 outside, I think it's, again, it's just
23 irresponsible for us not to pursue this option.
24 I think we are obligated to, and I think the
25 future of Russell depends on it.

Page 456

1 Q Now, Russell, as I'm sure you know having lived
2 there, for years was dependent upon the
3 agricultural and oil industry --

4 A Correct.

5 Q -- correct?

6 A That is correct.

7 Q Aside from those two major industries, can you
8 think of any other industry up until maybe the
9 last 20 years that provided the economic engine
10 for our community?

11 A Really there wasn't. The only other significant
12 employers are governmental, school district,
13 hospital, city, county. Otherwise, we were very
14 dependent on ag and oil, which really meant that
15 we were very subject to booms and busts.

16 Hearing Mr. Williams talk about what happened in
17 the '80s is very familiar to me.

18 Q When you say booms and busts, what do you mean
19 by that?

20 A There were times when I -- when I grew up in the
21 '70s, some of you may recall, and I think it was
22 1973, that the Arab Oil Embargo happened; it was
23 the first time that OPEC really exerted their
24 influence, and oil went from \$3 a barrel to \$6 a
25 barrel in a short period of time. And that

Page 457

1 meant that -- although that hurts as far as fuel
2 getting more expensive, when you're from a place
3 like Ellis County or Russell County that
4 produces a lot of oil, actually we saw a benefit
5 from that. I mean, there were boom times in
6 Russell growing up; I didn't know that in the
7 '70s, but it was a good time.

8 Q And then when oil or commodity prices on the
9 farm went down, what happened?

10 A Yeah, we saw the flip side of that in the '80s
11 when oil crashed. My wife and I bought a home
12 in 1985 in Russell, paid \$52,000 for it, and a
13 year later, the notice I got for valuation from
14 the County showed 30,000 on that house.

15 Q Okay. And the point I'm getting to is we now
16 have some industries in Russell that's in our
17 industrial park, correct?

18 A Correct.

19 Q And you're familiar with those industries?

20 A I am. I'm not an expert, but I'm familiar with
21 them.

22 Q Some will criticize Russell because of the
23 amount of water it takes to -- for those
24 facilities to exist and operate in our
25 community, correct?

1 A That's true, that's true.

2 Q Are you generally familiar with what the demands
3 are from those industries?

4 A I know that our wheat gluten facility and our
5 ethanol facility use large quantities of water,
6 but I also know that they provide, I believe in
7 the area of 100 jobs, and for a community of
8 4,500 people a business that provides 100 jobs
9 is a big deal.

10 Q And you're getting ahead of me, but that was my
11 next question, so any community, anybody has to
12 look at something when they're looking at this
13 as a cost versus benefit kind of analysis?

14 A Right.

15 Q So the critics would stand out there and say the
16 cost is too great; if you're on water
17 restrictions, that's 'cause you let that factory
18 in, right?

19 A Yes, and I'm sure there are people that feel
20 that way, but you really don't hear -- you don't
21 hear a lot of grumblings about that. I think we
22 all realize that if you want our community to
23 survive and thrive, economically we've got that
24 business, we're committed to it.

25 Q The boom and bust economy that Russell had for

1 A To me the benefits far outweigh the cost. I
2 realize it's difficult to provide the water they
3 need, but they provide such a great economic
4 benefit to us.

5 Q Do you know -- do you know if they have a
6 business plan to expand?

7 A I do know that they would very much like to
8 expand, but we can't responsibly commit to them
9 that we can give them the water that they would
10 need to do that, and so I feel quite certain
11 that their expansion hinges on whether or not
12 we're allowed to transfer water from the R9 to
13 Russell.

14 Q So you're saying it's your understanding that
15 that expansion is dependent upon Russell being
16 able to provide additional water?

17 A It's my belief that that is true.

18 Q Okay.

19 A And -- and it's rare that in Russell you would
20 have such a clear business opportunity and an
21 opportunity to expand and offer more jobs.
22 Excuse me. And so for us to see the opportunity
23 that's there and know that we may or may not be
24 able to make good on it is very difficult.

25 Q So if that were to occur and if Russell then got

1 so many years, is that still the case?

2 A I don't believe it is. I mean, we've
3 experienced numerous big drops in oil since
4 then, you know, there was a big oil drop in
5 2014, and, you know, I remember back in the '80s
6 Russell probably had 300 houses for sale, and
7 we've never seen anything like that since then.
8 And I have to attribute a big part of that to
9 the ethanol and wheat gluten facility. I really
10 believe that that has added a level of economic
11 stability that we wouldn't have otherwise. And
12 so I think we realize that because that's so
13 important economically for the jobs they
14 provide, we have to find a way to give them the
15 water that they need.

16 Q You were in the financial industry, I assume you
17 had clients that worked there?

18 A Most definitely. And the nice thing is they're
19 good paying jobs that offer retirement benefits
20 and health insurance, which is something that is
21 difficult to find in the oil industry or the ag
22 industry.

23 Q So cost of water they require and the benefits
24 from what they provide, how would that scale
25 look to you?

1 a stable, reliable water source that it could
2 count on, aside from the industry, do you see
3 that as a benefit to the State as a whole?

4 A How can it not be? Not only do we have the
5 direct jobs that's provided to Russell, but my
6 shed happens to be on the street where all the
7 trucks drive by to deliver grain and then haul
8 off the by-products, and there are about 20
9 semitrucks, trailer trucks an hour going up and
10 down that street. 20 trucks an hour, think
11 about how much product is being hauled in and
12 out. And think about the trucking jobs for the
13 people driving those trucks, they live -- they
14 live in Kansas. And most of the product, the
15 grain that's going in there and the by-product
16 coming out, it's all -- it's all happening in
17 Kansas. So how can that not benefit the State?

18 Q Now think and tell me how it would be a benefit
19 to the State to deny this transfer request.

20 A I would be puzzled as to how you could think
21 that that would be the case.

22 Q Thank you.

23 MR. TRASTER: I have no questions.

24 PRESIDING OFFICER: All right.

25 Mr. Lee --

Page 462

1 **MR. LEE:** Thank you, Your Honor.
 2 **PRESIDING OFFICER:** -- do you have
 3 some questions?
 4 **MR. LEE:** Yes.
 5 **PRESIDING OFFICER:** Okay.
 6
 7 **CROSS-EXAMINATION**
 8 **BY MR. LEE:**
 9 Q Mr. Wagner, good afternoon.
 10 A **Good afternoon.**
 11 Q I'm Charles Lee, I'm one of the lawyers with Lee
 12 Schwalb that represents Water PACK and Edwards
 13 County, and I've got a few questions for you in
 14 light of your testimony.
 15 A **Okay.**
 16 Q And I sort of, I guess, want to start at the
 17 back end. You were talking about the ethanol
 18 plant and expansion, right?
 19 A **Correct.**
 20 Q Who's the -- who's the president or president,
 21 slash, owner of the ethanol plant?
 22 A **It's -- it's a company called PureField**
 23 **Ingredients, I believe.**
 24 Q Okay. And is that someone who is local to
 25 Russell?

Page 463

1 A **It is not.**
 2 Q Okay. Has the ethanol plant previously
 3 expanded?
 4 A **I believe it has.**
 5 Q And it did that despite what you characterize as
 6 a lack of water, correct?
 7 A **Yes, however, I also am aware that they have --**
 8 **they have led the industry in looking for ways**
 9 **to conserve water and to do more with less. So**
 10 **I'm not sure that over the years they have**
 11 **actually used more water despite their**
 12 **expansion.**
 13 Q Which is to be commended.
 14 A **Right, I agree.**
 15 Q Okay. So you are a lifelong resident of
 16 Russell?
 17 A **Correct.**
 18 Q When you went to Fort Hays, did you leave
 19 Russell and live on campus, or did you --
 20 A **I did, I did live in Hays for four years.**
 21 Q So why'd you come back?
 22 A **Quality of life, it's just a good place to live.**
 23 Q Okay.
 24 A **It's a small enough community, it's safe, it's**
 25 **quiet, we have great recreational facilities.**

Page 464

1 Q And it's remained that way 'cause you have
 2 stayed?
 3 A **Correct.**
 4 Q And you indicate it's no longer a boom and bust
 5 economy, I think?
 6 A **I believe it's much more stable.**
 7 Q Okay. Thank you, no other questions.
 8 A **Thank you.**
 9 **PRESIDING OFFICER:** All right.
 10 Ms. Langworthy, anything?
 11 **MS. LANGWORTHY:** No questions, Your
 12 Honor.
 13 **PRESIDING OFFICER:** All right.
 14 Mr. Cole?
 15 **MR. COLE:** Nothing further.
 16 **PRESIDING OFFICER:** All right.
 17 Thank you, Mr. Wagner.
 18 **THE WITNESS:** Thanks for the
 19 opportunity.
 20 **PRESIDING OFFICER:** I think the
 21 other witnesses that you indicated
 22 potentially testifying today were
 23 Mr. Quinday and Randy Baker?
 24 **MR. COLE:** Yes, he's not here, he
 25 won't be testifying.

Page 465

1 **PRESIDING OFFICER:** Okay. Do you
 2 intend to have Mr. Quinday testify?
 3 **MR. COLE:** Yes.
 4 **PRESIDING OFFICER:** Okay. Will he
 5 be the next witness?
 6 **MR. COLE:** Yes.
 7 **PRESIDING OFFICER:** All right.
 8 **MR. COLE:** Call Jon Quinday.
 9
 10 JON QUINDAY,
 11 having first duly sworn or affirmed, was
 12 examined and testified as follows:
 13
 14 **PRESIDING OFFICER:** All right, thank
 15 you.
 16
 17 **DIRECT EXAMINATION**
 18 **BY MR. COLE:**
 19 Q Would you state your name for the record,
 20 please.
 21 A **Jon Quinday.**
 22 Q And, Jon, how are you employed?
 23 A **City manager for the City of Russell.**
 24 Q How long have you been in that position?
 25 A **Since September of 2012.**

Page 466

1 Q And prior to that time, how were you employed?
2 A **I was the chief of police.**
3 Q At the City of Russell?
4 A **In the City of Russell.**
5 Q And do you recall how long you were employed
6 there?
7 A **From 1997 until 2012.**
8 Q Okay. So did you move to Russell in 1997?
9 A **Yes.**
10 Q And just briefly summarize what you had done
11 prior to that time.
12 A **I was in the United States Army for eight years,**
13 **and then before that I was in college for a**
14 **while and then worked on a ranch.**
15 Q During your time in the Army were you deployed?
16 A **Yes.**
17 Q And where were you deployed?
18 A **In 1990 and '91 for Desert Storm and Desert**
19 **Shield -- in 1990 and 1991 I was in Desert Storm**
20 **and then in 1995 in Operation Enduring Democracy**
21 **in Haiti as a United Nations international**
22 **police monitor.**
23 Q And what is your educational background?
24 A **I have a undergraduate degree in leadership at**
25 **Fort Hays State University and currently**

Page 467

1 **pursuing a master's in organizational**
2 **leadership.**
3 Q At Fort Hays?
4 A **Yes.**
5 Q Do you have family?
6 A **Yes.**
7 Q And what family do you have?
8 A **I've been married for, better get this right,**
9 **33 years, I have three daughters, two of them**
10 **are married, and I have five grandchildren and**
11 **one on the way.**
12 Q Okay. And your daughters, where do they live?
13 A **In the City of Russell.**
14 Q Okay. You've had an opportunity here to listen
15 to testimony over the last couple days; is that
16 correct?
17 A **Yes.**
18 Q And a large part of that was the testimony of
19 Toby Dougherty --
20 A **Correct.**
21 Q -- the city manager of Hays?
22 A **Yes.**
23 Q Okay. During that testimony, he provided a lot
24 of historical information regarding droughts,
25 studies, joint activities between the Cities of

Page 468

1 Russell and Hays, a little bit on the public
2 wholesale district -- water wholesale district
3 that the Cities had. Do you recall that
4 testimony?
5 A **Yes.**
6 Q And in listening to that testimony, was there
7 anything there that -- that you found that you
8 might disagree with?
9 A **No.**
10 Q Okay. You might speak up a little bit still.
11 Okay. So with that, we're probably going -- I'm
12 not going to spend a lot of time on the things
13 that he talked about but we will some, and one
14 of those is, you know, this -- the reason we're
15 here is water and the water availability to the
16 City of Russell and to the City of Hays.
17 Mr. Dougherty had testified in detail on at
18 least three sources that Russell has that are
19 somewhat in common with Hays, and that would be
20 Cedar Bluff?
21 A **Uh-huh.**
22 Q And can you just for the record briefly describe
23 what Russell's rights there are?
24 A **We have 2,000 acre-feet of water --**
25 **2700 acre-feet of storage but up to**

Page 469

1 **2,000 acre-feet a year that we can ask to be**
2 **released from Cedar Bluff.**
3 Q And when you say released from Cedar Bluff, that
4 means it's just naturally released into the
5 riverbed --
6 A **Correct.**
7 Q -- correct? Do you know approximately how far
8 that is from the dam to Russell's wellfield in
9 the Smoky?
10 A **Not off the top of my head.**
11 Q Okay. It's some distance, is it not?
12 A **Yes.**
13 Q And as Mr. Dougherty testified, that water, if
14 it were to get to the Russell wellfield, which
15 is in Pfeifer?
16 A **Yes.**
17 Q In the area of Pfeifer -- what we refer to as
18 Pfeifer would have to first go through the Hays
19 wellfield?
20 A **Correct.**
21 Q Now, is that water something that's always
22 available for release?
23 A **No.**
24 Q Can you tell us what your understanding is with
25 respect to that?

Page 470

1 A There's a monthly accounting based on the
2 available water in Cedar Bluff, and there are
3 priorities for who can use the water and when.
4 And in times of drought, that number is reduced
5 proportionately by those water rights, so we
6 don't always have 2,000 acre-feet of water
7 available.
8 Q And actually if there's not precipitation or
9 rain, is there a reduction on -- just by shear
10 evaporation?
11 A Correct.
12 Q Do you know how many times Russell has called
13 for a release of the water?
14 A Since I've been there at least twice.
15 Q And do you know whether that was a rather
16 controversial matter with respect to the people
17 that use the lake and live in that area?
18 A Yes.
19 Q The testimony from Mr. Dougherty was that by and
20 large, while Russell may own that right, it
21 effectively can't benefit from that. Would that
22 be a fair characterization of his testimony?
23 A Yes.
24 Q And do you agree with that?
25 A Yes.

Page 471

1 Q Given that, does that play into Russell's
2 stewardship of this water right in the sense
3 that it doesn't just use it or waste it?
4 A Correct. We don't just release it every year
5 when we have an opportunity because it would be
6 wasteful, the City of Russell wellfield would
7 not benefit from it unless the conditions were
8 just right.
9 Q And is that the approach that generally the City
10 of Russell takes in managing all of its water
11 resources?
12 A Yes.
13 Q R9 Ranch, do you have any reason to believe that
14 would be any different?
15 A No.
16 Q Another common water source with the City of
17 Hays is Big Creek?
18 A Yes.
19 Q Okay.
20 MR. COLE: And, actually, Your
21 Honor, I'm going to go get a couple
22 exhibits here, if I may.
23 PRESIDING OFFICER: All right.
24 MR. COLE: May I approach with the
25 exhibits, Your Honor?

Page 472

1 PRESIDING OFFICER: You may.
2 BY MR. COLE:
3 Q I thought my eyesight was better. So we're
4 looking at Cities' Exhibit 2619, are you
5 familiar with that?
6 A Yes.
7 Q Can you describe -- I don't know if you folks
8 can see that, can you describe what that
9 depicts?
10 A It's the rural water transmission lines that
11 runs from the Pfeifer wellfield in the lower
12 left-hand corner up to the City of Russell in
13 the upper right-hand corner, and about
14 two-thirds of the way along the yellow line as
15 you're moving from left to right is the Big
16 Creek intake.
17 Q Now, co-counsel is more technologically advanced
18 than I, so I will just go here and show -- down
19 here, is this the Pfeifer area?
20 A Yes, that's the Pfeifer wellfield.
21 Q Okay. And there's red dots here that show the
22 wells in Pfeifer?
23 A Correct.
24 Q And those are collection wells?
25 A Well --

Page 473

1 Q You've got -- they're a group of wells that
2 collect --
3 A Yes.
4 Q And then we have a transmission line, which is
5 depicted in yellow?
6 A Yes.
7 Q And it says it's an 18-inch line?
8 A Yes.
9 Q Okay. And that line as depicted in the exhibit
10 shows that it goes all the way from Pfeifer to
11 the City of Russell?
12 A Correct.
13 Q Do you know how far that is?
14 A 23 miles of pipeline.
15 Q And then the second source along here is Big
16 Creek?
17 A Correct.
18 Q And it shows here Big Creek pump station?
19 A Yes.
20 Q And then again, I think it shows the green line
21 from Big Creek into the City of Russell?
22 A Correct.
23 Q So from Big Creek, while those lines come almost
24 together, they're actually separate lines into
25 town?

Page 474

1 **A Correct.**
2 Q Is there a reason for that or do you know?
3 **A Yes, we have two water treatment plants, one of**
4 **those is an EDR plant, or electro dialysis**
5 **reversal, and it can only treat groundwater, not**
6 **surface water, so we cannot mix those in one**
7 **transmission line.**
8 Q So the pipeline from the Smoky River, the longer
9 line, that would go or can go to the EDR plant?
10 **A Correct.**
11 Q And then the other line, Big Cedar --
12 **A Big -- Big Creek.**
13 Q Or, excuse me, Big -- yeah, Big Creek, goes to,
14 is it what we call plant A?
15 **A Yes, which is a water softening plant.**
16 Q Okay. And the water softening plant, can it
17 treat either water source?
18 **A Yes.**
19 Q But the EDR can treat only water from the Smoky?
20 **A Correct, only groundwater.**
21 Q Only groundwater, okay. I do have some exhibits
22 now, 805. Jon, this is -- I'm going to show you
23 Cities' Exhibit 805, are you familiar with that?
24 **A Yes.**
25 Q Did you take that photograph?

Page 475

1 **A Yes.**
2 Q Can you tell -- can you tell us what that is,
3 what that depicts?
4 **A We refer to that as the low head dam, which is**
5 **to the north of our intake, and we also use it**
6 **to cross the creek to get to the pump house.**
7 Q And that's in Big Creek?
8 **A Correct.**
9 Q So that would be in the location that's closest
10 to the City of Russell?
11 **A Yes.**
12 Q And you said it's the low head dam, can you
13 tell -- what purpose does that serve?
14 **A To impound water or keep it there so we can use**
15 **Big Creek longer.**
16 Q Okay. This is a surface right, correct?
17 **A Correct.**
18 Q And how is -- how is that collected so it can be
19 used?
20 **A There's an intake on the other side of the dam**
21 **as you're looking at the photograph to the left**
22 **that will capture the water and then goes to a**
23 **pump house which pumps it to Russell through the**
24 **pipeline.**
25 Q Okay. And that intake, do you know, since it's

Page 476

1 a surface water right, I'm assuming that it
2 doesn't get clear down to the bottom of the
3 river?
4 **A No, it does not.**
5 Q Do you know approximately how high it is off the
6 bottom of the river?
7 **A Not how high but at this level of Big Creek, we**
8 **cannot use the intake.**
9 Q So what's being depicted here with that pool of
10 water at the low head dam, it's your testimony
11 that at that point, that's not a usable source?
12 **A Correct.**
13 Q Exhibit 806, please. Is that the intake?
14 **A Yes, on the left is the intake structure.**
15 Q Okay. And, again, what's depicted there, would
16 the City be able to produce that?
17 **A No.**
18 Q Let's go to Exhibit 800. Are you familiar with
19 this exhibit?
20 **A Yes, that's what we refer to as the Pfeifer**
21 **wellfield, and that's the Smoky Hill River. And**
22 **if you look off in the distance, you can see a**
23 **white line; that is actually the bridge that we**
24 **cross coming from Pfeifer -- correction, from**
25 **Victoria into Pfeifer.**

Page 477

1 Q This might have come up during Mr. Dougherty's
2 testimony and he may have testified that --
3 yeah, this photograph or exhibit may have come
4 up during Mr. Dougherty's testimony.
5 **A Okay.**
6 Q And it may have been indicated that this was --
7 I don't think he was sure where it was at, but
8 it was around their wellfield in Schoenchen?
9 **A No, that photograph is at our wellfield at**
10 **Pfeifer, I took the photograph.**
11 Q I understand that. How far is that from
12 Schoenchen?
13 **A Oh, I'd have to guess, probably 9, 10 miles.**
14 Q Yeah, and the conditions, though, or the way the
15 river appears, is it similar all along that
16 riverbed?
17 **A Yes.**
18 Q I forgot to ask you back on our other exhibits
19 in Big Creek, do you know when those photographs
20 were taken?
21 **A In Big Creek, I believe I took those in June of**
22 **2015.**
23 Q Okay. When was this taken?
24 **A This would have been taken in October of 2012.**
25 Q Okay. And Exhibit 801. And can you tell us

Page 478

1 what this is?
2 **A Same -- same area but I'm about 100 to 150 yards**
3 **farther to the west from where I was previously**
4 **standing when I took the other photograph.**
5 Q Okay. Taken the same day?
6 **A Yes.**
7 Q Is there any -- or do you recall, is there any
8 moisture at all, a pooling of water at all in
9 that riverbed at this time?
10 **A Not that I recall, no.**
11 Q And this was in 2012?
12 **A For the -- yes.**
13 Q And if we look at Cities' Exhibit 2679, you'll
14 notice there that there is a spike in that time
15 period?
16 **A Yes.**
17 Q Reflecting a drought?
18 **A Correct.**
19 Q Exhibit 802, please. And, again, what does this
20 exhibit depict?
21 **A This is of the Smoky Hill River, but I am**
22 **standing on a bridge at U.S. 183 near the town**
23 **of Schoenchen near Hays wellfield; their**
24 **wellfield is right in that area, but I'm looking**
25 **towards the east towards our wellfield at**

Page 479

1 **Pfeifer.**
2 Q Okay. When was that photograph taken?
3 **A I believe that one was taken in February of**
4 **2013.**
5 Q 803. Are you familiar with this photograph?
6 **A Yes, it looks like the same area, but I'm**
7 **looking at the other direction.**
8 Q Okay. And did you take that photograph?
9 **A Yes.**
10 Q Do you recall when?
11 **A It would have been the same as the other, would**
12 **have been February of 2013.**
13 Q Okay. And is that looking toward the Hays
14 wellfield?
15 **A Yeah, that'd be looking towards the west.**
16 Q And then I think the last is 804. Is this still
17 the Smoky -- or, excuse me. Yes, the Smoky
18 River?
19 **A Yes.**
20 Q And what is this?
21 **A That'd be directly south of the City of Ellis.**
22 Q And where is the City of Ellis in relation to
23 Hays?
24 **A It's to the west of Hays.**
25 Q Do you know approximately how far?

Page 480

1 **A I'd say 10 miles.**
2 Q Now, there has already been, excuse me, some
3 testimony on the reliability of these two river
4 sources?
5 **A Yes.**
6 Q Your -- the City of Russell's production is
7 similar to the City of Hays in the Smoky River
8 in the sense that it's groundwater, correct?
9 **A Correct.**
10 Q But it differs from the City of Hays in Big
11 Creek?
12 **A Correct.**
13 Q And how does that differ?
14 **A We use surface water.**
15 Q And their's is groundwater?
16 **A I believe so.**
17 Q And then as things go, if someone were to lose
18 production from that source, what would first be
19 lost, production from surface water or
20 groundwater?
21 **A The surface water.**
22 Q And, again, not to be overly repetitive of what
23 we've heard before, but Mr. Dougherty testified
24 that both of these sources can be unreliable at
25 times, particularly in times of drought?

Page 481

1 **A Correct.**
2 Q And they also -- the City of Hays submitted
3 testimony on the various periods of drought and
4 the effects it had on those water sources?
5 **A Yes.**
6 Q City of Russell would be similar, would it not?
7 **A Yes, with the exception of Big Creek, it dries**
8 **up much quicker.**
9 Q In addition to drought as being a threat to the
10 Big Creek source, are there other threats to
11 that source?
12 **A Contamination.**
13 Q And why is that?
14 **A It's open, there's no protection along the Big**
15 **Creek, as far as I've been all the way to Cedar**
16 **Bluff. So you have cattle, we've had algae**
17 **blooms that have happened, and luckily just down**
18 **from our intake an oil well lead line broke and**
19 **leaked into there.**
20 Q And so -- and oil production, it's -- it's a big
21 business in Russell County?
22 **A Yes.**
23 Q It's -- I think we heard testimony that it's the
24 largest oil producing -- Ellis County is the
25 largest producing county in the state?

1 A Yes.

2 Q And there is production all along the Smoky
3 River, is there not?

4 A Yes.

5 Q So when you talk about a threat of contamination
6 from that industry, in what way would it be a
7 threat, what is the threat?

8 A **If there was contamination from an oil well or a
9 saltwater disposal well, we would not be able to
10 use the water, we couldn't treat it.**

11 Q Okay. Has that happened to date?

12 A No.

13 Q You had indicated just a moment ago, though,
14 that there was a close call?

15 A Yes.

16 Q Can you describe for the record what that was?

17 A **Just on the opposite side of that low head dam
18 that you -- was one of the exhibits, there was a
19 lead line from a -- an oil well that broke and
20 was leaking into Big Creek.**

21 Q Okay. And it went downstream?

22 A Yes.

23 Q And while by and large Hays has been a good
24 neighbor, there is always the threat that
25 something could happen there that could

1 **unable to use it. And then the Smoky Hill
2 wellfield or the Pfeifer wellfield is
3 susceptible to drought where the wells do not
4 recharge as quickly during a drought as they do
5 during a normal time of precipitation.**

6 Q So the City of Russell, as previously has been
7 testified to, purchased an interest in the R9
8 Ranch some years ago?

9 A Yes.

10 Q And it is owned jointly with the City of Hays?

11 A Yes.

12 Q Do you know whether the City's plans at the time
13 of purchase and continue to date is to use that
14 as a water source for the City?

15 A Yes.

16 Q And is part of the reason for that or the reason
17 for that because our existing water sources are
18 not as reliable as we need?

19 A Correct.

20 Q You -- or recently, actually, the City of
21 Russell experienced some stress and concerns
22 with respect to its water source because one of
23 its plants was being worked on; is that correct?

24 A Correct.

25 Q Can you tell -- tell us, just summarize what

1 contaminate this source?

2 A Correct.

3 Q And that has happened on at least one occasion,
4 has it not?

5 A Yes.

6 Q Can you tell me just briefly what that was?

7 A **Discharge from, I believe, their wastewater
8 facility of high ammonia into the Big Creek,
9 which made it unusable until that was cleared
10 up.**

11 Q Was there a period of time when that source for
12 Russell, you said unusable, did we -- had we
13 been producing that source at the time?

14 A I don't recall.

15 Q Do you recall how long a period of time it was
16 we could not use it?

17 A **It was several weeks.**

18 Q Do you consider these sources as being viable,
19 reliable long-term water sources for the City of
20 Russell?

21 A No.

22 Q And why is that?

23 A **Big Creek is unreliable because of either
24 drought where it dries up and aren't able to use
25 it or because of contamination where we're also**

1 happened. First of all, when did this happen?

2 A **Well, we were unable to use the plant, I
3 believe, beginning September of 2022 because of
4 the rehabilitation project, it had to be taken
5 out of service.**

6 Q Which plant is that?

7 A That's the water softening plant.

8 Q Okay.

9 A **The EDR plant or plant B is not able to treat
10 Big Creek. So during the time when the water
11 softening plant was down and we were unable to
12 use Big Creek, we relied solely on the Pfeifer
13 wellfield and the EDR plant. And then in
14 January, the operators noticed an issue with the
15 quality of Big Creek water and conferred with
16 KDHE and we had an algae bloom in January.**

17 Q Do you know what kind of an algae bloom that
18 was?

19 A **No, we sent numerous samples into KDHE and
20 separate labs just to determine that it was not
21 a harmful algae bloom or blue-green algae, but
22 we still had to, regardless, take down the plant
23 again, completely clean everything, the media,
24 and we were not authorized to use Big Creek
25 until KDHE gave permission. That was in May.**

Page 486

1 So for six months, from September of '22 until
2 May of '23, during that time frame we were able
3 to use Big Creek for about two weeks and
4 two days.

5 Q Okay. Is that unusual to have an algae bloom at
6 that time of the year?

7 A Yes.

8 Q Has it -- to your knowledge, had it ever
9 happened before?

10 A We've had algae blooms before but only in the
11 summer, never in the winter, to my knowledge.

12 Q And what is the significance in using the City
13 of Russell's water sources efficiently to
14 production during the fall and winter months?

15 A Well, we use Big Creek as often as we can to
16 limit the use of the wells, but we have to
17 manage those based on whether we're in drought
18 or not. We have 820 acre-feet of water rights
19 at Pfeifer, and then in, I believe in 2013 or
20 '14, we are leasing a well, so we have
21 862 acre-feet of water rights. But that alone
22 is not enough to meet our current demands, so we
23 have to use both -- manage them so we can have
24 enough water.

25 Q And you typically use the Big Creek supply when

Page 487

1 it's obviously flowing?

2 A Correct.

3 Q 'Cause that's the only time it's available?

4 A Correct.

5 Q And, historically, if there is a issue with
6 being able to produce from Big Creek, that is
7 when?

8 A Usually from Mother's Day to Labor Day. If we
9 can get water past Mother's Day it's a good
10 sign.

11 Q Okay. So the risk for the City's water
12 department is to try to use as much as it can
13 from Big Creek prior to Mother's Day because you
14 may lose it --

15 A Correct.

16 Q -- after that?

17 A We may rely on the wellfield for the entire
18 summer when demand is the highest.

19 Q Right. And if you're using Big Creek, then you
20 can reserve the Smoky --

21 A Correct.

22 Q -- wellfield?

23 A Correct.

24 Q So the algae -- or so the algae bloom occurred
25 when?

Page 488

1 A January.

2 Q During the time that generally you would be
3 producing Big Creek?

4 A Correct.

5 Q So you were required to go to the Smoky?

6 A Correct.

7 Q And that was a period of time of some five
8 months that ordinarily you would have used Big
9 Creek?

10 A Yes.

11 Q What challenge did that create?

12 A Just using our wellfield, trying to meet demand,
13 also not having plant A available because of the
14 cleaning that was necessary because of the
15 algae, and there was a period there that the EDR
16 plant went down, that we had to shut down our
17 industrial customers, and it was a critical
18 24 hours until we could get it back up.

19 Q When you say shut down, do you mean completely
20 shut down?

21 A Turn off the water, yes.

22 Q And did they cooperate with that?

23 A Yes, they always have, yeah. We -- during this
24 period that we were unable to use Big Creek and
25 were relying solely on our wellfield, we asked

Page 489

1 our industrial customers to limit their
2 consumption to no more than 400,000 gallons a
3 day, which they did voluntarily, which helped us
4 significantly.

5 Q Right. And the concern with the Smoky River is
6 that you -- I mean, your rights there -- not
7 only is the water supply limited but the rights
8 are limited, correct?

9 A Correct.

10 Q As you were producing there early in the year,
11 was there the chance that you may run out of
12 water rights at Smoky?

13 A Yeah, we projected that we could run out as
14 early as June, but with the industrial
15 customers' reduction, we projected we'd run out
16 of water rights by August.

17 Q By August?

18 A Yes.

19 Q And were you able to work through this problem?

20 A We submitted term permits to the Division of
21 Water Resources to transfer 500 acre-feet of
22 water rights from Big Creek to five wells on the
23 Smoky Hill River. Our intent, even though we
24 applied for these five term permits, our intent
25 is still to use Big Creek as much as possible,

1 but if something were to happen to Big Creek
 2 where it becomes unreliable, whether it dries up
 3 or contamination, then we can -- we have that
 4 buffer for 2023 to use Pfeifer.
 5 Q Was there a period of time for you as city
 6 manager that this caused a substantial amount of
 7 heartburn 'cause you weren't sure how you were
 8 going to cover --
 9 A Yes, yeah.
 10 Q -- the production?
 11 A Yes. Yeah, a lot of planning, what can we do
 12 and how can we do it.
 13 Q So this is just one example of what can happen
 14 with your existing sources?
 15 A Yes.
 16 Q If you had had access to production from the
 17 R9 Ranch, would this have been a problem?
 18 A No.
 19 Q Would you have had to ask the industries to
 20 reduce their operations?
 21 A No, with the exception of the day that the plant
 22 was down, but, no, we would not.
 23 Q Kind of skipped ahead to our water sources
 24 because they are in common with Hays, but I want
 25 you to tell -- tell us a little bit about

1 growth. And a town of 44, 4500, when you get 30
 2 people to move in, that's quite a bit. We're
 3 getting a lot of young people move back, to the
 4 point that housing is very limited and rentals
 5 are -- there's a wait list.
 6 Q Waiting list for rentals?
 7 A Yes.
 8 Q You had indicated earlier that you have three
 9 children, are they all adults?
 10 A Yes.
 11 Q Did they move away?
 12 A No, they all live in Russell.
 13 Q And so far as you know, are they wanting to
 14 continue to make their home there?
 15 A Yes.
 16 Q Has there been any local activities or action
 17 taken to try to address the housing issues in
 18 Russell?
 19 A Yes, there's -- the City was working with a
 20 developer on a, trying to think, a 30-unit
 21 development which would be in the center part of
 22 town. There's also the rehabilitation of a
 23 historic hotel downtown into seven loft style
 24 apartments, and quite a few of the downtown
 25 businesses have converted their upstairs into

1 Russell and as far as the municipal utilities of
 2 the City of Russell.
 3 A We have a full-service municipality, the City
 4 owns and operates the electric utility, which
 5 includes the city proper and 50 square miles.
 6 We also operate a water utility, wastewater and
 7 sanitation.
 8 Q And your water utility, is that a public water
 9 supply system?
 10 A Yes.
 11 Q With -- do you know how many customers you have?
 12 A I think we have around 24 to 2500 customers with
 13 meters, but customers, yeah.
 14 Q Do you know how many miles of line is involved
 15 in that?
 16 A In the city, we have 92 miles of distribution
 17 line.
 18 Q The City, and I know we've already had some
 19 testimony and there's reports on file, but
 20 what's your understanding as to the population
 21 of the City of Russell?
 22 A What I've seen in the last couple of years is
 23 we're actually having an influx of young people
 24 who used to live in Russell who are moving back,
 25 so I think we're actually seeing a population

1 apartments which are being rented out.
 2 Q That's a relatively new thing, is it not,
 3 renovating all the uptown -- or downtown
 4 apartments?
 5 A Yes, when I first moved here, I remember having
 6 one apartment downtown on the second floor, and
 7 there's quite a few now.
 8 Q And I know we have -- and we'll have expert
 9 testimony on population trends and those types
 10 of things, but you're the city manager of the
 11 City of Russell, what is -- what's your take on
 12 what's happening with the population in Russell?
 13 A I think it's -- we're starting to see growth.
 14 Q Tell us about some of the major employers or
 15 industries that exist in Russell.
 16 A We have an industrial park that has three
 17 tenants, one of those is Purina, the other
 18 one -- there's two, it's PureField Ingredients,
 19 which has a wheat gluten facility and then it's
 20 a separate facility, an ethanol facility.
 21 Q Okay. And we'll get back to that, but you do
 22 have this industrial complex, what else is it
 23 that's the economic engine for Russell or
 24 Russell County?
 25 A The oil industry, the folks that support the oil

Page 494

1 **industry, and then agriculture.**
2 Q Farming and ranching?
3 A **Yes.**
4 Q And the oil industry would be not only new
5 exploration drilling but then a lot of service
6 companies servicing existing wells?
7 A **Correct.**
8 Q The largest -- larger employers within the
9 county would be?
10 A **PureField Ingredients, Russell Regional**
11 **Hospital, and probably Russell County.**
12 Q Okay. School district?
13 A **Yes.**
14 Q Okay. How many employees does the City of
15 Russell have?
16 A **85 full-time employees.**
17 Q I want to just briefly talk about the City's
18 municipal water system, and you told us that
19 there's two plants?
20 A **Yes.**
21 Q The water softener plant, was that the original
22 plant?
23 A **Yes, built in 1938.**
24 Q And it can -- it can process both groundwater
25 and surface water?

Page 495

1 A **Correct.**
2 Q And then there is a EDR plant?
3 A **Yes.**
4 Q And when was that built?
5 A **I believe 2004 or '6.**
6 Q Okay.
7 A **I believe 2006.**
8 Q That would have been before you were city
9 manager?
10 A **Yes.**
11 Q And what's -- can you tell us just briefly what
12 type of a system that is?
13 A **It uses membranes and electricity to remove the**
14 **minerals and contaminants from the water.**
15 **Because it has so many membranes, it cannot take**
16 **the surface water because of the total dissolved**
17 **solids would just block it up.**
18 Q Okay. One of the, I don't know that it's a
19 disadvantage, but one of the characteristics of
20 an EDR plant is that it does have a waste stream
21 to it that's probably more substantial than the
22 other plant?
23 A **Correct.**
24 Q Do you know what that is or ...
25 A **Anywhere between 15 and 20 percent and most of**

Page 496

1 **that occurs when the, it's called an EDR**
2 **blow-down but when the membranes are backwashed**
3 **during the process.**
4 Q And I know we're a long way from this, but is it
5 your understanding that if the transfer is
6 approved and that R9 Ranch water reaches the
7 City of Russell that the EDR plant can treat
8 that?
9 A **Yes.**
10 Q This is Cities' Exhibit 2653, are you familiar
11 with this?
12 A **Yes, it's the water conservation plan for the**
13 **City.**
14 Q And did you participate in helping draft this?
15 A **Yes.**
16 Q It's dated November 15, 2022?
17 A **Correct.**
18 Q Do you know whether there were conservation
19 plans on file prior to this?
20 A **Yes. We update it every year. I should say we**
21 **review it every year, and if there are any**
22 **changes, we take it to the governing body for**
23 **their approval.**
24 Q Okay. And is that conservation plan filed
25 somewhere?

Page 497

1 A **Yes, we sent a copy of the conservation plan and**
2 **the water conservation ordinance to DWR in 2015**
3 **for their approval, and they subsequently**
4 **approved it to -- it does meet the 2007**
5 **guidelines put out by DWR for a conservation**
6 **plan.**
7 Q As you update that plan, do you -- do you
8 forward those on to the department as well?
9 A **If there's any significant changes, yes, we do.**
10 **For example, we changed from four water stages**
11 **to three water stages, so we submitted the plan**
12 **back to DWR for their approval. But if we make**
13 **a change, let's say, our education activities,**
14 **if we've met a target goal, if we change that,**
15 **we do not.**
16 Q And is your understanding that you're in
17 compliance with any requirements with respect to
18 the conservation plan?
19 A **Yes.**
20 Q Okay. And this plan has been in effect for
21 several years?
22 A **Oh, yes, yeah.**
23 Q Let's go to Exhibit 71. That's not what I'm
24 looking for. Well, I believe in our exhibits we
25 will have copies of our ordinances and code with

1 respect to your rate schedules?
2 **A Yes.**
3 **Q** Okay. And in review -- did you review those
4 here in the last day or so?
5 **A Yes.**
6 **Q** Okay. And from those that are filed, do you
7 recall whether that was the most recent copy of
8 our rate schedule?
9 **A The one that was filed with the applications was**
10 **from 2014. We've updated the rate schedule for**
11 **water in 2021.**
12 **Q** Okay. And the rate schedule, does it -- there
13 we go. Oh, okay. So this is a portion of our
14 city code that deals with the water utility,
15 right?
16 **A Correct.**
17 **Q** And then if we can scroll down more, there will
18 be some rate schedules. There we go.
19 Can you just summarize for the record what
20 those rate schedules do?
21 **A We have rate schedules for residential,**
22 **commercial, and industrial customers. For**
23 **residential and commercial customers, they have**
24 **a customer charge, and then they are charged**
25 **more as they consume more water. So for**

1 **residential customers, you pay one rate for zero**
2 **to 3,000 gallons, then a higher rate for 3,001**
3 **to 5,000 gallons, again a higher rate from 5,001**
4 **to 10,000, and then an even higher rate for**
5 **greater than 10,000.**
6 **Q** And then is there separate rates for commercial
7 and industry?
8 **A Correct.**
9 **Q** And over time have those rates increased?
10 **A Yes. The most recent ordinance that was adopted**
11 **in 2021 set new rates, then it had -- the rates**
12 **were adjusted in that ordinance for '22 and '23,**
13 **and then every year after -- beginning in '24,**
14 **the charge for water per 100 gallons will**
15 **increase by 2 percent.**
16 **Q** And is that for all customers?
17 **A For all customers.**
18 **Q** Okay. And the rate structure that's been
19 adopted by our city council and implemented, is
20 it your opinion that it promotes conservation?
21 **A Yes, it does.**
22 **Q** You heard Mr. Wagner testify as to some of the
23 conservation efforts made by the citizens of
24 Russell?
25 **A Uh-huh.**

1 **Q** And we'll probably talk a little more about
2 this, but at this point do you have anything to
3 add as far as those types of conservation
4 measures that were taken?
5 **A They've just been -- for many years, the**
6 **residents of Russell have had mandatory**
7 **conservation measures that they've been subject**
8 **to, and I can relate to Mr. Wagner's testimony**
9 **that -- having rain barrels at my house, two of**
10 **them, trying to keep a tree alive; and the house**
11 **we currently live in, we lost three trees,**
12 **full-grown trees because we weren't able to**
13 **water them enough.**
14 **And I think the -- the one that I notice is**
15 **that in times of drought and when those**
16 **mandatory restrictions are in place that the --**
17 **the mood of the community changes, it's a little**
18 **bit angry because -- they understand**
19 **conservation, they've lived that for as long as**
20 **they've lived there, but when you tell them they**
21 **just can't use water at all or they can't wash**
22 **their vehicle, even on their own driveway or --**
23 **they start to get a little angry. They**
24 **understand but they ...**
25 **Q** During times of drought, '12, '14, whatever it

1 was that's been testified before, has the city
2 council actually required a vote to be taken on
3 whether to fill the municipal city pool in the
4 summer?
5 **A Yes. Yes, we didn't know as city staff until**
6 **the last moment whether or not we'd be allowed**
7 **to because of water issues.**
8 **Q** While we're here at rate structures, there's one
9 thing that did come to mind, has the City ever
10 used an emergency rate during the critical water
11 time?
12 **A Yeah, in 2006 -- our code allows for emergency**
13 **water rates. 2006, the council did implement**
14 **that, and what that meant for customers, for**
15 **residential customers is that if you exceeded**
16 **your water usage during that time -- they took**
17 **the average of what you used in December,**
18 **January, and February, and if you exceeded it**
19 **during that time frame, you paid a 100 percent**
20 **surcharge.**
21 **Q** Did that get some pushback?
22 **A Oh, yeah, yeah, got a lot of pushback.**
23 **Q** Does city staff, has it undertaken some efforts
24 to promote conservation?
25 **A Yes. The parks and our golf course are watered**

1 with effluent from our wastewater system. We
 2 also load a water tank up with effluent and use
 3 it to trickle to trees on the city right-of-way
 4 to try to keep those alive, especially on Main
 5 Street, so they've done a lot.

6 Q Okay. Is there -- we've heard about the City of
 7 Hays' programs on low-flow showerheads, does the
 8 City of Russell have any programs like that?

9 A Yes, we borrowed from the City of Hays and give
 10 away low-flow showerheads to customers. We also
 11 will give a rebate to customers who replace an
 12 old water hog toilet with one that uses a
 13 WaterSense label, which used to be 1.6 gallons a
 14 flush but is now 1.28 gallons a flush. But we
 15 will give them a \$50 rebate to encourage them to
 16 change.

17 Q Has there been anything at city hall that you've
 18 done to try to conserve water?

19 A As far as the usage at city hall, no, but we do
 20 have a policy where during the billing system
 21 when the meters are read, the billing clerk and
 22 the city clerk go through every bill and will
 23 look for any abnormal usage, and if they find
 24 any abnormal usage, they will call that customer
 25 and say, hey, you know, you used X amount when

1 invest in an AMI system for water meters just
 2 for that case, to reduce lost water.

3 Q On average, do you know approximately how many
 4 calls the clerk's office will make to customers
 5 a month?

6 A On average, they make 150 calls a month to
 7 customers.

8 MR. COLE: I've been handed a note
 9 that says it's 5:00, I don't know if you
 10 want to -- us to continue or -- I know your
 11 question is probably how long do I got? I
 12 don't -- I have some more, I would say I'm
 13 about half through.

14 PRESIDING OFFICER: Okay. Well, we
 15 can go ahead and go off the record, we
 16 don't need to have all of this transcribed
 17 here.

