

**STATE OF KANSAS
BEFORE THE DIVISION OF WATER RESOURCES
KANSAS DEPARTMENT OF AGRICULTURE**

In the Matter of the City of Wichita's)
Phase II Aquifer Storage and recovery Project) **Case No. 18 WATER 14014**
In Harvey and Sedgwick Counties, Kansas)
_____)
Pursuant to K.S.A. 82a-1901 and K.A.R. 5-14-3a

**CITY OF WICHITA'S REVISED RESPONSE TO
EQUUS BEDS GROUNDWATER MANAGEMENT DISTRICT NO. 2'S
MOTION FOR EXTENSION OF TIME**

The City of Wichita, Kansas (the "City") submits the following as a written response to the recent Motion for Extension of Time submitted by Equus Beds Groundwater Management District No. 2 ("GMD2") herein:

1. In prior discussions of the Scheduling Orders and the impact of intervention by additional parties, it has been the consistent premise that additional parties would enter the case subject to all existing deadlines.
2. As with the prior case schedules GMD2 has pressed to alter, GMD2 agreed to the current schedule.
3. GMD2's problems with the departure of its staff hydrogeologist are its own. Nothing mentioned in GMD2's Motion really explains why it would be unable to negotiate with the departing hydrogeologist for expert testimony at a day or two of hearings. The fair implication is that the departing staff person is unable and/or unwilling to support GMD2's desired positions, to the extent that he has arranged to flee the jurisdiction to escape further association with GMD2 and its conduct in this case. The City should not be prejudiced by additional delays as a result of these developments, in which it had no hand.
4. In its paragraph 6, GMD2 claims need for additional discovery, and accuses the other parties of "evasive" or inadequate discovery responses. Attached hereto for

reference are the City's discovery responses, together with an index of the responsive documents, comprising many hundreds of pages, which were produced in the Dropbox directory set up by the City. Among other things, these include the proposal, its supporting exhibits, communications concerning its development, the model, communications concerning its development and adjustment over time, and all of the communications the City could locate between the City and DWR potentially relating to the proposal. By contrast, GMD2's response to discovery (also attached for reference) is quite cursory. It does not even provide a complete identification of witnesses or documents, and does not identify any of the responsive information withheld pursuant to counsel's objections. At this juncture, GMD2's discovery requests (most of which sought information already present in the proposal and supporting exhibits) appear to have been designed primarily to impose logistical burdens rather than develop material for case preparation. The City respectfully submits that the extensive document production by the City and DWR is in fact more than adequate to any case preparation needs GMD2 may have, and that GMD2 does not need, and should not be permitted, to propound additional discovery requests, particularly in light of its own limited efforts to respond to the requests of others.

5. Paragraph 8 of GMD2's Motion repeats the assertion that GMD2 has "just received" the model. As previously pointed out by the City, and documented in the cover letter re-transmitting the model to GMD2, GMD2 has in fact had the model for a couple of years, and could have run alternative scenarios at any time(s) of its choosing since the Fall of 2016. The documents produced in discovery (summarized in the cover letter re-transmitting the model) further reflect that there was substantial communication between the City and GMD2 as to inputs and variables GMD2 suggested the City should change, as well as the City's responses to those suggestions. Contrary to GMD2's recurrent claims of ignorance

concerning the model, GMD2 in fact gained substantially no new information as a result of the re-transmission of the model, and is simply continuing to engage in dilatory tactics based on inaccurate assertions concerning the information in its possession.

6. Paragraph 9 of GMD2's Motion asserts that its specially-retained counsel has been "unavailable for much of the time" to perform his agreed representation. Again, if GMD2 retained counsel who does not have time to perform the engagement, this is an issue beyond the control or influence of the City, and one for which the City should not be made to suffer prejudicial delays.

WHEREFORE, because none of the grounds offered by GMD2 are legitimate justifications for further delay in the previously-agreed schedule, the City requests that GMD2's Motion be denied, and that the case proceed in compliance with the existing schedule.

