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Cc: [Barfield, David \[KDA\]](#); [Beightel, Chris \[KDA\]](#)
Subject: Wichita ASR Notice and Order
Date: Tuesday, September 11, 2018 5:13:52 PM
Attachments: [2018-09-11 Notice of Hearing on Various Motions.pdf](#)
[2018-09-11 Order to Provide Notice.pdf](#)

All,

Please find the attached Notice to discuss the various motions filed in this matter for 11:00 a.m. on September 18 (I know not everyone has responded to my earlier email, but we wanted to share this information with the GMD prior to their board meeting tomorrow...please let me know if we need to change the scheduled time). In order to facilitate a productive call, please be prepared to discuss the following:

1. Notice of Nearby Water Rights
2. Discovery Needs/Scope
3. Hearing Schedule
4. GMD Participation
5. Any other necessary issues.

Upon further consideration and to facilitate any hearing schedule, the Chief Engineer has decided to order DWR to send the standard notifications seeking comment to water right owners located between 1,000 feet and ½ mile of the new applications and an order requiring such is attached.

Additionally, the Chief Engineer has asked that I remind everyone that he is hopeful that the parties will get together and be able to present a joint hearing schedule on Tuesday. In order to accomplish this, it is expected that GMD2 will have a meaningful discussion about how they can participate in the existing process and how they can present a recommendation as a part of this process at their Wednesday board meeting. Please keep in mind that KAR 5-14-3 allows for a hearing prior to approval/denial of an application and the GMD must decide how to fit their process into this schedule since there is no direct conflict with GMD regulations. KAR 5-22-12 is silent on when the district's review needs to take place, only that the review be based on a copy of the application and take place prior to final action. As regulations have the full force and effect of law, the district may need to deviate from their normal procedures and policies (that do not rise to level of law) in this case. Therefore, since the result of the hearing will be a final decision on the applications as submitted, please discuss with the board the best way to make a recommendation on the applications as they have been submitted. Finally, it is also worth remembering that this is a public hearing, the purpose of which is to allow the public to share their concerns, not only those concerns held by the formal parties.

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