18 (Thereupon, a recess was taken;
 19 whereupon, the following was had.)

20 PRESIDING OFFICER: All right. I
 21 think we have everybody back here, so we
 22 can go ahead and go back on the record,
 23 we'll let Mr. Cole continue with his
 24 questioning.

25 MR. COLE: Thank you.

1 you normally use this and there might be a
 2 problem. And we have discovered quite a few
 3 leaking toilets or water lines. Our system also
 4 will alarm if a water meter has water running
 5 through it for seven continuous days.

6 Q You say your system will alarm, what system is
 7 that?

8 A We have an automated meter reading system, so we
 9 don't have to have a meter reader go out and
 10 read each meter. It comes in by signal and
 11 15-minute increments we're getting updates on
 12 what that is. And if you have the two net
 13 system up, which the billing clerk does, also
 14 the cashier and the city clerk, you'll see a
 15 flashing red alarm, and that could be a leak
 16 alarm, which is the one I just explained, it
 17 could be tied to our electrical utility or it
 18 can actually be a theft or tamper alarm.

19 Q Were these programs put in place in the last few
 20 years?

21 A Yes.

22 Q Were they, in part, in response to the droughts
 23 that the City has went through?

24 A Yes. We had AMI for our electric utility for
 25 quite a few years. The city council decided to

1 BY MR. COLE:

2 Q I want to pull up Cities' Exhibit 1-54. And,
 3 Jon, are you familiar with this, it says it's a
 4 water supply study?

5 A Yes, can you tell me the date?

6 Q It is December of 2014.

7 A Yes.

8 Q And were you city manager at that time?

9 A Yes.

10 Q Okay. And this, actually this -- this water
 11 supply report was referenced in the intervenor's
 12 trial brief, I believe; is that correct?

13 A Correct.

14 Q Yeah. Well, I just want to go through it a
 15 little bit. Do you recall what the purpose of
 16 this study was?

17 A To review water source options for the City.

18 Q Okay. And if we go to page 1 of the report. I
 19 don't know if you can see that, but it lists
 20 eight different items. There we go. Can you
 21 see that?

22 A Yeah.

23 Q Okay. And is it your understanding that this
 24 study reviewed those different projects?

25 A Correct.

1 Q Okay. And with the -- with the exception of one
2 that it noted, this number 3, the Saline River
3 alluvial water and desalination project, the
4 other seven, are you familiar with those?
5 A Yes.
6 Q And are those projects that had been undertaken
7 in previous years?
8 A Yes, with the exception of 7 and 8, and those
9 were projects that were brought forth by a local
10 resident.
11 Q Okay. And this report summarized, is it your
12 understanding this report summarized these
13 various alternatives and options?
14 A Yes.
15 Q Okay. Are you able to go through there by line
16 item and tell us, you know, what your take was
17 on each of those projects?
18 A 1 and 2 are the use of the Cedar Bluff
19 Reservoir, the difference is is where the water
20 would be transferred to. The Cedar Bluff is
21 determined not to be a reliable source because
22 it's not drought proof, has a lot of
23 evaporation, so at times of drought and lack of
24 rain its levels drop quickly.
25 Q And -- and actually Mr. Dougherty testified to

1 A The Saline River alluvial water and
2 desalination.
3 Q Okay. So this report was done in 2014?
4 A Correct.
5 Q And have you reviewed that report as relates to
6 that project?
7 A Yes.
8 Q Okay. And what generally was the suggested
9 project there?
10 A To build a wellfield along the Saline River
11 alluvial. They used some test well data from
12 2006 --
13 Q When you say they used, that would be Bartlett &
14 West?
15 A Bartlett & West. We received some test well
16 data from U.S. Energy Partners, which was the
17 name of PureField at that time. They had
18 drilled test wells in 2006 due to a lack of
19 water and us not being able to supply what they
20 needed.
21 Q So they went out trying to find water on their
22 own?
23 A Correct.
24 Q And the Saline River, where does it run in
25 relation to the City of Russell?

1 those also, did he not?
2 A Yes.
3 Q And then number 4 and 5?
4 A The Smoky Hill River alluvial near Pfeifer
5 wellfield and the alluvial southeast of Russell,
6 the one southeast of Russell is a water quality
7 issue, and the, if I remember correctly, the
8 Smoky Hill River near the Pfeifer wellfield, I
9 believe that's closed to more appropriations.
10 Q Okay. Okay. And then 6, 7, and 8?
11 A Number 6 was a wellfield in the Big Creek
12 alluvial. We have a water intake and there is
13 regulations as to how close a well can be to
14 surface water, so that was determined not to be
15 a viable source. And then there was a local
16 resident who proposed the City building a
17 reservoir to the northwest part of the city, it
18 has some natural canyons, and then also to
19 extend Fossil Lake, which is south of the
20 interstate and south of the City.
21 Q And this report discarded all of those except
22 one, did it not?
23 A Yes.
24 Q And the one that it said might have some
25 potential is which one?

1 A It's north of the city about 8 -- 8 to 10 miles,
2 depending on where you're at.
3 Q Okay.
4 A So the report took well 10 from our Pfeifer
5 wellfield and took its water characteristics and
6 used that to compare the 2006 U.S. Energy test
7 well reports from the Saline River alluvial.
8 The reason they chose well 10 from the Pfeifer
9 wellfield is that is the well with the poorest
10 water quality and the one that the EDR plant
11 was -- the specs were drawn from.
12 But looking at the characteristics of the
13 water, the water was in worse condition or worse
14 shape, and then -- so we did not go with that.
15 They did say that, in the report, that we should
16 be able to get 1,075 acre-feet of water if we
17 found the right place and we could find
18 sufficient quantity. But they did also say that
19 that 1,075 acre-feet, if we could find it, would
20 most likely require desalination, which would
21 require a class 1 injection well to dispose of
22 the wastewater.
23 They estimated that cost at \$7.6 million,
24 and the class 1 injection well is -- there'd be
25 no place in the City of Russell we could put one

Page 510

1 so we would have to put one wherever KDHE would
2 allow us to. And desalination, our EDR plant
3 can take a lot of solids but it's not set up for
4 desalination. Desalination is more for a RO
5 system.
6 Q Now, you did actually follow up with some wells;
7 is that correct?
8 A Yes.
9 Q Test wells?
10 A Some test wells. In 2018, I believe, we went to
11 some areas along the Saline River, it was not
12 the areas that were recommended by Bartlett &
13 West but were some areas that were recommended
14 by RMA Engineering, a geologist that they had
15 hired, and we drilled some test wells. We were
16 able to find pockets of large volumes of water,
17 but the chlorides were 12 to 30,000, and where
18 we could find good water, there was no quantity.
19 Q The numbers of chlorides don't mean too much to
20 me, but when you compare that to your well 12
21 that you're able to treat, what's the comparison
22 there?
23 A I believe it's 700s, which is still considered
24 to be brackish, anything above 400 is, but
25 anything above 7 to 800 is just -- it's

Page 511

1 terrible, terrible water.
2 Q This was what?
3 A Some of them were 12,000, 14,000, one was
4 32,000.
5 Q So did that basically conclude that search as
6 well?
7 A Yes. Yes.
8 Q What generally is the City of Russell's water
9 rights in the sense that we, you know, can
10 produce so many acre-feet at our two sources?
11 A We can -- we have water rights that far exceed
12 what we can produce. On the Smoky Hill
13 wellfield, we can produce 820 acre-feet a year
14 with those wells combined. We also have the
15 well that we are leasing that adds an additional
16 61.99 acre-feet. And then we have 1767
17 acre-feet of surface water rights on Big Creek.
18 That's what we have that we can use now.
19 Q As a usable resource what can -- what can be
20 produced?
21 A Depends on Big Creek. In times of exceptional
22 drought, we can count on the Pfeifer wellfield
23 giving us about 820 acre-feet, but if we took
24 all 820 acre-feet during an exceptional drought
25 from the Pfeifer wellfield, that's going to harm

Page 512

1 us for the next year because as the drought
2 continues, those wells on the alluvium don't
3 recharge as quickly.
4 Q So the Smoky is limited to what your rights are
5 there, and Big Creek, while you have a lot of
6 rights, it may or may not be producible --
7 A Correct.
8 Q -- is that correct?
9 A Yeah, it's frequently un -- frequently
10 unreliable.
11 Q And together as combined, that equals how many
12 acre-feet a year?
13 A 25, 2600 acre-feet combined.
14 Q And you can produce how much? Allowable, 18?
15 A Oh, the most we can -- the most we can divert
16 from all sources is 1,841.33 acre-feet a year.
17 Q And both Mr. Dougherty and you have testified
18 how both of these sources can be unreliable at
19 times, correct?
20 A Yes. Yes.
21 Q Subject not only to drought but to other
22 things --
23 A Correct.
24 Q -- conditions? As a city manager and in a sense
25 in charge of helping provide the City of Russell

Page 513

1 with a secure water source, do you feel
2 obligated to find a -- some type of a -- an
3 additional or supplemental or redundant source
4 for these -- these water sources because they
5 are so unreliable?
6 A Yes, because they're unreliable and they're not
7 sufficient for our needs now.
8 Q Okay. And when you say they're not sufficient
9 for our needs now, what do you mean by that?
10 A Well, if you look at that report, in 2004, we
11 used, I believe it says 1434 or 35 acre-feet of
12 water, and that was before the restrictions
13 started in 2006, that drought period. And then
14 the restrictions that we've been through since
15 then up until now, that dropped our water
16 consumption down to an average of 1,000, maybe
17 1,050 acre-feet a year. But when we're -- so if
18 we were not in restrictions because we have an
19 adequate source of water, then we could provide
20 our customers -- not restrict our customers and
21 they can use water to make sure their trees
22 don't die or we can allow our industrial
23 customers to not be restricted.
24 Q And we'll get into this a little more later, but
25 actually you have a customer now that you've had

Page 514

1 to allow another water supply company come in to
2 be able to support their business --
3 **A Correct.**
4 Q -- is that correct?
5 **A Yes.**
6 Q And who is that?
7 **A PureField Energy.**
8 Q Yeah.
9 **A We -- we've allowed Post Rock Rural Water**
10 **District to supply PureField with water, I**
11 **believe they can supply them up to**
12 **200,000 gallons per day, and that helps us allow**
13 **them to stay in business while we're still**
14 **protecting what we do have.**
15 Q And do you know at present whether, if need be,
16 whether Post Rock could supply any more than
17 that?
18 **A No, they could not.**
19 Q Okay. And are you able to see that, Jon?
20 **A Yes.**
21 Q Okay. Would you be able to read that first
22 paragraph?
23 **A The City also faces another critical issue with**
24 **their water supply. Even if the water rights**
25 **were not restricted by DWR, the City would**

Page 515

1 **struggle supplying water for an extended time**
2 **during hot summer months because of a lack of**
3 **water in the region. The Big Creek intake**
4 **typically has little water available because the**
5 **Big Creek frequently runs dry. The Pfeifer**
6 **wellfield is capable of supplying the water**
7 **demand for a short duration but could be**
8 **permanently damaged if the demand increases too**
9 **much.**
10 Q So that's talking about your existing supply or
11 summarizing some of the concerns?
12 **A Correct.**
13 Q Would you agree with that?
14 **A Yes.**
15 Q Okay. And then I think the second paragraph
16 talks about some restrictions, could you read
17 that?
18 **A The City's been able to manage the two main**
19 **water sources effectively, but they have also**
20 **been highly restricted over the last 12 years as**
21 **the City has endured several water warnings and**
22 **water emergencies. The ability to develop a new**
23 **water supply would increase the City's**
24 **capability of being able to sustainably supply**
25 **all customers with water even during the summer**

Page 516

1 **months.**
2 Q And, again, it's talking about some history of
3 the City, history of the water service, and
4 would you agree with that?
5 **A Yes.**
6 Q If we could go to page 8. It's the third --
7 it's right above the bold print there, that
8 is -- if you can read that first sentence of
9 that paragraph?
10 **A No, I can't see it.**
11 Q Okay. Be all right if -- there we go.
12 **A Because the purpose of this study is to help**
13 **identify a water source adequate to keep the**
14 **City out of water conservation measures, the**
15 **focus needs to be in the peak year of water**
16 **consumption, which was 2004.**
17 Q Right, stop there. Okay. So what do you
18 understand from Bartlett & West's water supply
19 study that they were making through that
20 statement there?
21 **A That years after 2004 when the City customers**
22 **were highly restricted to their use that you**
23 **should not use that data to base future needs**
24 **because of the restrictions that were put in**
25 **place. So they're suggesting that you use the**

Page 517

1 **data pre all the restrictions being put in**
2 **place, which would be 2004.**
3 Q Right. And from that, I think they reached a
4 conclusion which is on page 10. Test you again
5 if you can read that?
6 **A Can you zoom in just a little bit more, please.**
7 **Okay. Assuming the water usage returns to the**
8 **average demand of 1.3 million gallons a day**
9 **established in 2004 and assuming a linear growth**
10 **of 378,000 gallons every ten years for 30 years,**
11 **the average day demand in 2045 would be**
12 **2.5 million gallons a day. The 2.5 million**
13 **gallons a day average water usage would produce**
14 **a total annual water demand of 895 million**
15 **gallons a year, 2,748 acre-feet.**
16 Q Let me stop you there. So the projection --
17 there's been testimony earlier today about
18 studies projecting future water use, future
19 water needs. Is that what you understand this
20 report here is doing?
21 **A Yes.**
22 Q And correct me if I'm wrong, what they're saying
23 is if you've paid for a population and project a
24 future water need, and particularly if it's a
25 population that has experienced water shortages

Page 518

1 with restrictions, with mandatory restrictions,
2 that you should look to the year where there was
3 none of those restrictions, which they have
4 done?
5 **A Correct.**
6 Q Which they're saying is 2004?
7 **A Yes.**
8 Q Correct?
9 **A Yes.**
10 Q And then they have also within this report
11 determined some type of a growing need, even
12 though, as I recall their study, they're showing
13 a zero growth of population in the city?
14 **A Correct, they are not using population as a**
15 **factor, they said zero growth.**
16 Q Okay. And based on that, they're saying by 2045
17 that may be your need --
18 **A Correct.**
19 Q -- 2748 acre-feet?
20 **A Correct.**
21 Q Okay. They're also suggesting what they call a
22 peaking factor of 1.5?
23 **A Yes.**
24 Q Do you know what that is?
25 **A From reading that, they're just taking that**

Page 519

1 **demand and multiplying it times one and a half.**
2 Q Just to create some security?
3 **A Correct.**
4 Q We've kind of talked around the edges on this --
5 or really directly but there's a little more to
6 it, the -- you've testified as to the
7 conservation measures that have been taken by
8 the citizens. The city council itself, in
9 addition to passing that resolution that created
10 a -- an emergency water rate, has through the
11 years passed various resolutions, has it not?
12 **A Yes.**
13 Q And I don't know that we'll pull them all up,
14 but there are several of those resolutions in
15 the exhibits.
16 **A Yes.**
17 Q Okay. And we, in preparing for this hearing, we
18 also discovered that there are some that are not
19 in the exhibits --
20 **A Correct.**
21 Q -- is that correct?
22 **A Yes.**
23 Q Okay. Can you tell me by and large -- well,
24 strike that. You indicated that the City of
25 Russell has varying stages of water conservation

Page 520

1 or water warnings?
2 **A Yes.**
3 Q Can you tell me a little bit about that, what
4 are those different stages?
5 **A A water watch is voluntary conservation. It's**
6 **when we have hit 75 percent of our production**
7 **capability or that the wells, a number of wells**
8 **have reached a certain distance from the screen**
9 **of the well. The second --**
10 Q Okay. Let me stop you there.
11 **A Okay.**
12 Q So one of the triggers is when the wells, which
13 would be the Smoky Hill River wells, right?
14 **A Yes.**
15 Q Reach a static level?
16 **A Yes.**
17 Q Within a certain distance from the screens?
18 **A Correct.**
19 Q And so static level is what?
20 **A Static level is the water level when it's not**
21 **being pumped.**
22 Q Okay.
23 **A When you're pumping the water, then you have the**
24 **drawdown level, and that's how far it's being**
25 **pulled down.**

Page 521

1 Q And the screen you referred to, what is that?
2 **A That's a protective screen at the well that**
3 **keeps sand and gravel from entering up by the**
4 **pump, but it also is at the bottom of the pump**
5 **that if you get to that point, you'll be sucking**
6 **air and you'll burn up your pump.**
7 Q So as part of the water system's protocol, have
8 you developed a plan that if the static levels
9 reach a certain measurement within the screens,
10 then something happens?
11 **A Yes.**
12 Q How often are these static levels measured?
13 **A Depending on what water status we're in but a**
14 **minimum of weekly.**
15 Q Okay. And if it becomes more serious, how often
16 are they --
17 **A It can be as frequently as daily.**
18 Q Daily, okay. All right. So one of the triggers
19 is when the static levels are getting
20 dangerously close to the screen?
21 **A Yes.**
22 Q And my assumption is at that point you've
23 depleted or you're about to deplete the resource
24 or cause some damage to the well?
25 **A Correct.**

1 Q So that was the water warning.
2 A **Water watch.**
3 Q Okay. Tell me about the other stages.
4 A **The next stage is a water warning, and that is**
5 **90 percent of production capability for a**
6 **specified period of time and the shorter**
7 **distance between the drawdown level and the**
8 **well.**

9 Q Okay. And the next one?
10 A **Then you have a water emergency, and that is**
11 **also when -- it has several benchmarks, one of**
12 **those is 100 percent production capability for a**
13 **specified amount of time and even closer to the**
14 **well screen or if Big Creek quits running over**
15 **the low head dam.**

16 Q Are there progressive restrictions placed on the
17 consumer?

18 A **Yes. In stage 1, which is the water watch,**
19 **those are voluntary conservation matters,**
20 **although we do have two mandatory conservation**
21 **measures in place year-round, which is you**
22 **cannot waste water regardless of what stance**
23 **we're in, and you can only water your yard**
24 **between the hours of 10:00 a.m. and 7:00 -- you**
25 **cannot water your yard between 10:00 a.m. and**

1 **7:00 p.m. each day, that's year-round.**
2 **Stage 2 during the water warning, the**
3 **council has the option of imposing mandatory**
4 **restrictions, and one of those restrictions is**
5 **that industrial customers will be limited to**
6 **85 percent of their normal usage. That is over**
7 **a five-year period, so you take five years for**
8 **each month, average it, and they can use only**
9 **85 percent of that.**

10 **Then in the water emergency, they are**
11 **restricted to 75 percent of usage, and people**
12 **are not allowed to use water outside, you can't**
13 **wash your car, commercial businesses cannot**
14 **spray down their parking lots, you can't fill**
15 **private swimming pools. There's a whole list of**
16 **them that can be imposed.**

17 Q Let's see, let's pull up 2245. And what we have
18 on the screen is Cities' Exhibit 2245 which is
19 resolution 9-06.

20 A **Uh-huh.**

21 Q The numbering system for the City of Russell's
22 resolutions, how is that done?

23 A **The last two numbers are the year, and the first**
24 **two numbers are in the order that they're**
25 **approved.**

1 A **The first one is waste of water is prohibited.**
2 **This resolution is from 2006. Since then,**
3 **number 1 is a year-round prohibition. Number 2**
4 **is the outdoor watering of residential and**
5 **public grounds, gardens, lawns, trees, shrubs,**
6 **water gardens, plants and playing fields is**
7 **prohibited except for one day each week and that**
8 **is on your sanitation day. And you can only**
9 **water between 10:00 a.m. -- you can only water**
10 **before 10:00 a.m. or after 9:00 p.m.**

11 **The -- we're not allowed to water the**
12 **parks, the golf course, you can't fill or refill**
13 **a residential above-ground or below-ground pool.**
14 **You can't wash motor vehicles, boats, trailers**
15 **on residential or public property. You can't**
16 **wash a building or any other structure. And**
17 **then the industrial and contractual customers**
18 **are reduced to 75 percent of their average**
19 **monthly consumption.**

20 Q Explain a little more how that works with the
21 industrial customers and who those industrial
22 customers are.

23 A **Industrial customers, there's three at the**
24 **industrial park, and that is Purina and then**
25 **PureField's gluten and ethanol facility. So**

Page 526

1 during 2006, we would take three years' average
2 and -- of the preceding three years, take that
3 average of what they used, and then multiply
4 that times the 75 percent, and that's all they
5 would be allowed to use for the month.
6 Q Okay.
7 MR. BULLER: Your Honor, the Zoom
8 appears to have crashed.
9 PRESIDING OFFICER: Looks like Zoom
10 is still up, just the camera here on this
11 one is -- we can go off the record. Sorry.
12 (Discussion held off the record.)
13 PRESIDING OFFICER: All right. We
14 can go back on the record now.
15 BY MR. COLE:
16 Q Okay. And I think when we went off we were
17 talking about some city resolutions restricting
18 water usage, and the next one I want to go to is
19 Exhibit 2602. And, again, the resolution number
20 would indicate what to you, Jon?
21 A It was the 23rd resolution adopted in 2012.
22 Q Okay. And the format of these, at least at the
23 beginning, is just a summary of prior
24 resolutions, is it not?
25 A Correct.

Page 527

1 Q So we go down to the heart of the resolution and
2 let's see what that -- the significance of this.
3 Can you go through those restrictions?
4 A Again, the waste of water is prohibited. The
5 outdoor watering of private/public grounds is
6 prohibited.
7 Q Okay. I want to stop you a second. That was
8 what Brad Wagner testified to earlier, was it
9 not?
10 A Yes.
11 Q And that is a complete prohibition?
12 A Yes.
13 Q There's no exceptions?
14 A No exception. Well, there's exception for
15 commercial growers in the -- on their commercial
16 premises.
17 Q All right. And the next one?
18 A Outdoor watering for filling or refilling
19 residential above- and below-ground swimming
20 pools is prohibited.
21 Q Okay.
22 A Can't wash your vehicles, boats, or trailers on
23 residential or public property or the washing of
24 the exterior of the building or structure is
25 prohibited. And the industrial customers again

Page 528

1 are reduced to 75 percent of their average
2 monthly consumption.
3 Q And, again, the City does the calculation and
4 provides those numbers to the industries?
5 A Yes.
6 Q And the industries are the ethanol plant?
7 A Ethanol plant and the wheat gluten plant.
8 Purina is also an industry, but their water
9 consumption is very minor.
10 Q Okay. And we haven't talked much about Purina,
11 but what do they do?
12 A They make animal feed ingredients. They don't
13 make the final product but the ingredients that
14 go into it.
15 Q But they are part of that industrial complex out
16 there?
17 A Correct.
18 Q And is -- when these are in effect, does the
19 City have a means by which to monitor that
20 consumption?
21 A For the industrial customers?
22 Q Yes.
23 A Yes, the meters are checked every day.
24 Q And by and large do you get compliance?
25 A Oh, yes.

Page 529

1 Q Now, I think as I suggested earlier there are
2 several resolutions in the record, and rather
3 than go through all of those, I would just note
4 the exhibit numbers as 2245, which I think we
5 looked at, 2600, 2602, 2611, 2613, 2617, 2623,
6 2626, and 2650. In addition to those, as I
7 noted earlier, we discovered there were some
8 resolutions that were not included in the
9 exhibit packet.
10 A Yes.
11 Q And those generally covered the years 2006 and
12 2007?
13 A Yes.
14 Q And 2011?
15 A Yes.
16 Q Okay. And those, should anyone want them to be
17 produced, we would happily do so.
18 A Yes.
19 Q Okay. Let's talk about these industrial
20 customers. You've indicated that the Land
21 O'Lakes is not a -- or is that Purina?
22 A Purina is part of Land O'Lakes, yeah.
23 Q Okay. It's not a major user?
24 A Of water, no.
25 Q But the other plants do?

Page 530

1 A Yes.
2 Q Do you know -- so there are two separate
3 plants --
4 A Yes.
5 Q -- is that correct?
6 A Correct.
7 Q Can you tell us about, a little bit about what
8 each of them produces?
9 A **The wheat gluten facility takes wheat and
10 produces into wheat protein, referred to as
11 gluten. Then the starch that is -- starch
12 water, which is a by-product of that, is sent
13 over to the ethanol plant which uses it to
14 produce ethanol.**
15 Q Okay. Let me stop you there. So the wheat
16 gluten plant, was that -- of these two plants,
17 was that the first plant that was built?
18 A Yes.
19 Q Do you know when that was built?
20 A **1994.**
21 Q Okay. And so it takes in wheat to be
22 processed --
23 A Yes.
24 Q -- is that correct?
25 A Yes.

Page 531

1 Q Do you know if it processes any other grain?
2 A **I'm sure it takes in milo, but I don't know what
3 percentage of each.**
4 Q Okay. And you've described that it breaks down
5 the wheat gluten from the starch; is that
6 correct?
7 A **The starch is a by-product of their wheat gluten
8 process.**
9 Q Do you know what the wheat gluten is, do you
10 know what that's used for?
11 A **It's used for food -- food products.**
12 Q Okay.
13 A **I'm sure there's other reasons, but PureField
14 goes into the brand of Heartland, and they are
15 the largest producer of wheat gluten in North
16 America.**
17 Q At this plant?
18 A Yes.
19 Q Do you know what percentage of wheat gluten is
20 produced in this plant --
21 A **Of the total --**
22 Q -- in North America?
23 A **Of the total wheat gluten produced in the United
24 States, this plant accounts for 44 percent of
25 that.**

Page 532

1 Q All the wheat -- do you know how much wheat they
2 use?
3 A **23 million bushels a year.**
4 Q Okay. Now, is that both wheat and grain used in
5 the ethanol plant?
6 A **It's in the wheat gluten facility.**
7 Q Just the wheat gluten?
8 A Yes.
9 Q 23 million bushels?
10 A Yes.
11 Q Where does that come from?
12 A **According to PureField, all Kansas farmers.**
13 Q Any from Edwards County?
14 A **They have a co-op that they purchase from there;
15 I don't know if it's an actual Edwards County
16 farmer, but, yes, they purchase from the co-op.**
17 Q Is the wheat gluten plant, is it a big water
18 user?
19 A **Of the two combined, it only uses 5 percent of
20 the water. The ethanol uses 95 percent.**
21 Q Tell us about the ethanol plant, when was it
22 built?
23 A **In 2006, I believe.**
24 Q And what does it do?
25 A **It produces ethanol, which is a grain alcohol,**

Page 533

1 **it is used -- it's mixed with gasoline to
2 improve -- I guess reduce the amount of gasoline
3 that goes into an automobile.**
4 Q Do you know where PureField sells most of its
5 ethanol?
6 A **Most of its ethanol is sold in California
7 because this facility has the lowest carbon
8 footprint for its ethanol product, which is in
9 high demand on the West Coast.**
10 Q So the ethanol plant, you have indicated it must
11 use approximately 95 percent of the demand from
12 those --
13 A **From the two combined, yes.**
14 Q So how much generally, and I understand that it
15 probably varies, does it not?
16 A **Yes, on average, they would use 700,000 gallons
17 of water a day, but that's not what we provide
18 them because we don't have the capability -- or
19 the source. Post Rock will provide them between
20 100, 200,000 gallons a day.**
21 Q Did there come a point in time when they were
22 wanting to expand their production and the City
23 just simply couldn't supply it?
24 A Yes.
25 Q Then do you remember approximately when that

Page 534

1 was?

2 **A Well, I don't remember that time, but they have**

3 **a planned expansion that having the availability**

4 **of water now is a major factor.**

5 Q Right. The previous one when they wanted to do

6 some renovations and expansion, we couldn't

7 supply them, what came out of -- from that?

8 **A They were still able to expand, and what they**

9 **did is invested in process changes and**

10 **technology to reduce the amount of water**

11 **consumed. For the wheat gluten side, they**

12 **reduced their water need 24 percent per pound of**

13 **product. So when they did expand, we saw a**

14 **negligible increase in their water demand from**

15 **us.**

16 Q Is it your understanding that these two

17 facilities are, if not the most efficient

18 facilities in the United States, at the top?

19 **A Yes.**

20 Q And I know it's because I don't ask the question

21 very well, but at some point we had to go

22 outside of the city to provide a supplemental

23 water source to the industries?

24 **A Correct.**

25 Q And who is that supplemental source?

Page 535

1 **A Post Rock Rural Water.**

2 Q And -- now this -- those industries are within

3 the city limits, are they not?

4 **A Correct.**

5 Q And because of that, the City of Russell has the

6 right to be the sole supplier of water to those

7 industries?

8 **A Correct.**

9 Q But you couldn't meet their needs?

10 **A Correct.**

11 Q So what'd you do?

12 **A The city council authorized an agreement that**

13 **allows Post Rock to provide the industrial**

14 **customers, or PureField, with up to, I can't**

15 **remember the exact number, but I believe**

16 **200,000 gallons of water per day.**

17 Q We've heard the word Post Rock before here?

18 **A Uh-huh.**

19 Q And what is Post Rock?

20 **A It's a rural water district that is**

21 **headquartered out of Ellsworth. Post Rock Rural**

22 **Water District is not their formal name, it's**

23 **Ellsworth Rural Water District, some number, but**

24 **they supply water to Ellsworth and a huge area,**

25 **all the way to, as far as I know, to Gorham.**

Page 536

1 Q And their source is Kanopolis Lake?

2 **A Yes.**

3 Q And, in fact, this was one of the potential

4 alternative options that Mr. Dougherty testified

5 to?

6 **A Yes.**

7 Q And concluded it was not a viable option,

8 correct?

9 **A Correct, yes.**

10 Q The infrastructure that they have to provide

11 PureField its water, do you know whether they

12 can provide any greater volume than that?

13 **A No, they cannot.**

14 Q And why is that?

15 **A They're restricted by the size of their**

16 **transmission line and their treatment capacity.**

17 **There were times that we would have authorized**

18 **them to provide more, but Post Rock said, we**

19 **can't, we just can't produce and deliver that**

20 **much.**

21 Q Well, we're a water supplier, we want to sell

22 water, why would we say, you guys go ahead and

23 supply it?

24 **A To allow the industry to continue to invest in**

25 **the community and contribute to the State's**

Page 537

1 **economy but also to protect our water sources**

2 **that we have 'cause they're fragile and**

3 **unreliable.**

4 Q We didn't have it to give, we didn't have it to

5 provide, right?

6 **A What's that, the water?**

7 Q The water?

8 **A When they asked for that, no, we did not.**

9 Q The -- I think it was the president of PureField

10 actually appeared at the public comments

11 hearing?

12 **A Yes.**

13 Q And do you recall his statement there?

14 **A Yes.**

15 Q Are you familiar with a proposed expansion of

16 these plants?

17 **A Yes.**

18 Q Does it include both the gluten plant and the

19 ethanol plant?

20 **A No, just the gluten facility.**

21 Q Before I get away and forget about it, though,

22 the ethanol plant uses grain also?

23 **A Yes.**

24 Q What kind of grain does it use?

25 **A I couldn't tell you, I don't know.**

Page 538

1 Q Do you know if that's Kansas sourced?
2 A **Yes.**
3 Q Do you know what the payroll is?
4 A **Yes, \$10 million.**
5 Q A year?
6 A **A year.**
7 Q Do you know what the employment is?
8 A **A little bit more than 100. I would say**
9 **probably 120.**
10 Q You recall the testimony of Brad Wagner on his
11 perception of the influence the industry has had
12 on the economy of Russell?
13 A **Yes.**
14 Q Do you agree with him?
15 A **Oh, yes.**
16 Q What's the value of the plant as it exists now
17 as the value of its exports?
18 A **\$250 million.**
19 Q How much -- how many pounds of wheat gluten is
20 produced presently?
21 A **I believe 75 million.**
22 Q Under its plan for expansion, how much would be
23 produced?
24 A **Double to 150 million pounds.**
25 Q Do you know how much more grain would be

Page 539

1 required to produce that additional wheat
2 gluten?
3 A **No, I could assume it'd be double, but I don't**
4 **know the exact number.**
5 Q I don't recall if I asked you this, but do you
6 know what the projected increase in jobs are?
7 A **Post expansion they're expecting employment to**
8 **be 166 total, so that'd be 40, 40 to 45**
9 **increase.**
10 Q Now, this -- this plant, these plants as they
11 presently exist bring in that much grain;
12 shipping out that much product, I assume, has
13 some indirect jobs as well?
14 A **Oh, yes, they -- the truck traffic that**
15 **Mr. Wagner talked about, the wheat gluten**
16 **facility receives 60 semis a day every day that**
17 **they're open, they're open 24 hours a day. Both**
18 **facilities close for anywhere from three to**
19 **five days a year, complete shutdown where they**
20 **go in and do cleaning -- or inspect it because**
21 **they're food grade quality facilities. And then**
22 **the ethanol side has about 27,500 trucks in and**
23 **out during a year. The 27,500 from the ethanol**
24 **and 60 a day would be 21,000, so 48,000 semis in**
25 **and out of there in a year.**

Page 540

1 Q Needs fuel?
2 A **Fuel.**
3 Q Pays fuel tax?
4 A **Pays fuel tax.**
5 Q This op -- the size of this operation, I would
6 think would be -- the State would recognize some
7 benefit from that through tax revenue both from
8 employees and from sales --
9 A **Yes.**
10 Q -- would it not?
11 A **Yes.**
12 Q What is the projected expenditure for the
13 proposed expansion of the gluten plant?
14 A **\$300 million.**
15 Q \$300 million?
16 A **Correct.**
17 Q Twice what this project is projected to cost?
18 A **Correct.**
19 Q Is that \$300 million going to be spent in
20 California?
21 A **No, it'll all be spent here.**
22 Q Kansas?
23 A **Yes.**
24 Q I'm sorry but I've done so much jumping around,
25 I've got to find myself now.

Page 541

1 **PRESIDING OFFICER:** That's fine.
2 **BY MR. COLE:**
3 Q After all the studies have been made, you as
4 city manager of the City of Russell, do you have
5 any opinion as to any other source that might
6 provide a reliable supply of water to the City
7 of Russell other than the R9 Ranch?
8 A **No. Looking at all the reports, the R9 Ranch is**
9 **the only one that is reliable and sustainable**
10 **for an extended period of time.**
11 Q And you're asking that the transfer be approved?
12 A **Yes.**
13 Q I don't think I asked you this but I should
14 have, the gluten plant expansion, for that to
15 occur how much water would they require?
16 A **An additional 500,000 gallons per day, which is**
17 **about 560 acre-feet a year.**
18 Q So in order for this to move forward -- excuse
19 me, strike that. So what you're saying is is
20 that the existing water sources that the City of
21 Russell has, regardless of what water rights it
22 might have, its sources, even given the
23 tremendous opportunity, economic opportunity of
24 this, we can't do it unless we have 560 firm
25 acre-feet of water to provide --

Page 542

1 A Correct.

2 Q -- a year?

3 A **And that -- that need is now. We can't supply**

4 **them with what they need now because Post Rock**

5 **is supplying them with some of that.**

6 Q Okay. So this is Cities' Exhibit 1788, and I'll

7 represent to you that it is a water supply study

8 from Wilson & Company that goes all the way back

9 to 1967 when we were studying it, okay? And of

10 interest to me is in the conclusion remarks, the

11 paragraph that says general, could you read

12 that, please.

13 A **Russell needs -- Russell needs industry in order**

14 **to keep its young people at home after**

15 **graduation from high school and college.**

16 **Industrial development is somewhat dependent on**

17 **a firm water supply, as well as on the attitudes**

18 **and energies of the civic leaders. In order to**

19 **grow as a normal city should grow, Russell must**

20 **consider its water supply to be of prime**

21 **importance. In this study, it has been assumed**

22 **that Russell will continue to grow in the future**

23 **as it has in the past. It may take considerable**

24 **effort to accomplish this goal.**

25 Q Do you agree with that, that for the City of

Page 543

1 Russell to grow, to have opportunities for its

2 citizens, to bring its kids back to the

3 community, it needs industry?

4 A Yes.

5 Q And we've heard some testimony, we'll hear more

6 testimony, about the stagnant growth of the

7 population in Russell. Is that what we need to

8 do?

9 A Yeah. Yes.

10 Q What is the condition of Russell now as far as

11 population?

12 A **I've noticed just from observation that we have**

13 **more families moving in, younger kids that have**

14 **graduated college or went to a trade school,**

15 **have moved off and are now coming home.**

16 Q We actually are fortunate we have high-speed

17 internet, do we not?

18 A Yes.

19 Q And we've had that for a few years?

20 A **Quite a few years, yeah.**

21 Q And that's brought people in that actually work

22 from home?

23 A Yes.

24 Q The recommendation up here said that industrial

25 is somewhat dependent on a firm water supply.

Page 544

1 There's other elements that go into that, is

2 there not?

3 A Yes.

4 Q And what would those -- some of those be?

5 A **Well, the economy or the demand for that type of**

6 **industry, electric rates, the availability of**

7 **finding employees, housing.**

8 Q Okay. And are those all items that you're

9 working on?

10 A Yes.

11 Q And the power itself, which is -- and it would

12 be a significant power requirement; is that

13 correct?

14 A Yes.

15 Q And that's something that the City will supply

16 as well?

17 A Yes.

18 Q The ultimate test, I think, here is -- first

19 consideration is what would be the benefit to

20 the State if this transfer is not approved, can

21 you tell me what benefits will accrue to the

22 State by disapproving the transfer?

23 A **The benefits to the State is the economic impact**

24 **that the City of Russell --**

25 Q That would be the benefits if it's approved,

Page 545

1 right?

2 A Yes.

3 Q What if it's not approved?

4 A **There are no benefits to the State, it would**

5 **actually be the opposite. You would lose**

6 **investment into the State, the -- this expansion**

7 **won't happen, which means that they won't buy**

8 **additional grain from Kansas farmers, they won't**

9 **export, and at some point, they may decide that**

10 **we'll go somewhere else.**

11 Q What will be the benefit if this transfer is

12 approved?

13 A **The continued economic impact to the entire**

14 **state from the City of Russell, the region, and**

15 **the industrial customers that they have with**

16 **their employment, the taxes they pay, the**

17 **ancillary jobs that they have, such as the truck**

18 **drivers, the benefit to the farmers and ranchers**

19 **that take their by-product and use it to feed**

20 **their cattle.**

21 Q The benefits to the citizens of Russell?

22 A **A more stable, would not be as subject to the**

23 **cyclical ups and downs of oil and agriculture.**

24 **The industrial park and those customers have**

25 **smoothed out the ups and downs of ag and oil,**

1 which has allowed our community to -- we're not
2 growing up until recently, but we have not
3 declined as much as other communities.

4 Q Other than economic conditions, would you expect
5 the quality of life to improve if we had a
6 secure, reliable water source?

7 A Yes, the -- the community has been placed
8 through restrictions on and off for -- since
9 2006 and the community is not going to, with
10 this additional water, forget to be good
11 stewards of the resource they have, but you will
12 have people that will be able to do things as
13 simple as planting a garden, which may seem
14 simple but when you're going outside and
15 planting a garden, you're outside, you're being
16 healthy, and that's quality of life.

17 MR. COLE: I don't have any other
18 questions.

19 PRESIDING OFFICER: All right.
20 Well, we will take this, then, as our time
21 to break for the day, and when we resume in
22 the morning, we'll come back at 9:00 and
23 we'll pick up with the other parties'
24 questioning of Mr. Quinday.

25 All right. So we're adjourned for the

1 day then.

2 (Whereupon, the proceedings were
3 adjourned at 6:20 p.m.)
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

C E R T I F I C A T E

1
2 STATE OF KANSAS)
3 SEDGWICK COUNTY) ss:

4 I, Nancy L. Rambo, a Certified Shorthand
5 Reporter, within and for the State of Kansas, do
6 hereby certify that the foregoing is a true and
7 correct transcript of the proceedings had at the
8 time and place hereinbefore set forth.

9 I further certify that I am not a relative
10 or employee or attorney or counsel of any of the
11 parties, nor am I a relative or employee of such
12 attorney or counsel, nor am I financially
13 interested in the action.