Respectfully submitted,

Office of the City Attorney
of the City of Wichita, Kansas

By /s/ Brian K. McLeod
Brian K. McLeod, SC # 14026

CERTIFICATE OF FILING AND SERVICE

The undersigned hereby certifies that he transmitted the above and foregoing Revised Response to GMD2's Motion for Extension of Time, without the (previously filed) attachments, by electronic mail on this 7th day of November, 2018, for filing, to David.Barfield@ks.gov and Kenneth.Titus@ks.gov and served the same upon counsel for the other parties herein by electronic mail, this 7th day of November, 2018, addressed to:

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/s/ Brian K. McLeod
Brian K. McLeod

**STATE OF KANSAS
BEFORE THE DIVISION OF WATER RESOURCES
KANSAS DEPARTMENT OF AGRICULTURE**

**In the Matter of the City of Wichita's)
Phase II Aquifer Storage and recovery Project)
In Harvey and Sedgwick Counties, Kansas)**

Case No. 18 WATER 14014

Pursuant to K.S.A. 82a-1901 and K.A.R. 5-14-3a

**CITY OF WICHITA'S RESPONSES TO EOUS BEDS GROUNDWATER
MANAGEMENT DISTRICT NUMBER 2 FIRST INTERROGATORIES
TO CITY OF WICHITA, KANSAS**

1. Identify each person who provided information or otherwise prepared or assisted in the preparation of the responses to these Interrogatories and to the Requests for Production of Documents and the Requests for Admissions served simultaneously with these Interrogatories and specify for each such person the information provided.

RESPONSE:

Counsel objects to the Interrogatory as overly broad and unduly burdensome, particularly the portion that seeks particularized attribution of each piece of information in all responses.

/s/ Brian K. McLeod
Brian K. McLeod, SC # 14026

Subject to and without waiving the foregoing objection, the City responds as follows:

Persons who prepared or assisted in the preparations of the responses include:

Brian McLeod, document preparation; Alan King, document review; Joe Pajor, document review; Don Henry, document review; Scott Macey, document preparation; Brian Meier, document preparation; Don Koci, document review; John Winchester, technical support and document review; Daniel Clement, technical support and document review; Paul McCormick, technical support and document review; Luca DeAngelis, document review; and Nathan Dunahee, document review.

2. Identify all documents that are relevant to the Subject Matter of this administrative hearing or the AMC Proposal.

RESPONSE:

Counsel objects to the Interrogatory as overbroad, unduly burdensome, and invading work product to the extent it necessarily seeks to appropriate the mental impressions of the City's counsel as to what is "relevant."

/s/ Brian K. McLeod
Brian K. McLeod, SC # 14026

Subject to and without waiving the foregoing objection, the City further responds as follows:

Relevant documents include but are not necessarily limited to:

- 1993 Water Supply Study (Integrated Local Water Supply Plan)
- 2000 Concept Design Study of the Equus Beds ASR Project and Appendices
- 2000 Demonstration Project Report
- 2005 Operations Modeling
- 2008 Equus Beds Storage Deficit Relationships
- 2009 Environmental Impact Statement and Appendices
- 2009 Geochemical Study for the ASR Program
- 2010 Equus Beds ASR Record of Decision
- 2010 Water Chemistry Pilot Test Report
- 2010 ASR Program Review by HDR
- 2011 Diversion Well Testing Report and Appendices
- 2013 Water Demand Assessment
- 2013 Drought Response Plan
- 2017 ASR Permit Change Meeting Handout
- ASR Accounting Reports (2006 -2016)
- ASR Phase 1 BSW Evaluation Reports
- Documents and references produced by High Country Hydrology (HCH Documents)
- USGS Reports as listed in USGS Documents Exhibits.docx
- KGS Reports as provided in subdirectory KGS Documents
- USGS Data available at: <https://www.usgs.gov/centers/kswsc/science/equus-beds-recharge-project>
- Documents available 10/30/2018 at Wichita's ASR Website: <http://wichitaasr.org>
- Documents available 10/30/2018 at State of Kansas website: <http://www.agriculture.ks.gov/WichitaASR>
- Documents available at other websites listed in the City's Production of Documents.
- Proposal for Modifications to ASR permit conditions, and documents referenced therein
- Additional documents produced by City in discovery

Each of the aforementioned documents and additional relevant documents are provided as components of the electronic file folders supplied with the Production of Documents, in the directory POD. A full list of documents provided is available as the file POD_Documents.doc. Wherever any of the documents provided or referred to provide

reference to other source documents, each such reference shall be considered as presented herewith.

Additional relevant documents not available to the City may include:

- Documents prepared by Groundwater Management District No. 2, but not provided.
 - District staff analyses of the Permit Modification proposal
 - Consulting contracts between the District and consultants retained by the District for this matter
 - Audio records of the District's public meetings and proceedings, District board member communications and District staff's communications and analyses related to the City proposal at issue in this matter
 - As-yet unidentified documents to be identified by the District as relied upon to support its contentions in this matter.
 - The District's and DWR's Interrogatory Responses
 - Documents produced by other parties in discovery
3. If any of your responses to the District's Requests for Admission are anything other than an unqualified admission, provide a detailed explanation of any and all facts that relate to or concern your responses and identify:
- a. Any and all persons with facts that relate to or concern your responses;
 - b. Any and all documents that relate to or concern your responses.

