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GOVERNOR JEFF COLYER, M.D.
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

September 6, 2018

Via E-Mail Only

David Barfield, Chief Engineer
Division of Water Resources

Tim Boese, Manager
Equus Beds Groundwater Management District No. 2

Re: *In re City of Wichita's Phase II Aquifer Storage and Recovery Project
in Harvey and Sedgwick Counties, Kansas; KDA Case No. 18 WATER 14014*

Messrs. Barfield and Boese,

This letter amounts to DWR staff's response both to GMD2's letter dated August 30, 2018, regarding Wichita's water permit application nos. 48,704 through 48,733, and to the Chief Engineer's request on September 5, 2018, for certain notice information regarding the above-mentioned matter.

The public was notified of Wichita's submitted water permit application nos. 48,704 through 48,733, as follows:

First, on January 23 and 28 of 2016, respectively, Wichita published a "Public Notice" in both The Wichita Eagle and The Harvey County Independent newspapers. The notice solicited written comments from anyone with existing wells in the area of the proposed wells. The notice gave a response deadline of February 29, 2016, and asked that written comments or questions be submitted to the Chief Engineer. Copies of the notices and their related proofs of publication are enclosed. No written submissions of any kind were received by DWR staff in response to the notices.

Second, pursuant to standard protocol, on August 2 and 9 of 2018, DWR staff mailed notice letters directly to 54 domestic well owners located within 1,000 feet of Wichita's proposed wells; there were no non-domestic well owners within that area. DWR staff determined the notice recipients by drawing a 1,000-foot circle around each of the proposed wells and then mailing a notice letter to each well owner within that circle, using names and addresses provided by applicant Wichita pursuant to K.A.R. 5-3-4. The letters informed recipients of Wichita's multiple new applications related to Phase II of the ASR project and of Wichita's desire to obtain changes to its permit conditions related to the ASR project. Following standard protocol, the letters gave a 15-day deadline for the submission of any written comments. Copies of all 54 notice letters are enclosed. In apparent response to the notice letters, DWR staff received three (3) telephone calls with general questions and comments about the applications and the ASR project. DWR staff answered the questions and directed the callers to DWR's related website and to the upcoming public hearing scheduled for October 22, 2018. DWR staff received no written comments in response to the letters.

Page 2

DWR staff believe that the aforementioned notification efforts complied with existing law at the time and were reasonably sufficient. Notably, K.S.A. 82a-1906 was not in effect at the time that DWR received the subject permit applications on July 23, 2013. Furthermore, on or about March 12 and 13, 2018, DWR staff posted Wichita's ASR permit modification proposal and the new applications on DWR's website for this matter.

Sincerely,



Aaron B. Oleen
KDA Staff Attorney for DWR

Encl.

Cc (via e-mail only): Tom Adrian
David Stucky

Joe Pajor
Brian McCleod

Kenny Titus

Lane Letourneau