14 WITNESS my hand and official seal at
15 Wichita, Sedgwick County, Kansas, this 2nd day of
16 August, 2023.

17
18
19 NANCY L. RAMBO, R.P.R., C.S.R.
20 Registered Professional Reporter
21 Certified Shorthand Reporter

22 Costs:
23
24
25

\$	above- (1) 527:19	309:18,24;310:5,6,10, 14,18,19;311:1;312:1; 319:6,7,9,10,16;320:6, 11,24;321:4;322:12;	252:20;256:18; 273:15;331:10;367:12; 379:5;500:3	advanced (2) 254:16;472:17
\$10 (1) 538:4	above-ground (1) 525:13	absolutely (4) 253:5,5;392:25; 413:20	added (2) 381:5;459:10	advice (7) 291:2;297:21,24; 299:15,24;300:13,16
\$100 (1) 337:8	absolutely (4) 253:5,5;392:25; 413:20	accept (4) 309:21;433:16; 449:14,20	adding (1) 238:10	advised (1) 524:21
\$130 (2) 330:15;338:24	accept (4) 309:21;433:16; 449:14,20	access (11) 250:5;261:21; 291:17;292:11,25; 296:15;297:8;356:15; 357:22;452:1;490:16	addition (5) 341:2;429:9;481:9; 519:9;529:6	adviser (2) 445:14,19
\$250 (2) 436:21;538:18	access (11) 250:5;261:21; 291:17;292:11,25; 296:15;297:8;356:15; 357:22;452:1;490:16	accessed (1) 366:11	additional (19) 228:9;231:2,3; 232:21;237:8,18; 244:16;252:21;263:7; 271:13;296:25;366:17; 460:16;511:15;513:3; 539:1;541:16;545:8; 546:10	advising (1) 395:21
\$3 (1) 456:24	accessed (1) 366:11	acres (1) 436:8	address (17) 286:3;333:14; 349:14;350:20;380:8; 383:15,16;420:17; 421:18,19,20,21,21; 422:22;423:3;455:15; 492:17	advocating (1) 242:19
\$300 (3) 540:14,15,19	accommodate (1) 375:19	Act (25) 282:5;305:25;306:1, 2,4,6,7,9,15;307:15,18, 24;308:5,9,12,21; 311:24;345:22;365:4; 367:1;368:22;372:9; 379:10,12;412:20	addressed (3) 300:23;301:2;309:5	aerators (1) 340:22
\$400 (1) 399:1	accommodating (1) 396:17	action (2) 265:9;492:16	addressing (1) 421:19	affect (2) 334:5,10
\$45 (1) 332:14	accomplish (1) 542:24	active (6) 230:10;424:21,23, 24,25;454:20	adds (1) 511:15	affecting (1) 334:3
\$50 (1) 502:15	According (1) 532:12	actively (2) 420:16;440:15	adequate (20) 250:25;292:17; 296:7;299:10;300:10; 356:18,25;357:12; 371:7,25;372:3;408:7, 13,23;413:18;420:25; 422:8;428:22;513:19; 516:13	affects (1) 426:18
\$52,000 (1) 457:12	account (5) 290:23;315:2,4; 332:9;386:21	activity (5) 387:20;390:7,10; 440:3;453:10	addressed (3) 300:23;301:2;309:5	affirmed (4) 228:24;383:2; 444:18;465:11
\$6 (2) 261:6;456:24	accounting (2) 436:7;470:1	activity (5) 387:20;390:7,10; 440:3;453:10	addressing (1) 421:19	afforded (2) 374:3,6
\$65 (1) 436:8	accounts (1) 531:24	actual (8) 244:17;260:8;343:1; 364:1;366:15;432:11; 434:12;532:15	addressing (1) 421:19	afforded (2) 374:3,6
\$66 (1) 334:18	accrue (2) 344:16;544:21	activities (6) 385:7;423:21;453:2; 467:25;492:16;497:13	adds (1) 511:15	afforded (2) 374:3,6
\$7.6 (1) 509:23	accurate (4) 283:2;353:25; 438:21;440:4	activity (5) 387:20;390:7,10; 440:3;453:10	adequate (20) 250:25;292:17; 296:7;299:10;300:10; 356:18,25;357:12; 371:7,25;372:3;408:7, 13,23;413:18;420:25; 422:8;428:22;513:19; 516:13	afforded (2) 374:3,6
\$8 (2) 344:17,19	accurately (1) 308:16	activity (5) 387:20;390:7,10; 440:3;453:10	addressing (1) 421:19	afforded (2) 374:3,6
\$800,000 (1) 435:3	ability (14) 272:18;279:20; 280:4;287:12;345:12; 350:15;361:17;362:19; 379:13;396:24;407:10, 11;421:22;515:22	activity (5) 387:20;390:7,10; 440:3;453:10	addressing (1) 421:19	afforded (2) 374:3,6
A	able (42) 231:20;280:11; 292:1;301:19,24; 315:7;316:6;352:7; 373:13;380:24;395:14; 418:8;424:5;447:22; 448:7,8,12,13,14; 455:4;460:16,24; 476:16;482:9;483:24; 485:9;486:2;487:6; 489:19;500:12;506:15; 508:19;509:16;510:16, 21;514:2,19,21;515:18, 24;534:8;546:12	activity (5) 387:20;390:7,10; 440:3;453:10	addressing (1) 421:19	afforded (2) 374:3,6
ability (14) 272:18;279:20; 280:4;287:12;345:12; 350:15;361:17;362:19; 379:13;396:24;407:10, 11;421:22;515:22	accusing (1) 294:12	actual (8) 244:17;260:8;343:1; 364:1;366:15;432:11; 434:12;532:15	adhere (1) 367:3	afforded (2) 374:3,6
able (42) 231:20;280:11; 292:1;301:19,24; 315:7;316:6;352:7; 373:13;380:24;395:14; 418:8;424:5;447:22; 448:7,8,12,13,14; 455:4;460:16,24; 476:16;482:9;483:24; 485:9;486:2;487:6; 489:19;500:12;506:15; 508:19;509:16;510:16, 21;514:2,19,21;515:18, 24;534:8;546:12	acknowledging (1) 278:3	actually (56) 229:25;236:8; 242:10;243:20;246:24; 250:16;252:12;260:6, 19;261:17;262:7; 264:16;266:9;267:9; 272:23;276:13,24; 278:1,9;285:18; 302:22;305:15;313:4; 320:10;322:19;323:15; 337:3;348:19;359:20; 426:9;431:1;433:12; 450:13;452:5,22; 453:3;454:16;457:4; 463:11;470:8;471:20; 473:24;476:23;484:20; 491:23,25;501:2; 503:18;505:10;506:25; 510:6;513:25;537:10; 543:16,21;545:5	adhere (1) 367:3	afforded (2) 374:3,6
abnormal (2) 502:23,24	acquaintances (1) 425:9	activity (5) 387:20;390:7,10; 440:3;453:10	adjacent (2) 354:6;434:24	afforded (2) 374:3,6
above (6) 303:4,5;442:9; 510:24,25;516:7	acquire (3) 269:13,23;279:25	activity (5) 387:20;390:7,10; 440:3;453:10	adjourned (2) 546:25;547:3	afforded (2) 374:3,6
	acquired (2) 454:11,24	activity (5) 387:20;390:7,10; 440:3;453:10	adjusted (1) 499:12	afforded (2) 374:3,6
	acquiring (5) 268:5,6,8;269:9; 322:11	activity (5) 387:20;390:7,10; 440:3;453:10	administer (1) 375:5	afforded (2) 374:3,6
	acquisition (2) 267:22,23	activity (5) 387:20;390:7,10; 440:3;453:10	admission (1) 363:21	afforded (2) 374:3,6
	acquisitions (1) 440:7	activity (5) 387:20;390:7,10; 440:3;453:10	admit (1) 285:24	afforded (2) 374:3,6
	acreage (1) 260:9	activity (5) 387:20;390:7,10; 440:3;453:10	admitted (2) 228:16,20	afforded (2) 374:3,6
	acre-feet (75) 240:18;260:19; 267:1;276:17;280:7,9, 12;281:4,7;282:24; 283:1;305:11,16;	activity (5) 387:20;390:7,10; 440:3;453:10	adopted (8) 243:10,17;340:15; 341:19;342:2;499:10, 19;526:21	afforded (2) 374:3,6
		add (7)	adult (1) 446:14	afforded (2) 374:3,6
			adults (1) 492:9	afforded (2) 374:3,6

<p>311:17;337:14; 450:1;482:13;484:8 agree (24) 311:8;318:14,17; 320:14;326:3;327:2,3; 328:13;364:8,11; 367:10;415:10;422:12; 423:9,10;434:6,15,19; 463:14;470:24;515:13; 516:4;538:14;542:25 agreed (5) 353:3,13,23;354:13; 369:25 agreeing (1) 354:22 agreement (8) 243:3,16,22;251:20; 252:13;377:14,15; 535:12 agreements (1) 377:10 agricultural (2) 401:22;456:3 agriculture (5) 435:23,24;436:5; 494:1;545:23 ahead (25) 228:4,14;241:17; 275:24;345:6;348:18; 349:1,10,17;350:25; 354:11;365:22;368:21; 369:4,24;371:20; 382:8;431:14;433:21; 444:22;458:10;490:23; 504:15,22;536:22 air (1) 521:6 aircraft (2) 405:19,21 airplane (1) 405:12 alarm (5) 503:4,6,15,16,18 alcohol (1) 532:25 alfalfa (1) 373:19 algae (10) 481:16;485:16,17, 21,21;486:5,10;487:24, 24;488:15 alive (3) 256:15;500:10;502:4 alleviate (2) 248:1;412:11 allocated (3) 241:21,24;277:21 allocating (1) 340:10 allocation (1) 234:14 allow (13) 252:5;305:22;</p>	<p>313:17;360:4;381:9; 418:21;423:1;430:5; 510:2;513:22;514:1, 12;536:24 allowable (2) 284:9;512:14 allowance (1) 283:17 allowed (8) 380:7;460:12;501:6; 514:9;523:12;525:11; 526:5;546:1 allowing (1) 439:8 allows (4) 408:21;418:22; 501:12;535:13 alluded (3) 304:16;411:21; 435:21 alluvial (9) 271:13;272:2;506:3; 507:4,5,12;508:1,11; 509:7 alluvium (11) 249:3,4,4;250:11; 251:5,6;259:23; 271:14,16;357:11; 512:2 alluviums (1) 249:7 almost (6) 237:25;267:20; 301:20;367:13;417:21; 473:23 alone (2) 277:16;486:21 along (22) 230:22;231:12; 250:21,21;260:9; 269:4;275:2;277:19; 294:16;317:14;341:7; 342:18;389:11;416:11; 428:21;472:14;473:15; 477:15;481:14;482:2; 508:10;510:11 alter (1) 379:23 Alternative (4) 234:21;366:3; 454:21;536:4 alternatives (4) 245:21;246:10; 253:2;506:13 although (2) 457:1;522:20 always (13) 389:20;394:22; 397:8;404:21,22; 408:6;412:9,19; 445:24;469:21;470:6; 482:24;488:23 amend (1)</p>	<p>379:23 amended (3) 364:15,19,20 America (2) 531:16,22 AMI (2) 503:24;504:1 ammonia (1) 483:8 among (1) 428:24 amount (30) 258:8;281:5;283:25; 284:8;304:14;312:7; 314:18;320:9;332:8; 335:4;336:6;337:7; 338:13,15,16;364:9; 396:21;397:20;414:2; 434:23;435:6,10,10; 454:3;457:23;490:6; 502:25;522:13;533:2; 534:10 amounts (2) 357:25;358:3 analysis (38) 233:19;242:7; 258:20;260:15;306:11; 307:4,17,20;308:23; 309:14;313:25;314:3, 5,8,11,16,17,22;315:1, 3,13,16,17,20;316:4, 13,16;318:5,8;325:23; 328:5;332:22;333:10, 19,20;334:1;336:18; 458:13 ancillary (1) 545:17 and/or (4) 246:21,21;266:9; 377:11 angry (2) 500:18,23 animal (2) 371:4;528:12 announcement (1) 415:21 announcements (1) 411:3 annual (7) 281:3;309:24; 325:18;328:19;338:3; 376:23;517:14 annually (2) 305:12;326:23 answered (2) 317:6;328:8 anticipated (1) 371:17 anymore (1) 405:25 apartment (1) 493:6 apartments (3)</p>	<p>492:24;493:1,4 apologize (4) 256:1;295:12; 326:11;382:6 apparent (1) 237:13 Apparently (3) 310:23,25;331:25 appeals (1) 452:3 appearance (1) 438:25 appeared (2) 272:15;537:10 appears (4) 302:24;363:5; 477:15;526:8 applaud (1) 416:14 appliances (2) 340:23;341:20 applicability (1) 371:2 applicable (2) 328:9,22 applicant (3) 297:18,20;314:18 application (47) 244:11;245:15; 276:17;279:18;280:7; 282:23;290:20;299:22; 302:2,5,12;305:11,17, 18;306:12;307:16; 308:22,25;309:2,10; 310:11,17,24;311:6,13, 24;312:23;324:14; 325:2,14;327:4,22,25; 329:9;337:23;338:2; 342:15;345:22;346:5; 364:14,16,19,20;368:1; 379:8;380:13,16 applications (6) 240:24;244:10; 302:7;308:8;329:12; 498:9 applied (1) 489:24 apply (1) 249:24 appointed (2) 239:13,23 appraisal (2) 261:2,4 appraisals (1) 261:3 appraiser (2) 388:4,5 appreciable (1) 279:11 appreciate (1) 276:2 approach (2) 471:9,24</p>	<p>appropriate (4) 258:5;265:9;366:1; 370:3 Appropriation (5) 365:4,5;367:1; 368:22,23 Appropriations (4) 306:2,4,6;507:9 appropriators (2) 365:6;368:24 approval (10) 283:24;312:1,6; 339:5;345:9;361:8; 366:12;496:23;497:3, 12 approvals (1) 369:5 approved (28) 243:24;244:1;284:9; 305:17;311:23;325:18, 21;328:19;329:2; 335:16;336:6;342:15; 343:18;344:15;345:5, 22;346:5;377:13; 380:20;455:5;496:6; 497:4;523:25;541:11; 544:20,25;545:3,12 Approving (1) 370:19 approximately (11) 309:24;316:23; 332:13;340:10;405:15; 469:7;476:5;479:25; 504:3;533:11,25 approximation (1) 319:15 April (2) 363:5;434:21 aquifer (7) 253:17;255:10; 260:21;272:16;321:13; 362:6,18 Arab (1) 456:22 area (26) 249:12;252:16,22; 260:13;269:7;270:4; 274:8,9,20,24,25; 275:2,10;375:5; 397:11;424:23;439:23; 440:2;458:7;469:17; 470:17;472:19;478:2, 24;479:6;535:24 areas (5) 272:8;370:22; 510:11,12,13 arguing (1) 420:25 argument (2) 254:24;380:4 Ark (2) 274:1,24 Arkansas (1)</p>
--	--	--	---	--

274:25 Army (2) 466:12,15 around (21) 235:12;244:7;245:4; 274:1;310:9;319:15; 322:9;375:8;390:3; 400:21;401:14;402:15; 411:8;435:23;448:23; 449:6;454:18;477:8; 491:12;519:4;540:24 arrangement (2) 243:18;377:19 arrived (1) 298:10 article (1) 438:20 aside (5) 293:15;297:5;453:9; 456:7;461:2 aspect (1) 417:21 aspects (1) 387:24 aspirations (1) 360:7 assessment (1) 278:13 asset (7) 245:20;352:15,18; 361:13;372:25;373:1,1 assets (5) 239:16;264:16; 403:7,8;453:23 assist (3) 248:18;314:4;316:14 assistance (1) 284:19 associated (3) 262:10;394:13; 412:19 Associates (1) 272:12 Association (2) 266:23,25 assume (11) 251:18;279:17; 319:12;361:7;388:14; 409:22;435:18,24; 459:16;539:3,12 assumed (3) 345:24;354:18; 542:21 assumes (1) 325:2 assuming (11) 279:17;327:1; 351:25;361:3,4,5; 425:8;446:1;476:1; 517:7,9 assumption (2) 430:16;521:22 attached (1)	302:4 attempt (1) 375:5 attempted (1) 407:7 attend (1) 283:5 attended (2) 388:19,21 attention (8) 233:13;246:11; 262:23;364:25;396:13; 400:23;401:2;405:24 attitude (3) 418:24;419:2;427:19 attitudes (3) 404:8;427:21;542:17 attorney (3) 243:24;264:9;374:15 attorneys (4) 287:8;301:9;326:8; 339:4 attorney's (1) 430:24 attribute (1) 459:8 attributed (1) 432:19 audience (1) 279:6 August (4) 234:10;277:2; 489:16,17 authored (1) 380:17 authorities (1) 372:9 authority (5) 283:17;305:19; 310:17;354:8;379:23 authorized (4) 327:10;485:24; 535:12;536:17 auto (1) 230:24 automated (1) 503:8 automobile (1) 533:3 availability (6) 241:16;432:20; 446:24;468:15;534:3; 544:6 available (30) 232:18,21;240:25; 242:19;251:23;258:10; 260:18,20;275:3; 280:6,14;281:25; 292:4,12;313:20; 321:4;352:18,19; 356:15;366:10;373:7; 393:22;408:1;425:23; 469:22;470:2,7;487:3;	488:13;515:4 average (23) 283:2;340:13;353:3, 13;354:9,23;361:1,15, 15;372:19;501:17; 504:3,6;513:16;517:8, 11,13;523:8;525:18; 526:1,3;528:1;533:16 averaged (1) 432:14 avoided (2) 343:23;359:25 award (2) 390:3,6 awarded (1) 344:19 aware (11) 231:16;278:11; 325:4;356:5;358:8,9; 380:18,21;391:19; 394:6;463:7 away (13) 260:17;266:17; 270:3;335:22;357:8; 418:7,18;442:21; 443:1;446:13;492:11; 502:10;537:21	Baker (1) 464:23 balance (3) 361:10;378:23; 395:16 Bank (2) 445:20,23 banking (11) 253:7,8,10,12;255:3, 12,16,18,24;271:12; 411:22 banks (2) 403:7,13 banned (1) 447:21 bans (1) 449:4 bar (1) 455:8 barrel (2) 456:24,25 barrels (2) 450:13;500:9 Bartlett (5) 234:23;508:13,15; 510:12;516:18 base (2) 397:20;516:23 based (40) 236:11;254:10; 260:21;291:8,9; 321:10,11;324:19; 325:17,25;328:18; 338:2,12,13;356:3; 359:3;360:23;362:4,5, 6,14,17;366:15,25; 367:8;370:6;378:2; 397:1,19;401:12; 402:17;409:9;414:9; 437:3,14,25;440:20; 470:1;486:17;518:16 basically (5) 322:5;415:4;421:16; 439:22;511:5 basing (1) 313:10 basis (10) 246:7;281:3;297:20; 309:25;328:12,25; 338:3;372:20;376:24; 386:20 bat (1) 281:22 Bates (10) 233:12,23;235:3,16; 258:12;265:3;364:16, 25;365:23;367:20 bath (1) 451:5 Baxter (1) 402:4 beacons (1) 433:19	bearing (1) 228:2 beat (1) 417:12 became (3) 391:17,19,19 become (5) 269:18;281:25; 361:11;398:10;428:18 becomes (3) 392:7;490:2;521:15 began (1) 242:2 begin (2) 243:14;431:14 beginning (8) 234:3;236:12;278:9; 363:13;369:23;485:3; 499:13;526:23 begins (1) 233:16 behalf (2) 303:20;310:11 behind (2) 251:9;281:10 belief (3) 299:8;312:16;460:17 below (5) 250:14;258:15; 259:14;328:15;353:21 below-ground (2) 525:13;527:19 benchmarks (1) 522:11 Bend (3) 274:1,24,25 beneath (1) 409:11 beneficial (2) 255:24;335:18 benefit (25) 238:1,7;249:20,22; 250:17,23;252:7; 255:2;270:24;271:7; 288:6;331:1;338:4; 457:4;458:13;460:4; 461:3,17,18;470:21; 471:7;540:7;544:19; 545:11,18 benefits (8) 459:19,23;460:1; 544:21,23,25;545:4,21 best (3) 256:15;287:12; 338:22 better (13) 238:9;247:9;262:3; 268:16;287:14;314:23; 315:7;316:6;415:17; 418:24;423:11;467:8; 472:3 beyond (3) 230:17;262:11;407:2
---	--	--	--	---

<p>bid (2) 338:1;346:1</p> <p>Big (76) 249:2,3;253:7,7,9,13, 15;255:4,6,18;262:6; 270:14;271:12,13,15, 17;272:2;274:24; 291:22;357:11;409:3, 8,17;437:24;458:9; 459:3,4,8;471:17; 472:15;473:15,18,21, 23;474:11,12,12,13,13; 475:7,15;476:7; 477:19,21;480:10; 481:7,10,14,20;482:20; 483:8,23;485:10,12,15, 24;486:3,15,25;487:6, 13,19;488:3,8,24; 489:22,25;490:1; 507:11;511:17,21; 512:5;515:3,5;522:14; 532:17</p> <p>big-box (1) 440:16</p> <p>bigger (3) 323:11;437:24; 451:10</p> <p>biggest (2) 408:19;450:6</p> <p>bill (10) 396:7,14,20;398:16, 22,24;414:15;433:9, 17;502:22</p> <p>billing (4) 390:25;502:20,21; 503:13</p> <p>bills (1) 397:16</p> <p>Bird (3) 264:8,9;265:10</p> <p>bit (40) 229:14;246:14; 247:19;248:13;253:1; 258:19;266:19;270:11; 291:12;303:3;323:11; 330:10;348:25;355:14; 363:4;368:18;373:14; 394:14,18;397:22,23; 400:4,21;412:19; 418:23;419:21;427:12; 428:18;429:3;431:24; 468:1,10;490:25; 492:2;500:18;505:15; 517:6;520:3;530:7; 538:8</p> <p>Black (4) 322:20;323:15,18; 324:4</p> <p>blade (1) 452:20</p> <p>blame (2) 409:15;432:24</p> <p>bleak (1)</p>	<p>403:10</p> <p>block (3) 247:2;340:15;495:17</p> <p>bloom (5) 485:16,17,21;486:5; 487:24</p> <p>blooms (2) 481:17;486:10</p> <p>blow-down (1) 496:2</p> <p>bluegrass (2) 399:12;448:6</p> <p>blue-green (1) 485:21</p> <p>Bluff (25) 237:16;250:14; 251:4,23;252:3,9,13; 256:2;258:3,21,25; 259:7,10,10,12,15; 277:24;357:17;468:20; 469:2,3;470:2;481:16; 506:18,20</p> <p>board (14) 239:23;265:11,19, 25;266:2;375:9;390:2, 6;453:6,7,18,18; 454:10,17</p> <p>boards (2) 246:12;389:24</p> <p>board's (1) 265:18</p> <p>boat (1) 358:25</p> <p>boats (2) 525:14;527:22</p> <p>Bob (2) 272:11;321:20</p> <p>bodies (8) 237:19;243:1; 247:16;362:2;386:2,6; 419:18;437:10</p> <p>body (4) 239:19;243:11; 249:15;496:22</p> <p>bold (1) 516:7</p> <p>bond (1) 336:21</p> <p>bonds (1) 386:14</p> <p>boom (3) 457:5;458:25;464:4</p> <p>booms (2) 456:15,18</p> <p>born (1) 387:8</p> <p>borrowed (1) 502:9</p> <p>boss (1) 389:10</p> <p>both (21) 239:6,19;249:5; 264:20;321:2;387:23;</p>	<p>389:15,16;399:16; 408:16;429:9;446:14; 480:24;486:23;494:24; 512:17,18;532:4; 537:18;539:17;540:7</p> <p>bottom (8) 235:9;276:21,22; 320:24;331:3;476:2,6; 521:4</p> <p>bought (12) 275:11;352:15,18, 22;361:12,13;372:25; 416:15;450:6;452:3,8; 457:11</p> <p>brackish (1) 510:24</p> <p>Brad (7) 444:5,17,24;445:3,3; 527:8;538:10</p> <p>B-R-A-D (1) 444:24</p> <p>brag (1) 422:2</p> <p>brand (1) 531:14</p> <p>break (9) 275:14,16;348:8,18; 349:2;382:3;427:6; 430:25;546:21</p> <p>breaks (1) 531:4</p> <p>Brenda (1) 259:5</p> <p>bridge (2) 476:23;478:22</p> <p>brief (2) 246:1;505:12</p> <p>briefly (8) 283:22;388:12; 390:11;466:10;468:22; 483:6;494:17;495:11</p> <p>bring (5) 263:5;428:21; 429:13;539:11;543:2</p> <p>broad (1) 371:2</p> <p>broader (1) 421:24</p> <p>brochure (1) 410:25</p> <p>broke (2) 481:18;482:19</p> <p>broker (5) 384:1,8;388:3,5; 394:8</p> <p>brokerage (1) 387:21</p> <p>brought (4) 261:8;418:16;506:9; 543:21</p> <p>brown (1) 410:20</p> <p>BUCK (8)</p>	<p>232:2,4;233:8,10; 235:19;236:18;358:23; 368:19</p> <p>bucks (1) 396:7</p> <p>budget (1) 421:17</p> <p>budgeted (1) 278:18</p> <p>buffer (1) 490:4</p> <p>build (12) 262:20;270:16; 271:24;273:11;334:3; 335:17,20;347:11; 352:10;426:18;427:1; 508:10</p> <p>building (13) 240:9,10;267:15,15; 270:21;272:6;347:10; 426:13,21;455:6; 507:16;525:16;527:24</p> <p>built (6) 425:7;494:23;495:4; 530:17,19;532:22</p> <p>bulk (3) 352:18,21,21</p> <p>Buller (16) 293:3;294:1;382:1, 16,18;383:6,7,10; 422:21;423:8;441:7,9, 12;443:9,21;526:7</p> <p>bullet (1) 434:5</p> <p>bunch (1) 428:17</p> <p>burden (1) 381:5</p> <p>Bureau (4) 270:18;271:4,5; 277:23</p> <p>burn (1) 521:6</p> <p>Burns (17) 234:2;235:23,24; 242:6;259:4;260:14, 20;277:10;278:12; 293:14,16;297:4,6; 344:16,19;345:12; 346:7</p> <p>bushels (2) 532:3,9</p> <p>business (31) 268:13;383:15,16; 384:2,15;387:19; 388:23;389:2,4,5; 391:17;401:24;404:7, 14;413:4;420:5,10; 421:6;422:14;426:17; 435:1;436:17;440:3; 445:25;458:8,24; 460:6,20;481:21; 514:2,13</p>	<p>businesses (10) 385:10,11,12,14,18; 418:21;422:6;440:6; 492:25;523:13</p> <p>businesspeople (1) 403:12</p> <p>bust (2) 458:25;464:4</p> <p>busts (2) 456:15,18</p> <p>buy (10) 249:11;279:22; 358:6;441:25;442:1,2, 2;450:5,6;545:7</p> <p>buyer (1) 269:15</p> <p>buying (4) 240:11;260:8;267:9, 9</p> <p>buys (1) 373:16</p> <p>by-product (4) 461:15;530:12; 531:7;545:19</p> <p>by-products (1) 461:8</p>
C				
<p>cake (1) 241:7</p> <p>calculation (3) 268:14;327:9;528:3</p> <p>calculations (4) 249:24;327:6,7; 353:21</p> <p>California (2) 533:6;540:20</p> <p>call (17) 337:18,19;395:12, 21;396:5,10,18; 413:17;429:13;443:22; 444:5;445:3;465:8; 474:14;482:14;502:24; 518:21</p> <p>called (11) 244:6;261:19;268:9; 272:11;302:18;407:22, 22;444:3;462:22; 470:12;496:1</p> <p>calling (1) 428:7</p> <p>calls (6) 306:14;307:6; 382:18,19;504:4,6</p> <p>came (8) 242:23;250:6; 352:16;387:2;412:24; 429:22;454:8;534:7</p> <p>camera (2) 275:23;526:10</p> <p>campus (1) 463:19</p>				

<p>can (216) 228:3;229:6,13; 231:25;232:9;233:15, 24;235:3,21;236:10; 240:18;244:5;245:7,7; 246:14;247:3,21; 248:13;256:4,7,9; 258:12;259:2;262:23; 263:19;265:1,1,5,22; 266:18;268:11;274:3, 5;276:16;279:24; 284:7;285:15,23; 286:2;287:12;288:1, 13;289:5;294:7,9; 298:5;310:21;316:23; 324:17,21,21;333:5; 337:16;338:25;339:3; 340:13;342:4,4,22; 343:5,22;346:19,20; 349:11;350:7,14; 352:6;360:22;362:23; 363:3,11;364:13,14,17; 365:13;366:3;367:20; 370:18;375:8,10,18,19; 376:4,22,23;379:17; 380:6;391:12;392:17, 18;396:15;397:15,25, 25;398:3,19;399:22; 402:22;404:12;411:18; 413:5;414:25,25; 415:2;418:6;419:14; 421:19,20;422:5; 423:3;425:14;428:20; 429:15;432:6,8; 434:18,18,20;435:20; 438:20;444:9,12; 446:22;449:19;450:6, 13,18,20;452:14,15,21; 455:16;456:7;460:9; 461:4,17;468:22; 469:1,24;470:3;472:7, 8,8;474:5,9,16,19; 475:2,2,12,14,18; 476:22;477:25;480:24; 482:16;483:6;484:25; 486:15,23;487:9,12,20; 490:3,11,12,13;494:24, 24;495:11;496:7; 498:17,19;500:8; 503:18;504:15,22; 505:5,19,20;507:13; 510:3;511:9,11,12,13, 18,19,19,22;512:14,15, 15,18;513:21,22; 514:11;516:8;517:5,6; 519:23;520:3;521:17; 522:23;523:8,16; 524:9,24;525:8,9; 526:11,14;527:3; 530:7;536:12;544:20</p> <p>candidly (1) 377:5</p> <p>canyons (1)</p>	<p>507:18</p> <p>cap (5) 327:11;328:5; 365:12;367:2;377:1</p> <p>capabilities (1) 254:11</p> <p>capability (6) 277:13;515:24; 520:7;522:5,12;533:18</p> <p>capable (1) 515:6</p> <p>capacity (9) 232:15,18,21; 292:21;296:12;312:14; 313:6;386:11;536:16</p> <p>capital (2) 330:13;333:21</p> <p>capping (1) 366:24</p> <p>capture (5) 450:14,17;451:5,6; 475:22</p> <p>car (4) 447:22,25;448:1; 523:13</p> <p>carbon (1) 533:7</p> <p>care (4) 257:17;345:21; 417:5;447:8</p> <p>career (6) 384:10,20;387:17; 389:22;393:1;445:13; 455:12</p> <p>careful (1) 452:20</p> <p>carefully (3) 265:11;302:24; 331:15</p> <p>cars (2) 442:2,24</p> <p>case (14) 235:12;285:12; 303:4;310:1;316:3; 330:20;337:20;347:15; 370:3;380:3;386:15; 459:1;461:21;504:2</p> <p>cases (2) 408:12;443:2</p> <p>cash-for-grass (1) 341:2</p> <p>cashier (1) 503:14</p> <p>Cattle (5) 259:7,11,12;481:16; 545:20</p> <p>caught (2) 228:9;241:3</p> <p>cause (16) 238:21;268:11; 272:20;396:10;399:3; 405:23;409:2;412:13; 413:2;417:3;458:17;</p>	<p>464:1;487:3;490:7; 521:24;537:2</p> <p>caused (1) 490:6</p> <p>cautious (1) 395:4</p> <p>cave (1) 450:3</p> <p>Cedar (26) 237:16;250:14; 251:4,23;252:3,9,13; 256:2;258:3,21,25; 259:7,10,10,12,15; 277:24;357:16;468:20; 469:2,3;470:2;474:11; 481:15;506:18,20</p> <p>ceiling (2) 367:3,5</p> <p>Census (2) 325:16;328:17</p> <p>center (4) 412:7;416:21; 423:20;492:21</p> <p>certain (9) 281:5;338:16; 425:17;449:19;452:14; 460:10;520:8,17;521:9</p> <p>certainly (10) 287:25;288:12; 304:13;336:13;350:10; 378:21;391:15;404:6; 407:5;430:6</p> <p>certainty (1) 326:22</p> <p>certify (1) 303:3</p> <p>Cessna (4) 404:15;405:7;406:4; 407:2</p> <p>challenge (7) 397:11;420:18; 421:18;422:3,18,19; 488:11</p> <p>challenges (3) 421:7;422:14;433:22</p> <p>challenging (4) 410:16,25;420:11,15</p> <p>Chamber (1) 390:9</p> <p>chance (3) 372:1;405:2;489:11</p> <p>change (14) 244:10,11;245:15; 364:19;369:5;379:19; 399:11;418:15,20; 427:21;436:8;497:13, 14;502:16</p> <p>changed (3) 339:11;401:17; 497:10</p> <p>changer (1) 411:24</p> <p>changes (9)</p>	<p>303:5;359:10; 366:16;408:22;434:2; 496:22;497:9;500:17; 534:9</p> <p>changing (3) 265:18;365:7;368:25</p> <p>channel (1) 251:13</p> <p>chapter (1) 301:16</p> <p>characteristics (4) 273:23;495:19; 509:5,12</p> <p>characterization (5) 256:17;267:11; 422:16,24;470:22</p> <p>characterize (3) 269:1;303:23;463:5</p> <p>characterized (1) 439:13</p> <p>characterizing (1) 256:13</p> <p>charge (3) 498:24;499:14; 512:25</p> <p>charged (2) 385:4;498:24</p> <p>Charles (2) 431:21;462:11</p> <p>chart (5) 247:12;261:18,19; 266:22;416:24</p> <p>charts (1) 234:25</p> <p>chattering (1) 373:22</p> <p>cheap (1) 416:7</p> <p>cheaper (1) 281:18</p> <p>checked (1) 528:23</p> <p>chief (16) 228:20;257:22; 313:3;325:19,21; 327:11;328:20;329:2; 354:7;355:6;365:9; 366:12,22;368:9; 369:25;466:2</p> <p>children (1) 492:9</p> <p>chlorides (2) 510:17,19</p> <p>choice (3) 249:15;282:1;387:2</p> <p>choose (2) 373:19;413:5</p> <p>chose (4) 404:18,20;406:1; 509:8</p> <p>circle (1) 358:1</p> <p>circular (2)</p>	<p>254:24,24</p> <p>circumstances (1) 284:8</p> <p>cite (1) 285:16</p> <p>cited (2) 302:4;524:23</p> <p>cities (57) 229:9;239:13,20; 241:1;243:19;249:5; 264:20;268:10;270:1; 276:7,19;280:2; 305:10;310:12,12; 311:2,21;312:6;313:7, 14,16;315:4,18;316:5, 7;318:3;321:19;322:5, 10;326:7;330:7;332:2, 7;336:1;339:7;341:6; 342:2;357:24;365:11, 14,17;366:5;367:3,6; 368:11,13,15;370:21; 372:10,24;373:5,10; 377:20;432:11;442:11; 467:25;468:3</p> <p>Cities' (10) 311:8;327:1;367:4; 472:4;474:23;478:13; 496:10;505:2;523:18; 542:6</p> <p>citizen (1) 380:18</p> <p>citizenry (3) 362:4,10,12</p> <p>citizens (6) 300:8;449:14; 499:23;519:8;543:2; 545:21</p> <p>City (261) 229:25;230:13; 231:4,7;232:13; 234:22;243:7,11,17; 244:1,2;246:25; 247:25;258:24;259:17; 260:8;262:25;264:3,4, 9;266:8,18,21;275:11; 282:18;289:13,17; 290:2,4,19;291:6,17; 292:4,11,22,24;296:12, 14;297:8,21,25;298:5, 6,8,9,14;299:5,6,13,16, 23,23,25;300:12,24; 302:13;303:14,20; 305:1,14;310:5,8; 312:19,19,21;315:23, 24;317:11;319:12; 320:7;321:3,16; 323:16;326:25;330:21; 332:20;333:3,8,8,9,12, 13,25;334:13,17; 335:3;336:17;340:4, 15;341:12,18;342:19; 343:10,14,18,21;346:4, 21;347:2,7,15;352:4;</p>
--	--	---	---	--

<p>356:21,21;357:21; 360:16;361:23;363:1; 365:15;373:3,11; 374:7;376:13;377:12; 380:23;382:18,19; 384:5,17,22,23;385:8, 15,18,21,23;386:6,8,8; 388:6,10,11,17;390:15, 17,25;392:20;395:21; 396:16;398:4;402:14; 409:19;413:19,22,25; 416:10;423:17;424:17; 434:24;435:23;438:15; 441:22,24,25;442:1; 443:24;446:24;453:3, 10,11;455:13,18; 456:13;465:23,23; 466:3,4;467:13,21; 468:16,16;471:6,9,16; 472:12;473:11,21; 475:10;476:16;479:21, 22;480:6,7,10;481:2,6; 483:19;484:6,10,14,20; 486:12;490:5;491:2,3, 5,16,18,21;492:19; 493:10,11;494:14; 495:8;496:7,13; 498:14;499:19;501:1, 3,5,9,23;502:3,6,8,9,17, 19,22;503:14,23,25; 505:8,17;507:16,17,20; 508:25;509:1,25; 511:8;512:24,25; 514:23,25;515:21; 516:3,14,21;518:13; 519:8,24;523:21; 526:17;528:3,19; 533:22;534:22;535:3, 5,12;541:4,4,6,20; 542:19,25;544:15,24; 545:14</p> <p>city-owned (1) 340:5</p> <p>City's (13) 342:13,20;343:13, 16;369:7,9;391:5; 432:5;484:12;487:11; 494:17;515:18,23</p> <p>civic (3) 390:7,10;542:18</p> <p>clarify (6) 291:20;305:15; 311:25;312:13;362:10; 386:1</p> <p>Clark (2) 247:24;257:21</p> <p>clashes (1) 389:12</p> <p>class (2) 509:21,24</p> <p>clean (1) 485:23</p> <p>cleaning (2)</p>	<p>488:14;539:20</p> <p>clear (7) 254:6,17;278:23; 286:9;394:9;460:20; 476:2</p> <p>cleared (1) 483:9</p> <p>clearly (1) 376:13</p> <p>clerk (4) 502:21,22;503:13,14</p> <p>clerk's (1) 504:4</p> <p>clients (1) 459:17</p> <p>climate (3) 359:9,9,10</p> <p>Climatewire (1) 343:7</p> <p>close (9) 262:15;332:7; 357:23;366:3;418:7; 482:14;507:13;521:20; 539:18</p> <p>closed (2) 405:20;507:9</p> <p>closer (1) 522:13</p> <p>closest (1) 475:9</p> <p>closing (1) 402:4</p> <p>cloud (2) 404:22;418:17</p> <p>Coalition (3) 400:11;401:15; 403:20</p> <p>co-applicant (1) 282:18</p> <p>Coast (1) 533:9</p> <p>co-counsel (1) 472:17</p> <p>code (4) 341:19;497:25; 498:14;501:12</p> <p>codes (1) 342:2</p> <p>Colby (2) 357:22;408:2</p> <p>Cole (33) 282:10,11,14; 375:14;424:11,12,15, 16;429:21,22;430:7; 443:10,12;444:1,5; 445:2;464:14,15,24; 465:3,6,8,18;471:20, 24;472:2;504:8,23,25; 505:1;526:15;541:2; 546:17</p> <p>Cole's (1) 377:24</p> <p>collect (2)</p>	<p>250:2;473:2</p> <p>collected (1) 475:18</p> <p>collection (5) 250:1;267:15,16; 271:25;472:24</p> <p>collects (1) 231:13</p> <p>college (6) 408:17,17;446:2; 466:13;542:15;543:14</p> <p>college-bound (1) 433:25</p> <p>colloquy (1) 329:6</p> <p>column (2) 229:20;320:23</p> <p>columns (1) 247:11</p> <p>combined (10) 310:11;360:18; 365:14;367:5;369:8; 511:14;512:11,13; 532:19;533:13</p> <p>coming (12) 230:3;244:14; 271:20;310:12;348:15; 354:11;359:13;412:23; 424:7;461:16;476:24; 543:15</p> <p>comma (2) 364:3,4</p> <p>commended (1) 463:13</p> <p>comment (5) 228:11;283:5,8; 300:21;362:11</p> <p>commenters (1) 283:9</p> <p>comments (4) 228:13,18;276:6; 537:10</p> <p>Commerce (2) 390:9;435:2</p> <p>commercial (14) 389:14,18,21; 404:13;407:3;434:13, 25;447:25;498:22,23; 499:6;523:13;527:15, 15</p> <p>Commission (9) 243:11;244:2;263:1; 333:3;334:17;343:15; 363:1,6;438:16</p> <p>commissioned (1) 303:14</p> <p>Commissioner (1) 287:25</p> <p>commissioners (1) 363:7</p> <p>commissions (2) 343:21;416:14</p> <p>commit (1)</p>	<p>460:8</p> <p>commitment (6) 337:3,6;338:6,11,12, 19</p> <p>commitments (2) 337:2;368:15</p> <p>committed (2) 318:16;458:24</p> <p>Committee (3) 433:7;439:18,19</p> <p>committees (1) 389:25</p> <p>commodity (1) 457:8</p> <p>common (4) 299:9;468:19; 471:16;490:24</p> <p>communities (7) 360:6;365:17; 368:14;371:7;426:1; 433:21;546:3</p> <p>community (58) 229:16;230:3,3; 385:11,12,13;391:25; 393:14;394:21;395:11, 17;397:7;403:9;405:8; 406:7;407:8,16; 409:13;411:24;412:1, 4;414:22,24;415:3,4,5; 418:9,14,19;419:2; 420:1;422:5;423:23, 25;425:6;427:19; 428:14,15;430:11; 435:15;437:6;438:1,3; 440:7,16;453:7; 456:10;457:25;458:7, 11,22;463:24;500:17; 536:25;543:3;546:1,7, 9</p> <p>companies (6) 384:12,16;385:20; 407:6;430:10;494:6</p> <p>company (8) 268:8,12;272:11; 384:13,21;462:22; 514:1;542:8</p> <p>comparative (1) 277:16</p> <p>compare (4) 425:14;436:13; 509:6;510:20</p> <p>compared (3) 277:17;319:6,9</p> <p>comparing (1) 430:1</p> <p>comparison (3) 408:14;436:16; 510:21</p> <p>comparisons (1) 281:16</p> <p>competing (3) 335:23;442:18,19</p> <p>competition (1)</p>	<p>429:5</p> <p>complaints (1) 449:16</p> <p>complete (5) 308:8;339:13;379:7; 527:11;539:19</p> <p>completed (6) 234:7,9,13,15;238:4; 252:12</p> <p>completely (4) 397:17;422:24; 485:23;488:19</p> <p>completion (1) 323:19</p> <p>complex (3) 255:20;493:22; 528:15</p> <p>compliance (2) 497:17;528:24</p> <p>Complicating (3) 280:12,19;281:14</p> <p>comply (1) 369:15</p> <p>component (1) 267:23</p> <p>comprehensive (1) 371:12</p> <p>compulsory (1) 341:11</p> <p>computer (1) 323:8</p> <p>conceivable (1) 346:3</p> <p>concept (8) 253:12,13;255:16; 261:20;277:10;290:17, 18;436:24</p> <p>conceptual (2) 262:12;270:13</p> <p>concern (2) 283:12;489:5</p> <p>concerned (1) 411:12</p> <p>concerns (3) 428:24;484:21; 515:11</p> <p>concession (1) 354:22</p> <p>concise (1) 244:23</p> <p>concisely (1) 244:18</p> <p>conclude (4) 324:4;326:20,21; 511:5</p> <p>concluded (1) 536:7</p> <p>conclusion (10) 234:24;275:1; 297:22;298:1;306:14; 307:7;320:11;455:9; 517:4;542:10</p> <p>condemn (3)</p>
--	--	--	--	---

250:4;271:23;274:18 condemnation (5) 249:17;269:15; 272:19;273:1;358:6 condemned (1) 249:13 condition (3) 392:11;509:13; 543:10 conditions (8) 232:20;284:1;371:4; 440:1;471:7;477:14; 512:24;546:4 conducive (1) 434:25 conducted (2) 261:23;278:5 conference (1) 242:17 conferred (2) 372:10;485:15 confident (1) 336:11 conflict (1) 425:1 conflicts (1) 315:23 confused (1) 288:23 conjunction (4) 243:7;290:19; 299:21;314:13 connotation (1) 394:13 conscious (2) 391:20;394:2 consent (1) 362:11 consequence (1) 360:13 consequences (4) 360:15;395:9; 397:18;428:19 conservation (49) 246:2;291:10; 339:21,25;340:3,20; 341:11,21;342:12,14; 344:5;359:23;371:14; 390:12,13,17;391:12, 20;392:8,14,21;393:3, 15;397:7;402:13,15, 20;409:20,21;416:4; 496:12,18,24;497:1,2, 5,18;499:20,23;500:3, 7,19;501:24;516:14; 519:7,25;520:5; 522:19,20 conservative (1) 235:12 conserve (2) 463:9;502:18 consider (8) 258:6;265:9,11;	289:15;290:10;302:6; 483:18;542:20 considerable (2) 454:1;542:23 consideration (5) 261:15;305:24; 406:19;408:6;544:19 considerations (2) 265:15;454:21 considered (6) 253:2;263:17; 266:16;276:11;336:8; 510:23 considering (7) 238:15,17;255:18; 265:17,19;268:16; 322:10 consistent (4) 332:9;347:5;435:7,9 consistently (4) 230:6,7,9;310:1 constraints (1) 358:20 construct (1) 330:21 construction (9) 347:3,8,9;387:23,23; 405:17;426:11,17; 427:3 consult (1) 339:4 consultation (1) 336:25 consulted (3) 300:17;336:21,23 consulting (1) 455:6 consume (2) 354:3;498:25 consumed (1) 534:11 consumer (1) 522:17 consumption (7) 489:2;513:16; 516:16;525:19;528:2, 9,20 consumptive (9) 249:24;255:2,4; 353:1,7,21;354:1; 361:14;377:3 Cont (1) 229:1 contact (1) 266:21 contacted (3) 259:17,18;263:8 contain (1) 246:16 contained (1) 301:23 container (1) 451:6	contains (2) 373:1;452:16 contaminants (1) 495:14 contaminate (1) 483:1 Contamination (5) 481:12;482:5,8; 483:25;490:3 content (1) 265:6 contention (1) 422:13 context (4) 288:4;343:2;429:22; 434:16 contiguous (1) 275:10 contingencies (1) 337:21 contingent (3) 335:15;344:22;345:9 contingently (1) 256:22 continue (10) 228:8;242:12;255:6; 365:22;484:13;492:14; 504:10,23;536:24; 542:22 continued (6) 255:13;355:24; 360:8,9;413:8;545:13 continues (3) 411:4;440:10;512:2 continuing (2) 242:3;257:2 continuous (2) 448:25;503:5 continuously (2) 387:14;432:17 contract (5) 338:12;344:20; 346:7,8,11 contracted (1) 346:21 contracts (4) 344:24;345:11,15,18 contractual (4) 377:10,14,19;525:17 contractually (1) 338:23 contribute (1) 536:25 contributes (1) 412:21 control (6) 241:21;242:13; 252:16;270:22;279:1; 371:11 controls (2) 277:24,25 controversial (1) 470:16	conversation (2) 393:8,11 conversations (2) 406:9;411:7 conversion (1) 361:14 converted (1) 492:25 converting (1) 340:23 co-op (2) 532:14,16 cooperate (1) 488:22 cooperation (1) 243:22 copies (1) 497:25 copy (5) 330:25;350:4,7; 497:1;498:7 corn (4) 373:20,23;408:21; 409:12 corner (2) 472:12,13 Corporation (2) 403:3,5 Corps (20) 234:2,3,11;240:15; 241:18;242:1,4,9,11, 18;277:22,25;278:3,9, 16,19,20,21;279:5,13 corrected (4) 303:15,17;363:21; 375:12 correction (1) 476:24 corrections (1) 302:23 correctly (5) 320:25;328:13; 364:2;438:10;507:7 correspondence (1) 267:4 cost (25) 250:3;251:21;262:1, 6;271:23;277:14,16; 281:9,16,17;282:3; 330:10,13;332:15; 334:17;356:17;391:2; 428:15;439:9;458:13, 16;459:23;460:1; 509:23;540:17 cost-effective (1) 418:6 costly (1) 455:3 costs (9) 281:23;330:18; 334:4,5,9;367:18; 397:14;414:3;420:13 Council (11)	244:2;453:3,10; 455:18;499:19;501:2, 13;503:25;519:8; 523:3;535:12 counsel (3) 287:2;336:21;432:5 count (4) 417:4,5;461:2; 511:22 countenance (1) 306:24 counties (2) 268:10;272:8 country (2) 394:4;423:19 County (55) 272:15,21,22,24; 273:2,4,8,13;291:24; 363:6,7;374:12;385:3, 5,8,24;386:7;392:4; 393:16;400:11,13; 401:1,14;402:2,3; 403:20,22;412:8; 431:22;436:1,11; 437:16,17,18,22,23; 439:16,17,18,20; 441:17,18;456:13; 457:3,3,14;462:13; 481:21,24,25;493:24; 494:9,11;532:13,15 couple (29) 238:14;243:9; 253:19;254:3;268:19; 272:14;274:11;276:13; 279:24;281:17;294:3; 305:7;337:13;380:1; 384:11;387:9;388:21; 398:17,21;402:1; 427:2;431:2;440:16; 448:11;450:1,8; 467:15;471:21;491:22 course (12) 255:19;265:9;267:8; 302:23;335:6;344:22; 362:10;379:17;384:4; 393:1;501:25;525:12 court (4) 302:20;375:18; 444:8,22 cover (5) 244:6;274:3,5; 421:17;490:8 covered (4) 240:2;261:10,10; 529:11 covers (1) 230:4 crashed (2) 457:11;526:8 create (6) 258:2;269:11; 374:13,17;488:11; 519:2
---	---	--	---	---

<p>created (7) 244:7,8;254:14; 260:14;402:6;426:15; 519:9</p> <p>creates (2) 428:5;437:19</p> <p>creating (1) 385:18</p> <p>creation (1) 385:12</p> <p>credit (1) 260:10</p> <p>Creek (68) 247:1;249:3,3;253:7, 9,13,15;255:4,7,18; 270:14;271:12,14,16, 17;272:2;273:25; 274:6,8,9;291:22; 357:11;409:3,8; 471:17;472:16;473:16, 18,21,23;474:12,13; 475:6,7,15;476:7; 477:19,21;480:11; 481:7,10,15;482:20; 483:8,23;485:10,12,15, 24;486:3,15,25;487:6, 13,19;488:3,9,24; 489:22,25;490:1; 507:11;511:17,21; 512:5;515:3,5;522:14</p> <p>crisis (5) 360:21;392:2; 442:13;447:2;449:24</p> <p>Crispin (1) 407:23</p> <p>critical (4) 418:13;488:17; 501:10;514:23</p> <p>criticize (1) 457:22</p> <p>critics (1) 458:15</p> <p>crop (1) 436:8</p> <p>crops (1) 392:4</p> <p>cross (3) 304:21;475:6;476:24</p> <p>CROSS-EXAMINATION (8) 282:13;284:23; 351:3;423:4;424:14; 431:15,17;462:7</p> <p>cultural (2) 417:21;423:21</p> <p>culture (1) 423:23</p> <p>cumulatively (2) 310:13;436:10</p> <p>current (12) 265:24;304:18; 330:13;346:16;347:12; 360:20;362:7,8,9,19; 383:18;486:22</p>	<p>currently (7) 232:15;340:2; 341:18;343:15;383:19; 466:25;500:11</p> <p>customer (4) 317:20;498:24; 502:24;513:25</p> <p>customers (32) 488:17;489:1; 491:11,12,13;498:22, 23;499:1,16,17;501:14, 15;502:10,11;504:4,7; 513:20,20,23;515:25; 516:21;523:5;525:17, 21,22,23;527:25; 528:21;529:20;535:14; 545:15,24</p> <p>customers' (1) 489:15</p> <p>cut (7) 232:6;317:21; 352:25;353:1,2;364:3; 374:14</p> <p>cyclical (1) 545:23</p>	<p>233:4;248:5;259:8,9; 323:16;434:21;438:24; 496:16</p> <p>daughters (2) 467:9,12</p> <p>David (1) 380:17</p> <p>day (39) 232:14;233:18,19; 240:18,22,23;355:22; 390:22;407:19;413:1; 424:8;449:19;478:5; 487:8,8,9,13;489:3; 490:21;498:4;514:12; 517:8,11,12,13;523:1; 525:7,8;528:23; 533:17,20;535:16; 539:16,16,17,24; 541:16;546:21;547:1</p> <p>days (8) 433:21;440:12; 447:11;452:14;467:15; 486:4;503:5;539:19</p> <p>day-to-day (2) 385:7;386:11</p> <p>DC (3) 242:11,15;278:22</p> <p>dead (1) 410:16</p> <p>deal (5) 374:24;414:23; 416:8;428:17;458:9</p> <p>dealing (5) 359:9;372:5;374:22; 427:25;524:5</p> <p>deals (1) 498:14</p> <p>dealt (2) 366:23;428:17</p> <p>dear (1) 437:17</p> <p>death (2) 412:21,25</p> <p>debt (2) 268:6,7</p> <p>decadal (13) 293:7;296:20; 317:17;319:19,20,21; 320:1,3,4,12,23;352:5; 359:11</p> <p>decades (4) 303:25;304:1; 362:16;432:14</p> <p>December (5) 248:5,11;263:1; 501:17;505:6</p> <p>decent (3) 245:25;272:15; 356:14</p> <p>decide (1) 545:9</p> <p>decided (2) 247:16;503:25</p>	<p>deciding (1) 258:25</p> <p>decision (3) 350:11;362:2;426:18</p> <p>decline (4) 261:7;320:6;355:23; 433:25</p> <p>declined (1) 546:3</p> <p>declines (1) 375:11</p> <p>declining (2) 432:17,18</p> <p>deemed (1) 265:14</p> <p>deems (1) 284:2</p> <p>deficiency (1) 232:16</p> <p>deficit (4) 233:16,17;236:12,15</p> <p>define (1) 370:24</p> <p>defined (1) 242:4</p> <p>defines (1) 317:18</p> <p>definitely (4) 274:15;425:18; 430:10;459:18</p> <p>definition (11) 312:25;314:23; 315:15,17,19,22;316:1, 2,16;449:24,25</p> <p>degree (4) 326:22;345:9;446:6; 466:24</p> <p>delay (1) 256:2</p> <p>delays (1) 356:17</p> <p>delegation (1) 278:20</p> <p>delicate (1) 301:19</p> <p>deliver (2) 461:7;536:19</p> <p>demand (23) 232:12;241:1;300:3; 317:19;347:5,8; 425:12,14,16,18;427:7; 487:18;488:12;515:7; 8;517:8,11,14;519:1; 533:9,11;534:14;544:5</p> <p>demands (12) 232:17;255:21; 290:24;304:18,19,19; 317:12,14,19;360:4; 458:2;486:22</p> <p>Democracy (1) 466:20</p> <p>demographic (2) 433:22;434:2</p>	<p>demonstrated (1) 238:6</p> <p>demonstrates (1) 317:16</p> <p>Denver (2) 423:17;440:1</p> <p>deny (2) 255:7;461:19</p> <p>Department (5) 260:1;436:4;487:12; 497:8;524:21</p> <p>dependent (6) 231:6;456:2,14; 460:15;542:16;543:25</p> <p>Depending (6) 256:25;331:13; 351:20;414:7;509:2; 521:13</p> <p>depends (5) 241:12,15;344:5; 455:25;511:21</p> <p>depict (1) 478:20</p> <p>depicted (4) 473:5,9;476:9,15</p> <p>depicts (2) 472:9;475:3</p> <p>deplete (1) 521:23</p> <p>depleted (2) 232:22;521:23</p> <p>deployed (2) 466:15,17</p> <p>depopulation (1) 420:13</p> <p>deposition (29) 237:6;285:8,11; 286:6,16,19;287:21; 288:8,22;289:2;295:3; 297:16;302:17,22,24; 303:4,9,15,18;330:24; 331:16;333:6;339:6, 11,23;349:19,24; 363:20;364:7</p> <p>depressed (1) 426:9</p> <p>depression (1) 251:7</p> <p>desalination (7) 281:22;506:3;508:2; 509:20;510:2,4,4</p> <p>describe (6) 245:7;419:14; 468:22;472:7,8;482:16</p> <p>described (1) 531:4</p> <p>describes (1) 246:6</p> <p>description (3) 258:14,15;397:1</p> <p>Desert (3) 466:18,18,19</p> <p>design (11)</p>
D				
	<p>dad (6) 388:2,3;389:8,10; 447:6;448:5</p> <p>daily (11) 232:12;244:8;245:1; 269:20,25;304:19; 317:12,14,19;521:17, 18</p> <p>Dakota (3) 291:22;323:20,23</p> <p>dam (7) 469:8;475:4,12,20; 476:10;482:17;522:15</p> <p>damage (1) 521:24</p> <p>damaged (1) 515:8</p> <p>danger (1) 232:23</p> <p>dangerously (1) 521:20</p> <p>dark (1) 401:5</p> <p>dash (2) 233:8,9</p> <p>data (6) 436:3,7;508:11,16; 516:23;517:1</p> <p>date (15) 234:10;249:10; 276:20,21,23,24;277:4, 6,6;322:24;343:7; 482:11;484:13;505:5; 524:10</p> <p>dated (8)</p>			

<p>254:22;277:9; 344:20;345:4,6,7,23; 346:21;365:18;368:11; 371:22 designed (5) 316:14;334:7,8; 338:1;421:17 designing (1) 371:24 designs (1) 254:19 desirable (1) 270:5 despite (2) 463:5,11 detail (4) 238:23;326:16; 366:19;468:17 details (2) 301:17;338:17 determination (6) 298:10;304:10; 305:21;344:12;350:6; 375:4 determine (13) 234:4;242:7;259:19; 262:5;303:16;309:3,4, 20;322:21;323:22; 334:9;370:1;485:20 determined (15) 253:22;254:4; 260:20;261:5;262:2; 268:14;272:17,24; 277:11;362:3;374:20; 388:22;506:21;507:14; 518:11 determining (3) 234:12;304:8;333:24 detriment (1) 443:6 devastating (2) 320:7;434:3 develop (11) 237:20;243:4,15; 244:17;251:1;252:11; 280:18;352:11;372:10; 455:19;515:22 developable (1) 434:24 developed (6) 243:21;269:6,7; 330:3;447:2;521:8 developer (1) 492:20 developers (1) 440:15 developing (2) 344:14;425:6 development (21) 243:19;264:13; 329:4;343:22;371:14, 15;385:2,4;400:12; 401:15;403:21,22;</p>	<p>415:16;426:24;433:13; 434:13;435:4,19; 439:12;492:21;542:16 developments (2) 230:21;425:4 die (3) 412:18;451:1;513:22 differ (2) 327:8;480:13 difference (6) 338:8;408:19; 409:13,17;412:12; 506:19 different (28) 243:9;244:25;245:4; 246:18,22;247:6; 253:19,19;277:8; 279:24;327:24;329:12, 13;347:13;387:24; 393:13;411:20,23; 424:24;449:1,25; 451:20;452:11;471:14; 505:20,24;520:4;524:6 differs (1) 480:10 difficult (10) 249:18,19;335:10; 369:15,22;400:6,8; 459:21;460:2,24 difficulties (1) 267:25 dining (1) 442:23 DIRECT (24) 229:1;233:13;244:3; 246:11;262:23;281:16; 282:22;285:5;287:1; 319:2,24;326:10,14; 364:25;383:9;400:23; 401:1;408:10;424:20; 432:3,9;445:1;461:5; 465:17 directed (2) 243:3,6 directing (1) 243:14 direction (2) 265:19;479:7 directly (5) 252:4;370:24; 452:23;479:21;519:5 director (12) 239:15;247:25; 259:5;280:24;333:2; 334:12,14;383:19; 385:1;415:15,16; 453:24 directors (1) 453:7 director's (1) 247:24 disadvantage (1) 495:19</p>	<p>disagree (3) 321:7;422:23;468:8 disapproving (1) 544:22 discarded (1) 507:21 discharge (4) 254:8,13,14;483:7 discharging (1) 253:14 discourage (2) 340:14;391:3 discovered (3) 503:2;519:18;529:7 discuss (2) 245:20;350:9 discussed (9) 238:5,22;248:20; 251:3;266:2;270:20; 339:22;366:19;444:1 discussing (3) 260:7;265:7;322:20 discussion (11) 253:9;258:11; 266:12;267:8;268:4; 273:2,7;377:25;378:6; 408:4;526:12 discussions (3) 271:11;366:21;397:1 dismissal (1) 277:20 display (2) 323:1,3 displayed (2) 246:17;247:2 disposal (1) 482:9 dispose (1) 509:21 disproportionate (1) 230:13 dispute (2) 325:5,7 disputing (1) 334:24 dissolved (2) 452:17;495:16 distance (7) 335:22;357:8; 469:11;476:22;520:8, 17;522:7 distant (1) 266:15 distinction (2) 376:20;381:1 distinctions (1) 273:24 distributed (1) 245:4 distribution (3) 277:13;372:7;491:16 District (34) 236:2,4;239:1,4,14,</p>	<p>15,18,18,21;240:12; 263:22,24;264:15,19, 21,22;266:4,9;267:10, 17,24;273:3,4,8; 453:16;454:8;456:12; 468:2,2;494:12; 514:10;535:20,22,23 districts (6) 241:2;266:7;372:5,6, 7,8 Ditch (2) 266:23,25 diversified (1) 403:19 diversity (1) 403:15 divert (1) 512:15 diverted (1) 365:13 dividends (1) 416:17 Division (5) 260:4;353:4,19; 374:21;489:20 document (48) 229:7;233:21,24; 234:19,20;235:1,22; 236:8,17,20;244:5,6, 23;247:21;256:7,16,16, 17,21,24;257:6,11,20; 259:3;262:24;263:18, 20;265:2,4;276:16; 290:12,16;307:2; 324:22;337:11,13,17; 339:21;342:5;343:2; 419:10,12,15,22,22; 420:4;434:10,18 documents (5) 243:9;246:15; 256:14;303:22,24 dollar (3) 231:14;332:13; 361:20 dollars (10) 261:5;262:10; 367:17;437:12,13,19, 25;438:2;443:3;450:9 done (26) 251:15;253:3;261:4; 274:11;332:25;333:2, 19;336:24;341:6; 348:13,14;351:5; 358:14;384:9;408:3; 411:21;427:4;451:12, 13;466:10;502:5,18; 508:3;518:4;523:22; 540:24 door (2) 391:6;392:16 dots (1) 472:21 dotted (2)</p>	<p>235:8,9 Double (2) 538:24;539:3 doubt (1) 281:25 Doug (4) 381:22;382:19; 383:1,14 DOUGHERTY (61) 228:23;229:3,6; 232:7;233:13;234:20; 235:22;248:9;256:13; 258:16;276:5;282:7, 15;285:1;286:21,24; 288:18;289:11;296:4; 299:5;301:16;302:11; 305:10;306:21;307:14; 308:20;309:17;313:5; 317:24;318:25;319:18; 323:14;324:14,22; 327:21;328:9;330:1; 332:1;335:2;336:17; 339:6;342:24;343:17; 346:13;348:14;350:4; 351:3;357:5;362:24; 364:18;375:23;381:19; 434:21;467:19;468:17; 469:13;470:19;480:23; 506:25;512:17;536:4 Dougherty's (3) 228:7;477:1,4 down (62) 230:8;236:7;242:20; 248:7;250:8;258:12; 263:2;264:23,24; 265:21;275:1,3;303:2; 321:12;329:22;330:20; 336:18;338:18;341:15; 353:23;355:3,24; 365:21;368:19,21; 369:18;370:13;375:2; 390:21;391:7;395:8, 13;396:11;400:2; 402:10;410:21;411:3; 424:7;428:8;435:20; 439:3,15;457:9; 461:10;472:18;476:2; 481:17;485:11,22; 488:16,16,19,20; 490:22;498:17;513:16; 520:25;523:14;524:9, 15;527:1;531:4 downs (2) 545:23,25 downspout (1) 450:15 downstream (8) 241:1;255:8;260:10, 23;269:25;357:16; 410:2;482:21 downtown (4) 492:23,24;493:3,6 downturn (5)</p>
--	--	--	--	---

400:14;401:11,24; 402:1,1 draft (2) 234:1;496:14 drag (1) 435:19 draining (1) 395:7 dramatically (6) 342:19,25;343:10, 12,13,16 draw (1) 250:2 drawdown (2) 520:24;522:7 drawn (1) 509:11 dried (1) 251:5 dries (3) 481:7;483:24;490:2 drilled (2) 508:18;510:15 drilling (1) 494:5 drive (1) 461:7 driven (2) 391:25;392:4 drivers (2) 433:19;545:18 driveway (1) 500:22 driveways (1) 341:16 driving (2) 435:13;461:13 drop (3) 411:4;459:4;506:24 dropped (5) 230:8;240:13; 247:15;364:5;513:15 drops (1) 459:3 drought (93) 238:5,8,13;242:21; 245:13;269:19,24; 279:15;290:25;292:18; 293:7,8;296:8,20,21; 299:1,3;300:7;319:19, 20,21,21;320:2,3,5,12, 23;321:3;351:20,21, 22;352:1,3,5;355:8,16; 356:2,4;359:11,12,12, 19,21;360:4,15,17; 372:1;392:1,5;398:11; 400:24;401:7,10,20,21, 21;402:6,10,16; 403:24;404:5;409:7; 410:9,11,12,15;412:13; 413:8;415:25;427:18, 22;428:2;442:13; 448:23;450:25;470:4;	478:17;480:25;481:3, 9;483:24;484:3,4; 486:17;500:15,25; 506:22,23;511:22,24; 512:1,21;513:13 droughts (11) 269:18;317:13,17; 357:1,2;400:25; 427:14;428:18,20; 467:24;503:22 drought-tolerant (1) 340:24 drug (1) 272:23 dry (3) 298:25;406:25;515:5 drying (1) 272:2 due (4) 269:25;271:25; 392:4;508:18 Duffy (2) 247:24;257:21 Duffy's (1) 259:22 dug (1) 272:23 duly (3) 383:2;444:18;465:11 duration (2) 357:4;515:7 During (71) 231:15;232:18,19; 237:5;238:8;243:19; 258:23;283:8;285:4,6; 287:1;288:21;292:17; 293:7;296:7,20;299:1; 300:7;301:15;306:23; 311:18;313:20;317:13; 319:19;320:4,12; 321:3;334:16;341:12; 351:3,19;355:15; 359:19;360:4;371:25; 380:13;384:20;390:22; 398:9,11;400:13; 410:8,14;415:25; 436:24;447:5;450:7, 25;466:15;467:23; 477:1,4;484:4,5; 485:10;486:2,14; 488:2,23;496:3; 500:25;501:10,16,19; 502:20;511:24;515:2, 25;523:2;526:1;539:23 duties (2) 374:4;384:25 duty (2) 255:9;410:18 DWR (7) 356:6;365:6;368:24; 497:2,5,12;514:25 DWR's (2) 365:24;370:1	E	earlier (13) 237:22;276:14,25; 278:15;298:17;401:9; 402:13;492:8;517:17; 524:9;527:8;529:1,7 early (15) 259:16,24;261:17; 267:25;273:7;394:6; 402:10,16,19;404:12; 411:19;449:20;453:19; 489:10,14 easement (1) 267:22 easements (1) 267:20 east (5) 267:21;273:6;341:3; 426:24;478:25 economic (30) 264:13;343:22; 385:2,4,9;391:24; 400:12;401:14,15; 403:20,22;408:8,22; 414:23;415:16,17; 433:13,20,22;434:2; 438:17;441:17;456:9; 459:10;460:3;493:23; 541:23;544:23;545:13; 546:4 economically (4) 274:17;440:21; 458:23;459:13 Economics (2) 319:8,10 economist (1) 317:24 economy (10) 392:1;403:16; 406:17;434:4;435:25; 458:25;464:5;537:1; 538:12;544:5 ed (2) 389:1,4 edges (1) 519:4 edition (1) 245:2 editions (1) 244:25 EDR (12) 474:4,9,19;485:9,13; 488:15;495:2,20; 496:1,7;509:10;510:2 educate (3) 393:6;399:3;524:22 educated (1) 388:15 educating (1) 397:4 education (7)	388:12,17;417:6; 418:6,11;429:11; 497:13 educational (1) 466:23 Edward (1) 445:15 Edwards (6) 291:24;374:12; 431:22;462:12;532:13, 15 effect (5) 239:22;334:22; 364:4;497:20;528:18 effectively (2) 470:21;515:19 effects (2) 427:13;481:4 efficient (1) 534:17 efficiently (1) 486:13 effluent (9) 253:14,14;255:13, 14,17,23;340:8;502:1,2 effort (1) 542:24 efforts (9) 242:13;246:2; 264:20;278:25;390:17; 392:9;409:22;499:23; 501:23 eidetic (2) 305:9;311:14 eight (2) 466:12;505:20 either (16) 241:8;249:16;265:6, 22;268:5;274:23; 277:16;387:21;395:15; 408:2,2;423:3;433:2; 454:3;474:17;483:23 elaborate (1) 287:24 electric (3) 491:4;503:24;544:6 electrical (1) 503:17 electricity (1) 495:13 electrodialysis (1) 474:4 elements (1) 544:1 elevator (1) 423:12 eligibility (1) 350:5 eligible (4) 337:24;338:7,10,14 eliminated (1) 363:22 Ellis (24)	270:14;363:5;385:3, 24;386:7,8;400:11,25; 401:14;402:2;403:20; 435:25;436:11;437:16; 439:16,17,18,20; 441:16,18;457:3; 479:21,22;481:24 Ellsworth (3) 535:21,23,24 else (10) 244:19;347:22; 354:19;381:12;384:9; 432:24;440:25;451:17; 493:22;545:10 elsewhere (2) 255:25;405:9 elucidate (1) 335:14 Embargo (1) 456:22 emergencies (1) 515:22 emergency (5) 501:10,12;519:10; 522:10;523:10 emphasis (5) 387:25;388:25; 389:18,21;391:22 employed (4) 445:12;465:22; 466:1,5 employees (5) 385:6;494:14,16; 540:8;544:7 employer (2) 400:15;422:5 employers (4) 420:14;456:12; 493:14;494:8 employment (7) 383:18,23;384:4; 445:22;538:7;539:7; 545:16 empty (1) 241:7 enacted (1) 402:20 encourage (6) 340:3;341:21; 399:10,16;433:12; 502:15 end (4) 254:25;284:4; 354:12;462:17 endeavors (2) 230:16;327:24 ended (1) 280:13 ending (1) 253:12 ends (1) 247:12 endured (1)
--	---	----------	--	--	--

<p>515:21 Enduring (1) 466:20 energies (1) 542:18 Energy (3) 508:16;509:6;514:7 enforce (1) 524:20 engage (1) 422:9 engaged (1) 420:16 engine (2) 456:9;493:23 engineer (15) 228:20;279:5;313:3; 325:19,21;327:11; 328:20;329:2;354:8; 355:6;361:22;365:10; 366:22;368:9;369:25 engineering (4) 253:20;344:16; 362:7;510:14 Engineers (14) 234:2;240:15; 241:18;242:1,12,18; 277:23,25;278:3,16,19, 21,21;279:14 engineer's (1) 366:12 enlarging (1) 238:2 enough (33) 244:11;250:23; 262:6;267:5;269:9,12; 272:18,25;274:16; 280:1;305:17;313:16; 314:20;335:19;347:6, 10,12;360:3;367:15; 390:4;398:14;400:5; 403:4;415:23;423:24; 426:5;436:23,23; 448:13;463:24;486:22, 24;500:13 ensure (3) 279:8;341:11;354:2 ensuring (1) 371:6 entailed (1) 337:21 entered (1) 388:23 entering (1) 521:3 entire (7) 288:1,12;295:3,20; 349:23;487:17;545:13 entirely (1) 300:6 entities (6) 230:19;245:4; 297:19;300:15;385:17;</p>	<p>419:23 entitled (8) 311:22;312:1,6; 313:7,14,16;350:12; 374:8 entity (3) 289:25;356:14; 373:22 environment (1) 407:24 environmental (2) 234:1;278:13 EPA (1) 336:25 equally (1) 266:14 equals (1) 512:11 equates (2) 283:1;351:21 errata (2) 302:18;331:19 error (1) 323:5 errors (1) 323:8 escalated (1) 414:3 escalates (1) 397:24 escalating (1) 397:14 escalation (1) 414:6 escaped (2) 301:21;305:8 especially (4) 269:19;290:22; 394:20;502:4 essentially (5) 229:17;238:16; 279:6;281:2;438:17 establish (2) 365:24;369:6 established (2) 378:4;517:9 establishments (1) 420:15 estate (22) 376:15;384:1,8,15; 387:19,20,25;388:3,4, 5,23;389:5,13,22; 391:16,17;392:22; 394:8;403:2;424:25; 425:1,20 estimate (10) 235:12,14;240:14, 20;326:5;329:2; 330:13,17;334:19; 416:20 entities (3) 326:23;334:18; 509:23</p>	<p>estimates (5) 268:20;277:14,16; 325:16;328:17 ethanol (23) 458:5;459:9;462:17, 21;463:2;493:20; 525:25;528:6,7; 530:13,14;532:5,20,21, 25;533:5,6,8,10; 537:19,22;539:22,23 evaluate (1) 252:15 evaluated (1) 267:14 evaluation (2) 259:6;280:19 evaporation (3) 258:22;470:10; 506:23 even (37) 236:15;237:6; 253:11;266:16;269:22; 281:24;343:18;345:2; 346:15;355:17;358:6; 365:20;368:12;398:10; 399:7;401:25;403:4, 17;405:3;410:2; 416:22;422:6,9;427:6; 428:14;447:14,24; 453:23,24;489:23; 499:4;500:22;514:24; 515:25;518:11;522:13; 541:22 event (3) 396:1;413:7;442:13 events (3) 237:21;423:22; 429:12 everybody (5) 228:2;417:7;431:10; 449:25;504:21 evidence (3) 256:15,22;408:10 evolved (1) 394:5 ex (1) 263:25 exact (9) 253:21;261:16; 266:22;310:8;319:14; 334:22;404:20;535:15; 539:4 exactly (9) 289:20;301:10; 316:21;348:20;352:15; 397:19;399:15;406:2; 449:2 EXAMINATION (9) 229:1;285:5;287:2; 351:1;375:21;383:9; 441:11;445:1;465:17 examined (5) 228:25;265:14;</p>	<p>383:3;444:19;465:12 examining (1) 287:8 example (9) 233:16;304:25; 320:5;336:22;340:4; 344:2;450:1;490:13; 497:10 exceed (2) 335:11;511:11 exceeded (2) 501:15,18 exceeding (2) 232:17;235:11 exceeds (1) 312:7 except (3) 364:2;507:21;525:7 exception (7) 391:23;481:7; 490:21;506:1,8; 527:14,14 exceptional (7) 293:7;296:20; 317:17;359:21;402:10; 511:21,24 exceptions (3) 397:8,9;527:13 excess (9) 280:10;282:6; 291:25;292:1;310:10; 312:24;330:14;391:3; 414:14 excessive (4) 340:14,16;343:24; 391:1 exclusive (1) 330:17 excuse (7) 356:6;377:22; 460:22;474:13;479:17; 480:2;541:18 executive (3) 383:19;384:25; 415:15 exercise (1) 374:9 exerted (1) 456:23 exhaust (2) 336:2,12 exhausted (1) 454:23 exhausting (1) 336:3 Exhibit (60) 229:5;232:1;233:23; 243:13;244:4;246:13, 14;247:19;256:5; 259:2;262:23;264:23; 271:10;276:9,16; 285:17,25;286:8,16,18; 295:4,4,21;296:1;</p>	<p>318:11;322:18;323:1; 342:7,22;349:19,21; 355:15,20;357:6; 358:14;364:15;367:21; 400:20,24;401:6; 410:10;472:4;473:9; 474:23;476:13,18,19; 477:3,25;478:13,19,20; 496:10;497:23;505:2; 523:18;526:19;529:4, 9;542:6 exhibits (9) 278:14;471:22,25; 474:21;477:18;482:18; 497:24;519:15,19 exist (6) 377:11;392:9; 428:10;457:24;493:15; 539:11 existential (4) 372:13;413:18; 415:5;442:12 existing (35) 245:12;270:7,9,9; 272:3;290:23;292:17; 293:8;296:7,21; 298:18,25;299:9; 300:5,7,8;302:8;315:2; 316:22;317:11,19; 327:11;331:11;351:19; 354:4;356:24;358:23; 362:21;385:20;399:11; 484:17;490:14;494:6; 515:10;541:20 exists (2) 405:25;538:16 expand (8) 265:1;358:2;460:6,8, 21;533:22;534:8,13 expanded (3) 267:19;273:6;463:3 expansion (17) 237:23;385:11; 404:16,17;408:5; 460:11,15;462:18; 463:12;534:3,6; 537:15;538:22;539:7; 540:13;541:14;545:6 expect (3) 413:21,22;546:4 expectation (2) 329:11;380:19 expected (2) 365:18;368:11 expecting (1) 539:7 expenditure (1) 540:12 expenditures (1) 330:14 expensive (5) 281:15;398:1,7; 454:5;457:2</p>
--	---	---	---	---

<p>experience (10) 388:17;389:23; 391:4,11;394:25; 407:3;424:5;427:16; 447:3;453:11</p> <p>experienced (12) 232:20;347:2; 398:21;400:13;408:25; 427:18;432:17;455:11, 20;459:3;484:21; 517:25</p> <p>experiences (1) 448:20</p> <p>experiencing (1) 327:20</p> <p>expert (17) 256:18;317:15; 318:3,23,24;319:17; 320:18;326:16;327:2; 329:10;359:8;420:22; 422:22;423:9;437:1; 457:20;493:8</p> <p>experts (4) 321:2,15;330:12; 432:4</p> <p>expert's (1) 422:12</p> <p>Explain (6) 386:4;389:15; 394:18;395:2;397:13; 525:20</p> <p>explained (1) 503:16</p> <p>exploration (2) 274:22;494:5</p> <p>explore (1) 250:17</p> <p>explored (4) 250:6;252:22;276:7, 8</p> <p>exploring (3) 249:5;255:12;272:12</p> <p>export (1) 545:9</p> <p>exports (1) 538:17</p> <p>exposure (1) 265:25</p> <p>expressed (2) 262:12;407:6</p> <p>extend (2) 358:1;507:19</p> <p>extended (3) 258:23;515:1;541:10</p> <p>extensive (4) 270:23;358:15; 372:9;446:18</p> <p>extensively (1) 386:11</p> <p>extent (3) 292:5;379:11;427:23</p> <p>exterior (1) 527:24</p>	<p>extremely (4) 232:19;250:18; 271:23;417:22</p> <p>eyesight (1) 472:3</p> <p style="text-align: center;">F</p> <p>face (3) 305:18;373:15; 433:21</p> <p>faces (1) 514:23</p> <p>facilities (10) 340:12;429:10,11, 12;457:24;463:25; 534:17,18;539:18,21</p> <p>facility (15) 254:9,12;458:4,5; 459:9;483:8;493:19, 20,20;525:25;530:9; 532:6;533:7;537:20; 539:16</p> <p>fact (17) 231:21;277:9;288:2; 306:21;320:19;346:19; 355:19;362:14;364:7; 369:13;375:7;378:8; 379:10;381:5;422:2; 430:15;536:3</p> <p>factor (15) 229:12,15;407:10; 416:25;417:1;429:13; 436:24;437:1,2,19,24, 25;518:15,22;534:4</p> <p>factors (7) 229:9;237:19; 280:20;315:14;401:25; 404:1;432:21</p> <p>factory (1) 458:17</p> <p>failed (1) 403:1</p> <p>fair (23) 241:14;254:2; 267:10;305:17;336:19; 344:4;346:16,18; 347:14;360:22;376:3; 392:24;397:5,6; 398:14;414:2;434:14; 436:23,23;440:23,24; 441:18;470:22</p> <p>fairly (5) 244:23;283:2,17; 397:24;433:7</p> <p>faith (1) 238:1</p> <p>fall (1) 486:14</p> <p>familiar (21) 245:17;283:14; 311:11;324:1;391:6; 409:21,24;420:18,19;</p>	<p>456:17;457:19,20; 458:2;472:5;474:23; 476:18;479:5;496:10; 505:3;506:4;537:15</p> <p>families (3) 441:20;442:16; 543:13</p> <p>family (5) 446:15,16;448:3; 467:5,7</p> <p>far (31) 244:11;262:4; 268:25;269:5;273:6; 336:17;341:24;366:6; 391:10;414:14;417:13; 424:6;437:18;446:13; 448:19;449:17;457:1; 460:1;469:7;473:13; 477:11;479:25;481:15; 491:1;492:13;500:3; 502:19;511:11;520:24; 535:25;543:10</p> <p>farm (4) 250:8;392:1;441:25; 457:9</p> <p>farmer (1) 532:16</p> <p>farmers (4) 441:20;532:12; 545:8,18</p> <p>farming (2) 442:16;494:2</p> <p>farms (1) 436:7</p> <p>farther (1) 478:3</p> <p>faster (1) 398:20</p> <p>father (1) 446:12</p> <p>faucet (2) 340:21;449:8</p> <p>fault (1) 275:7</p> <p>favors (1) 371:6</p> <p>fear (2) 412:23;422:7</p> <p>feasibility (4) 261:23;270:19; 271:2;278:4</p> <p>feasible (2) 253:4;274:17</p> <p>February (4) 263:23;479:3,12; 501:18</p> <p>federal (6) 252:24;261:22; 262:9;270:15;271:9; 371:1</p> <p>fee (1) 333:10</p> <p>feed (2)</p>	<p>528:12;545:19</p> <p>Feeders (3) 259:7,11,12</p> <p>feedlot (2) 259:12;407:13</p> <p>feel (11) 241:2;258:4;292:16; 296:6;298:18,19,23; 354:7;458:19;460:10; 513:1</p> <p>feeling (3) 402:21;406:7;440:22</p> <p>feelings (1) 428:25</p> <p>fees (1) 344:16</p> <p>felt (2) 354:21;454:22</p> <p>fertilized (1) 448:6</p> <p>fescue (1) 452:5</p> <p>few (18) 247:7,25;269:5; 355:22;360:6;375:18; 397:8;424:18;441:7; 451:23;462:13;492:24; 493:7;503:2,19,25; 543:19,20</p> <p>field (1) 447:6</p> <p>fields (1) 525:6</p> <p>fight (1) 241:3</p> <p>fighting (1) 406:16</p> <p>figure (10) 232:12;242:5; 309:22;311:1;326:3; 328:21;332:12;336:13; 355:20;395:14</p> <p>figures (1) 310:20</p> <p>file (5) 240:25;267:5;308:8; 491:19;496:19</p> <p>filed (9) 228:19;244:10; 285:11;286:16;337:25; 364:21;496:24;498:6,9</p> <p>filing (3) 228:13;277:4,6</p> <p>fill (4) 398:18;501:3; 523:14;525:12</p> <p>filled (1) 331:19</p> <p>filling (1) 527:18</p> <p>final (2) 278:11;528:13</p> <p>finalists (1)</p>	<p>404:16</p> <p>finally (2) 341:21;448:16</p> <p>finance (6) 333:2;334:12,13; 335:7,10;446:7</p> <p>financed (2) 268:1;339:9</p> <p>financial (13) 267:25;268:9,9,14, 16;399:8,14;402:25; 417:19;445:14,19,24; 459:16</p> <p>financially (1) 399:17</p> <p>financing (5) 330:11;336:16; 337:1;366:8;369:22</p> <p>find (17) 231:20;262:3;267:3; 284:5;364:17;366:6; 396:11;459:14,21; 502:23;508:21;509:17, 19;510:16,18;513:2; 540:25</p> <p>finding (2) 391:7;544:7</p> <p>fine (5) 285:15;372:12; 389:12;444:4;541:1</p> <p>fining (1) 390:20</p> <p>finished (1) 346:1</p> <p>finishes (1) 381:19</p> <p>fire (1) 232:23</p> <p>firm (11) 254:19;320:5,8; 322:21;323:24;324:3; 338:12;339:8;541:24; 542:17;543:25</p> <p>firms (1) 253:20</p> <p>first (36) 233:3,14,21;234:18, 19;235:21;237:4; 248:14;255:15;274:6; 279:25;323:17;339:4; 353:17;364:19,19; 383:2;407:8,17;427:1; 439:5;444:18;452:7; 456:23;465:11;469:18; 480:18;485:1;493:5; 514:21;516:8;523:23; 524:22;525:1;530:17; 544:18</p> <p>fit (1) 405:5</p> <p>five (16) 230:6,8,9;348:12; 382:8,9;417:1;431:5,6;</p>
---	--	---	---	---

440:11;467:10;488:7; 489:22,24;523:7; 539:19 five-minute (1) 382:3 five-year (1) 523:7 fixtures (2) 340:5;341:20 flashing (1) 503:15 flat (1) 242:12 flesh (1) 229:13 flies (1) 373:15 flip (1) 457:10 flood (5) 241:21;242:13; 270:22;279:1,1 floor (2) 308:13;493:6 flow (2) 250:16,24 flowing (1) 487:1 flows (1) 409:2 flush (3) 410:20;502:14,14 focus (7) 316:2;413:14,15,16; 419:21;439:24;516:15 folks (11) 411:7;425:25; 426:13;437:5;438:7; 441:21;442:17,21; 450:24;472:7;493:25 follow (3) 395:3,19;510:6 following (8) 248:20;275:21; 336:9;349:8;369:2; 382:13;431:8;504:19 follows (4) 228:25;383:3; 444:19;465:12 food (3) 531:11,11;539:21 footprint (2) 250:1;533:8 forbidding (1) 341:15 Force (3) 258:2,6;395:11 forced (5) 250:4;271:23; 274:18;281:12;359:22 foreclosed (1) 403:2 forefront (1)	391:18 foresight (1) 416:16 forget (3) 266:21;537:21; 546:10 forgiven (1) 268:7 forgiveness (1) 338:16 forgot (2) 286:14;477:18 form (1) 387:21 formal (3) 271:3,8;535:22 formally (1) 234:16 format (1) 526:22 formed (5) 239:1,4;401:19; 403:14,20 former (4) 264:13;363:2;433:2, 4 formerly (1) 400:11 Fort (16) 255:21;388:21,24; 407:15;414:22,24; 417:14,15,25;418:12; 429:5;433:18;446:3; 463:18;466:25;467:3 forth (4) 265:13;326:15; 390:18;506:9 fortunate (1) 543:16 forward (12) 235:10;247:16; 254:5;262:14;344:11, 23;345:3;351:17; 362:3;402:8;497:8; 541:18 Fossil (1) 507:19 found (8) 249:5;266:20;368:9; 389:19;396:16;454:2; 468:7;509:17 foundation (1) 429:18 founded (1) 400:12 four (8) 230:6;302:23;385:6; 432:13;439:7;452:11; 463:20;497:10 four-year (2) 412:4;423:18 fragile (1) 537:2	frame (5) 236:5;313:21; 404:15;486:2;501:19 framed (2) 313:6,13 frames (2) 366:1;369:13 framework (1) 267:19 free (1) 340:21 frequently (5) 447:4;512:9,9;515:5; 521:17 friends (1) 425:8 front (3) 322:24;440:2;524:13 fruition (1) 250:7 fuel (5) 457:1;540:1,2,3,4 full (6) 232:8;352:18,21; 358:25,25;364:9 full-grown (1) 500:12 full-service (1) 491:3 full-time (2) 437:4;494:16 fully (1) 301:10 fund (7) 231:9,9;336:24; 337:4,19,21;419:23 funded (3) 234:16;241:19;278:9 funding (10) 271:9;279:14;337:6, 23,24;338:10,11,15; 386:5,9 funds (3) 242:19;261:22; 278:17 further (21) 266:2;267:4;269:19; 272:22;278:17;282:7; 291:10;338:18;353:2, 20,25;354:10,19; 355:3;358:2;375:12; 381:16;424:9;443:9, 14;464:15 future (76) 289:17;290:1,3,18, 21;291:5,8,14;299:10, 15,24;300:9,13,24; 302:13;304:14,18; 307:16,19;308:22; 313:17,19;314:2,6,7, 19,24;315:5;316:6,8, 12,17,20,21,24;317:2, 4;327:20;329:17;	331:6,12,13;334:4; 335:19,20;338:3; 343:21;344:1;347:13; 351:7;352:6,14,20,20; 354:2;356:4;359:16; 360:2,4,12;361:19,19, 21;368:2;371:17; 373:7;375:4,11;377:6; 421:2;455:25;516:23; 517:18,18,24;542:22 G gallons (24) 232:14;233:18,19; 240:18,22,22;397:21; 407:19;489:2;499:2,3, 14;502:13,14;514:12; 517:8,10,12,13,15; 533:16,20;535:16; 541:16 game (1) 411:24 Garden (8) 266:18;357:21; 449:9,22;450:18; 451:11;546:13,15 gardens (2) 525:5,6 Gasoline (3) 442:6;533:1,2 gather (3) 271:25;272:18,25 gave (4) 315:23;354:13; 363:7;485:25 gem (1) 423:15 general (14) 231:8,9;310:4; 326:16;371:3,19; 389:1,4;393:9,10,12; 402:22;425:11;542:11 generally (10) 234:24;449:14; 458:2;471:9;488:2; 508:8;511:8;524:24; 529:11;533:14 general's (1) 243:25 generate (1) 231:4 generations (4) 352:20;361:19; 373:8;446:22 gentleman (1) 272:10 geographic (1) 250:1 geologist (2) 256:20;510:14 gets (4) 391:2;398:7;413:9;	455:5 given (6) 251:21;263:2; 320:10;378:8;471:1; 541:22 gives (1) 367:5 giving (1) 511:23 glad (1) 323:7 global (1) 344:10 globe (1) 344:11 glossy (1) 244:23 gluten (25) 458:4;459:9;493:19; 525:25;528:7;530:9, 11,16;531:5,7,9,15,19, 23;532:6,7,17;534:11; 537:18,20;538:19; 539:2,15;540:13; 541:14 goal (2) 497:14;542:24 goes (17) 230:5;259:21;289:9; 319:11;341:10;370:5; 412:6;413:23;433:15; 442:21;443:1;473:10; 474:13;475:22;531:14; 533:3;542:8 golf (3) 255:19;501:25; 525:12 good (33) 229:3,4;275:3; 282:15,16;285:1,2; 310:20;347:20;348:17; 357:15;359:6;382:21; 383:11;395:10;397:12; 412:3;416:4;417:13; 418:9;431:19,20; 440:22;457:7;459:19; 460:24;462:9,10; 463:22;482:23;487:9; 510:18;546:10 Gorham (1) 535:25 govern (1) 381:8 governed (1) 373:2 governing (11) 237:19;239:19; 243:1,11;247:16; 249:15;362:2;386:2,6; 419:18;496:22 government (2) 252:24;403:6 governmental (1)
---	--	--	--	---

<p>456:12 governments (1) 386:12 governor's (2) 257:22;258:2 grade (1) 539:21 graduate (1) 407:15 graduated (6) 388:20;446:1,2; 447:14,17;543:14 graduation (1) 542:15 Graham (2) 272:7,15 grain (10) 461:7,15;531:1; 532:4,25;537:22,24; 538:25;539:11;545:8 grandchildren (1) 467:10 graph (4) 234:25;235:1; 258:14,17 grass (11) 340:24;373:25; 399:4,9,10,13;447:9; 448:13,17;452:6,16 grasses (1) 393:24 gravel (1) 521:3 gray (1) 451:3 great (15) 256:23;274:1,25; 394:22;396:9;412:6; 418:11,12;423:13,18, 21,23;458:16;460:3; 463:25 greater (5) 229:25;396:24; 430:11;499:5;536:12 green (3) 341:19;452:6;473:20 Greenlee (1) 257:22 grew (4) 446:12,13,17;456:20 groceries (3) 442:1,4,22 ground (2) 427:6;452:23 grounds (2) 525:5;527:5 Groundwater (10) 252:16;272:12; 273:19;474:5,20,21; 480:8,15,20;494:24 group (6) 260:5;263:9;403:11; 439:18,23;473:1</p>	<p>grow (29) 299:11;313:17; 367:6;373:19,20,20,23, 24;383:19;385:1,2,21; 399:18;400:11;401:13; 410:24;413:13;415:15; 419:7;420:11,16; 423:14;425:3;426:5; 439:19;542:19,19,22; 543:1 growers (1) 527:15 growhayscom (1) 399:19 growing (6) 360:7;366:2;448:4; 457:6;518:11;546:2 grown (1) 409:15 growth (39) 235:10,11;291:9; 300:2,4;304:20; 324:16,19;325:3,3,18; 326:4,23;327:20; 328:2,19,21;329:1,10; 360:5,8,9,10;367:8; 377:6;408:25;421:2; 424:5;426:8;432:11, 14,15,19;492:1; 493:13;517:9;518:13, 15;543:6 grumblings (1) 458:21 guess (17) 234:17;314:6; 335:13;346:3,3; 348:10;356:19;362:17; 369:18;377:9;394:11; 429:25;430:22;433:9; 462:16;477:13;533:2 guidelines (1) 497:5 gutter (6) 390:22;391:8;395:8, 13;428:7,9 guys (1) 536:22</p>	<p>hall (2) 502:17,19 halved (2) 240:14,21 Hamilton (8) 309:21;317:25; 318:2,24;319:17; 320:4;321:14;342:8 Hamilton's (3) 318:13,15,23 Hammerschmidt (2) 265:24;266:3 hand (4) 245:5;382:25; 428:17;444:13 handed (1) 504:8 hands (1) 441:20 handy (1) 233:6 hang (1) 450:3 hangs (2) 412:9;418:18 Hannes (2) 264:1,4 happen (14) 271:6;279:9;314:7; 351:22;355:6;357:3; 360:2;413:21,22; 482:25;485:1;490:1, 13;545:7 happened (16) 238:13;240:23; 251:18;252:22;255:11; 265:23;267:13;272:21; 456:16,22;457:9; 481:17;482:11;483:3; 485:1;486:9 happening (2) 461:16;493:12 happens (6) 294:19;361:9,11; 390:4;461:6;521:10 happily (1) 529:17 happy (3) 300:20;323:3;395:12 hard (7) 268:2;316:11; 341:15;367:5;415:6; 428:25;436:5 hardships (1) 428:25 harm (1) 511:25 harmful (1) 485:21 Harvey (2) 319:7,10 haul (1) 461:7</p>	<p>hauled (1) 461:11 Hayden (2) 260:2,3 Hays (286) 229:21,25;230:13; 231:4,5,5,17,22; 232:13;233:16;234:22; 236:11;237:11,19; 239:1,6;243:2,11; 244:2,8,9,14,20;245:1, 11;246:21,21,25;248:1, 15;250:4;252:2; 255:21;257:24;258:9; 262:4,16,25;263:6,7; 264:4;266:8;267:16, 21,21;268:22,24; 269:2;270:24;272:7; 273:5,10,11;274:7; 276:19;281:1;283:6; 286:25;289:13,18; 290:4,19;291:6,17; 292:11,25;296:15; 297:8,21,25;298:5,14; 299:5,6,9,13,23; 300:12,24;302:13; 303:14,20;304:9; 305:1,14;309:17,23; 312:20,21;315:18,24; 317:11,20;319:5; 320:5;321:3;323:16, 22;326:25;327:20; 328:5;333:8,13;340:1, 2,19;341:2,10,18; 346:15;347:7,18,19; 352:12,16;356:10,21; 358:5;359:16,18; 360:16;361:12,17; 362:1;366:5;369:6,15; 372:13,25;373:3,6,10; 374:3;375:10;376:13; 377:11;380:18,19; 382:19;383:17,20; 384:5,17,22,23;385:1, 2,15,18,21,23;386:7, 23;387:7,8,12,17,18; 388:6,10,11,16,18,20, 21,24;390:2,17;393:6, 15;395:20;397:4,14; 399:18;400:11;401:13; 402:14,21;404:13,16; 406:1;407:4,15,15; 408:9;409:2,8;410:3,8, 14,24;411:8;413:13,18, 23;414:22,24;415:8,10, 15;416:8,20,21,24,25; 417:2,3,5,5,14,15,16, 25;418:12,15;419:7; 420:11,16;423:13,13, 15;425:3,12,22;426:2, 9,24;427:24;428:22; 429:5,16;430:1,2,14; 432:11,14;433:3,18;</p>	<p>434:11,25;435:14,15, 24;436:17;438:8,15, 23;439:19;440:3; 441:22,24;442:1,1,17, 17,21,24;443:1;444:2; 446:3,4,5;451:3; 453:15,21;463:18,20; 466:25;467:3,21; 468:1,16,19;469:18; 471:17;478:23;479:13, 23,24;480:7,10;481:2; 482:23;484:10;490:24; 502:9 Hays' (7) 235:11;246:2;251:6; 326:17;411:15;421:1; 502:7 head (13) 290:8;297:11; 300:25;324:11;395:6; 404:23;412:10;469:10; 475:4,12;476:10; 482:17;522:15 heading (2) 365:2;434:22 headquartered (1) 535:21 headquarters (2) 242:18;278:22 heads (1) 403:12 health (10) 230:2;362:18; 370:11,16,21,25;371:5, 9,18;459:20 healthy (1) 546:16 hear (11) 283:9,13;286:11; 287:7;330:12;339:24; 438:9;449:16;458:20, 21;543:5 heard (9) 314:12;351:8,8; 480:23;481:23;499:22; 502:6;535:17;543:5 hearing (10) 228:11;265:16; 283:5,8;311:18;349:3, 12;456:16;519:17; 537:11 heart (2) 301:25;527:1 heartburn (1) 490:7 Heartland (1) 531:14 hearty (1) 428:16 heat (1) 410:17 heavily (1) 430:13</p>
	H			
	<p>Haase (6) 326:8,9;327:3,19; 329:18;346:24 Haase's (1) 326:12 habits (1) 418:20 Haiti (1) 466:21 half (2) 504:13;519:1 halfway (1) 423:17</p>			

<p>heavy (1) 389:18</p> <p>hectic (1) 439:25</p> <p>held (2) 271:17;526:12</p> <p>help (6) 248:1;273:10,11; 324:21;424:8;516:12</p> <p>helped (2) 355:22;489:3</p> <p>helping (3) 253:16;496:14; 512:25</p> <p>helps (2) 370:11;514:12</p> <p>Herrman (1) 259:6</p> <p>hesitation (1) 418:22</p> <p>hey (1) 502:25</p> <p>high (21) 232:20;357:1; 388:20,20;395:22; 397:25,25;398:16; 415:7;420:12;423:15; 435:15;446:1,2; 447:15;455:8;476:5,7; 483:8;533:9;542:15</p> <p>high-efficiency (2) 340:5,22</p> <p>higher (11) 281:23;282:3;391:2, 2;397:22,23;398:20; 429:11;499:2,3,4</p> <p>highest (3) 398:22,24;487:18</p> <p>high-level (1) 261:22</p> <p>highlighted (5) 323:21;328:15; 331:3;439:5;440:20</p> <p>highly (3) 281:20;515:20; 516:22</p> <p>high-speed (1) 543:16</p> <p>highway (1) 412:5</p> <p>Hill (21) 236:13;237:23; 238:2;242:23;248:15; 249:4;250:11;258:18; 260:11;271:22;291:21; 321:12;409:8;476:21; 478:21;484:1;489:23; 507:4,8;511:12;520:13</p> <p>hinges (1) 460:11</p> <p>hire (1) 326:8</p> <p>hired (3)</p>	<p>268:8;441:20;510:15</p> <p>historic (1) 492:23</p> <p>historical (1) 467:24</p> <p>historically (1) 487:5</p> <p>history (9) 271:19;272:20; 274:14,15;275:4; 281:10;446:21;516:2,3</p> <p>hit (4) 242:22;279:15; 434:19;520:6</p> <p>hits (1) 449:23</p> <p>hog (1) 502:12</p> <p>hold (2) 285:21;306:17</p> <p>holds (1) 256:3</p> <p>holistic (1) 312:23</p> <p>home (13) 418:2,7,8;448:1; 449:23;451:14,15; 452:8;457:11;492:14; 542:14;543:15,22</p> <p>homes (1) 425:7</p> <p>Honor (52) 228:21;256:10; 276:1;282:11;284:15, 17,25;285:13;286:4,10, 12,22;287:6;293:17, 23;295:24,25;306:13, 20;308:10;312:10; 347:23;348:2,6;349:5, 13;350:21,23;375:17; 377:24;378:20;380:10; 381:12,14,17;382:2,16; 383:7;422:15;423:6; 429:19;430:21;431:11; 441:6,7;443:15,18; 462:1;464:12;471:21, 25;526:7</p> <p>hook (2) 346:4;450:18</p> <p>hope (2) 364:16;441:14</p> <p>hopefully (1) 253:16</p> <p>horizon (4) 356:14,18,20;370:4</p> <p>hose (1) 450:18</p> <p>hospital (7) 403:13;415:2; 436:21;437:7;453:6; 456:13;494:11</p> <p>hot (3) 406:21;412:22;515:2</p>	<p>hotel (1) 492:23</p> <p>hotels (2) 230:15,24</p> <p>hour (3) 350:9;461:9,10</p> <p>hours (4) 306:22;488:18; 522:24;539:17</p> <p>hour's (1) 363:16</p> <p>House (10) 433:9,17;449:9; 450:13;452:10;457:14; 475:6,23;500:9,10</p> <p>household (1) 397:20</p> <p>households (1) 452:11</p> <p>houses (4) 347:10,12;425:7; 459:6</p> <p>housing (21) 346:22;347:9; 386:13;420:12;421:20, 20,21;425:12,22,23; 426:5,13,19,22;427:7, 8;438:8,11;492:4,17; 544:7</p> <p>https://www.growhays.com/about-us/ (1) 404:11</p> <p>hub (2) 231:11;408:18</p> <p>huge (4) 354:21;408:24; 412:12;535:24</p> <p>human (1) 371:4</p> <p>humanitarian (1) 360:21</p> <p>hundred (2) 279:6;361:20</p> <p>hundreds (1) 254:21</p> <p>hurts (1) 457:1</p> <p>hydrological (1) 362:8</p> <p>hydrologist (3) 256:20;293:14;297:4</p> <p>hydrology (1) 258:20</p>	<p>identified (4) 279:16;286:6,17; 421:7</p> <p>identify (12) 229:6;234:19;244:5; 247:21;257:5,20; 259:2;262:24;263:19; 276:16;399:22;516:13</p> <p>identifying (1) 243:12</p> <p>IGUCA (3) 252:18;274:9,10</p> <p>image (1) 394:21</p> <p>imagine (5) 348:21;392:22; 439:16,17,18</p> <p>immeasurable (3) 414:21;416:19; 417:22</p> <p>immediate (3) 249:20,22;316:17</p> <p>immediately (2) 259:14;311:18</p> <p>impact (12) 332:21,22;333:10, 24;371:4;414:23; 415:17;417:19;428:5; 434:2;544:23;545:13</p> <p>Impacts (3) 370:16,20,23</p> <p>impair (1) 374:13</p> <p>impairment (8) 374:13,17,19,20,23, 25;375:4,6</p> <p>impeached (2) 237:9;301:15</p> <p>implement (3) 308:11;379:11; 501:13</p> <p>implementation (1) 385:9</p> <p>implemented (2) 393:3;499:19</p> <p>implementing (2) 308:21;386:12</p> <p>implied (3) 237:9,13,15</p> <p>importance (6) 290:14,16;372:3; 415:19;416:5;542:21</p> <p>important (16) 230:10,12;231:12; 245:9;265:16;290:19, 22;291:2;305:23; 417:4,7,11,22;418:1; 448:5;459:13</p> <p>importantly (2) 249:9;260:24</p> <p>impose (1) 354:8</p> <p>imposed (6)</p>	<p>232:24;269:21; 306:7;365:10;379:9; 523:16</p> <p>imposing (1) 523:3</p> <p>impossible (1) 414:19</p> <p>impound (1) 475:14</p> <p>impoundment (1) 270:16</p> <p>impression (2) 376:16;432:2</p> <p>improve (3) 371:8;533:2;546:5</p> <p>improved (1) 396:23</p> <p>improvement (1) 236:14</p> <p>inaccessible (1) 292:6</p> <p>inactive (1) 425:3</p> <p>inadequate (17) 290:24;293:9; 296:22;298:18,24; 299:5;300:6,6;302:9; 304:22;315:2;316:22; 351:19,25;359:17,20; 454:3</p> <p>inadvertent (1) 294:5</p> <p>inappropriate (1) 256:25</p> <p>incentives (4) 340:19;385:10; 399:8,14</p> <p>inches (1) 355:15</p> <p>inclination (1) 394:15</p> <p>include (9) 287:5;307:16; 308:22;309:1,13; 371:15,22,23;537:18</p> <p>included (10) 259:25;302:2,12; 309:4,7,8;313:2; 325:24;366:13;529:8</p> <p>includes (1) 491:5</p> <p>including (9) 238:18;263:25; 340:21;341:14;371:18; 372:4;385:6;433:23; 440:16</p> <p>income (1) 347:13</p> <p>incomplete (2) 233:14;301:14</p> <p>incorrect (6) 301:14;326:4; 330:23;331:8;333:16,</p>
		I		
		<p>I-70 (2) 230:22;423:16</p> <p>idea (8) 244:12;249:10; 269:9;298:2;314:24; 357:7;373:13;425:11</p> <p>identification (1) 342:5</p>		

18 increase (15) 334:20;342:19,25; 343:10,13,16;356:16; 357:24;366:13,15; 499:15;515:23;534:14; 539:6,9 increased (1) 499:9 increases (2) 233:17;515:8 increasing (1) 340:15 incrementally (1) 356:16 increments (1) 503:11 incubator (1) 439:7 incur (1) 397:15 Independence (4) 404:18,20;405:10,23 independent (1) 277:15 independently (1) 239:11 Index (1) 362:18 Indian (1) 262:15 Indians (1) 261:13 indicate (9) 231:21;237:7; 258:15;296:24;371:2; 401:7;464:4;524:1; 526:20 indicated (17) 276:5;278:17; 280:24;282:4;288:21; 366:12;377:4;381:22; 424:20;446:8;464:21; 477:6;482:13;492:8; 519:24;529:20;533:10 indicates (2) 233:4;325:22 indicating (2) 259:17;302:23 indication (1) 440:21 indices (1) 366:17 indirect (1) 539:13 individual (1) 321:20 individuals (3) 300:15;321:14;371:7 indulge (1) 284:16 indulging (1) 276:2	industrial (28) 386:14;430:9,10,11; 439:7;457:17;488:17; 489:1,14;493:16,22; 498:22;513:22;523:5; 525:17,21,21,23,24; 527:25;528:15,21; 529:19;535:13;542:16; 543:24;545:15,24 industries (13) 343:24;344:9;456:7; 457:16,19;458:3; 490:19;493:15;528:4, 6;534:23;535:2,7 industry (29) 343:20;359:25; 400:14;401:25;402:2; 429:15;436:11,12,14; 441:16,21;456:3,8; 459:16,21,22;461:2; 463:8;482:6;493:25; 494:1,4;499:7;528:8; 536:24;538:11;542:13; 543:3;544:6 inevitably (1) 415:21 infant (2) 387:9;388:15 inflow (3) 241:13,15;258:17 influence (2) 456:24;538:11 influenced (1) 432:20 influx (2) 426:6;491:23 inform (1) 244:19 information (9) 246:16;289:16; 290:10;293:12;297:2, 7;346:13;378:21; 467:24 information's (1) 247:2 informed (2) 279:5;407:23 infrastructure (13) 240:10,13;271:24; 273:4,11;333:22; 335:12,18,21,24;435:3; 455:7;536:10 Ingredients (5) 462:23;493:18; 494:10;528:12,13 inhibited (1) 408:8 initial (3) 281:17;319:5,8 initially (3) 353:12;389:9,16 initiatives (1) 409:20	injection (2) 509:21,24 inside (1) 229:17 inspect (1) 539:20 installed (1) 340:4 instantly (2) 301:20;352:8 instituted (1) 242:1 institutions (1) 403:1 instructed (2) 287:9;301:9 instructive (1) 284:5 insufficient (2) 346:14;438:8 insurance (1) 459:20 intake (14) 240:9;267:15,18; 277:11;472:16;475:5, 20,25;476:8,13,14; 481:18;507:12;515:3 intangibles (1) 415:1 intend (2) 333:14;465:2 intended (2) 314:9;337:5 Intensive (3) 252:16;343:20;344:9 intent (7) 280:25;330:5;334:3; 342:13;344:13;489:23, 24 intention (2) 336:3;354:15 interact (1) 427:20 interconnect (1) 251:10 interest (15) 259:20;262:5,13; 284:4,6,11;378:3,10, 23;379:15;407:7; 425:2;435:22;484:7; 542:10 interested (1) 407:14 interesting (1) 389:19 interests (2) 427:12;429:3 interim (1) 285:22 interlocal (4) 243:3,16,22;377:15 international (1) 466:21	internet (1) 543:17 interpose (2) 377:23;378:12 interrupt (1) 325:12 interstate (3) 408:16;412:5;507:20 intervenor's (1) 505:11 into (49) 252:4,20;253:11,15; 255:9,9;256:21;269:9; 272:7;290:22;293:18; 295:16;313:17,19; 315:1,3,14;345:20; 357:10;359:22;360:12; 363:14;365:3;367:6; 368:2;380:3;397:25; 400:20;411:15;422:5; 440:10;469:4;471:1; 473:21,24;476:25; 481:19;482:20;483:8; 485:19;492:23,25; 513:24;528:14;530:10; 531:14;533:3;544:1; 545:6 invest (3) 255:13;504:1;536:24 invested (1) 534:9 investigated (1) 253:18 investigation (3) 259:24;272:6;274:12 investigations (7) 239:17;240:5; 268:10;269:8;272:9; 273:16;274:11 investment (9) 251:25;269:10,12; 281:18;361:20;373:9; 416:10,11;545:6 investors (1) 419:19 involved (9) 260:25;262:8;263:4; 264:17;387:22;406:15; 425:4;453:2;491:14 involvement (1) 384:20 irreparable (1) 413:3 irresponsible (2) 455:18,23 irrigate (3) 241:23;340:11; 373:25 irrigated (2) 340:23;409:12 irrigating (2) 255:19;452:16 irrigation (12) 241:2,23;255:15; 259:13;274:7;340:9; 352:23;353:22;357:22; 365:7;368:25;373:17	irrigator (1) 373:16 isolated (1) 249:8 issue (21) 256:13;257:10; 271:22;280:12;281:14; 286:25;289:10;366:23; 372:13;378:22;408:24; 411:8;412:10;413:17, 19;421:24;455:14; 485:14;487:5;507:7; 514:23 issued (4) 313:3;363:10; 364:21;366:22 issues (13) 228:3;248:19; 257:23;331:24;349:14; 359:20;362:15;394:2; 409:23;453:12;454:4; 492:17;501:7 item (2) 354:12;506:16 items (5) 247:6;429:13; 505:20;524:25;544:8
J				
Jami (33) 229:5;231:24;233:7, 22;235:2,6,18;244:3; 246:4;247:19;248:7; 256:5;258:12,20; 263:2;265:1;362:23; 363:12,19;364:13; 365:21;367:20;370:12; 399:19;400:2,19,20; 404:9;410:10;419:7, 14;420:3;524:13				
January (9) 383:22,24;438:16, 24;453:4;485:14,16; 488:1;501:18				
Jeff (1) 407:22				
job (5) 346:16;394:8;407:5; 416:4;417:13				
jobs (12) 405:15,16;458:7,8; 459:13,19;460:21; 461:5,12;539:6,13; 545:17				
John (2) 264:8,9				
Johnson (2) 437:17,18				

<p>joined (1) 238:19</p> <p>joining (1) 383:12</p> <p>joint (5) 243:2,16;273:10; 377:15;467:25</p> <p>jointly (2) 243:17;484:10</p> <p>Jon (8) 465:8,10,21,22; 474:22;505:3;514:19; 526:20</p> <p>Jones (1) 445:15</p> <p>Journey (5) 244:7,16,18;245:8, 10</p> <p>Judge (1) 339:23</p> <p>judgment (4) 290:13;318:5,8; 343:25</p> <p>Judy (2) 264:1,3</p> <p>July (6) 233:4;323:17;343:8; 349:12;355:20,21</p> <p>jump (1) 398:19</p> <p>jumping (1) 540:24</p> <p>jumps (1) 398:20</p> <p>June (5) 259:9;302:21; 355:20;477:21;489:14</p> <p>junior (2) 375:1,3</p> <p>justify (2) 262:6;274:17</p> <p>just-in-time (1) 367:19</p>	<p>376:18;382:24;383:17; 384:6,19;392:3; 404:18;407:12;412:8; 416:22;417:8,23; 418:2;423:17;433:6, 20;434:1,4;436:4; 443:4;444:15;446:13; 449:6;461:14,17; 532:12;538:1;540:22; 545:8</p> <p>Kathy (1) 257:21</p> <p>KDHE (8) 254:6,15;336:23; 356:6;485:16,19,25; 510:1</p> <p>Kearney (14) 408:15;409:6,7,16; 417:12;429:4,6,8,23; 430:2,8;442:18,22,25</p> <p>keep (8) 258:22;342:13; 419:3;475:14;500:10; 502:4;516:13;542:14</p> <p>keeping (2) 415:5;418:1</p> <p>keeps (1) 521:3</p> <p>Ken (1) 424:16</p> <p>kept (4) 267:5;351:4,6; 426:11</p> <p>key (1) 246:10</p> <p>Kickapoo (8) 261:13,15,21,25; 262:2,15;265:8;266:6</p> <p>kids (6) 418:2,8,10;442:3; 543:2,13</p> <p>kill (1) 452:22</p> <p>killed (1) 273:14</p> <p>Kim (2) 334:11,12</p> <p>kind (28) 254:23;271:21; 275:6;361:23;369:11; 384:14;386:21;390:23; 391:24;392:2,11; 394:12;398:18;402:5; 403:18;405:18;408:18, 21;411:22;415:13,24; 418:18;450:2;458:13; 485:17;490:23;519:4; 537:24</p> <p>kindergarten (1) 388:19</p> <p>kinds (3) 411:25;413:12;524:5</p> <p>knew (10)</p>	<p>255:20;301:10,12; 353:5;354:10;355:1,4; 455:1,2,8</p> <p>knock (2) 391:6;392:16</p> <p>knowing (3) 263:8;358:1;446:21</p> <p>knowledge (7) 290:12;299:9; 300:21;377:10;407:3; 486:8,11</p> <p>knowledgeable (1) 312:22</p> <p>known (2) 353:11;445:5</p> <p>knows (1) 307:11</p> <p>KU (1) 250:8</p>	<p>largest (5) 436:11;481:24,25; 494:8;531:15</p> <p>last (32) 233:15;236:8,9; 246:4;247:7,8,10,14; 252:19;276:11;305:5, 7;311:16;394:4;396:6; 423:12;427:2;432:13; 440:3;445:14;448:15; 453:4;454:15;456:9; 467:15;479:16;491:22; 498:4;501:6;503:19; 515:20;523:23</p> <p>late (8) 259:16;261:16; 263:15;391:23;401:12; 402:18;404:12;449:20</p> <p>later (8) 268:19;388:3; 389:17,18,21;405:20; 457:13;513:24</p> <p>Lavern (2) 264:11,13</p> <p>law (3) 370:24;371:1;373:16</p> <p>lawn (6) 393:18;399:2,11; 412:17;448:15;452:24</p> <p>lawns (2) 399:7;525:5</p> <p>lawn-scaping (1) 448:18</p> <p>laws (4) 374:21;382:24; 405:21;444:14</p> <p>lawyer (1) 306:22</p> <p>lawyers (3) 337:15;431:21; 462:11</p> <p>layer (3) 241:7;280:3,6</p> <p>layers (3) 241:5,8;279:22</p> <p>layperson (3) 307:11,14;311:21</p> <p>lead (2) 481:18;482:19</p> <p>leaders (1) 542:18</p> <p>leadership (2) 466:24;467:2</p> <p>leading (4) 239:9;264:20,21,22</p> <p>leak (1) 503:15</p> <p>leaked (1) 481:19</p> <p>leaking (2) 482:20;503:3</p> <p>leaky (2) 392:17;398:25</p>	<p>lease (2) 252:2;281:2</p> <p>leasing (4) 252:7;260:11; 486:20;511:15</p> <p>least (20) 330:6;332:6;344:7; 350:14;365:19;368:12; 372:15;378:10;392:3; 397:3;410:1;427:9; 436:16;439:12;440:20; 452:1;468:18;470:14; 483:3;526:22</p> <p>leave (3) 382:10;439:25; 463:18</p> <p>leaves (1) 452:21</p> <p>led (5) 237:19;239:17; 260:16;277:19;463:8</p> <p>LEE (103) 256:10;257:12; 284:14,15,21,24;285:9, 13,18,21;286:1,4,10, 15,20,22,23;287:12,14, 18;289:3,5,7,8;293:22, 23;294:7,9,13,14,15, 20,22,23,24;295:2,25; 296:3;306:17,19,20; 307:13;308:1,10,19; 312:10,17;317:9; 323:4,5,9,10,12,13; 324:23,25;325:11,13; 342:8,11;347:22; 349:13,18,25;350:3,16, 21;351:4;358:17; 361:2;368:1;375:16, 17,22;376:4,6,11; 378:19,20;380:1,9,11; 381:11;422:15;423:5, 6;429:18;430:20,21; 431:1,10,11,18,21; 441:16;443:13,15; 461:25;462:1,4,8,11,11</p> <p>left (11) 228:5;242:24;247:1; 276:24;287:23;288:7; 403:14;432:2;472:15; 475:21;476:14</p> <p>left-hand (1) 472:12</p> <p>legal (8) 243:18;306:14; 307:6;353:19;354:8; 356:16;451:3;455:4</p> <p>legislative (1) 278:20</p> <p>legislature (4) 371:10,21,22;372:2</p> <p>lend (1) 338:24</p> <p>lengths (1)</p>
K		L		
<p>Kanopolis (16) 236:1;237:16; 238:15;240:4,8,9,11, 13;261:9,11;267:7,14; 268:17,19;357:15; 536:1</p> <p>Kansas (63) 229:10;231:5,7,13; 245:5;247:23;252:14; 258:1;259:19,25; 262:7,17;263:6;266:2, 6,15;279:4;280:21,23; 281:6,13;283:15; 291:13;341:18;356:5; 359:24;360:6;365:4; 368:22;370:24;371:6; 373:12,16;374:7;</p>	<p>label (1) 502:13</p> <p>labor (2) 347:3;487:8</p> <p>labs (1) 485:20</p> <p>lack (10) 408:7;420:25;421:5, 5,10;429:24;463:6; 506:23;508:18;515:2</p> <p>Lake (19) 240:5;241:19,20,20, 25;252:19,20,23; 253:1;258:21,23; 280:3,18,19;281:20,25; 470:17;507:19;536:1</p> <p>land (10) 267:22;420:12; 434:24;435:3,6,10,11, 14;529:20,22</p> <p>Landon (1) 247:1</p> <p>landscaping (1) 340:25</p> <p>language (1) 313:5</p> <p>LANGWORTHY (12) 284:20;347:25; 348:1;381:13;382:2,6; 441:3,5;443:16,17; 464:10,11</p> <p>large (15) 267:22;270:15; 271:25;335:3;397:9; 420:14;451:10,11; 458:5;467:18;470:20; 482:23;510:16;519:23; 528:24</p> <p>larger (6) 263:11,11;289:6; 342:23;436:18;494:8</p>	<p>law (3) 370:24;371:1;373:16</p> <p>lawn (6) 393:18;399:2,11; 412:17;448:15;452:24</p> <p>lawns (2) 399:7;525:5</p> <p>lawn-scaping (1) 448:18</p> <p>laws (4) 374:21;382:24; 405:21;444:14</p> <p>lawyer (1) 306:22</p> <p>lawyers (3) 337:15;431:21; 462:11</p> <p>layer (3) 241:7;280:3,6</p> <p>layers (3) 241:5,8;279:22</p> <p>layperson (3) 307:11,14;311:21</p> <p>lead (2) 481:18;482:19</p> <p>leaders (1) 542:18</p> <p>leadership (2) 466:24;467:2</p> <p>leading (4) 239:9;264:20,21,22</p> <p>leak (1) 503:15</p> <p>leaked (1) 481:19</p> <p>leaking (2) 482:20;503:3</p> <p>leaky (2) 392:17;398:25</p>	<p>left (11) 228:5;242:24;247:1; 276:24;287:23;288:7; 403:14;432:2;472:15; 475:21;476:14</p> <p>left-hand (1) 472:12</p> <p>legal (8) 243:18;306:14; 307:6;353:19;354:8; 356:16;451:3;455:4</p> <p>legislative (1) 278:20</p> <p>legislature (4) 371:10,21,22;372:2</p> <p>lend (1) 338:24</p> <p>lengths (1)</p>	

<p>281:19 lengthy (1) 356:16 less (12) 335:5,6;336:5,8; 360:19;361:6,9; 373:25;374:1;396:20; 434:3;463:9 lessened (1) 429:2 letter (9) 247:22;257:21; 266:24;322:19;323:15, 18;337:3;433:5,16 letting (2) 253:15;390:21 level (13) 409:9;415:1;449:12; 450:11;455:21;459:10; 476:7;520:15,19,20,20, 24;522:7 levels (7) 321:12;449:1,2; 506:24;521:8,12,19 leveraged (1) 231:10 levy (1) 231:8 liability (1) 405:21 liable (1) 442:22 license (2) 424:25;425:1 life (21) 335:12,14;365:19; 368:11;384:24;406:16; 410:8,14;412:14,15,20, 24;418:15;428:19; 446:9,10,21;455:12; 463:22;546:5,16 lifeblood (1) 415:4 lifelong (3) 415:8,14;463:15 lifetime (2) 445:11;450:8 light (1) 462:14 lighter (1) 401:5 likely (6) 326:24;355:6; 368:13;432:20;442:25; 509:20 limit (5) 356:10;369:7; 376:25;486:16;489:1 limitation (15) 282:25;313:2,11; 314:14;324:18;325:23; 327:10,18;329:3; 365:2,11;367:4;</p>	<p>379:13,19;447:13 limitations (11) 284:2;306:6;358:19; 365:12;366:18;369:6; 370:6;393:18;426:14, 15;449:15 limited (18) 265:25;274:10; 283:17;306:5;311:7; 372:19;374:14;434:12, 23;435:6,10,10; 452:13;489:7,8;492:4; 512:4;523:5 limiting (1) 428:1 limits (4) 358:19;365:4; 368:22;535:3 line (26) 235:8,9;236:8,9; 246:19,20;257:3; 276:8;294:4;295:11; 401:6;472:14;473:4,7, 9,20;474:7,9,11; 476:23;481:18;482:19; 491:14,17;506:15; 536:16 linear (2) 246:19;517:9 lined (1) 380:5 lines (10) 235:5,6;294:4; 304:21;341:7;342:18; 472:10;473:23,24; 503:3 lining (1) 354:24 liquidated (2) 403:2,7 list (7) 245:25;246:5; 247:15;344:3;492:5,6; 523:15 listed (1) 245:24 listen (2) 363:16;467:14 listening (1) 468:6 lists (2) 433:23;505:19 little (55) 229:13,14;245:7,22, 23;246:14;248:13; 253:1;258:19;266:19; 270:11;282:17;303:2; 330:10;342:23;348:20, 25;355:14;363:4; 368:18;373:14;394:14, 18;397:22,23;400:4, 21;401:2;410:2; 412:19;418:23;419:21;</p>	<p>427:12;428:5,18; 429:3;431:24;449:16; 450:5;452:5;468:1,10; 490:25;500:1,17,23; 505:15;513:24;515:4; 517:6;519:5;520:3; 525:20;530:7;538:8 live (20) 347:20;392:8;413:5, 10;423:14;426:10; 428:14;450:17;451:14, 22;461:13,14;463:19, 20,22;467:12;470:17; 491:24;492:12;500:11 lived (10) 347:18;427:12; 445:10;446:8,18; 451:15,17;456:1; 500:19,20 lives (2) 229:25;446:14 livestock (1) 436:9 living (3) 362:15;388:2;440:1 load (1) 502:2 loan (6) 336:24;337:4,19,20; 338:16;445:23 loans (2) 268:1,2 lobbied (2) 242:11;278:19 lobby (1) 278:20 local (14) 273:13;340:11; 386:12,21;403:11,13, 15;406:16;453:2,7; 462:24;492:16;506:9; 507:15 located (7) 230:22;259:11; 384:17,18;408:16; 423:16;450:21 locating (1) 407:14 location (3) 439:10;451:20;475:9 lodge (1) 257:2 lodged (1) 294:1 loft (1) 492:23 long (25) 239:23;244:15,18; 262:20;266:17;334:13; 347:18;358:24;383:21, 25;387:6;390:4; 411:18,18;414:1; 433:18;441:14;445:10;</p>	<p>451:14;465:24;466:5; 483:15;496:4;500:19; 504:11 longer (12) 282:3,3;348:23; 365:20;368:13;370:3; 419:4;421:24;424:25; 464:4;474:8;475:15 long-range (1) 371:13 long-term (9) 245:19;365:16; 366:4,8;368:10; 386:22;387:1;390:14; 483:19 Long-time (1) 390:8 look (46) 229:5;232:8;234:17, 18;244:13,22;247:5, 19;256:5;263:4;271:6; 289:2;302:16;303:19; 307:18,22;318:23; 320:19;322:17;324:22; 326:10;327:16;328:7; 330:24;333:6;339:20; 342:22;344:11;345:15, 18;352:14;366:6; 369:3;405:4;408:13, 15;415:20;436:12; 439:4;458:12;459:25; 476:22;478:13;502:23; 513:10;518:2 looked (21) 235:24,25;240:7,8, 10;245:21,24,25; 246:10;268:22,24; 270:2;273:21,25; 276:12;278:14;279:9; 305:5,7;405:7;529:5 looking (43) 237:16;244:16; 246:22,25;247:4,6; 263:9,13;264:18; 279:8;288:8,9;305:3; 318:24;342:19,25; 343:10,13,15,19;344:8, 10;352:2;355:19; 381:6;385:21;404:15; 408:5;425:21,25; 438:7;440:15;458:12; 463:8;472:4;475:21; 478:24;479:7,13,15; 497:24;509:12;541:8 looks (7) 235:13;356:6; 369:10;401:13;402:9; 479:6;526:9 lose (7) 249:25;353:6; 404:25;450:20;480:17; 487:14;545:5 losing (1)</p>	<p>404:13 loss (2) 400:15;406:11 losses (2) 268:3;320:7 lost (6) 369:19;406:4;407:4; 480:19;500:11;504:2 lot (48) 238:1;239:16;241:1; 249:6;251:5,8;263:15, 16;272:12;275:7,10, 13;315:13;356:25; 359:25;362:20;375:2; 390:7,10,16;391:4,22; 397:4;399:12;408:25; 414:4;415:1;424:4; 425:16;431:23;437:19, 21,21;449:6,10; 452:17;457:4;458:21; 467:23;468:12;490:11; 492:3;494:5;501:22; 502:5;506:22;510:3; 512:5 lots (17) 245:4;247:6;387:20, 20,23;403:1,1,8,8; 410:16,17;413:15; 425:6;426:25,25; 427:5;523:14 loves (1) 407:16 low (10) 250:22;346:18; 393:24;399:10,13; 475:4,12;476:10; 482:17;522:15 lower (2) 439:9;472:11 lowest (1) 533:7 low-flow (7) 340:21;390:19,19; 393:20,20;502:7,10 luckily (1) 481:17 lump (1) 273:21 lunch (3) 348:9,16;349:7</p>
M				
<p>Mac (5) 235:23;242:6; 260:20;278:12;346:7 machinery (1) 441:25 mail (1) 228:14 main (6) 238:16;240:3;254:5; 424:3;502:4;515:18</p>				

<p>mainly (1) 393:2</p> <p>maintain (2) 340:3;371:8</p> <p>maintaining (1) 230:11</p> <p>maintenance (1) 330:18</p> <p>major (5) 400:15;456:7; 493:14;529:23;534:4</p> <p>majority (1) 280:21</p> <p>maker (1) 409:18</p> <p>makes (4) 319:3;412:11; 417:23;423:13</p> <p>making (6) 354:21;395:17; 405:19;416:10,11; 516:19</p> <p>man (1) 450:2</p> <p>manage (3) 486:17,23;515:18</p> <p>management (1) 371:14</p> <p>manager (16) 264:3,5;292:22; 296:12;298:6,8,9; 312:19;465:23;467:21; 490:6;493:10;495:9; 505:8;512:24;541:4</p> <p>managing (1) 471:10</p> <p>mandatory (7) 500:6,16;518:1; 522:20;523:3;524:18, 19</p> <p>mangled (1) 401:16</p> <p>manner (3) 246:18;291:12; 354:16</p> <p>manufacturers (2) 386:14;439:8</p> <p>manufacturing (1) 405:13</p> <p>many (28) 230:2;238:20; 240:17;253:3;268:25; 322:2;384:1;389:12; 392:9;393:7,7;394:3; 404:23;405:15;413:5; 437:5;447:10;459:1; 470:12;491:11,14; 494:14;495:15;500:5; 504:3;511:10;512:11; 538:19</p> <p>March (1) 433:8</p> <p>market (7)</p>	<p>249:11;275:9;347:3, 9;373:1;425:20;426:23</p> <p>marketing (6) 252:21;280:23; 281:13;419:22,22; 439:23</p> <p>married (2) 467:8,10</p> <p>mas (1) 367:25</p> <p>Mason (1) 432:25</p> <p>Master (16) 244:13,13;313:3,11; 314:13;324:18;325:24; 327:17;328:4;329:4; 363:9,9;364:21; 366:19,22;369:5</p> <p>master's (1) 467:1</p> <p>match (1) 315:16</p> <p>matter (8) 228:18;238:10,12; 280:17;301:12;335:2; 357:3;470:16</p> <p>matters (2) 350:20;522:19</p> <p>maximum (3) 232:12;304:19; 360:18</p> <p>may (52) 232:11;236:14; 240:19;254:15;256:10; 259:18;261:3;273:23, 24;281:18;283:24; 284:25;287:6,24; 297:14;343:22;345:2; 350:25;358:24;360:12; 382:2;383:6;392:12; 409:1;422:7,8;433:5; 436:3,13;437:24; 439:25;456:21;460:23, 23;470:20;471:22,24; 472:1;477:2,3,6; 485:25;486:2;487:14, 17;489:11;512:6,6; 518:17;542:23;545:9; 546:13</p> <p>maybe (11) 241:22;263:2; 295:21;348:22;391:23; 396:11;418:23,23; 428:13;456:8;513:16</p> <p>mayor (8) 363:2,6,25,25;364:3; 433:2,2,4</p> <p>McCormick (7) 293:13,16;297:3,6; 320:21;321:8,15</p> <p>McDonnell (12) 234:2;235:24;259:4; 260:14;277:10;293:14,</p>	<p>16;297:4,6;344:17,19; 345:13</p> <p>mean (49) 237:14;240:16; 241:8;245:8;246:6; 249:17;265:5,18; 269:12;274:3;297:24; 315:12;317:12;327:4; 345:11;353:11;355:14; 358:20;359:7;360:14; 362:17,20;368:5; 369:18;378:5,9,25; 379:16;380:23;391:18; 396:19;399:5;409:1,5; 413:1;414:21;417:12; 428:16;447:20,25; 452:17;455:17;456:18; 457:5;459:2;488:19; 489:6;510:19;513:9</p> <p>meaning (5) 304:21;316:4; 341:24;342:1;371:3</p> <p>means (15) 229:23;256:24; 257:7;269:14;307:1,1, 2,11;317:13;335:22; 422:8;433:7;469:4; 528:19;545:7</p> <p>meant (5) 320:2;329:13; 456:14;457:1;501:14</p> <p>measurable (1) 366:17</p> <p>measure (1) 414:20</p> <p>measured (1) 521:12</p> <p>measurement (1) 521:9</p> <p>measures (16) 291:10;339:25; 341:11;342:13,14; 344:6;359:23;390:12, 13;391:12;392:6; 500:4,7;516:14;519:7; 522:21</p> <p>meatpacking (1) 344:2</p> <p>mechanisms (1) 381:9</p> <p>media (2) 415:20;485:23</p> <p>medical (5) 412:7;416:21;417:5; 423:20;429:10</p> <p>medium- (1) 366:4</p> <p>meet (10) 290:24;317:12,13; 366:3;371:16,25; 486:22;488:12;497:4; 535:9</p> <p>meeting (10)</p>	<p>242:15;263:1,23; 279:4;334:17;363:1,6, 14,16;454:16</p> <p>meetings (1) 239:23</p> <p>mellow (1) 410:20</p> <p>meltdown (1) 391:24</p> <p>member (1) 390:8</p> <p>members (5) 239:19,23;242:17; 263:25,25</p> <p>membranes (3) 495:13,15;496:2</p> <p>memo (4) 259:4,22;260:13; 434:20</p> <p>memories (1) 447:3</p> <p>memory (7) 305:9;310:20; 311:15;318:16;325:20; 332:19;433:11</p> <p>mention (3) 421:3,10;438:6</p> <p>mentioned (25) 229:12;230:20; 247:14;254:25;261:9; 271:12;277:23;279:13; 280:20;334:21;367:24; 384:16;385:25;387:6; 397:13;399:3;401:9; 402:13;406:18;410:17; 416:18;422:10;429:4; 436:24;442:12</p> <p>mentions (1) 270:24</p> <p>met (5) 273:12;278:21; 309:11;453:18;497:14</p> <p>meter (5) 396:2;503:4,8,9,10</p> <p>meters (4) 491:13;502:21; 504:1;528:23</p> <p>method (3) 365:24;366:13;370:1</p> <p>methods (4) 340:3;374:20; 392:14,21</p> <p>metric (1) 437:3</p> <p>MGD (2) 232:16,16</p> <p>mic (1) 275:23</p> <p>microfactory (1) 439:6</p> <p>microphone (3) 286:14;287:9;376:5</p> <p>mid (7)</p>	<p>239:4;240:6,6; 253:22;277:21;454:12, 14</p> <p>Middle (5) 274:1,24;294:11,21; 524:15</p> <p>might (18) 262:2;263:14; 306:23;331:10;336:8; 351:16;386:15;399:11; 411:20;414:15;418:22; 468:8,10;477:1;503:1; 507:24;541:5,22</p> <p>Mike (1) 260:3</p> <p>mild (1) 402:9</p> <p>miles (11) 267:20;282:6;358:5; 381:7;473:14;477:13; 480:1;491:5,14,16; 509:1</p> <p>million (38) 232:14;233:18,19; 240:17,21,22,22; 254:22;261:5,6; 330:15;332:14,16; 334:18;337:8,8,9; 338:24;344:17,19; 361:20;436:8,20,22; 509:23;517:8,12,12,14; 532:3,9;538:4,18,21, 24;540:14,15,19</p> <p>millions (1) 367:17</p> <p>milo (1) 531:2</p> <p>mind (8) 359:14;372:21; 392:7;415:24;416:1; 448:19;455:11;501:9</p> <p>minds (2) 411:10;416:2</p> <p>mindset (1) 397:7</p> <p>minerals (1) 495:14</p> <p>minimum (6) 269:20,25;270:5; 321:4;371:3;521:14</p> <p>mining (1) 273:19</p> <p>minor (1) 528:9</p> <p>minute (1) 238:21</p> <p>minutes (12) 262:25;263:21; 334:23;348:12,22; 363:14;380:1;382:8,9; 431:2,5,6</p> <p>minutia (1) 301:19</p>
--	---	---	--	--

<p>miserable (1) 406:24</p> <p>misled (1) 288:23</p> <p>mispronunciation (1) 326:12</p> <p>missed (1) 257:11</p> <p>Missouri (1) 261:24</p> <p>misstatement (1) 331:9</p> <p>misstatements (2) 285:6;303:16</p> <p>mistaken (1) 285:10</p> <p>mitigation (1) 279:1</p> <p>mix (1) 474:6</p> <p>mixed (1) 533:1</p> <p>modification (2) 248:16,17</p> <p>Modifications (1) 236:13</p> <p>modify (3) 248:14;252:18;367:7</p> <p>modifying (1) 252:15</p> <p>moisture (1) 478:8</p> <p>mom (2) 388:8,9</p> <p>moment (6) 256:1,11;284:16; 361:7;482:13;501:6</p> <p>money (6) 332:8;356:25;414:1, 3;437:21;453:24</p> <p>money's (1) 419:25</p> <p>monitor (2) 466:22;528:19</p> <p>month (7) 395:23;396:6; 397:21;504:5,6;523:8; 526:5</p> <p>monthly (4) 414:15;470:1; 525:19;528:2</p> <p>months (6) 341:12;486:1,14; 488:8;515:2;516:1</p> <p>month's (1) 396:15</p> <p>Montoia (1) 323:16</p> <p>mood (1) 500:17</p> <p>more (119) 229:13;237:11; 240:24;245:1,2,8,13;</p>	<p>250:16;253:10;254:19, 21;260:24;262:3; 273:9;275:14;276:3; 281:9,15;283:11; 291:7,12,17;292:11,25; 296:15;297:9,23; 298:1,11,15;300:19; 304:9;305:1,2;311:1, 22;313:7,14;318:6; 322:3;336:20;340:13; 347:9,15,15;348:17; 354:3;362:5;366:19; 369:17;373:15;376:1; 379:3;380:4;381:6; 389:19;391:2,18,19,19; 394:2;395:11;398:10; 400:4,8,21;402:9; 403:15;408:15,25; 414:4;418:23;419:5; 424:4;425:16,18,21; 429:23;430:8,10,13; 435:13;437:19,21,21; 440:11;442:21,25; 444:2;447:2;448:25; 452:10;457:2;460:21; 463:9,11;464:6; 472:17;489:2;495:21; 498:17,25,25;500:1; 504:12;507:9;510:4; 513:24;514:16;517:6; 519:5;521:15;525:20; 536:18;538:8,25; 543:5,13;545:22</p> <p>morning (10) 229:3,4;282:15,16; 285:1,2;416:25;447:7; 449:20;546:22</p> <p>most (34) 245:16,19;249:9; 280:22;301:18;310:3; 312:22;359:23;366:1, 2,5;375:1;381:1; 384:18;402:25;409:24; 415:13;418:5;419:13; 432:20;448:10;449:3, 16;459:18;461:14; 495:25;498:7;499:10; 509:20;512:15,15; 533:4,6;534:17</p> <p>mostly (1) 387:18</p> <p>mother (3) 446:12,17,17</p> <p>mother's (4) 446:15;487:8,9,13</p> <p>motion (1) 266:3</p> <p>motor (1) 525:14</p> <p>Mound (3) 270:12,13,21</p> <p>Mountain (1) 440:2</p>	<p>Mountains (1) 341:3</p> <p>move (14) 247:16;254:13; 257:18;317:7;345:3; 362:2;389:21;392:10; 438:8;466:8;492:2,3, 11;541:18</p> <p>moved (8) 262:14;347:19; 380:19;387:10,12; 451:16;493:5;543:15</p> <p>moves (1) 344:23</p> <p>moving (7) 235:10;385:15; 402:8;407:2;472:15; 491:24;543:13</p> <p>mowed (1) 447:8</p> <p>much (65) 238:7,12;241:13; 254:7;276:3;279:10; 280:17;302:14;305:2, 20,22;315:4;316:5,7; 329:7;335:15;348:11, 20;351:23;356:2; 359:14;360:22;361:2; 376:2,10;378:7; 391:18,19,19;396:14; 405:1,24;406:14; 411:11,14;412:15; 414:7;415:18;416:1; 418:10,20;419:4; 437:18;439:9;460:7; 461:11;464:6;481:8; 487:12;489:25;510:19; 512:14;515:9;528:10; 532:1;533:14;536:20; 538:19,22,25;539:11, 12;540:24;541:15; 546:3</p> <p>multidecadal (5) 317:17;352:2; 359:12;360:15,17</p> <p>multiply (1) 526:3</p> <p>multiplying (1) 519:1</p> <p>municipal (27) 234:6;241:24; 243:15;257:23;258:5, 9;270:25;277:21; 278:5,6;280:15;292:2; 312:4;340:8;356:7; 365:8,13,25;366:10; 368:14;369:1,7;370:2; 371:24;491:1;494:18; 501:3</p> <p>municipalities (1) 366:2</p> <p>municipality (1) 491:3</p>	<p>must (4) 318:12;366:6; 533:10;542:19</p> <p>Myndee (1) 289:6</p> <p>myriad (1) 404:1</p> <p>myself (2) 385:6;540:25</p> <hr/> <p style="text-align: center;">N</p> <hr/> <p>name (16) 247:24;264:11; 317:23;321:20;322:2; 326:8,12;383:12,14; 401:17;424:16;444:9, 22;465:19;508:17; 535:22</p> <p>named (1) 272:11</p> <p>names (2) 264:6;301:12</p> <p>name's (1) 431:21</p> <p>narrative (2) 245:23;246:1</p> <p>Nation (4) 261:15,21,25;262:2</p> <p>Nations (1) 466:21</p> <p>native (1) 448:16</p> <p>natural (1) 507:18</p> <p>naturally (1) 469:4</p> <p>nature (1) 389:25</p> <p>Nazi (1) 428:7</p> <p>near (7) 361:21;435:1; 437:17;478:22,23; 507:4,8</p> <p>nearby (1) 435:3</p> <p>Nebraska (1) 408:15</p> <p>necessarily (1) 396:20</p> <p>necessary (6) 251:23;269:10; 284:3;332:3;370:4; 488:14</p> <p>necessity (1) 252:15</p> <p>need (89) 236:24;237:1,2,8,17; 274:4;275:14;280:8, 10;285:17;288:1,12; 292:7;296:25;299:10; 300:23;302:9;304:14;</p>	<p>305:1;313:8,15; 314:19;315:4;316:5,7; 330:7,21;345:13; 348:19;351:4,5,6,11, 12,21,23;352:4,5,17, 19;356:2,3,4;358:23, 24;359:3,15,16;360:2, 23,25;361:2,3,6,17,21, 22,22;362:3;364:9; 367:14;369:2;373:6, 15,23;376:1,3,9;378:6, 18,25;379:2;394:23; 430:24;438:12;444:8; 459:15;460:3,10; 484:18;504:16;514:15; 517:24;518:11,17; 534:12;542:3,4;543:7</p> <p>needed (18) 231:17;237:8;242:5, 7;244:18;261:11; 263:7;286:25;298:1, 11;303:17;304:9; 373:8;378:7;394:7; 403:15,19;508:20</p> <p>needs (96) 231:22;236:11; 237:11;249:19;256:21; 266:1;288:18;289:17; 290:1,4,18,21;291:5,8, 13,15,17;292:25; 293:19;296:15;297:8, 18,22;298:14;299:15, 24;300:14,24;301:2, 23;302:1,6,7,13; 303:13,19,23;304:3; 305:23;306:16;307:4, 16,19,25;308:6,23; 309:14;311:8,22; 312:8,25;313:1,21,23; 314:1,24;315:8; 316:17,17,20,21,24; 329:25;335:20;347:15; 351:14,15,17,18; 352:13;358:18,21; 360:11;365:1,5,25; 366:4,14,16,24;368:5, 23;370:2;371:17,25; 455:14;513:7,9; 516:15,23;517:19; 535:9;540:1;542:13, 13;543:3</p> <p>negative (3) 370:23;394:12;430:2</p> <p>negligible (1) 534:14</p> <p>negotiation (1) 345:20</p> <p>neighbor (1) 482:24</p> <p>neighborhood (5) 344:17;395:10; 428:6,7;452:5</p> <p>neighbors (2)</p>
--	--	--	--	--

<p>428:2,3 net (2) 443:6;503:12 new (19) 253:25;269:7;270:4; 331:4;385:17;387:23; 392:10,19;393:22; 398:3;399:6;427:5; 439:24;440:6,10; 493:2;494:4;499:11; 515:22 News (3) 244:8;245:1;359:7 newspaper (4) 363:22;364:2; 438:20;439:13 next (27) 231:25;233:6; 235:17;236:16;264:24; 265:21,23;297:17; 326:24;348:11;365:21; 368:4,5,8;381:23; 382:15;412:1;427:2; 440:12;443:22;458:11; 465:5;512:1;522:4,9; 526:18;527:17 nice (2) 392:19;459:18 night (4) 305:6,7;447:7; 449:20 nine (1) 427:3 ninth (1) 524:2 Nobody (1) 374:1 nonconsumptive (1) 255:1 none (3) 303:5;378:9;518:3 nonetheless (1) 428:11 nonrenewable (1) 273:17 nonresidents (1) 427:9 noon (2) 341:13;350:9 normal (5) 386:11;398:9;484:5; 523:6;542:19 normalized (1) 291:12 normally (2) 230:17;503:1 North (9) 262:18;269:2,3; 341:3;442:17;475:5; 509:1;531:15,22 northeast (3) 262:17;263:6;266:6 northwest (2)</p>	<p>245:5;507:17 note (4) 228:15;276:8;504:8; 529:3 noted (8) 231:15;265:15,17, 24;272:13;294:13; 506:2;529:7 notes (2) 228:10;364:17 noteworthy (1) 267:5 not-for-profit (1) 425:5 notice (4) 331:23;457:13; 478:14;500:14 noticed (5) 264:7,11;331:24; 485:14;543:12 notified (3) 337:23;338:9,14 November (2) 322:4;496:16 number (45) 233:12,24;239:4; 252:2,11,15;263:22; 264:25;266:4;273:20; 276:11,12;285:3; 286:6,18,19;320:14,15, 24;327:2;336:14; 353:1;367:7;377:3; 384:2;401:18;402:3; 404:1;412:7;433:25; 436:19;437:4;438:7; 453:17;470:4;506:2; 507:3,11;520:7;525:3, 3;526:19;535:15,23; 539:4 numbering (1) 523:21 numbers (8) 240:19;414:9; 510:19;523:23,24; 524:15;528:4;529:4 numerous (4) 372:4;449:5;459:3; 485:19</p>	<p>294:1;295:22;296:17; 306:24;307:9;308:15; 350:1;353:9,18; 377:23;378:12,15; 423:1;429:18;430:5; 432:22 objections (4) 283:10;353:14,16,17 objective (3) 366:13;370:7;420:11 objectives (1) 371:13 obligated (3) 281:2;455:24;513:2 observation (5) 311:6;347:6;410:6; 427:19;543:12 obtain (1) 358:6 obtained (1) 332:21 obtaining (7) 273:9;366:8;413:17; 414:16;415:11;416:6, 18 obvious (1) 370:20 obviously (6) 378:24;396:2; 411:18;414:3;415:25; 487:1 occasion (3) 253:10;393:2;483:3 occasions (2) 277:9;428:4 occur (2) 460:25;541:15 occurred (4) 396:3;400:25; 448:23;487:24 occurrence (1) 372:1 occurs (1) 496:1 October (1) 477:24 off (47) 228:5;232:6;239:25; 240:13;247:15;252:23; 254:10;255:25;260:21; 262:3;267:7;268:16, 20;269:24;281:21; 288:7;290:8;291:9,10; 297:11;300:25;313:10; 317:21;321:11;324:11, 19;338:2,12,13;362:4, 14;374:14,24;375:7; 389:7;452:19;461:8; 469:10;476:5,22; 488:21;504:15;526:11, 12,16;543:15;546:8 offenders (1) 524:23</p>	<p>offer (8) 261:7;312:15,18,18; 349:20;418:5;459:19; 460:21 offering (2) 295:20;296:1 offers (2) 295:3;340:19 office (11) 243:25;247:23; 248:10;257:23;258:1; 260:1;279:4;280:24; 281:6,10;504:4 OFFICER (101) 228:1;257:16; 275:15,18,22;282:9; 283:16,23,24;284:2,14, 18;285:9,14,20,23; 286:2,5,13;287:11,15; 293:21;294:25;295:2, 8,14,18;296:2;306:18; 307:8;308:14;312:11; 317:7;347:24;348:3,7, 10,24;349:6,10,16,22; 350:2,19,22,24;375:15; 376:4,7;378:14,17; 379:21;381:15,18; 382:5,7,14,17,21; 383:5;422:20,25; 424:10;429:20;430:4, 19,22;431:4,9,13; 441:3,8;443:10,13,16, 19,25;444:4,6,12,21; 445:24;461:24;462:2, 5;464:9,13,16,20; 465:1,4,7,14;471:23; 472:1;504:14,20; 526:9,13;541:1;546:19 official (1) 228:17 officio (1) 263:25 often (3) 486:15;521:12,15 Ogallala (6) 272:7,16;273:16,16; 357:8;409:11 oil (26) 400:14;401:10; 402:1;436:12,14; 447:6;456:3,14,22,24; 457:4,8,11;459:3,4,21; 481:18,20,24;482:8,19; 493:25,25;494:4; 545:23,25 oil-producing (2) 402:3;412:8 O'Lakes (2) 529:21,22 old (6) 287:7;387:8,10; 403:4;450:5;502:12 older (1)</p>	<p>322:25 once (7) 243:20;245:6; 249:24;337:25;338:17; 453:14;454:24 One (120) 228:9;230:22,24; 231:25;233:6,6; 242:25;243:10;245:2; 246:12;247:9,9; 248:13;249:18;252:17, 19;253:10;254:5; 255:11;256:1;261:14; 263:3;266:16;267:14; 273:15;275:8;278:14; 279:22;284:16;303:2; 306:23;308:18;309:1; 315:7;317:18;329:14, 24;330:12;332:5; 346:4;349:18;351:18; 357:18,18;360:6; 384:18;387:20;392:19; 393:10;402:3;404:16; 405:7;407:8,12;408:4; 412:7,9,16;416:3; 418:5;421:22;425:2; 426:25;427:20;431:21; 432:4;447:8,9;449:4; 452:3,10;453:24; 462:11;467:11;468:13; 474:3,6;479:3;482:18; 483:3;484:22;490:13; 493:6,17,18;495:18,19; 498:9;499:1;500:14; 501:8;502:12;503:16; 506:1;507:6,22,24,25; 509:10,25;510:1; 511:3;519:1;520:12; 521:18;522:9,11; 523:4;524:1,8,9,10; 525:1,7;526:11,18; 527:17;534:5;536:3; 541:9 one-fourth (2) 360:19,20 ones (3) 253:3;427:5;524:9 one-year (3) 421:14,15,25 ongoing (1) 281:23 online (2) 413:24;418:16 only (39) 231:7;247:9;255:3; 265:25;279:10;292:19; 296:9;299:6;301:10; 307:3;337:13;341:2, 18;352:22;373:13; 422:18;424:2,3; 447:11;449:19;452:19; 455:3;456:11;461:4; 474:5,19,20,21;486:10;</p>
--	---	--	--	---

O

O&M (1)
 334:4
oath (6)
 301:8;303:3;304:3;
 331:20;382:23;444:14
Object (3)
 306:13;307:23;
 422:15
objected (2)
 353:12,15
objection (19)
 257:2;293:3,17;

<p>487:3;489:7;494:4; 512:21;522:23;523:8; 525:8,9;532:19;541:9</p> <p>on-the-ground (1) 386:22</p> <p>op (1) 540:5</p> <p>OPEC (1) 456:23</p> <p>open (7) 249:11;275:9; 372:25;440:12;481:14; 539:17,17</p> <p>opened (1) 440:7</p> <p>opening (1) 231:15</p> <p>opens (1) 411:25</p> <p>operate (5) 239:11;372:10; 439:8;457:24;491:6</p> <p>operates (1) 491:4</p> <p>operating (1) 330:17</p> <p>operation (4) 385:8;436:22; 466:20;540:5</p> <p>operations (5) 252:13;419:7,17; 439:9;490:20</p> <p>operators (1) 485:14</p> <p>opinion (19) 232:17;292:20,22; 296:10,12;298:13; 299:6;312:12,15,19; 321:8,10,11;335:8,9; 415:9;455:13;499:20; 541:5</p> <p>opinions (2) 257:10;326:15</p> <p>opportunities (11) 265:13,17;404:14, 14,24;405:1;407:4; 408:8;411:25;421:2; 543:1</p> <p>opportunity (17) 249:11;283:9;303:9; 392:23;393:4;405:4; 406:4;422:22;433:19; 460:20,21,22;464:19; 467:14;471:5;541:23, 23</p> <p>opposed (3) 354:17;437:16;438:2</p> <p>opposite (2) 482:17;545:5</p> <p>opposition (1) 273:13</p> <p>opted (1) 405:8</p>	<p>optimistic (1) 321:9</p> <p>option (21) 242:25;247:10,11, 15;248:14;249:18,19; 253:23;254:4;260:17; 261:13;276:7,11; 322:6;451:9;454:23; 455:10,19,23;523:3; 536:7</p> <p>options (7) 240:3;248:10; 263:16;265:20;505:17; 506:13;536:4</p> <p>orange (1) 401:6</p> <p>Order (31) 244:13,14;250:4; 272:24;281:3,6; 283:24;313:3,11; 314:13;324:18;325:24; 327:17;328:4;329:4; 352:11;363:9,9; 364:21;366:19,22; 367:14,18;369:5; 371:8;374:9;375:5; 523:24;541:18;542:13, 18</p> <p>ordinance (3) 497:2;499:10,12</p> <p>ordinances (1) 497:25</p> <p>ordinarily (1) 488:8</p> <p>organization (6) 385:3;399:25; 401:19;403:21;425:6; 453:22</p> <p>organizational (1) 467:1</p> <p>organizations (1) 385:9</p> <p>original (6) 277:4,5,6;285:19; 300:5;494:21</p> <p>osmosis (3) 281:21;331:12,12</p> <p>others (5) 264:7;274:22;275:7; 408:5;409:14</p> <p>otherwise (5) 380:2;398:6;418:22; 456:13;459:11</p> <p>Otis (1) 446:13</p> <p>ought (2) 234:18;295:16</p> <p>ours (2) 375:3;409:24</p> <p>out (55) 229:13;236:1;242:5, 12,23;243:18;244:14; 245:6,11;251:5;</p>	<p>273:18;281:8;287:23; 298:16;301:13;331:19; 338:17;356:6;359:12; 366:18;377:16;384:14; 391:7;396:11;404:13; 411:2,6;412:23;424:8; 427:2;428:19;437:5; 443:3;450:3,14; 458:15;461:12,16; 485:5;489:11,13,15; 493:1;497:5;503:9; 508:21;516:14;524:8; 528:15;534:7;535:21; 539:12,23,25;545:25</p> <p>outcomes (1) 329:13</p> <p>outdoor (7) 340:11;341:12; 447:20;449:4;525:4; 527:5,18</p> <p>outright (3) 268:6;280:4;281:9</p> <p>outside (17) 229:16;230:2; 297:21,24;393:6; 412:17;413:9;437:23; 438:1;449:8,13;451:8; 455:22;523:12;534:22; 546:14,15</p> <p>outweigh (1) 460:1</p> <p>over (38) 229:21;230:5; 246:11;253:20;268:25; 276:12;282:25;293:11, 25;294:7,9;326:24; 350:9;355:12;383:25; 384:4,13;393:1;394:4; 395:11;397:21,23; 399:11;401:1;403:6; 404:22;412:9;418:18; 421:15;432:13;455:9; 463:10;467:15;499:9; 515:20;522:14;523:6; 530:13</p> <p>overall (3) 357:25;412:21; 418:24</p> <p>overarching (1) 335:1</p> <p>overlooked (1) 408:11</p> <p>overly (1) 480:22</p> <p>overoptimistic (1) 238:7</p> <p>overrule (2) 423:1;430:4</p> <p>oversee (1) 385:7</p> <p>overstated (1) 327:5</p> <p>own (12)</p>	<p>240:9;278:1;376:15, 16,18;387:2;406:16; 439:10;453:23;470:20; 500:22;508:22</p> <p>owned (4) 242:25;365:15; 396:3;484:10</p> <p>owner (5) 373:5;384:2,11; 407:13;462:21</p> <p>owners (6) 261:6;266:25; 354:24;368:16;374:5; 381:2</p> <p>ownership (3) 373:2;374:4;387:21</p> <p>owns (3) 280:21;376:19;491:4</p>	<p>366:20</p> <p>pardon (1) 316:19</p> <p>parents (4) 387:9;418:9;446:11, 18</p> <p>park (4) 457:17;493:16; 525:24;545:24</p> <p>parking (1) 523:14</p> <p>Parks (4) 260:2,13;501:25; 525:12</p> <p>part (79) 228:17;242:6;246:4; 250:9,10;260:2,3,4; 262:13;263:10;270:14, 17;272:16;278:13; 280:22;281:13;283:23; 285:6,24;286:8; 287:23;289:22;293:6; 296:19;297:15;302:17; 303:24;304:1;305:24; 306:1,2,3,11;307:5,5; 310:3;318:23;319:1,2; 320:22;322:15;323:6; 325:22;327:18;328:15; 329:3,3;330:7;331:3,9; 337:11;372:15;374:18; 376:14;377:15;378:24; 391:25;394:8;401:10; 402:17;404:5;409:24; 417:23;426:12;430:6; 432:3;433:15;435:1; 439:3;448:10;459:8; 467:18;484:16;492:21; 503:22;507:17;521:7; 528:15;529:22</p> <p>participate (3) 266:5,10;496:14</p> <p>participated (1) 454:16</p> <p>particular (6) 290:16;384:21; 407:12;425:17;426:20, 23</p> <p>particularly (8) 336:5;395:22; 398:16;416:23;427:7; 428:1;480:25;517:24</p> <p>parties' (1) 546:23</p> <p>partner (1) 384:12</p> <p>Partners (1) 508:16</p> <p>parts (3) 249:1;318:12;394:4</p> <p>passed (2) 519:11;524:1</p> <p>passing (2) 435:22;519:9</p>
P				
			<p>PACK (2) 431:22;462:12</p> <p>packet (1) 529:9</p> <p>packing (2) 407:14,20</p> <p>PACK's (3) 420:22;422:12;423:9</p> <p>page (43) 232:6;233:3,14,21; 234:18;235:3,16,21; 236:7,9;244:6;258:12, 12;264:24,25;265:3,3, 7,21;276:22;285:7; 286:6,18;289:2,9; 294:11,21;297:14; 330:25;333:6;364:16; 365:1,21,23;367:20,21, 24;370:13;420:3; 505:18;516:6;517:4; 524:14</p> <p>pages (2) 246:13,16</p> <p>paid (11) 290:2;345:2,4;346:7; 387:4;392:19;396:12; 453:25;457:12;501:19; 517:23</p> <p>pandemic (1) 420:14</p> <p>panel's (1) 379:13</p> <p>paperwork (1) 337:25</p> <p>paragraph (20) 232:8,9;233:14; 257:25;265:10;297:17; 319:1;369:21,23; 400:4;420:4,5,6,22; 421:2,8;514:22; 515:15;516:9;542:11</p> <p>paragraphs (1)</p>	

<p>past (10) 229:8;245:21;271:2; 288:6;293:19,24; 294:5;343:24;487:9; 542:23</p> <p>patient (1) 256:12</p> <p>Paul (3) 293:13;297:3;323:16</p> <p>pause (1) 256:10</p> <p>Pawnee (4) 273:25;274:6,8,19</p> <p>pay (10) 281:5;333:14; 397:16,22,23;405:23; 414:12;416:16;499:1; 545:16</p> <p>paying (4) 268:2;332:5;396:13; 459:19</p> <p>payments (1) 335:23</p> <p>payroll (1) 538:3</p> <p>Pays (2) 540:3,4</p> <p>PDF (1) 232:6</p> <p>peak (2) 410:14;516:15</p> <p>peaking (1) 518:22</p> <p>penalize (1) 340:16</p> <p>penalized (1) 398:5</p> <p>pending (2) 308:12;339:5</p> <p>pent-up (1) 347:4</p> <p>people (47) 230:2;245:16;264:2; 279:6;347:15;355:2; 371:17;391:19;392:10; 394:1,1;397:10; 399:10;411:10;413:5; 415:13,18,25;416:5; 417:4;418:23;421:22; 422:3,6;425:21;426:6, 10;427:20,21;428:13; 429:14,24;439:25; 449:6,10;451:4;458:8, 19;461:13;470:16; 491:23;492:2,3; 523:11;542:14;543:21; 546:12</p> <p>people's (2) 404:7;416:1</p> <p>per (21) 232:14;233:18,19; 240:22,23;282:24; 283:1;310:5,14;320:6,</p>	<p>12,25;336:11;397:21; 432:15,16;499:14; 514:12;534:12;535:16; 541:16</p> <p>perceive (1) 411:15</p> <p>percent (47) 231:12;260:22; 268:3;275:12;324:15, 19;325:3,18;326:1,2,3; 327:9;328:2,19,21; 329:1,7,7;334:20; 339:17;340:10;354:25; 367:8;372:1;375:9; 386:5,9;399:15; 407:21;432:15,16; 495:25;499:15;501:19; 520:6;522:5,12;523:6, 9,11;525:18;526:4; 528:1;531:24;532:19, 20;533:11;534:12</p> <p>percentage (7) 339:13;437:3,11,18; 438:4;531:3,19</p> <p>perception (2) 419:2;538:11</p> <p>perfect (3) 402:6;403:18;404:2</p> <p>performed (3) 234:22;238:9;346:8</p> <p>performing (1) 346:9</p> <p>perhaps (4) 283:10;323:1;335:2; 427:15</p> <p>period (21) 238:12;239:12; 283:1;355:23;383:25; 400:13;421:15;440:22; 446:18;456:25;478:15; 483:11,15;488:7,15,24; 490:5;513:13;522:6; 523:7;541:10</p> <p>periodically (1) 230:8</p> <p>periods (5) 246:20;247:2; 258:23;427:17;481:3</p> <p>perjury (2) 382:23;444:14</p> <p>permanently (1) 515:8</p> <p>permission (1) 485:25</p> <p>permit (1) 254:8</p> <p>permits (2) 489:20,24</p> <p>persists (1) 319:22</p> <p>person (6) 264:14,14;312:20; 400:16;413:4;455:17</p>	<p>personal (10) 292:20,21;296:10, 11;321:8,10,11;412:14, 15;427:16</p> <p>personally (1) 289:13</p> <p>perspective (3) 390:14;397:15; 415:14</p> <p>Pfeifer (25) 251:2;469:15,17,18; 472:11,19,20,22; 473:10;476:20,24,25; 477:10;479:1;484:2; 485:12;486:19;490:4; 507:4,8;509:4,8; 511:22,25;515:5</p> <p>phases (2) 330:3;426:25</p> <p>photograph (9) 474:25;475:21; 477:3,9,10;478:4; 479:2,5,8</p> <p>photographs (1) 477:19</p> <p>phrase (3) 325:21;370:25;371:1</p> <p>physical (1) 434:12</p> <p>physically (1) 376:23</p> <p>pick (8) 228:5;231:25; 275:25;336:14;349:3; 382:9;437:16;546:23</p> <p>Pick-Sloan (1) 270:15</p> <p>picture (1) 408:22</p> <p>piece (1) 336:16</p> <p>Pikitanoi (2) 261:20;265:12</p> <p>pipeline (11) 251:2,12;262:21; 281:19;332:3;337:10; 344:20;352:10;473:14; 474:8;475:24</p> <p>pipelines (1) 272:6</p> <p>piping (1) 253:13</p> <p>pit (1) 428:2</p> <p>place (43) 237:24;239:20; 261:2;267:19;272:10; 291:11;334:7;342:14; 344:6;345:7;347:11, 20;354:2,6;369:20; 375:25;379:24;382:10; 390:12,13;391:1,12; 392:7,13,14;398:3;</p>	<p>399:6;423:13;439:5; 450:3,9,20;451:22; 455:7;457:2;463:22; 500:16;503:19;509:17, 25;516:25;517:2; 522:21</p> <p>placed (3) 238:1;522:16;546:7</p> <p>places (3) 273:20;330:2;451:23</p> <p>placing (1) 358:19</p> <p>Plains (2) 357:2;423:16</p> <p>plan (24) 236:14;252:12; 253:6;337:5;345:5; 372:8;381:24;419:8, 17;450:9,12,19;451:2; 460:6;496:12,24; 497:1,6,7,11,18,20; 521:8;538:22</p> <p>planned (1) 534:3</p> <p>planner (1) 361:23</p> <p>planning (15) 255:20;336:1; 346:21;352:13;355:8; 356:1,7,14,18,20; 370:4;371:12,22,23; 490:11</p> <p>plans (3) 339:8;484:12;496:19</p> <p>plant (65) 330:22;331:5,10,11; 340:9;344:2;371:5; 402:5;405:13,20,24; 407:14,20;418:23; 449:9;450:4;452:21, 22;462:18,21;463:2; 474:4,9,14,15,16; 485:2,6,7,9,9,11,13,22; 488:13,16;490:21; 494:21,22;495:2,20,22; 496:7;509:10;510:2; 528:6,7,7;530:13,16, 17;531:17,20,24;532:5, 17,21;533:10;537:18, 19,22;538:16;539:10; 540:13;541:14</p> <p>planting (3) 399:9;546:13,15</p> <p>plants (12) 412:17;413:8;451:8; 474:3;484:23;494:19; 525:6;529:25;530:3, 16;537:16;539:10</p> <p>play (7) 362:23,25;363:11; 404:21;405:2;406:9; 471:1</p> <p>played (5) 402:7;404:6;406:8,8, 10</p>	<p>playing (3) 363:17;411:15;525:6</p> <p>plays (3) 418:1,12;435:24</p> <p>plaza (2) 230:21,25</p> <p>plazas (1) 230:23</p> <p>please (37) 229:5,7;232:11; 235:6;244:4,5;247:20; 256:6,8;257:20; 258:19;259:3;277:1; 284:25;287:10;343:3; 364:14;365:3,21; 368:8;370:9,11,18; 382:25;383:12;386:4; 389:15;400:19,20; 419:15;433:16;444:12; 465:20;476:13;478:19; 517:6;542:12</p> <p>pleased (1) 323:18</p> <p>plenty (1) 413:15</p> <p>plot (1) 400:24</p> <p>plots (1) 246:19</p> <p>plug (3) 242:9;279:3,14</p> <p>plumbing (1) 341:19</p> <p>plus (3) 338:3;352:22;353:22</p> <p>pm (4) 341:13;523:1; 525:10;547:3</p> <p>pockets (1) 510:16</p> <p>point (38) 232:23;236:23; 254:9,15;261:14; 286:9;298:14,16; 330:20;332:2;334:8; 339:14;349:4;352:7,9; 354:19;355:2;376:9, 10;379:20;388:25; 406:15;413:10,11; 414:6;426:4;432:21; 449:21;454:22;457:15; 476:11;492:4;500:2; 521:5,22;533:21; 534:21;545:9</p> <p>pointing (1) 524:8</p> <p>points (1) 434:5</p> <p>poised (1) 435:4</p> <p>police (4)</p>
--	--	---	--	--

395:11;466:2,22; 524:21 policies (3) 391:5;398:2;399:6 policy (2) 371:6;502:20 politely (1) 261:7 pool (4) 398:18;476:9;501:3; 525:13 pooling (1) 478:8 pools (3) 398:17;523:15; 527:20 poor (1) 392:4 poorest (1) 509:9 popular (2) 249:14,16 population (45) 229:24;230:14,17; 291:9;300:2;304:20; 324:15,19;325:3,15,15, 16,18,25;326:4,17; 327:13;328:1,9,16,16, 17,19,21,23;329:1,9, 12;347:12;359:4; 366:16;377:6;426:9; 432:18;433:24;491:20, 25;493:9,12;517:23, 25;518:13,14;543:7,11 populations (1) 347:13 portion (12) 252:3;255:23; 295:20;318:10,25; 367:25;392:19;401:22; 427:10,11;441:18; 498:13 portions (2) 380:12;401:6 portray (2) 394:19,20 pos (1) 394:15 position (5) 231:10;383:21,22; 428:23;465:24 positions (1) 384:5 positive (8) 370:20;394:10,15, 21;395:1;413:14,15; 439:11 positives (1) 419:1 possibility (11) 235:25;236:3;240:7; 250:17;259:20;260:8; 261:24;268:5;270:20;	280:14;352:2 possible (6) 234:4;329:20; 376:23;395:1;453:20; 489:25 possibly (17) 230:24;251:13; 252:6;253:11;259:16; 263:10;267:2;268:7; 290:5;300:3;318:20, 21,22;335:23;367:16; 374:18,24 Post (24) 236:1,3;240:11; 267:6,9,17,24;268:6,8, 15,17,17;438:23;514:9, 16;533:19;535:1,13,17, 19,21;536:18;539:7; 542:4 potable (2) 322:12;372:4 potential (6) 232:12;262:9; 272:13;327:19;507:25; 536:3 potentially (3) 354:3;450:20;464:22 potted (1) 451:8 pound (1) 534:12 pounds (2) 538:19,24 power (2) 544:11,12 powers (1) 372:9 practice (1) 353:14 practices (1) 393:3 pre (1) 517:1 preceding (1) 526:2 precipitation (2) 470:8;484:5 precisely (1) 320:1 predict (11) 314:2,5,17;315:8; 316:5,11;317:2,4; 329:17;351:7;355:5 predicted (1) 355:4 predictions (1) 360:14 prefiled (3) 293:6;296:19;317:15 preliminary (1) 349:14 premised (2) 324:15;328:1	premises (1) 527:16 prepared (3) 277:10;303:20; 321:25 preparing (1) 519:17 present (4) 264:8;380:3;419:17; 514:15 presentation (1) 438:14 presented (3) 246:17;256:14; 312:20 presently (8) 291:18;292:12; 293:1;296:16;297:9; 311:2;538:20;539:11 president (4) 390:1;462:20,20; 537:9 PRESIDING (100) 228:1;257:16; 275:15,18,22;282:9; 283:16,23,24;284:2,14, 18;285:9,14,20,23; 286:2,5,13;287:11,15; 293:21;294:25;295:2, 8,14,18;296:2;306:18; 307:8;308:14;312:11; 317:7;347:24;348:3,7, 10,24;349:6,10,16,22; 350:2,19,22,24;375:15; 376:4,7;378:14,17; 379:21;381:15,18; 382:5,7,14,17,21; 383:5;422:20,25; 424:10;429:20;430:4, 19,22;431:4,9,13; 441:3,8;443:10,13,16, 19,25;444:4,6,12,21; 461:24;462:2,5;464:9, 13,16,20;465:1,4,7,14; 471:23;472:1;504:14, 20;526:9,13;541:1; 546:19 pressures (1) 272:3 presumably (1) 312:22 presume (3) 350:11;405:17;440:8 pretty (13) 245:25;249:23; 262:20;279:10;367:10; 389:11;395:10;398:7; 410:16;415:6;417:13; 428:16;439:11 previous (6) 252:4;294:11,21; 416:14;506:7;534:5 previously (5)	228:24;357:7;463:2; 478:3;484:6 price (6) 414:12,13;418:12; 425:17;435:2,11 priced (2) 435:11,15 prices (1) 457:8 pride (2) 448:3;452:7 primarily (5) 386:6;389:2,17; 419:16;421:14 primary (1) 258:7 prime (1) 542:20 principally (1) 366:2 print (1) 516:7 printed (1) 244:24 Prior (14) 391:21;438:25; 445:18,19,20,22,23; 451:18;453:11;466:1, 11;487:13;496:19; 526:23 priorities (1) 470:3 priority (2) 277:5;374:9 private (4) 386:10;451:24; 452:1;523:15 private/public (1) 527:5 privately (1) 271:17 privilege (1) 281:7 proactive (3) 390:18;396:18,22 probability (1) 232:17 probable (1) 277:14 probably (31) 253:23;261:17; 262:8;281:12;305:5; 325:19;344:3;358:13; 361:4;381:22;400:6; 401:15;404:7;413:12; 414:5;429:5;433:10; 434:6;436:10;446:21; 448:15;454:18;459:6; 468:11;477:13;494:11; 495:21;500:1;504:11; 533:15;538:9 problem (10) 249:5;252:8;277:18;	396:10;413:2;421:25; 423:11;489:19;490:17; 503:2 problematic (1) 414:8 problems (2) 248:2;357:17 proceed (2) 324:21;383:6 proceeding (4) 282:18;306:23; 416:7;454:6 proceedings (1) 547:2 process (24) 234:11;243:14; 244:12,17;245:15,17; 264:17;285:7;305:25; 306:1;307:5;331:11; 336:9;346:2;367:13; 381:3;406:13;440:11; 455:4,5;494:24;496:3; 531:8;534:9 processed (1) 530:22 processes (2) 245:16;531:1 procurement (1) 377:16 produce (18) 280:5;320:10;322:9, 11;337:15;339:2; 351:24;362:20;476:16; 487:6;511:10,12,13; 512:14;517:13;530:14; 536:19;539:1 produced (8) 270:19;277:22; 511:20;529:17;531:20, 23;538:20,23 producer (1) 531:15 produces (4) 457:4;530:8,10; 532:25 producible (1) 512:6 producing (6) 360:18;481:24,25; 483:13;488:3;489:10 product (7) 278:11;461:11,14; 528:13;533:8;534:13; 539:12 production (12) 480:6,18,19;481:20; 482:2;486:14;490:10, 16;520:6;522:5,12; 533:22 productive (2) 365:19;368:12 products (1) 531:11
--	--	---	---	---

<p>profession (1) 361:24</p> <p>professional (11) 289:15,25;291:2; 299:15,24;300:13; 326:22;361:24;384:9; 387:17;455:12</p> <p>program (11) 252:21;255:14; 270:15,16;280:23; 281:13;337:1;341:3; 402:14,15,20</p> <p>programs (7) 386:12;398:2;399:2, 25;502:7,8;503:19</p> <p>progressive (4) 398:7,8,10;522:16</p> <p>progressively (1) 391:3</p> <p>prohibited (6) 525:1,7;527:4,6,20, 25</p> <p>prohibition (2) 525:3;527:11</p> <p>prohibitive (2) 250:3;271:24</p> <p>prohibits (1) 341:12</p> <p>project (63) 237:24;238:4; 243:20;251:17;254:19; 262:1,11,11;263:5,9, 12;265:12;267:22; 272:19;273:10;274:17; 301:18;330:2,11,14; 332:5,15;333:11,15,20, 24;334:3,6,8,18; 335:10;338:1,17; 339:8,13,15,17;343:18; 344:14,15,21,23;345:2, 4,6,23,24,25;356:11, 12;363:8;365:16; 366:9;368:9;376:13; 377:17;405:17;485:4; 506:3;508:6,9;517:23; 540:17</p> <p>projected (15) 232:13;236:12; 297:18;324:15;332:17; 359:3;366:15,24; 368:4;379:2;489:13, 15;539:6;540:12,17</p> <p>projecting (1) 517:18</p> <p>projection (5) 326:1,18;327:13; 352:1;517:16</p> <p>projections (13) 235:10;238:11; 297:20;304:20;325:17, 25;328:10,12,18,23,25; 329:13;368:2</p> <p>projects (9)</p>	<p>265:15;279:1; 419:20;420:2,17; 505:24;506:6,9,17</p> <p>promise (1) 434:19</p> <p>promote (5) 340:20;399:7; 403:21;439:20;501:24</p> <p>promotes (1) 499:20</p> <p>promoting (2) 385:4;395:17</p> <p>proof (1) 506:22</p> <p>proper (3) 371:10;374:15;491:5</p> <p>properly (2) 395:7;435:11</p> <p>properties (6) 340:6;392:23;393:5; 394:16;396:4;452:4</p> <p>property (18) 231:8;259:18,21; 260:6,7,12,25,25; 261:4;275:8;322:11; 352:11;354:14,20; 435:1;452:4;525:15; 527:23</p> <p>proportionately (1) 470:5</p> <p>proposal (7) 247:22;258:2;265:8, 25;266:1,3;323:19</p> <p>proposals (1) 265:12</p> <p>propose (1) 349:20</p> <p>proposed (6) 266:5,18;370:19; 507:16;537:15;540:13</p> <p>prospective (6) 385:14;392:23; 393:4;394:16;397:2; 399:4</p> <p>prospects (2) 359:11;438:17</p> <p>prosperity (1) 433:20</p> <p>protect (3) 284:10;354:6;537:1</p> <p>protecting (1) 514:14</p> <p>protection (3) 232:23;284:3;481:14</p> <p>protective (1) 521:2</p> <p>protein (1) 530:10</p> <p>protocol (1) 521:7</p> <p>provide (35) 238:3,8;249:20,21; 250:24;258:8;271:8;</p>	<p>273:10;289:16;290:3; 300:16;306:10;346:15; 365:16;368:10,14; 371:24;458:6;459:14, 24;460:2,3,16;512:25; 513:19;533:17,19; 534:22;535:13;536:10, 12,18;537:5;541:6,25</p> <p>provided (8) 287:19;302:17; 334:19;368:1;378:22; 456:9;461:5;467:23</p> <p>provides (4) 283:16,22;458:8; 528:4</p> <p>providing (2) 229:23;290:1</p> <p>provisions (1) 372:4</p> <p>public (43) 228:11,18;233:20; 238:25;239:3,14; 259:5;260:12;263:21, 24;266:4,8;279:3,11; 283:5,8;284:3,6,10; 328:10,23;350:11; 368:16;370:11,16,21, 25;371:6,9,18;372:7, 11;389:24;390:5; 428:24;453:14,16; 468:1;491:8;525:5,15; 527:23;537:10</p> <p>publication (3) 343:5,6,7</p> <p>pull (26) 229:9,12,15;231:24; 233:5;236:20;244:3; 281:7;364:13,14; 400:19;410:10;416:25; 417:1;419:7;429:13; 436:24;437:1,2,19,24, 25;439:24;505:2; 519:13;523:17</p> <p>pulled (8) 242:9;268:19;279:3, 14;320:15;324:23; 325:11;520:25</p> <p>pump (6) 473:18;475:6,23; 521:4,4,6</p> <p>pumped (1) 520:21</p> <p>pumping (1) 520:23</p> <p>pumps (1) 475:23</p> <p>punctuation (1) 331:24</p> <p>punitive (1) 390:20</p> <p>purchase (15) 248:25;249:2; 250:14;252:2;260:25;</p>	<p>261:1;280:1,3,25; 377:12;425:21,25; 484:13;532:14,16</p> <p>purchased (3) 273:18;376:13;484:7</p> <p>purchasers (6) 392:24;393:5,5; 394:17;397:2;399:4</p> <p>purchasing (5) 236:3;240:8;259:21; 281:9,11</p> <p>PureField (12) 462:22;493:18; 494:10;508:17;514:7, 10;531:13;532:12; 533:4;535:14;536:11; 537:9</p> <p>PureField's (1) 525:25</p> <p>Purina (6) 493:17;525:24; 528:8,10;529:21,22</p> <p>purpose (7) 294:13;323:21; 326:13;379:18;475:13; 505:15;516:12</p> <p>purposes (7) 282:23;292:2; 333:10,23;338:22; 340:9;379:25</p> <p>Pursuant (1) 365:9</p> <p>pursue (4) 367:18;455:1,19,23</p> <p>pursued (1) 277:7</p> <p>pursuing (2) 259:20;467:1</p> <p>pushback (2) 501:21,22</p> <p>put (39) 235:3;242:19; 244:22;254:7,16; 255:9;263:9;344:6; 347:11;354:1,6;370:5; 373:4;390:18;392:7, 18;393:22,23;394:15; 395:16;399:20;407:13; 410:24;413:12;414:5, 25;415:6;423:18; 428:25;439:19;448:13; 450:2;452:22;497:5; 503:19;509:25;510:1; 516:24;517:1</p> <p>puts (1) 328:5</p> <p>putting (4) 398:3;411:2;413:25; 455:7</p> <p>puzzled (1) 461:20</p>	<p style="text-align: center;">Q</p> <hr/> <p>quadrupled (1) 396:6</p> <p>qualified (2) 289:16;300:15</p> <p>qualify (2) 313:9;359:19</p> <p>quality (11) 269:2;418:15; 452:15;454:4;463:22; 485:15;507:6;509:10; 539:21;546:5,16</p> <p>quantifies (1) 417:19</p> <p>quantify (4) 414:25;415:2; 417:17,20</p> <p>quantities (2) 366:25;458:5</p> <p>quantity (27) 249:23;271:13,18; 283:11;335:11;353:6; 356:3;365:12;366:14; 378:2;379:14;509:18; 510:18</p> <p>question's (1) 432:10</p> <p>quick (1) 349:14</p> <p>quicker (1) 481:8</p> <p>quickly (10) 232:22;242:22; 270:3,3;273:12; 355:17;407:23;484:4; 506:24;512:3</p> <p>quiet (1) 463:25</p> <p>Quinday (6) 464:23;465:2,8,10, 21;546:24</p> <p>quite (10) 335:22;391:5;398:1; 460:10;492:2,24; 493:7;503:2,25;543:20</p> <p>quits (1) 522:14</p> <p>quote (8) 283:21,24;284:4; 287:3;332:7;343:1; 346:20;364:5</p> <p>quoted (2) 342:23;344:7</p> <p>quotes (1) 420:22</p> <p>quoting (2) 287:24;289:12</p> <hr/> <p style="text-align: center;">R</p> <hr/> <p>R9 (47)</p>
---	--	--	--	--

237:20;240:4; 242:24;243:4,12; 244:17;245:19;247:17; 275:1,11;279:16; 281:15,24;291:24; 299:14,22;305:12; 313:18;322:5,9;330:2; 333:10,24;336:2,12; 339:13,15;344:14,23; 352:15;358:4;363:8; 365:13;366:11;369:8; 374:12;376:12;454:7; 455:15,20;460:12; 471:13;484:7;490:17; 496:6;541:7,8	460:19 ratchet (1) 355:3 ratcheting (1) 291:10 rate (34) 234:14;324:16; 325:3,3;326:23;328:2; 332:22;333:2,9,19,20, 25;334:5;397:14,22; 398:9,10;409:16; 426:8;498:1,8,10,12, 18,20,21;499:1,2,3,4, 18;501:8,10;519:10 rates (16) 333:3,14;334:4,10, 19;340:15;397:13; 413:22;414:6;432:11; 499:6,9,11,11;501:13; 544:6 rains (1) 239:11;270:23; 427:17;470:15;529:2 ratio (1) 229:17 razor (1) 452:19 RDG (1) 346:21 reach (3) 352:7;520:15;521:9 reached (4) 262:4;455:9;517:3; 520:8 reaches (1) 496:6 read (38) 232:10;233:15; 236:10;265:5,22; 288:11;293:18;295:16, 16,19;302:24;303:4; 319:4;320:25;328:13; 331:16;333:5;359:8; 365:3,22;368:8; 369:11;370:18;372:16; 400:7,9;401:12;420:7; 432:6;434:10;435:14; 502:21;503:10;514:21; 515:16;516:8;517:5; 542:11 reader (1) 503:9 reading (5) 294:15;340:2;396:2; 503:8;518:25 ready (4) 346:1;349:1;431:10, 11 real (25) 376:15;384:1,8,15; 387:19,20,25;388:3,3, 5,23;389:5,13,14,21; 391:16,17;392:22;	394:8;403:1;419:1; 424:25;425:1,20; 428:21 reality (2) 249:17;449:11 realization (1) 260:22 realize (7) 257:6,9;397:10; 428:14;458:22;459:12; 460:2 realized (2) 242:22;244:15 reallocated (1) 278:6 reallocation (12) 234:5,12;241:19; 242:2,10;278:8,18,24; 279:2,7,9,17 really (40) 238:6,22;239:22; 242:4;247:3;252:17; 254:17;258:10;271:19; 300:11;301:25;323:14; 324:1;361:3;369:14; 378:7;389:11;392:1; 402:14,19;403:10; 410:23;411:2;412:1; 413:10;421:1;424:1,2; 427:4;435:9;436:5; 448:10;449:23;454:22; 456:11,14,23;458:20; 459:9;519:5 Realtor (6) 259:17;266:24; 390:2;392:9;394:20; 424:21 Realtors (3) 390:2,6;425:9 reason (17) 244:9;258:7;316:10; 354:17;372:15;379:14; 421:23;422:1,10; 430:1;468:14;471:13; 474:2;484:16,16; 509:8;524:8 reasonable (24) 305:23;306:16; 311:8,22;312:7,24; 313:1;326:22;329:11; 353:6;356:10,20; 358:17;365:1,5,24; 366:16,24;368:23; 370:2;372:20,22,24; 374:17 reasonable-need (4) 358:18;366:18; 369:6;370:6 reasonable-needs (33) 305:21;306:11; 313:2,10,11,24;314:3, 5,8,11,14,15,17,22; 315:1,3,13,16,17,19;	316:4,13,16;324:18; 325:23;327:10,18; 328:4;329:3;365:2,10; 367:2,7 reasonably (1) 313:8 reasons (11) 246:7;254:3,5; 270:21;369:24,25; 401:19;404:20;416:3; 437:6;531:13 rebate (2) 502:11,15 rebates (3) 340:22,23;393:21 rebuttal (1) 319:3 recall (46) 231:18;237:5; 261:16;288:19,24; 290:6,8;297:12,13; 301:6,20,24;302:16; 322:6,12,22;324:11,13; 325:6,7;334:16;339:9; 346:22;380:14;391:21; 402:11;404:13;410:12; 438:15,17;454:7,15; 456:21;466:5;468:3; 478:7,10;479:10; 483:14,15;498:7; 505:15;518:12;537:13; 538:10;539:5 receive (3) 338:15;386:5;446:6 received (17) 228:19;266:21,23; 271:8;289:14;292:23; 296:13;297:7;299:14, 23;300:1;331:16; 337:13;390:5;391:9; 395:20;508:15 receives (1) 539:16 recent (7) 310:1,13;420:13; 433:7;453:10;498:7; 499:10 recently (5) 324:12;445:13; 447:2;484:20;546:2 recess (6) 275:19,20;349:7; 382:12;431:7;504:18 recharge (3) 253:17;484:4;512:3 recipient (3) 390:2;398:16;404:19 recirculating (1) 254:2 recitation (1) 339:24 recites (1) 325:14	Reclamation (2) 271:5;277:24 Reclamation's (1) 270:18 recognize (7) 264:7;339:25; 376:20;416:2,5;419:9; 540:6 recognized (2) 372:2;403:14 recollection (4) 369:3;391:14; 402:17;411:13 recommend (1) 248:14 recommendation (7) 248:21,24;250:13; 251:1;252:5;435:5; 543:24 recommended (3) 282:2;510:12,13 record (47) 228:4,6,12,15,16,17; 230:4;235:4,24;237:4; 245:3;266:20;271:10; 275:25;277:15;286:9; 290:8;293:19;295:5, 16;297:10;301:8; 302:15;304:12;311:10; 312:13;322:15;323:2; 324:8;337:12;349:11; 350:12;365:3;378:13; 379:25;383:13;404:10; 465:19;468:22;482:16; 498:19;504:15,22; 526:11,12,14;529:2 records (5) 303:10,24;304:1; 339:1,2 recover (1) 355:16 recreation (1) 241:21 recreational (2) 340:12;463:25 RECROSS (1) 375:21 recruit (7) 343:19,22;344:8; 407:7;418:21;421:22; 422:5 recruiting (2) 410:23,24 recruitment (7) 385:10;420:5,10,14, 17;421:7;422:14 red (5) 401:5,5,5;472:21; 503:15 redirect (7) 348:4,6,11;350:25; 351:1;380:13;441:11 reduce (11)
---	---	---	--	--

283:17;353:20,24; 354:20,24;375:8; 379:13;490:20;504:2; 533:2;534:10	register (1) 398:4	relocated (2) 387:10;408:2	319:6,8,10,17;320:16, 21;321:18,25;322:1,4, 8,15,17;324:6,9; 326:16;342:9;347:1; 363:22;376:8;420:23; 421:15;422:17,23; 505:11,18;506:11,12; 507:21;508:3,5;509:4, 15;513:10;517:20; 518:10	454:1
reduced (7) 268:21;284:10; 378:2;470:4;525:18; 528:1;534:12	regularly (1) 453:19	reluctant (2) 237:3,6	326:16;342:9;347:1; 363:22;376:8;420:23; 421:15;422:17,23; 505:11,18;506:11,12; 507:21;508:3,5;509:4, 15;513:10;517:20; 518:10	Reservation (1) 262:15
reduced-flow (1) 341:20	regulation (2) 307:1;379:24	rely (5) 429:15;441:22,24; 442:24;487:17	363:22;376:8;420:23; 421:15;422:17,23; 505:11,18;506:11,12; 507:21;508:3,5;509:4, 15;513:10;517:20; 518:10	reserve (1) 487:20
reduction (3) 354:10;470:9;489:15	regulations (18) 306:10;307:15; 308:2,7,11,18,21; 353:2;354:1;365:6; 368:24;374:22;378:25; 379:6,19,22;427:25; 507:13	relying (2) 299:6;488:25	reported (2) 364:2;440:14	reservoir (31) 232:22;234:5;236:1; 238:16;240:19;241:13; 247:13;250:14;252:11; 256:2,3;258:3,4,7,17, 21;259:15;270:12,13, 13,21;271:1;276:6,10, 18;277:25;278:1,2; 279:25;506:19;507:17
redundant (2) 335:21;513:3	regulatory (4) 243:19;245:15; 353:20;367:18	remainder (1) 232:19	reporter (3) 302:20;444:8,23	reservoirs (5) 240:17;241:5; 270:17;280:22;357:19
refer (5) 274:23;285:17; 469:17;475:4;476:20	regurgitation (1) 328:3	remains (1) 420:10	reports (16) 290:1;300:1,2,3; 301:1,7;302:3,7,8; 304:24;309:19;322:2; 359:8;438:24;491:19; 509:7;541:8	reside (2) 445:8,9
referenced (3) 304:24;320:20; 505:11	rehabilitation (2) 485:4;492:22	remarks (1) 542:10	290:1;300:1,2,3; 301:1,7;302:3,7,8; 304:24;309:19;322:2; 359:8;438:24;491:19; 509:7;541:8	residence (3) 450:22,23;452:18
references (2) 277:15;278:2	reiterate (1) 280:13	remediation (2) 248:18,19	remember (21) 231:16,20;253:21; 310:21;332:25;398:22; 403:4;405:22;406:9; 411:19;442:14;447:20, 22;448:12;454:10; 459:5;493:5;507:7; 533:25;534:2;535:15	residents (10) 244:19;290:24; 291:11;340:20;359:22; 397:4;415:10;437:5; 439:24;500:6
referred (6) 317:23;342:6;350:5; 432:4;521:1;530:10	rejecting (1) 246:8	remember (21) 231:16,20;253:21; 310:21;332:25;398:22; 403:4;405:22;406:9; 411:19;442:14;447:20, 22;448:12;454:10; 459:5;493:5;507:7; 533:25;534:2;535:15	represent (9) 307:21;309:6; 319:18;325:1;362:24; 424:17;442:12;443:3; 542:7	residential (18) 389:14,17,20; 424:21;425:4,12,22; 426:19,21;498:21,23; 499:1;501:15;525:4, 13,15;527:19,23
referring (5) 290:13;300:20; 314:15;320:9;379:6	relate (1) 500:8	remote (1) 413:6	representation (1) 229:15	residential (18) 389:14,17,20; 424:21;425:4,12,22; 426:19,21;498:21,23; 499:1;501:15;525:4, 13,15;527:19,23
refers (2) 319:7;371:4	related (5) 274:2;302:21;347:9; 398:8;401:10	remove (2) 376:23;495:13	representatives (3) 239:6,13;259:25	residential (18) 389:14,17,20; 424:21;425:4,12,22; 426:19,21;498:21,23; 499:1;501:15;525:4, 13,15;527:19,23
refiled (1) 277:5	relates (4) 326:17;329:25; 453:12;508:5	removed (1) 406:12	representing (1) 266:24	residential (18) 389:14,17,20; 424:21;425:4,12,22; 426:19,21;498:21,23; 499:1;501:15;525:4, 13,15;527:19,23
refill (1) 525:12	relating (1) 409:20	renovating (1) 493:3	representations (2) 313:18;462:12	residential (18) 389:14,17,20; 424:21;425:4,12,22; 426:19,21;498:21,23; 499:1;501:15;525:4, 13,15;527:19,23
refilling (1) 527:18	relation (3) 437:4;479:22;508:25	renovations (1) 534:6	request (10) 287:8;303:5;350:4; 363:21;372:18,20,22, 24;382:3;461:19	residential (18) 389:14,17,20; 424:21;425:4,12,22; 426:19,21;498:21,23; 499:1;501:15;525:4, 13,15;527:19,23
reflect (2) 365:6;368:24	relationship (1) 321:18	rental (1) 396:4	requested (1) 284:1	residential (18) 389:14,17,20; 424:21;425:4,12,22; 426:19,21;498:21,23; 499:1;501:15;525:4, 13,15;527:19,23
Reflecting (1) 478:17	relative (3) 230:1;378:23;438:11	rentals (2) 492:4,6	require (10) 272:19,25;306:10, 10;307:15;308:21; 459:23;509:20,21; 541:15	residential (18) 389:14,17,20; 424:21;425:4,12,22; 426:19,21;498:21,23; 499:1;501:15;525:4, 13,15;527:19,23
reflects (1) 308:16	relatively (4) 249:8;407:13; 435:15;493:2	rented (1) 493:1	required (7) 269:16;272:1; 277:12,13;488:5; 501:2;539:1	residential (18) 389:14,17,20; 424:21;425:4,12,22; 426:19,21;498:21,23; 499:1;501:15;525:4, 13,15;527:19,23
refresh (2) 369:3;433:11	release (5) 251:4;252:11; 469:22;470:13;471:4	repeat (2) 423:7;524:23	requirements (10) 231:1;269:21;270:1, 5;346:16;365:9;367:1; 379:7,9;497:17	residential (18) 389:14,17,20; 424:21;425:4,12,22; 426:19,21;498:21,23; 499:1;501:15;525:4, 13,15;527:19,23
refreshes (1) 325:20	released (3) 469:2,3,4	repeated (1) 233:20	requires (7) 292:11;306:15; 311:7;341:20;371:12, 21,23	residential (18) 389:14,17,20; 424:21;425:4,12,22; 426:19,21;498:21,23; 499:1;501:15;525:4, 13,15;527:19,23
regard (1) 232:23	Relevance (2) 378:16,17	repeatedly (1) 306:25	research (1) 453:20	residential (18) 389:14,17,20; 424:21;425:4,12,22; 426:19,21;498:21,23; 499:1;501:15;525:4, 13,15;527:19,23
regarding (4) 257:23;259:6;399:6; 467:24	relevant (3) 378:7;379:3;421:6	repetitive (1) 480:22	researching (1)	residential (18) 389:14,17,20; 424:21;425:4,12,22; 426:19,21;498:21,23; 499:1;501:15;525:4, 13,15;527:19,23
regardless (3) 485:22;522:22; 541:21	reliability (1) 480:3	Rephrase (3) 257:17;307:10; 308:15		residential (18) 389:14,17,20; 424:21;425:4,12,22; 426:19,21;498:21,23; 499:1;501:15;525:4, 13,15;527:19,23
region (8) 365:18;416:21,23; 417:3,4,15;515:3; 545:14	reliable (11) 252:9,9;366:6; 428:22;461:1;483:19; 484:18;506:21;541:6, 9;546:6	replace (1) 502:11		residential (18) 389:14,17,20; 424:21;425:4,12,22; 426:19,21;498:21,23; 499:1;501:15;525:4, 13,15;527:19,23
regional (12) 374:13,19,19,22,25; 375:4;408:18;412:6; 416:21;420:13;423:20; 494:10	relied (2) 258:24;485:12	report (56) 234:1;242:6;270:19, 23;277:10,22;289:14; 290:3;292:24;293:5; 296:14,18;300:19; 301:11,22;302:10,11; 317:14;318:24,25;		residential (18) 389:14,17,20; 424:21;425:4,12,22; 426:19,21;498:21,23; 499:1;501:15;525:4, 13,15;527:19,23

<p>responding (2) 293:3;296:16</p> <p>response (11) 289:24;290:5; 293:22;306:19;328:22; 377:5,24;378:18; 422:20;429:21;503:22</p> <p>responses (2) 363:20;375:23</p> <p>responsibilities (1) 374:4</p> <p>responsibility (1) 453:20</p> <p>responsibly (1) 460:8</p> <p>rest (3) 291:13;369:10;429:1</p> <p>restate (3) 292:8;299:17;359:5</p> <p>restaurants (3) 230:15,23;442:8</p> <p>restrict (1) 513:20</p> <p>restricted (6) 513:23;514:25; 515:20;516:22;523:11; 536:15</p> <p>restricting (1) 526:17</p> <p>restriction (3) 449:12;450:11; 455:21</p> <p>restrictions (27) 232:24;341:14; 428:11;447:5;448:25; 449:3,15,17;458:17; 500:16;513:12,14,18; 515:16;516:24;517:1; 518:1,1,3;522:16; 523:4,4;524:16,18,20; 527:3;546:8</p> <p>restrictive (1) 449:4</p> <p>restroom (1) 382:3</p> <p>result (4) 236:14;279:11; 360:17;402:16</p> <p>resulted (2) 404:2;425:19</p> <p>resulting (2) 320:6;347:4</p> <p>resume (3) 275:19;349:12; 546:21</p> <p>retail (11) 229:9,24;230:1,13, 14,16;231:10,14; 420:15;434:25;440:15</p> <p>retailers (1) 440:17</p> <p>retained (2) 318:3;321:15</p>	<p>retire (1) 250:15</p> <p>retired (1) 445:13</p> <p>retirement (3) 450:3;453:1;459:19</p> <p>retiring (1) 260:9</p> <p>returns (1) 517:7</p> <p>reuse (2) 255:6,14</p> <p>reusing (1) 254:1</p> <p>revenue (3) 386:14;437:14;540:7</p> <p>reversal (1) 474:5</p> <p>reverse (3) 281:21;331:11,12</p> <p>Review (21) 234:21;265:8;285:3; 297:10;302:15;303:10, 15;309:2,10,19,23; 311:10;324:6,12; 339:3,21;346:11; 496:21;498:3,3;505:17</p> <p>reviewed (14) 237:4;247:10;265:2, 4;301:7;311:12,16; 318:13,17;324:8; 342:12;364:23;505:24; 508:5</p> <p>reviewing (4) 266:20;290:7; 304:12;339:1</p> <p>revolving (4) 336:24;337:4,19,20</p> <p>right (192) 233:3;235:16; 240:24;241:10;242:13; 243:9;246:18;249:12; 250:25;252:3;255:9; 259:13;266:24;270:4; 273:3;275:15;279:2, 18,19;280:9,21; 281:21;282:9;285:13; 287:11;288:1,13; 292:2,5;293:21;296:2; 300:8,9;303:11;304:4, 15;305:2,12,19,25; 306:18;307:8;309:22; 310:7;311:3;317:1,21; 320:12,21;321:5,16,23; 324:16;326:1;327:5; 329:14;330:8,15; 331:2,17,22;332:17; 336:14,22;338:13,25; 341:4,16;342:16,20; 344:12,18,23;345:7; 347:16,24;348:25; 349:16;350:2,19; 351:18,24;352:24;</p>	<p>353:20;354:24;355:12; 357:19;358:15;359:21; 360:16;367:8;370:7; 373:4,5,11,17,18,18, 21;374:2,2,5;375:15; 376:20,25;377:2,4; 381:2,15;382:17,21,25; 383:5;387:2,15; 399:23;400:7,21; 401:2;402:19;403:24; 404:3;406:5,21;412:6; 413:3;416:10;423:16; 424:10;426:23;430:19; 431:13;432:23;435:16, 17;436:1,14,18;437:7, 11,20;438:4,5;439:2, 13;440:8;441:8,18; 443:20;444:6,13,21; 445:3;458:14,18; 461:24;462:18;463:14; 464:9,13,16;465:7,14; 467:8;470:20;471:2,8, 23;472:15;475:16; 476:1;478:24;487:19; 489:5;498:15;504:20; 509:17;516:7,11,17; 517:3;520:13;521:18; 526:13;527:17;534:5; 535:6;537:5;545:1; 546:19,25</p> <p>right-hand (1) 472:13</p> <p>rightly (1) 262:2</p> <p>right-of-way (2) 240:12;502:3</p> <p>rights (125) 235:7,8,14;240:25; 241:20;243:1;248:25; 249:2,6,7,21;250:2,5,9, 14,15,19,20,20;252:8; 255:1,2,4,5;259:7,14, 22;260:9,10,18,19,23; 266:17;267:3,18; 269:4,7,10,14,17,22,23, 24;270:7,9,10;271:15, 17,22;272:14,18;274:7, 10,13,13,14,16;275:2, 10;276:18;279:25; 280:2,5;281:4,8; 291:21,22,23,23;292:1, 6;352:16,17,19,23; 353:21;354:3,7,25; 355:3;357:23,25; 361:10,16,18;365:5,8, 15;368:23;369:1,8; 373:2,3,4,7,14;374:9, 14,23;375:1,2,3,7,8,9; 376:18;380:25;454:7, 24;468:23;470:5; 486:18,21;489:6,7,12, 16,22;511:9,11,17; 512:4,6;514:24;541:21</p>	<p>rights-of-way (1) 332:3</p> <p>risk (2) 405:6;487:11</p> <p>River (41) 236:14;258:18; 261:24;268:23,24; 269:2,5,18;270:2; 273:25;274:1,6,8,19, 25;321:12;408:19; 409:2,6,11;474:8; 476:3,6,21;477:15; 478:21;479:18;480:3, 7;482:3;489:5,23; 506:2;507:4,8;508:1, 10,24;509:7;510:11; 520:13</p> <p>riverbed (3) 469:5;477:16;478:9</p> <p>RMA (1) 510:14</p> <p>RO (1) 510:4</p> <p>road (3) 330:21;336:18; 338:18</p> <p>robust (1) 440:3</p> <p>Rock (22) 236:2,3;240:11; 267:6,10,17,24;268:6, 8,15,17,17;514:9,16; 533:19;535:1,13,17,19, 21;536:18;542:4</p> <p>Rocky (2) 341:3;440:1</p> <p>role (14) 239:9;298:5;385:5; 402:7;404:6,22;406:8, 10,13;418:1,13;425:2; 435:22,25</p> <p>rolling (8) 283:2;353:3,12; 354:9,22;361:1,15; 372:19</p> <p>room (4) 242:16,17;367:6,14</p> <p>root (1) 409:16</p> <p>rotate (1) 390:4</p> <p>Roth's (1) 287:25</p> <p>rougher (1) 410:2</p> <p>roughly (2) 386:23;389:6</p> <p>Round (3) 270:12,13,21</p> <p>Ruder (2) 432:25;433:6</p> <p>rule (1) 256:15</p>	<p>rules (4) 392:12;393:13; 395:3,18</p> <p>ruling (1) 257:1</p> <p>run (8) 358:24,24;390:21; 396:15;489:11,13,15; 508:24</p> <p>running (7) 391:7;395:8,13; 396:12;428:8;503:4; 522:14</p> <p>runs (4) 408:20;409:6; 472:11;515:5</p> <p>Rupp (2) 334:11,12</p> <p>Rural (23) 236:2,4;240:11; 265:12;266:7;267:10, 17,24;273:3,4,8;372:5, 6;433:20,24;434:1,3; 472:10;514:9;535:1, 20,21,23</p> <p>Russell (176) 234:22;237:20; 238:18;239:2,7;243:2, 7,17;244:1,15,20; 245:3;246:2,21,21,25; 248:3,4;251:12,17; 255:7;257:24;258:9; 264:3;266:9;267:17; 268:22,24;269:3; 275:12;276:19;279:4; 281:1;282:19;310:6; 315:18,24;319:8; 333:9,13;352:12,17; 356:10,21;358:5; 359:20;361:13,17; 362:1;366:6;369:7,15; 372:13,25;373:3,6,10; 374:3;375:10;376:14; 377:11,14;409:19; 410:1;416:12;424:17; 432:12,17;443:24; 445:9,10,16,17,21; 446:1,2,8,11,12,14,16, 17,20,21,25;447:4,24; 448:24;449:5,11,14; 451:17,23;453:15,21; 455:14,25;456:1; 457:3,6,12,16,22; 458:25;459:6;460:13, 15,19,25;461:5; 462:25;463:16,19; 465:23;466:3,4,8; 467:13;468:1,16,18; 469:14;470:12,20; 471:6,10;472:12; 473:11,21;475:10,23; 481:6,21;483:12,20; 484:6,21;491:1,2,21,</p>
--	---	--	---	---

24;492:12,18;493:11, 12,15,23,24;494:10,11, 15;496:7;499:24; 500:6;502:8;507:5,6; 508:25;509:25;512:25; 519:25;535:5;538:12; 541:4,7,21;542:13,13, 19,22;543:1,7,10; 544:24;545:14,21 Russell's (16) 245:11;252:3,7; 310:8;328:5;359:17, 18;377:16;409:21; 468:23;469:8;471:1; 480:6;486:13;511:8; 523:21	251:6 saturation (1) 260:21 save (1) 251:13 saves (1) 295:21 saw (4) 355:14;457:4,10; 534:13 saying (26) 290:11;304:23; 313:5;315:25;321:2,6; 327:21,23,24;333:18; 335:25;338:9;342:24; 344:8;373:23;375:25; 399:16;414:21;428:8; 434:17;435:6;460:14; 517:22;518:6,16; 541:19 scale (1) 459:24 scattered (2) 271:16,19 scenario (4) 284:8;352:1;395:25; 398:25 scenarios (4) 281:17;300:3,4; 352:1 schedule (3) 498:8,10,12 schedules (4) 498:1,18,20,21 Schoenchen (4) 251:2;477:8,12; 478:23 school (8) 388:20,20;442:3; 447:15;456:12;494:12; 542:15;543:14 schooling (1) 388:25 Schwab (1) 462:12 Schwaller (4) 363:2,6,25;364:3 Schwaller's (1) 363:25 scope (1) 242:4 screen (13) 229:20;256:14; 276:15;357:6;399:20, 23;432:5;520:8;521:1, 2,20;522:14;523:18 screens (2) 520:17;521:9 scroll (15) 263:2;264:23,24; 265:21;365:21;367:21; 368:18;369:17,18; 371:20;400:2,3;439:3,	15;498:17 Scrolling (1) 250:8 scrolls (1) 303:2 search (3) 238:19;239:9;511:5 second (13) 232:8,8;236:7; 248:17;265:10;281:14; 354:12,17;473:15; 493:6;515:15;520:9; 527:7 secondary (1) 254:14 seconds (1) 363:14 Secretary (2) 260:2,3 section (8) 236:9;265:7;368:4,6, 8;370:11,15;400:21 sector (4) 230:14,15;231:11; 386:10 secure (5) 252:21;428:22; 429:16;513:1;546:6 secured (1) 332:2 securing (1) 259:22 security (1) 519:2 Sedgwick (2) 437:22,23 seeing (2) 422:3;491:25 seeking (6) 282:19;287:1; 299:13;305:10;335:4; 336:7 seeks (1) 282:24 seem (1) 546:13 seemed (1) 454:25 seems (3) 301:18;373:12;378:5 selected (1) 338:10 sell (1) 536:21 seller (1) 269:15 sells (1) 533:4 semis (2) 539:16,24 semitrucks (1) 461:9 Senate (1)	433:6 send (1) 442:2 sense (12) 247:3;287:5;288:14; 301:3;312:23;375:25; 380:24;422:7;471:2; 480:8;511:9;512:24 sent (4) 302:20;485:19; 497:1;530:12 sentence (3) 233:15;323:17;516:8 sentiment (1) 402:22 separate (7) 274:4;327:6;473:24; 485:20;493:20;499:6; 530:2 separately (2) 273:22;350:3 September (3) 465:25;485:3;486:1 series (5) 237:21;240:5;253:2; 288:17;381:8 serious (3) 410:8;413:2;521:15 seriously (2) 393:15;405:8 serve (5) 452:10;453:6,14,17; 475:13 serves (1) 455:17 service (7) 389:24,24;390:6; 407:11;485:5;494:5; 516:3 services (3) 229:24;346:8,10 servicing (1) 494:6 set (12) 275:23;319:5,9; 326:15;363:3;366:18; 393:13;431:2;439:10; 499:11;510:3;524:20 seven (3) 492:23;503:5;506:4 several (26) 236:23;238:10; 242:17;244:24;253:18; 255:12;256:19;264:6; 267:1;272:9;276:6; 277:8,14;279:6;302:3, 3;311:17;420:17; 425:4;451:18;483:17; 497:21;515:21;519:14; 522:11;529:2 severe (1) 427:17 severity (1)	351:20 sewage (1) 340:9 shade (1) 450:7 shape (2) 268:16;509:14 shear (1) 470:9 shed (5) 450:2,18,21;451:20; 461:6 sheet (2) 302:18;331:20 Shield (1) 466:19 shipping (1) 539:12 shock (1) 449:10 shocked (1) 449:7 shop (2) 230:3;437:6 shoppers (1) 229:16 shopping (5) 230:15;231:11; 417:6;429:11;442:23 shore (1) 351:18 short (9) 246:8;275:14,19; 355:23;358:24;362:25; 382:3;456:25;515:7 short- (1) 366:4 shortage (2) 347:3;438:11 shortages (2) 420:12;517:25 shorter (3) 238:12;281:20;522:6 shortly (3) 244:14;363:8;364:21 show (18) 233:16;235:10; 276:15;300:2;346:19; 379:2;380:6;392:23; 393:4;432:3;433:5; 434:18;436:3;438:13, 20;472:18,21;474:22 showed (5) 231:17;243:13; 293:6;296:19;457:14 shower (1) 451:6 showerheads (5) 340:21;390:19; 393:20;502:7,10 showing (8) 302:8;304:16,17; 357:5;367:23;394:16;
S				
safe (12) 235:7,8,11;322:21; 323:19,22,23,25;324:4; 418:9;423:23;463:24 sale (12) 249:9;259:18; 271:20;272:14,20; 274:14,15,16;275:5,9; 435:2;459:6 sales (12) 231:2,3,4,6,9,14; 275:4;332:8;414:2; 424:21;436:9;540:8 Salina (2) 384:18;408:2 Saline (13) 268:23,24;269:2,4, 18;270:2;281:21; 506:2;508:1,10,24; 509:7;510:11 saltwater (1) 482:9 salty (2) 241:23;269:3 same (22) 246:16;271:21; 272:3,21;274:19; 275:6,6;322:8;338:5; 375:24;408:17;409:7, 9,16,23;415:2;417:14; 478:2,2,5;479:6,11 samples (1) 485:19 sand (1) 521:3 sanitation (2) 491:7;525:8 sapling (1) 450:5 Sargent (2) 264:1,3 satisfy (3) 269:12;335:20;360:3 saturate (1)				

<p>416:25;518:12 shown (5) 236:24;358:14; 380:12;399:23;437:13 shows (13) 230:12;235:1; 258:17,21;328:15; 368:1;400:24;436:6,7; 437:3;473:10,18,20 shrinking (1) 433:24 shrubs (1) 525:5 shut (6) 269:24;374:24; 375:7;488:16,19,20 shutdown (1) 539:19 sic (1) 277:5 Side (8) 266:23,25;426:24; 457:10;475:20;482:17; 534:11;539:22 sides (1) 273:5 sign (2) 230:1;487:10 signal (1) 503:10 signed (1) 243:2 significance (2) 486:12;527:2 significant (15) 262:9;347:2,4; 356:17;359:10;370:20; 407:10;414:11;433:22; 435:25;441:17;442:13; 456:11;497:9;544:12 significantly (3) 281:23;436:18;489:4 similar (7) 266:14;273:24; 331:13;409:20;477:15; 480:7;481:6 simple (2) 546:13,14 simply (7) 282:2;285:6;331:4; 408:12;429:16;437:10; 533:23 single-most (1) 420:10 sit (1) 450:24 sits (1) 417:16 situation (5) 398:15;404:25; 405:4;426:20,22 situations (1) 394:23</p>	<p>six (3) 306:22;439:7;486:1 size (5) 241:12;408:18; 437:16;536:15;540:5 skip (3) 236:7;248:7;293:19 skipped (4) 294:4,16;295:12; 490:23 skipping (2) 293:24;294:12 slash (1) 462:21 slide (1) 320:20 slightly (2) 310:9;402:9 slogan (2) 410:19,23 slow (2) 347:3;435:20 slower (2) 432:15,18 small (12) 249:8,23;250:18; 259:12;271:18;272:17; 275:14;405:19,21; 407:13,19;463:24 smaller (4) 272:14;283:25; 357:25;437:18 Smoky (39) 236:13;237:23; 238:2;242:23;248:15; 249:4;250:11,21,24; 258:18;260:11;270:2; 271:22;291:21;321:12; 355:16;357:11;409:8; 411:4;469:9;474:8,19; 476:21;478:21;479:17; 17;480:7;482:2;484:1; 487:20;488:5;489:5; 12,23;507:4,8;511:12; 512:4;520:13 smoothed (1) 545:25 soaks (1) 452:23 so-and-so (1) 428:8 social (2) 415:20;417:20 softener (1) 494:21 softening (4) 474:15,16;485:7,11 sold (5) 275:12;376:14; 427:4,6;533:6 sole (1) 535:6 solely (4)</p>	<p>406:4;432:20; 485:12;488:25 solids (3) 452:17;495:17;510:3 somebody (7) 247:8;338:23; 354:19;397:16;406:19; 426:21;434:16 someday (1) 416:16 somehow (8) 287:2,20;288:23; 301:3,20;315:23; 336:1;448:12 someone (4) 318:2;381:5;462:24; 480:17 someone's (1) 426:18 someplace (1) 242:16 sometime (2) 232:18;446:9 sometimes (2) 428:2;447:1 somewhat (7) 284:5;406:12; 434:11;435:18;468:19; 542:16;543:25 somewhere (5) 451:17;454:18,19; 496:25;545:10 sooner (1) 236:15 sorry (21) 232:3;239:25; 241:17;267:21;286:12, 13;289:3;319:1;323:5, 5;324:23,24;325:12; 368:21;370:12;376:6; 389:14;453:15;524:13; 526:11;540:24 sort (15) 245:10,22;248:7; 264:20;289:14,16; 300:16;312:15;329:6; 331:4;335:1;337:21; 379:23;435:21;462:16 sound (3) 363:11;420:18;438:7 sounds (6) 387:18;397:3;408:7; 420:19;434:6;439:11 source (47) 237:17;243:15; 244:16;252:9;263:7, 13;266:14,15;277:20; 292:24;293:12;296:14; 297:1;313:18;335:10, 21;336:4;367:19; 428:23;429:16;452:7; 461:1;471:16;473:15; 474:17;476:11;480:18;</p>	<p>481:10,11;483:1,11,13; 484:14,22;505:17; 506:21;507:15;513:1, 3,19;516:13;533:19; 534:23,25;536:1; 541:5;546:6 sourced (1) 538:1 sources (61) 238:17;245:12,13; 246:22;277:17;290:23; 292:17;293:8;296:7, 21,25;298:18,25; 299:10;300:5;302:9; 304:22;315:2;316:22; 317:11,16;327:12; 328:6;351:19,23,24; 356:24;358:4,23; 359:17,18;360:18; 362:9,20,21;366:3,7; 367:4;369:9;411:23; 453:21;454:2,21; 468:18;480:4,24; 481:4;483:18,19; 484:17;486:13;490:14, 23;511:10;512:16,18; 513:4;515:19;537:1; 541:20,22 South (6) 266:23,25;274:7; 479:21;507:19,20 southeast (2) 507:5,6 southwest (1) 266:15 soybeans (1) 373:21 space (1) 434:12 span (2) 335:12,14 speak (7) 298:4,5;310:8; 333:12;346:15;426:20; 468:10 special (1) 266:5 specific (26) 237:5;254:10; 290:12;291:7;297:23; 300:19,19,23;301:1,6, 11,22,23;304:5,6; 305:4;318:6,10;322:3, 17;334:23;336:20; 346:11;376:8,9;391:13 specifically (7) 270:24;292:4; 315:12;319:4;371:18; 379:9;409:25 specified (2) 522:6,13 specs (1) 509:11</p>	<p>speculate (3) 309:9;316:1,15 speculating (1) 345:19 speech (1) 423:13 spell (3) 268:11;444:9,22 spells (3) 243:18;245:10; 377:16 spend (4) 254:21;367:17; 453:25;468:12 spending (1) 356:25 spent (7) 255:12;278:10; 438:2;445:14;446:14; 540:19,21 spigot (2) 411:6;412:24 spike (1) 478:14 spin (2) 394:11,15 spoke (1) 363:3 sporting (2) 423:22;429:12 sports (1) 255:19 spot (2) 401:2;410:2 spotty (1) 275:5 spray (1) 523:14 sprinkler (1) 395:6 Spurgin (1) 339:24 square (1) 491:5 Squier (1) 264:13 Squier's (1) 264:11 squinting (1) 432:8 stability (1) 459:11 stable (3) 461:1;464:6;545:22 staff (10) 244:9;257:22; 264:14,16;278:22; 279:5,5;343:15;501:5, 23 stage (6) 262:12;271:3;363:3; 522:4,18;523:2 stages (7)</p>
--	---	---	---	---

<p>234:3;255:20; 497:10,11;519:25; 520:4;522:3 stagnant (1) 543:6 stake (1) 275:12 stamp (1) 276:22 stance (1) 522:22 stand (6) 298:21;348:16; 375:12;382:20;419:4; 458:15 stand-alone (1) 436:17 standards (1) 370:7 standing (2) 478:4,22 standpoint (3) 279:11;394:11;419:1 stands (2) 232:15;424:4 starch (4) 530:11,11;531:5,7 start (9) 285:7;294:7,9;355:9; 430:23,25;431:5; 462:16;500:23 started (7) 237:21;255:15; 329:6;383:22;402:14; 453:3;513:13 Starting (6) 246:23,24,24; 354:19;355:2;493:13 starts (2) 230:4;272:2 start-ups (1) 439:7 State (69) 229:10;231:5,13; 252:14,20;255:21; 259:19;260:12,24; 261:4;262:7;280:21; 284:4,6,11;291:13; 316:21,23;336:24; 337:4,19,20;350:6; 359:24;370:22;371:1, 12,15,18;372:8; 373:12;374:5,7; 376:18;378:3,10,23; 379:15;382:24;383:12, 15;388:21,24;402:4; 412:8;414:22,24; 416:22;417:14,15,25; 433:18;443:4,6; 444:15;446:3;461:3, 17,19;465:19;466:25; 481:25;540:6;544:20, 22,23;545:4,6,14</p>	<p>stated (6) 237:7,10;298:17; 328:3;344:13;371:10 statement (22) 287:19;288:6; 298:22;300:5;301:23; 302:1;319:3;336:19; 338:25;339:7;340:1; 343:12;346:17,18; 347:1;364:1,1,8; 440:23,24;516:20; 537:13 statements (1) 231:15 States (6) 270:17;311:5;322:5; 466:12;531:24;534:18 State's (2) 371:13;536:25 statewide (1) 263:11 static (6) 520:15,19,20;521:8, 12,19 stating (2) 271:5;313:9 station (1) 473:18 status (1) 521:13 statute (7) 283:15,18;308:17; 378:5,8;379:20,24 statutes (2) 379:21;381:8 stay (2) 390:3;514:13 stayed (1) 464:2 step (1) 272:22 stewards (2) 397:12;546:11 stewardship (1) 471:2 sticks (1) 332:18 still (30) 231:6;238:15; 239:21;242:5;245:5,5; 263:16;268:13;285:15; 301:3;304:11;341:25; 364:11;375:24;381:23; 402:9;403:14,18; 424:23;454:9,20; 459:1;468:10;479:16; 485:22;489:25;510:23; 514:13;526:10;534:8 stock (3) 259:14;426:5;438:9 stool (2) 396:12,15 stop (12)</p>	<p>230:24;238:21; 251:8;345:13;346:9, 10;352:4;516:17; 517:16;520:10;527:7; 530:15 stopped (1) 255:18 storage (14) 232:22;241:9; 279:21;280:1,8,10,20, 22;281:1,2,9,11;372:8; 468:25 store (1) 279:20 stories (1) 413:12 storm (5) 402:6;403:18;404:2; 466:18,19 story (3) 394:22;411:16;412:3 stream (2) 251:13;495:20 streamflow (3) 269:21,25;270:5 Street (4) 383:16;461:6,10; 502:5 stress (7) 412:13,19,22; 427:16;428:5,20; 484:21 stretch (1) 379:4 strict (1) 449:18 Strike (4) 263:3;366:21; 519:24;541:19 stringent (1) 359:23 strong (5) 267:23;387:24; 397:7;427:7,7 strongly (1) 258:3 structure (8) 335:15;397:14; 398:9,10;476:14; 499:18;525:16;527:24 structures (1) 501:8 struggle (1) 515:1 stuck (1) 318:19 student (1) 388:15 students (1) 434:1 studied (2) 277:8;358:13 studies (19)</p>	<p>231:17,20,21; 236:23;237:1;239:17; 276:14,14;303:13,23; 304:16,17;358:15; 362:6,6,8;467:25; 517:18;541:3 study (63) 233:1,4;234:4,6,8, 16;235:23;237:5,7,10, 11;241:19;242:2,3,6,8, 10,12,20;266:1,5,10; 270:19;271:2,3,4,10; 278:4,8,12,18,25; 279:2,7,10;303:19; 304:3,5,6,7,8,10,13; 305:4;316:4;322:21, 23;323:19,21,22; 332:25;333:2;346:22; 351:5;417:18;505:4, 16,24;516:12,19; 518:12;542:7,21 studying (1) 542:9 stuff (1) 411:22 style (1) 492:23 subbasin (1) 274:24 subject (19) 269:17;270:4,8; 272:3;291:3,4;301:12; 360:25;361:14;368:5; 377:1;382:23;444:14; 446:23;454:6;456:15; 500:7;512:21;545:22 subjective (1) 343:12 subjects (1) 524:6 submit (1) 323:18 submitted (8) 228:14;278:13; 293:5;296:18;317:14; 481:2;489:20;497:11 subsequent (2) 235:14;358:2 subsequently (3) 234:6;279:15;497:3 substance (1) 249:22 substantial (3) 332:8;490:6;495:21 successful (2) 417:8,10 sucking (1) 521:5 suffer (2) 271:21;434:8 suffered (2) 275:6;277:18 sufficient (6)</p>	<p>371:16;417:9;421:6; 509:18;513:7,8 suggest (2) 283:9;346:14 suggested (3) 287:2;508:8;529:1 suggesting (6) 248:10;249:2; 254:15;361:6;516:25; 518:21 suggestions (1) 247:25 suggests (1) 297:8 summarize (7) 265:5,22;274:12; 466:10;484:25;498:19; 524:25 summarized (2) 506:11,12 summarizes (1) 248:9 summarizing (1) 515:11 summary (5) 248:7;282:23;283:3; 326:19;526:23 summer (7) 341:12;412:22; 486:11;487:18;501:4; 515:2,25 summers (1) 406:23 summertime (2) 395:2;447:5 Sunday (2) 244:25;245:2 supplemental (3) 513:3;534:22,25 supplied (3) 297:19;328:11,24 supplier (3) 233:20;535:6;536:21 supplies (1) 371:16 supply (85) 230:11;232:15,18, 21;234:21;236:12,15; 237:18;238:11;239:1, 3,14,15;242:14; 246:22;248:18;257:23; 258:5;261:25;263:11, 22,24;264:15;266:4,9; 270:22;273:9,12; 278:6;299:4,11; 328:10,24;365:16; 368:10,16;371:8,25; 372:3,5,6,8,11;408:8, 13,23;413:18;414:17; 415:12;416:19;417:2; 421:1,5,6,10;425:15, 17,19;428:23;486:25; 489:7;491:9;505:4,11;</p>
---	---	--	---	---

508:19;514:1,10,11,16, 24;515:10,23,24; 516:18;533:23;534:7; 535:24;536:23;541:6; 542:3,7,17,20;543:25; 544:15 supplying (3) 515:1,6;542:5 support (10) 230:18;360:9;380:7; 386:17;433:9,17; 434:11;438:9;493:25; 514:2 supported (1) 231:9 supports (1) 258:1 suppose (1) 306:23 supposed (1) 391:8 surcharge (1) 501:20 sure (67) 245:23;247:7; 251:21,24;252:17; 280:16;285:16;286:7, 17;288:4,19;289:12; 291:14;294:5;299:18, 20;302:10,16;306:8; 313:18;314:14;315:10, 12,15;323:25;336:21; 338:5,21,25;343:4; 345:25;362:13;369:2; 371:20;377:4;380:5; 392:15;393:12,17,19; 394:9;395:5,17; 399:15;401:23;402:8, 18;405:22;407:21; 408:3;410:7;416:13; 417:9;419:24;432:1; 438:14;444:8;445:4; 453:13;456:1;458:19; 463:10;477:7;490:7; 513:21;531:2,13 surface (14) 250:19,24;258:22; 267:3;474:6;475:16; 476:1;480:14,19,21; 494:25;495:16;507:14; 511:17 surfaces (1) 341:15 surprised (1) 394:25 surprisingly (1) 389:11 surrounding (2) 370:22;442:17 surrounds (1) 273:5 survive (1) 458:23	susceptible (7) 245:13;269:19; 299:2;317:16;357:1; 409:7;484:3 suspect (1) 285:5 sustain (3) 307:9;308:15;448:14 sustainable (6) 245:19;258:8;336:4; 361:16;417:2;541:9 sustainably (2) 354:14;515:24 Sustained (1) 317:7 swear (1) 444:7 swimming (4) 398:17,18;523:15; 527:19 sworn (4) 228:24;383:2; 444:18;465:11 synonym (1) 323:23 system (26) 232:13,15;250:1; 261:2;262:6;267:16, 16;272:1;328:10,24; 363:12;390:25;491:9; 494:18;495:12;502:1, 20;503:3,6,6,8,13; 504:1;510:5;523:21; 524:20 systems (3) 368:17;371:24; 372:11 system's (1) 521:7	237:22;279:23; 285:4;293:10;321:18; 329:24;349:18;357:7, 15;369:22;407:5; 426:14;447:1;448:22; 451:2,21;468:13; 519:4;528:10;539:15 talking (31) 284:6;288:22; 290:15,17;291:8,9,11, 19,24,25;292:5; 293:25;301:4;303:7; 338:5,20;344:12; 358:18;376:22;411:20; 429:24;435:4;437:15; 438:16;439:16;447:14; 452:9;462:17;515:10; 516:2;526:17 talks (5) 245:11,12;368:4; 439:6;515:16 tamper (1) 503:18 tank (1) 502:2 tanks (1) 450:15 tapping (1) 357:10 target (1) 497:14 targeted (1) 439:24 Task (2) 258:2,6 tattletale (1) 428:5 tax (8) 231:4,6,8;332:9; 414:2;540:3,4,7 taxes (2) 231:10;545:16 technical (2) 228:3;313:4 technically (1) 239:21 technologically (1) 472:17 technology (5) 384:11,12;388:1; 396:23;534:10 telling (5) 299:12,20;309:13; 351:6;359:1 tells (1) 362:19 temperament (1) 343:23 temporarily (1) 361:12 ten (8) 239:12;319:22; 348:12;367:14,17;	448:16,25;517:10 tenant (2) 396:11;398:15 tenants (2) 397:2;493:17 tendered (1) 256:21 tenure (1) 317:22 ten-year (9) 282:25;321:3;353:3, 12;354:9,22;359:11; 361:1,15 term (7) 282:3;324:1;371:2,3; 453:4;489:20,24 terminology (1) 319:23 terms (14) 284:1;311:23; 312:23;328:1;332:5; 336:16,18;337:17; 338:13;376:12,12,22; 393:9;434:12 terrible (2) 511:1,1 terrific (1) 423:24 test (10) 272:23;508:11,15, 18;509:6;510:9,10,15; 517:4;544:18 testified (22) 228:25;241:4; 282:22;301:16;306:22; 317:10;330:1;383:3; 427:24;444:19;465:12; 468:17;469:13;477:2; 480:23;484:7;501:1; 506:25;512:17;519:6; 527:8;536:4 testify (4) 386:16;423:2;465:2; 499:22 testifying (5) 320:2;403:23;406:3; 464:22,25 testimony (57) 228:7;234:15;293:6; 294:2;296:19;298:13, 17;299:21;301:15; 317:15;318:10,13,15; 319:2,3,24;326:11,14, 17;332:10;339:9; 380:22;381:20;382:22; 386:20;401:9;424:20; 429:8,14;432:1,3,10; 433:17;434:7;436:25; 444:13;462:14;467:15, 18,23;468:4,6;470:19, 22;476:10;477:2,4; 480:3;481:3,23; 491:19;493:9;500:8;	517:17;538:10;543:5,6 Texas (1) 341:4 Thanks (7) 284:18;390:11; 424:7;431:12;441:1, 13;464:18 that'd (3) 479:15,21;539:8 that'll (2) 257:17;451:8 theater (1) 453:8 theft (1) 503:18 their's (1) 480:15 theoretically (5) 250:15;280:5;346:9; 356:13;357:24 theory (1) 251:9 there'd (1) 509:24 therefore (3) 351:22;360:1,11 Thereupon (5) 275:20;349:7; 382:12;431:7;504:18 thinking (3) 385:14,17;414:10 third (4) 229:20;236:9; 248:24;516:6 thoroughly (1) 265:14 though (7) 266:16;403:17; 477:14;482:13;489:23; 518:12;537:21 thought (6) 244:12;257:5; 263:18;295:11;370:12; 472:3 thousand (3) 244:24;267:1;450:8 thousands (1) 254:21 threat (5) 481:9;482:5,7,7,24 threats (1) 481:10 three (16) 238:16;240:3; 247:10;261:3;433:23; 434:5;467:9;468:18; 492:8;493:16;497:11; 500:11;525:23;526:1, 2;539:18 threshold (1) 331:14 thrive (1) 458:23
T				
table (10) 240:4,13;252:23; 255:25;261:14,16; 263:16;267:2,7;268:20 tabulations (1) 229:8 tactics (1) 347:11 tad (1) 323:11 talk (27) 245:14,18;246:1; 252:25;289:25;292:7; 330:10;370:5;375:11; 379:1;388:12;389:23; 390:11;391:11;394:14; 399:2,18,24;404:24; 414:23;427:13;431:24; 456:16;482:5;494:17; 500:1;529:19 talked (20)				

<p>throughout (2) 371:1;448:8</p> <p>thus (2) 258:9;424:5</p> <p>ticket (1) 391:9</p> <p>tied (2) 278:25;503:17</p> <p>ties (1) 252:4</p> <p>tight (1) 425:20</p> <p>till (1) 447:7</p> <p>times (46) 229:24;238:8; 253:19;256:19;268:25; 276:12;290:25;292:17; 293:7;296:7,20;299:1; 300:7;329:10;359:19; 390:3;392:10;393:7,7; 398:9;404:23;411:1; 428:1;447:10,20; 448:2,11;449:5,7; 450:25;451:12,13; 456:20;457:5;470:4, 12;480:25,25;500:15, 25;506:23;511:21; 512:19;519:1;526:4; 536:17</p> <p>timing (2) 358:22;359:4</p> <p>title (2) 256:9;370:15</p> <p>titles (1) 301:12</p> <p>TOBY (4) 228:23;407:22; 411:21;467:19</p> <p>today (14) 302:4;303:22; 304:17;317:10;333:18; 341:18;383:12;386:17; 387:2;394:1;406:14; 433:20;464:22;517:17</p> <p>together (10) 244:22;263:10; 273:22;274:3;395:16; 402:5;403:12;439:19; 473:24;512:11</p> <p>toilet (4) 392:18;393:21; 398:25;502:12</p> <p>toilets (2) 390:19;503:3</p> <p>told (8) 242:13;267:6; 276:10;338:23;355:5; 360:24;407:18;494:18</p> <p>took (13) 237:24;239:9;272:9; 339:6;403:6;447:8; 477:10,21;478:4;</p>	<p>501:16;509:4,5;511:23</p> <p>top (19) 230:7,9;233:14; 235:8;257:25;265:22; 290:8;297:11;300:25; 324:11;343:4;392:7; 415:24;416:1;417:1; 420:5;436:19;469:10; 534:18</p> <p>Topeka (1) 262:18</p> <p>topic (2) 258:6;333:7</p> <p>total (10) 235:7;320:24; 365:12;377:1;385:6; 495:16;517:14;531:21, 23;539:8</p> <p>toured (1) 260:6</p> <p>toward (1) 479:13</p> <p>towards (4) 275:1;478:25,25; 479:15</p> <p>town (7) 392:10;429:14; 437:5;473:25;478:22; 492:1,22</p> <p>towns (1) 408:17</p> <p>track (1) 239:25</p> <p>trade (4) 229:9,11,15;543:14</p> <p>traditional (2) 365:24;370:1</p> <p>traffic (1) 539:14</p> <p>trailer (1) 461:9</p> <p>trailers (2) 525:14;527:22</p> <p>tranches (1) 274:5</p> <p>transcribed (1) 504:16</p> <p>transcript (3) 293:18;295:3,9</p> <p>transfer (68) 245:17;265:16; 282:5,19,24;283:11,18, 25;284:10;290:20; 299:13,22;301:18; 302:5,12;305:11,20,22, 25;306:1,7,9,15; 307:15,18,24;308:5,9, 11,21;311:6,12,23; 325:2;328:11,25; 336:9;342:15;345:10, 14,22;346:1,5;360:23; 361:9;364:15,20; 367:25;370:19;377:12;</p>	<p>379:7,10,12;380:20; 381:6,9;386:17; 413:23;416:7;442:10; 460:12;461:19;489:21; 496:5;541:11;544:20, 22;545:11</p> <p>transferred (1) 506:20</p> <p>transfers (1) 311:7</p> <p>transmission (4) 472:10;473:4;474:7; 536:16</p> <p>transport (2) 352:12;450:16</p> <p>transported (1) 251:12</p> <p>trash (1) 447:11</p> <p>Traster (69) 228:7,21;229:2; 231:24;232:3,5;233:5, 9,11;235:17,20;236:16, 19,22;257:4,14,19; 275:13,17;276:1,4; 286:11;287:6,17; 293:17;294:3,8,10,18, 25;295:1,6,9,15,23; 306:13;307:6,23; 308:3;317:6;323:2,7; 342:4,10;348:5,8,19; 349:5,23;350:1,8,18, 23,24;351:2;363:18; 368:20;375:24;377:22; 378:16;379:5;380:13, 17;381:16,21,25; 443:21,23;461:23</p> <p>Traster's (2) 287:22;377:5</p> <p>travel (4) 230:20,23,25;388:9</p> <p>Travenol (1) 402:5</p> <p>treat (12) 254:7,23;273:22; 281:22;454:5;474:5, 17,19;482:10;485:9; 496:7;510:21</p> <p>treatable (1) 232:14</p> <p>treated (3) 340:8,11;380:24</p> <p>treatment (12) 254:9,11,16,18; 277:12;330:22;331:5, 10,11;340:9;474:3; 536:16</p> <p>tree (4) 449:22;450:19; 451:10;500:10</p> <p>trees (11) 412:18;450:4,6,7,10, 20;500:11,12;502:3;</p>	<p>513:21;525:5</p> <p>Trego (8) 272:8,21,22,23; 273:2,3,8,13</p> <p>tremendous (2) 423:20;541:23</p> <p>trend (1) 440:10</p> <p>trends (1) 493:9</p> <p>trial (1) 505:12</p> <p>Tribe (2) 265:8;266:6</p> <p>tribunal (2) 284:25;375:18</p> <p>trickle (1) 502:3</p> <p>tried (2) 256:11;347:11</p> <p>triggering (1) 396:1</p> <p>triggers (2) 520:12;521:18</p> <p>tripled (1) 396:6</p> <p>truck (3) 230:24;539:14; 545:17</p> <p>trucking (1) 461:12</p> <p>trucks (6) 442:2;461:7,9,10,13; 539:22</p> <p>true (21) 309:15;317:18; 330:18;331:15,19; 332:1,20;333:23; 336:5,13;342:12,18; 343:17;386:2,24; 412:24;428:16;447:12; 458:1,1;460:17</p> <p>truncated (8) 287:3,4,4,21;288:3,5, 5,14</p> <p>trust (5) 318:5,7,11;403:3,5</p> <p>truth (1) 301:9</p> <p>try (11) 250:2;262:3;279:8; 287:15;395:16;400:3; 413:14;487:12;492:17; 502:4,18</p> <p>trying (9) 242:5,7;289:3;313:4; 398:5;488:12;492:20; 500:10;508:21</p> <p>turf (1) 340:24</p> <p>turn (5) 286:14;411:6; 412:24;420:3;488:21</p>	<p>turned (2) 242:20;301:13</p> <p>twice (4) 311:2;329:7;470:14; 540:17</p> <p>two (57) 230:20;241:22; 243:18;244:25;246:13, 15,16;247:8,10;249:1; 251:10;260:16;261:3; 267:14;270:21;273:5; 274:5;278:10;280:20; 293:24;294:4;295:11; 310:11,13;321:14,14; 327:5,6;329:10; 349:14;355:22;367:16; 390:3;419:5;425:5; 426:25;436:13;456:7; 467:9;474:3;480:3; 486:3,4;493:18; 494:19;500:9;503:12; 511:10;515:18;522:20; 523:23,24;530:2,16; 532:19;533:13;534:16</p> <p>twofold (1) 353:17</p> <p>two-thirds (1) 472:14</p> <p>two-time (1) 390:1</p> <p>type (27) 244:23;277:11,12, 12;387:22;390:8,9,20; 393:21,24;394:7; 396:4;399:13;412:18; 413:6;417:6;422:4; 427:8;428:9,21; 445:24,24;448:15; 495:12;513:2;518:11; 544:5</p> <p>types (4) 230:16;392:13; 493:9;500:3</p> <p>typically (6) 230:7;250:23; 345:21;356:5;486:25; 515:4</p> <p>TYRA (1) 376:25</p>
U				
			<p>ultimate (1) 544:18</p> <p>ultimately (5) 277:19;366:22; 404:18;437:9;454:2</p> <p>Ulysses (1) 357:21</p> <p>UMB (2) 445:20,23</p> <p>un (1) 512:9</p>	

<p>unable (4) 484:1;485:2,11; 488:24</p> <p>unacceptable (1) 265:14</p> <p>unavailability (1) 427:14</p> <p>uncertain (1) 316:18</p> <p>uncertainty (2) 251:22;426:16</p> <p>under (17) 301:8;303:3;304:3; 306:5;320:23;323:20; 331:20;365:2;376:16; 382:23;427:3;434:22; 444:14;447:4;448:24; 449:5;538:22</p> <p>underfunding (1) 333:21</p> <p>undergraduate (1) 466:24</p> <p>understandable (1) 314:19</p> <p>understood (3) 375:23;393:17,19</p> <p>undertaken (5) 245:18;333:9,25; 501:23;506:6</p> <p>unemployment (1) 346:18</p> <p>unfairly (1) 380:24</p> <p>unimportant (1) 290:10</p> <p>unique (4) 244:21;393:10; 394:3;415:14</p> <p>United (5) 270:17;466:12,21; 531:23;534:18</p> <p>units (1) 425:23</p> <p>University (8) 255:22;412:5; 423:18,19,22;429:6; 433:18;466:25</p> <p>unknown (1) 356:4</p> <p>unlawful (1) 449:8</p> <p>unless (2) 471:7;541:24</p> <p>Unlike (1) 366:5</p> <p>unlikely (2) 366:9;432:19</p> <p>un-muted (1) 275:23</p> <p>unreasonable (1) 372:23</p> <p>unreliable (8) 480:24;483:23;</p>	<p>490:2;512:10,18; 513:5,6;537:3</p> <p>unsure (2) 303:10,12</p> <p>unsustainable (1) 354:15</p> <p>unusable (3) 361:12;483:9,12</p> <p>unusual (1) 486:5</p> <p>up (95) 228:5;231:24;233:5; 236:20;240:6,6;241:3; 244:3,25;258:22; 261:8;264:6;269:1; 272:2;275:25;278:25; 299:1;305:15;310:18; 315:16;319:22;324:23; 325:11;329:21;338:15; 343:4;349:3;350:10; 351:18;354:13,24; 358:23;364:13,14; 367:21;368:18,19; 369:18;376:24;380:5; 381:19;382:9;399:20; 400:3,19;410:10; 411:25;413:12;416:24; 419:7;423:14,18; 426:11;429:22;431:2, 5;439:10;446:12,13, 17;448:4;450:2,18; 456:8,20;457:6;461:9; 468:10,25;472:12; 477:1,4;481:8;483:10, 24;488:18;490:2; 495:17;502:2;503:13; 505:2;510:3,6;513:15; 514:11;519:13;521:3, 6;523:17;524:20; 526:10;535:14;543:24; 546:2,23</p> <p>update (4) 239:19;363:7; 496:20;497:7</p> <p>updated (1) 498:10</p> <p>updates (1) 503:11</p> <p>upon (11) 231:6;284:1;326:1; 335:15;344:22;345:9; 403:2;429:15;430:14; 456:2;460:15</p> <p>upper (2) 230:6;472:13</p> <p>ups (2) 545:23,25</p> <p>upstairs (1) 492:25</p> <p>upstream (6) 250:11;253:14; 254:8,14;256:3;258:18</p> <p>uptown (1)</p>	<p>493:3</p> <p>upwards (1) 268:3</p> <p>urged (1) 265:11</p> <p>URL (1) 404:10</p> <p>usable (3) 452:24;476:11; 511:19</p> <p>usage (29) 234:6;309:20;310:9; 319:11,13,14;342:20; 343:14,16;360:20; 391:4,20;393:24; 396:3,6;397:19,25; 399:13;407:9,18; 501:16;502:19,23,24; 517:7,13;523:6,11; 526:18</p> <p>USDA (2) 268:1,5</p> <p>use (123) 241:24;249:24; 251:24;252:16;255:1, 2,4,16,17;258:4,9; 260:12,13;277:21; 278:7;280:15;287:4,9, 21;309:19;310:18; 312:4;313:4,20;319:5, 9;329:9;337:5;338:19; 340:14;341:13;342:25; 343:11;352:20;353:2, 7,21;354:1,2,4,14; 355:2;361:14,19; 365:8,14;366:10; 369:1,8,9;370:25; 373:4,13,18,24;374:2, 6;376:5;377:3;390:18; 395:22;396:21;397:5, 20;399:10;427:25; 428:1;430:14;435:1; 448:21;449:4,8;451:3, 10;452:12,13,14,15; 455:4,21;458:5;470:3, 17;471:3;475:5,14; 476:8;480:14;482:10; 483:16,24;484:1,13; 485:2,12,24;486:3,15, 16,23,25;487:12; 488:24;489:25;490:4; 500:21;502:2;503:1; 506:18;511:18;513:21; 516:22,23,25;517:18; 523:8,12;526:5;532:2; 533:11,16;537:24; 545:19</p> <p>used (24) 272:10;309:17; 310:14;319:23;366:14, 25;451:7;463:11; 475:19;488:8;491:24; 501:10,17;502:13,25;</p>	<p>508:11,13;509:6; 513:11;526:3;531:10, 11;532:4;533:1</p> <p>useful (2) 241:10;339:23</p> <p>user (4) 323:5;391:1;529:23; 532:18</p> <p>users (6) 255:8,22;262:3; 365:25;366:17;370:2</p> <p>uses (14) 309:23;310:4,6; 340:2,8,16;341:10; 365:25;495:13;502:12; 530:13;532:19,20; 537:22</p> <p>using (15) 240:12;254:1; 268:14;272:6;291:11; 311:2;314:23;323:25; 328:20;329:1;354:15; 486:12;487:19;488:12; 518:14</p> <p>usually (2) 447:9;487:8</p> <p>utilities (1) 491:1</p> <p>utility (8) 395:21;403:13; 491:4,6,8;498:14; 503:17,24</p> <p>utilization (1) 371:11</p> <p>utilize (5) 248:17;252:6;292:2; 354:20;373:11</p> <p>utilized (2) 255:24;327:9</p>	<p>300:2;304:21; 340:19;400:25;407:6; 432:21;437:6;481:3; 506:13;519:11</p> <p>varying (1) 519:25</p> <p>Veatch (4) 322:20;323:15,18; 324:4</p> <p>vehicle (2) 268:15;500:22</p> <p>vehicles (2) 525:14;527:22</p> <p>verse (1) 301:17</p> <p>version (1) 232:6</p> <p>versus (4) 229:16;251:12; 391:13;458:13</p> <p>via (3) 236:1;251:12;377:16</p> <p>viable (16) 242:25;245:20; 251:21;253:23;254:4; 263:14;269:11;272:19; 277:20;313:18;322:6; 451:9;454:23;483:18; 507:15;536:7</p> <p>Victoria (2) 386:9;476:25</p> <p>video (3) 362:23;363:1,17</p> <p>viewed (1) 318:15</p> <p>Vincent (4) 272:11;274:22; 321:20,25</p> <p>Vincent's (1) 322:2</p> <p>violate (1) 379:12</p> <p>violations (1) 524:22</p> <p>virtually (3) 269:13;384:24; 414:19</p> <p>visual (2) 246:18,19</p> <p>volume (2) 376:24;536:12</p> <p>volumes (1) 510:16</p> <p>voluntarily (2) 354:25;489:3</p> <p>voluntary (2) 520:5;522:19</p> <p>vote (2) 237:20;501:2</p> <p>vulnerability (1) 242:22</p> <p>vulnerable (1) 403:17</p>
V				
<p>vague (1) 289:25</p> <p>valid (1) 379:16</p> <p>valuable (2) 416:23;418:13</p> <p>valuation (2) 415:10;457:13</p> <p>value (12) 343:25;414:16,18, 20,24;415:6;416:3,19, 20;417:15;538:16,17</p> <p>variable (1) 316:18</p> <p>varied (1) 383:25</p> <p>varies (1) 533:15</p> <p>variety (1) 340:2</p> <p>various (10)</p>	<p>vulnerable (34)</p>			

W				
<p>Waconda (1) 357:16</p> <p>Wagner (10) 444:5,7,17,25;462:9; 464:17;499:22;527:8; 538:10;539:15</p> <p>W-A-G-N-E-R (1) 444:25</p> <p>Wagner's (1) 500:8</p> <p>wait (1) 492:5</p> <p>Waiting (1) 492:6</p> <p>walk (2) 270:3;393:8</p> <p>walking (1) 260:17</p> <p>Walnut (4) 273:25;274:6,8,9</p> <p>wants (2) 361:6;380:25</p> <p>warm-season (3) 393:23;399:4,9</p> <p>warn (1) 524:23</p> <p>warning (3) 522:1,4;523:2</p> <p>warnings (3) 391:10;515:21;520:1</p> <p>wash (8) 447:22,25;448:1; 500:21;523:13;525:14, 16;527:22</p> <p>washed (1) 448:1</p> <p>washing (2) 341:15;527:23</p> <p>Washington (3) 242:11,15;278:22</p> <p>waste (5) 471:3;495:20; 522:22;525:1;527:4</p> <p>wasteful (1) 471:6</p> <p>wastewater (6) 254:9,11;483:7; 491:6;502:1;509:22</p> <p>watch (4) 450:25;520:5;522:2, 18</p> <p>watched (1) 359:7</p> <p>watching (1) 321:11</p> <p>water (820) 230:10,10,18;231:1, 17,22;232:24;233:20; 234:5,21;235:7,7,14; 236:1,2,4,12,15;237:8,</p>	<p>11,17,18;238:19;239:1, 3,10,14,15,17,18,21; 240:8,11,24,25;241:9, 20,24;242:14;243:1,15, 20;244:16,22;245:17; 247:23;248:1,10,18,25; 249:2,6,7,12,20,25; 250:2,2,5,8,19,19,20, 25,25;251:4,5,8,10,14, 22;252:3,7,10,20,21; 253:7,8,9,12,15,25; 254:7,13;255:1,2,3,4,5, 7,8,12,13,14,16,17,18; 256:3;257:23;258:1,4, 5,8,10;259:6,13,14,22; 260:1,4,9,10,17,19,23; 261:24,25;262:4; 263:5,8,11,22,24; 264:15,18,19,21,22; 265:12,16;266:1,4,7,9, 17,24;267:3,10,16,17, 18,24;268:3;269:2,4,7, 9,13,17,22,23,24; 270:4,7,9,10,22,25; 271:12,15,17,22,25; 272:13,14,15,18,25; 273:3,4,8,12;274:10, 12,13,14,16;275:2,3, 10;276:18;277:20; 278:5,6,24;279:4,18, 19,19,20,25;280:2,5,6, 14,18,23,24;281:4,6,8, 10,13,20,24;282:4,19; 283:25;286:25;288:1, 13,18;289:17;290:1,4, 18,20,21,23;291:5,8, 12,13,15,17,20,22,23, 23;292:1,6,11,25; 296:15,25;297:9,18,19, 22;298:1,11,15;299:4, 13,15,22;300:3;301:2, 17;302:4,6,7,9,12,14; 303:13,19,23;304:3,9, 15,18,18,21;305:1,2, 24;306:1,2,3,5,7,9,15; 307:15,16,18,22,24; 308:4,9,11,20,22; 309:13,19;311:6,12,23; 312:2,7,24;313:7,14, 17,20;314:18;315:4; 316:5,7;317:21;319:5, 9;320:5,8,9;321:5,12; 322:12;325:2;327:12; 328:6,10,11,23,24; 329:25;330:8,21; 331:4;332:8,21,21; 333:2,3;334:19;335:4, 11,11,15,19,21;336:6, 6,8,9;340:11,14,15,16, 20;341:13,14,21; 342:15,20,25;343:11, 14,16,19,24;344:8; 345:9,14,22;346:1;</p>	<p>351:11;352:8,9,12,13, 16,17,19;353:4,19,20; 354:2,3,6,24,25; 356:15,24;357:25; 358:4,7;359:17,18,23; 360:3,9,11,17,20,25; 361:10,16,18;362:15, 20;364:15,20;365:4,7, 12,15,17;366:7,10,14, 25;367:15,19;368:4,10, 14,16,22,25;369:8,9; 371:8,11,16,21,23,24, 25;372:3,4,5,6,6,7,8, 11;373:2,4,5,6,11,14, 15,16,16,17,18,25; 374:1,2,5,6,11,13,21, 23;375:1,2,3,7,8,9; 376:1,2,10,17,18,19, 24;377:3,12,16;379:10, 11;380:25;381:2,6,9; 386:17;390:12,16,21; 391:4,7,20,20;393:18, 24;394:2;395:5,7,12, 21,22;396:6,14,15,21; 397:5,11,12,13,13; 398:16,22,24;399:10, 12,13;404:21,25;406:5, 8,10,18;407:4,9,18,25; 408:6,7,13,20,23; 409:15,23;411:8,21,22; 412:10,23;413:18,22, 23;414:15,17;415:3,3, 11,11,23,23;416:7,19; 417:2,9;420:22,25; 421:3,5,6,10,18;422:2, 8,12,13,17;423:9,10; 424:2;426:16,16,22; 427:14,25;428:1,8; 429:16,24;430:3,14; 431:22;432:19;442:10, 11;446:24,24;447:4,10, 11;448:12,13,21,25; 449:4,9,13,17,18,19,22, 22,24;450:10,11,14,17, 18;451:3,5,7,7;452:21; 453:12,16,21;454:1,3, 4,6,11;455:4,14,19,21; 457:23;458:5,16; 459:15,23;460:2,9,12, 16;461:1;462:12; 463:6,9,11;468:2,15, 15,24;469:13,21;470:2, 3,5,6,13;471:2,10,16; 472:10;474:3,6,15,16, 17,19;475:14,22;476:1, 10;478:8;480:14,19, 21;481:4;482:10; 483:19;484:14,17,22; 485:7,10,15;486:13,18, 21,24;487:9,11; 488:21;489:7,12,16,21, 22;490:23;491:6,8,8; 494:18,21,25;495:14,</p>	<p>16;496:6,12;497:2,10, 11;498:11,14,25; 499:14;500:13,21; 501:7,10,13,16;502:2, 12,18;503:3,4,4;504:1, 2;505:4,10,17;506:3, 19;507:6,12,14;508:1, 19,21;509:5,10,13,13, 16;510:16,18;511:1,8, 11,17;513:1,4,12,15, 19,21;514:1,9,10,24, 24;515:1,3,4,6,19,21, 22,23,25;516:3,13,14, 15,18;517:7,13,14,18, 19,24,25;519:10,25; 520:1,5,20,23;521:7, 13;522:1,2,4,10,18,22, 23,25;523:2,10,12; 524:4;525:1,6,9,9,11; 526:18;527:4;528:8; 529:24;530:12;532:17, 20;533:17;534:4,10,12, 14,23;535:1,6,16,20, 22,23,24;536:11,21,22; 537:1,6,7;541:6,15,20, 21,25;542:7,17,20; 543:25;546:6,10</p> <p>watered (2) 448:6;501:25</p> <p>water-efficient (1) 340:24</p> <p>watering (10) 259:14;447:13,21; 451:9,11,22;452:24; 525:4;527:5,18</p> <p>waters (1) 371:15</p> <p>WaterSense (1) 502:13</p> <p>way (33) 244:18;263:6;265:6; 274:2;307:12;313:13; 330:25;338:22;346:4; 373:18;390:24;394:10; 395:1;409:7;424:4,24; 427:20;428:19;433:12; 450:16;452:19;458:20; 459:14;464:1;467:11; 472:14;473:10;477:14; 481:15;482:6;496:4; 535:25;542:8</p> <p>ways (6) 266:17;267:14; 279:24;410:1;433:6; 463:8</p> <p>website (5) 399:20,24;401:13; 404:9;413:13</p> <p>week (3) 355:22;438:25;525:7</p> <p>weekly (1) 521:14</p> <p>weeks (4)</p>	<p>311:17;337:13; 483:17;486:3</p> <p>weigh (1) 327:19</p> <p>Welfare (5) 370:16,21,25;371:9, 19</p> <p>wellfield (57) 236:14;237:23; 238:2,8;242:23; 248:15,16;249:3; 250:16;251:3,6,7,11; 253:16;260:11;269:11; 272:4;291:21;320:16, 21;323:20,23;337:8,9; 344:20;352:11;411:3; 469:8,14,19;471:6; 472:11,20;476:21; 477:8,9;478:23,24,25; 479:14;484:2,2; 485:13;487:17,22; 488:12,25;507:5,8,11; 508:10;509:5,9; 511:13,22,25;515:6</p> <p>wellfields (1) 251:10</p> <p>wells (22) 248:18,19;272:23; 451:24;472:22,24; 473:1;484:3;486:16; 489:22;494:6;508:18; 510:6,9,10,15;511:14; 512:2;520:7,7,12,13</p> <p>weren't (8) 231:16;247:4;304:6; 388:14,14;396:13; 490:7;500:12</p> <p>West (14) 234:23;266:18; 267:20;269:20;270:14; 272:7;383:16;478:3; 479:15,24;508:14,15; 510:13;533:9</p> <p>western (6) 270:17;392:3; 407:12;417:8,23;418:1</p> <p>West's (1) 516:18</p> <p>what'd (1) 535:11</p> <p>what's (31) 229:11,11;236:16; 240:16;245:8,14; 294:23;302:18;314:6; 332:12;360:1;369:2; 376:22;395:25;398:22; 399:22;407:9,18; 408:18;414:13;417:14; 420:1;476:9,15; 491:20;493:11,12; 495:11;510:21;537:6; 538:16</p> <p>wheat (26)</p>

373:24;458:4;459:9; 493:19;528:7;530:9,9, 10,15,21;531:5,7,9,15, 19,23;532:1,1,4,6,7,17; 534:11;538:19;539:1, 15	window (1) 452:18	230:21;259:5;410:7; 525:20	years (84) 235:15;237:25; 238:11,20;239:13; 246:11,20,20;247:5,7; 253:20;255:12;268:4, 19,25;276:13;278:10; 301:12;310:2,13; 313:19,22;319:22; 326:24;340:13;351:12, 12,12;356:6,9,13,17, 20;357:23;358:2; 360:12;365:19;367:14, 17;368:12;384:1,3; 387:8,9,10;388:22; 389:18;394:4;401:1; 402:23;412:1;427:2; 445:5,14,20;448:16; 449:1;450:1,4;451:18; 456:2,9;459:1;463:10, 20;466:12;467:9; 484:8;491:22;497:21; 500:5;503:20,25; 506:7;515:20;516:21; 517:10,10;519:11; 523:7;526:2;529:11; 543:19,20	zoom (13) 232:11;235:2,3,5; 256:9;258:19;277:1; 400:3,20;420:4;517:6; 526:7,9
When's (1) 311:16	windows (1) 341:16	world (1) 433:15		0
whereupon (6) 275:21;349:8; 382:13;431:8;504:19; 547:2	winter (2) 486:11,14	worried (1) 375:6		0.29 (1) 432:16
wherever (1) 510:1	wish (1) 376:24	worry (3) 348:15;404:25; 418:10		0.65 (1) 432:14
whichever (2) 231:25;233:6	withdraw (1) 257:14	worse (2) 509:13,13		1
white (1) 476:23	within (13) 229:9;245:10; 326:21;358:5;385:5; 437:22;438:3;439:19; 494:8;518:10;520:17; 521:9;535:2	worst-case (1) 351:25		1 (12) 232:12;233:8,9; 326:23;329:7;367:21; 505:18;506:18;509:21, 24;522:18;525:3
whole (16) 255:5;284:4,7,11; 295:17;366:23;370:22; 378:3,10;379:15; 390:7,10;393:16; 412:17;461:3;523:15	without (14) 246:6;265:5;268:17; 289:19;290:7,11; 304:12;305:3;334:3; 339:1;350:14;356:16; 358:19;366:11	worth (5) 251:24;261:5;340:1; 363:16;419:25		1,000 (3) 310:6,10;513:16
wholesale (12) 238:25;239:3,14; 263:22,24;264:15; 266:4,8;372:7;453:16; 468:2,2	witness (12) 312:21;348:4,15; 381:23;382:1,15; 423:1;443:22;444:11, 24;464:18;465:5	write (2) 419:12;420:20		1,050 (1) 513:17
who's (3) 381:6;462:20,20	witnesses (4) 382:4;423:5;444:3; 464:21	writing (1) 433:8		1,075 (2) 509:16,19
whose (2) 321:20;326:8	woefully (2) 293:8;296:21	written (3) 370:12;432:9;433:16		1,078 (1) 319:10
why'd (1) 463:21	woman (1) 326:8	wrong (10) 263:3;294:18; 295:10;329:18,21,21; 351:8;390:22;432:2; 517:22		1,841.33 (1) 512:16
wife (1) 457:11	wonder (2) 404:21;411:5	wrote (3) 380:16;400:17;433:6	Y	1.0 (1) 364:15
WIFIA (1) 336:25	word (9) 287:4,5,22,22;288:7; 338:19;363:23;413:3; 535:17	WTA (11) 302:2;307:5;324:14; 325:14;327:4,21,25; 380:12,16,20;381:3		1.17 (1) 232:16
wiggle (1) 367:14	words (5) 237:10;279:19; 351:9;353:22;437:9	yard (8) 393:23;398:3,5; 418:24;447:8;448:3; 522:23,25		1.28 (1) 502:14
Wildlife (2) 260:1,13	work (19) 278:11;385:8,14,17, 20;386:1,11;389:8,13; 407:24;413:6;423:14; 431:3;441:21;445:18; 451:8;455:6;489:19; 543:21	years (2) 410:17;478:2		1.3 (1) 517:8
Williams (26) 381:22;382:14,19, 22;383:1,11,14,18; 399:22;400:6,16,23; 419:3,9;420:7;421:8; 423:12;424:7,16; 431:15,19;438:23; 441:1,13;443:20; 456:16	worked (9) 247:8;338:17;389:5, 16;445:23;447:6; 459:17;466:14;484:23	year (55) 229:18;236:13; 247:2,8;253:21; 261:16;266:22;281:6; 282:25;283:2;310:5, 14;320:6,10,12,25; 333:1;336:11;343:5; 360:19;367:16;390:3; 414:22;417:17;419:18; 421:17;432:15,16; 440:3,11;457:13; 469:1;471:4;486:6; 489:10;496:20,21; 499:13;511:13;512:1, 12,16;513:17;516:15; 517:15;518:2;523:23; 532:3;538:5,6;539:19, 23,25;541:17;542:2		1.47 (1) 233:18
willing (3) 269:14,15;354:24	workers (2) 347:7,16	year-round (4) 341:14;522:21; 523:1;525:3		1.5 (1) 518:22
Wilson (32) 234:5;237:16;240:4; 241:19,20,20,25; 247:13,18;252:19,20, 23,25;276:6,10,18; 277:8,16,17,18;278:1, 5;280:13,18,19;281:14, 18,20,23,25;357:16; 542:8	workforce (4) 346:15;420:12; 421:21;433:24			1.6 (1) 502:13
	working (5) 273:9;278:10;420:2; 492:19;544:9			1.7 (2) 229:21,24
	works (4)			1.74 (2) 229:22,23
				1/2 (2) 240:21,22
				1:30 (1) 349:3
				10 (9) 326:24;348:22; 351:12;477:13;480:1; 509:1,4,8;517:4
				10,000 (2) 499:4,5
				10:00 (4) 522:24,25;525:9,10
				10:45 (2) 275:16,19
				100 (12)
			Z	
			Zacharias (2) 264:1,4	
			Zero (4) 339:18;499:1; 518:13,15	

337:9;399:15; 407:21;412:1;458:7,8; 478:2;499:14;501:19; 522:12;533:20;538:8 102 (3) 233:8,10,12 10th (1) 383:16 11 (5) 242:21;342:22; 364:16;365:1,23 1-102 (1) 233:23 1-127 (1) 234:17 1-144 (1) 235:19 115 (1) 319:1 1-164 (1) 259:2 1-182 (1) 256:5 12 (9) 238:5;242:21; 365:23;412:13;448:23; 500:25;510:17,20; 515:20 12,000 (1) 511:3 120 (1) 538:9 127 (2) 322:18;323:1 13 (6) 238:5;240:21,21; 242:21;412:13;448:23 134 (1) 332:18 1341 (1) 276:16 1343 (3) 246:13;276:9;358:14 135 (2) 236:18,19 138 (1) 332:16 14 (3) 333:1;486:20;500:25 14,000 (1) 511:3 1400 (1) 322:12 141 (1) 330:25 1434 (1) 513:11 15 (9) 239:4;263:22;266:4; 267:20;348:22;445:20; 453:17;495:25;496:16 150 (4) 333:6;478:2;504:6;	538:24 154 (1) 285:7 1-54 (1) 505:2 15-minute (1) 503:11 15th (1) 343:8 166 (1) 539:8 17 (1) 440:6 1767 (1) 511:16 1788 (1) 542:6 1792 (3) 309:18;319:6,12 17th (1) 322:4 18 (5) 275:12;427:1,2,5; 512:14 183 (1) 478:22 18-inch (1) 473:7 19 (1) 323:17 1-92 (3) 232:2,4,6 19354 (2) 265:3,3 1938 (1) 494:23 1960 (2) 387:12,15 1967 (1) 542:9 1970s (2) 246:23,24 1971 (1) 270:20 1973 (1) 456:22 1975 (1) 388:21 1977 (6) 232:19;233:1,2,4; 384:15;389:6 1978 (1) 232:19 1980 (1) 432:18 1985 (1) 457:12 1988 (2) 400:12;412:16 1990 (6) 384:13;392:6; 400:21;401:3;466:18, 19	1990s (2) 304:25;402:11 1991 (7) 277:2,6;391:13,13, 16;393:2;466:19 1994 (2) 322:4;530:20 1995 (2) 275:12;466:20 1996 (1) 323:17 1997 (3) 276:23;466:7,8 1999 (1) 263:23 1st (2) 383:22,24 2 2 (17) 324:15,19;325:3,18; 326:1;327:9;328:2,19, 21;329:1,7;367:8; 372:1;499:15;506:18; 523:2;525:3 2,000 (7) 309:24;310:5; 319:16;336:14;468:24; 469:1;470:6 2,748 (1) 517:15 2.5 (2) 517:12,12 20 (17) 237:25;326:24; 351:12;356:6,9,13,17, 20;357:23;363:13,14, 14;445:14;456:9; 461:8,10;495:25 20- (2) 365:25;369:13 200,000 (3) 514:12;533:20; 535:16 2000 (3) 253:12;263:1;451:16 2000s (6) 240:6;253:22; 261:17;267:25;273:7; 453:19 2003 (8) 234:23;248:5,11,22; 293:4;296:17;322:23; 454:19 2004 (8) 252:12;495:5; 513:10;516:16,21; 517:2,9;518:6 2005 (4) 277:9;298:11; 347:19;384:13 2006 (15)	236:6;495:7;501:12, 13;508:12,18;509:6; 513:13;524:2,11; 525:2;526:1;529:11; 532:23;546:9 2006-ish (1) 268:18 2007 (4) 259:16;334:15; 497:4;529:12 2008 (8) 238:14,15;240:3,7, 24;259:9,16,24 2009 (7) 237:24;238:4; 241:18;242:2;248:17; 278:8;319:6 2010 (8) 234:10;235:12; 237:22;241:18;242:2; 325:15;328:16;432:16 2011 (10) 238:5;242:9;269:1; 278:16;279:14;299:1; 410:11;412:13;448:23; 529:14 2012 (7) 299:1;410:11; 465:25;466:7;477:24; 478:11;526:21 2013 (8) 299:1;333:1;347:4; 355:21;410:12;479:4, 12;486:19 2014 (7) 242:24;243:2; 247:12;459:5;498:10; 505:6;508:3 2015 (3) 230:5;477:22;497:2 2017 (4) 325:15;328:16; 436:7,9 2018 (4) 244:8;333:4;434:22; 510:10 2019 (3) 363:5;383:22,24 2020 (7) 229:18,19;233:17, 18;236:13;309:17; 432:16 2021 (2) 498:11;499:11 2022 (6) 230:5;235:13;343:8; 346:22;485:3;496:16 2023 (6) 302:21;419:7;433:8; 438:16,24;490:4 2024 (1) 421:19 2026 (2)	325:17;328:18 2036 (2) 325:17;328:18 2040 (1) 233:19 2045 (2) 517:11;518:16 2091 (1) 349:21 20th (1) 349:12 21,000 (1) 539:24 219 (1) 383:16 22 (2) 486:1;499:12 2245 (3) 523:17,18;529:4 2290 (2) 433:9,17 22nd (1) 277:2 23 (6) 421:16;473:14; 486:2;499:12;532:3,9 23rd (1) 526:21 24 (7) 421:16,17;488:18; 491:12;499:13;534:12; 539:17 2475 (1) 271:10 25 (3) 260:22;340:10; 512:13 2500 (1) 491:12 255 (1) 355:20 2575 (3) 247:19,19;253:1 25th (1) 263:23 2600 (2) 512:13;529:5 2602 (2) 526:19;529:5 2611 (1) 529:5 2613 (1) 529:5 2617 (1) 529:5 2619 (1) 472:4 2623 (1) 529:5 2626 (1) 529:6 2650 (1) 529:6
---	--	--	---	--

<p>2653 (1) 496:10 2659 (1) 357:6 2679 (4) 400:20,24;410:10; 478:13 27,500 (2) 539:22,23 2700 (1) 468:25 2748 (1) 518:19 28 (1) 354:25 2857 (1) 229:5 29th (1) 438:24</p>	<p>539:8,8 400 (1) 510:24 400,000 (1) 489:2 40-year (2) 365:25;369:13 42 (1) 370:14 44 (2) 492:1;531:24 4480 (1) 232:7 45 (1) 539:8 4500 (1) 492:1 48 (3) 367:20,21;370:9 48,000 (3) 282:25;361:1;539:24 480 (1) 360:19 4800 (11) 283:1;336:11;338:3; 358:25;361:7,16; 372:19;374:11,16,18; 376:25 4903 (1) 233:24 4917 (1) 233:12</p>	<p>541:17,24 5840 (1) 235:16 5th (2) 233:4;434:21</p>	<p>700,000 (1) 533:16 700s (1) 510:23 70s (3) 269:1;456:21;457:7 71 (1) 497:23 75 (9) 313:19,22;360:12; 520:6;523:11;525:18; 526:4;528:1;538:21 760 (2) 244:3,4 77 (2) 277:5;353:22 7700 (1) 352:22 78 (1) 447:18 7819 (1) 258:13 7-inch (1) 355:21</p>	<p>89 (1) 412:16 895 (1) 517:14 8th (2) 302:21;363:5</p>
3		6		9
<p>3 (5) 233:18;320:20; 355:20;387:10;506:2 3,000 (2) 310:14;499:2 3,001 (1) 499:2 30 (5) 375:9;394:4;426:25; 492:1;517:10 30,000 (2) 457:14;510:17 300 (2) 396:7;459:6 30-unit (1) 492:20 32,000 (1) 511:4 33 (1) 467:9 34 (2) 337:8,9 35 (4) 282:6;358:5;381:7; 513:11 350,000 (1) 407:19 36 (2) 426:25;427:1 378,000 (1) 517:10</p>	5	<p>6 (5) 240:22;252:11; 495:5;507:10,11 6,756 (6) 305:16;310:19; 312:1;360:25;366:9; 377:1 6,756.8 (2) 282:24;305:11 6.4 (1) 232:14 6.8 (1) 231:12 6:20 (1) 547:3 60 (4) 386:5;440:12; 539:16,24 603 (1) 436:7 60s (1) 270:16 61.99 (1) 511:16 63 (1) 450:4 65 (1) 436:20 66 (2) 387:8;402:23 6700 (1) 311:1 6756 (3) 353:1,23;358:7 6756.8 (1) 372:18 69 (1) 246:24</p>	<p>8 (5) 506:8;507:10;509:1, 1;516:6 8,000 (6) 276:17;280:7,8,12; 281:3,7 800 (3) 320:6;476:18;510:25 801 (1) 477:25 802 (1) 478:19 803 (1) 479:5 804 (1) 479:16 805 (2) 474:22,23 806 (1) 476:13 80s (8) 253:11;391:23; 401:12;402:18;404:12; 456:17;457:10;459:5 820 (4) 486:18;511:13,23,24 82a-1504 (1) 283:22 840 (3) 320:11,24;321:4 85 (3) 494:16;523:6,9 862 (1) 486:21 88 (1) 297:14</p>	<p>9 (2) 420:3;477:13 9:00 (2) 525:10;546:22 90 (3) 412:16;440:12;522:5 9-06 (1) 523:19 90s (20) 238:10;239:4;240:6; 253:11;261:17;263:15; 266:21;272:10;274:21; 277:22;278:3;321:22; 322:9;402:16,19; 404:12;411:19;453:18; 454:13,14 91 (2) 392:6;466:18 92 (3) 289:2,9;491:16 95 (2) 532:20;533:11 96408 (1) 248:8 974 (1) 319:9 98 (2) 261:18,19 99 (1) 261:19 9th (1) 433:8</p>
4		7		
<p>4 (4) 405:16;450:11; 454:19;507:3 4,500 (1) 458:8 40 (5) 268:3;370:9;386:9;</p>	<p>500 (2) 405:16;489:21 500,000 (1) 541:16 501,699 (1) 436:8 535 (1) 264:23 54 (1) 426:25 545 (1) 262:23 560 (2)</p>	<p>7 (5) 252:15;355:15; 506:8;507:10;510:25 7,000 (1) 310:18 7:00 (5) 341:13;447:7,7; 522:24;523:1 7:04 (1) 343:8 70 (1) 334:20 700 (1) 260:19</p>		