RESPONSE:

Counsel objects to the Interrogatory as overly broad, unduly burdensome, and designed to invade protected work product.

/s/ Brian K. McLeod
Brian K. McLeod, SC # 14026

Subject to and without waiving the foregoing objections, the City further responds as follows:

Explanations for the City's Responses to the Requests for Admissions are provided with the responses. Responses to Requests 1 through 13, 17, 18 and 26 should have been ascertainable from the City's proposal. Requests 14, 15 and 16 were answerable from the proposal and referenced statutes and regulations. Information relating to the response to request 19 was contributed by City staff and consultants having knowledge of USGS peer review of the model and of DWR and District staff review of the inputs and outputs used. Information for the response to request 21 was contributed by Alan King. Responses to Requests 22-24 are based upon the referenced regulation.

Documents that may "relate to or concern" the City's responses include the City's proposal and referenced statutes and regulations, and may also include (but are not necessarily

limited to) those provided by the City in its responses to the District production request.

Persons with knowledge of facts that relate to the responses include:

Brian McLeod; Alan King; Joe Pajor; Don Henry; Scott Macey; Brian Meier; Don Koci; John Winchester; Daniel Clement; Paul McCormick; Luca DeAngelis; Nathan Dunahee; and Tracy Streeter.

Each of the documents (other than statutes and regulations) that relate to the responses are provided as components of the electronic file folders supplied with the Production of Documents, in the directory POD. A full list of documents provided is available as the file POD_Documents.doc. Wherever any of the documents provided or referred to provide reference to other source documents, each such reference shall be considered as presented herewith.

4. If you have ever had any of the documents that are to be identified pursuant to any of these Interrogatories or are to be produced pursuant to any of the Requests for Production of Documents served simultaneously with these Interrogatories but do not now have such document(s) in your possession, custody, or control, state the following with respect to each such document:
 - a. The present location thereof or all reasons why you cannot or do not know the location thereof.
 - b. The date each such document left your possession, custody, or control.
 - c. The reasons each such document is not now in your possession, custody, or control.
 - d. Identify all persons having knowledge about the matters inquired about in the immediately preceding paragraphs (a) through (c).

RESPONSE:

Counsel objects to the Interrogatory as overly broad and unduly burdensome.

/s/ Brian K. McLeod
Brian K. McLeod, SC # 14026

Subject to, and without waiving the foregoing objection, the City further responds as follows:

The City believes it has access to most documents that pertain to its proposal and this proceeding, and it has not disposed of any such. The City does not have access to the consultant contracts unlawfully concealed by the District, or any other pertinent records the District has similarly withheld or concealed. Some of the documents accessed by the City are (as apparent from the document descriptions) not City-originated or maintained, but were (and can be) accessed on the websites of the entities that originated and maintain the documents.

High Country Hydrology has identified the book *Water in Environmental Planning* by Thomas

Dunne and Luna Leopold as a reference. This text will not be provided as part of the Production of Documents, but it is available for purchase.

5. If any of the documents that are to be identified pursuant to any of these Interrogatories or are to be produced pursuant to any of the Requests for Production of Documents served on you simultaneously with these Interrogatories are withheld under a claim of privilege, or are not produced for whatever reason:
 - a. State with specificity the claim of privilege or other reason to withhold production.
 - b. Identify each such document by date, author, and subject matter, without disclosing its contents, in a manner sufficient to allow it to be described to the Hearing Officer for ruling on the privilege or other reason asserted.
 - c. Produce those portions of any such document that are not subject to a claim of privilege or other reason for non-production by excising or otherwise protecting the portions for which a privilege is asserted, if such a technique does to result in disclosing the contents of the portions for which some privilege is asserted.

RESPONSE:

A descriptive log of documents identified as potentially responsive but withheld under claim of privilege or work product doctrine is attached as Exhibit A hereto.

6. Identify any person that has or may have knowledge, other than the general public, of the facts related to the Subject Matter of this administrative hearing or the AMC Proposal.

RESPONSE:

Counsel objects to the Interrogatory as over broad and unduly burdensome, and as necessarily seeking to invade work product by seeking to appropriate the mental impressions of the City's counsel as to what is "relevant".

/s/ Brian K. McLeod
Brian K. McLeod, SC # 14026

Subject to and without waiving the foregoing objection, the City further responds as follows:

Individuals with knowledge include, but are not necessarily limited to, the members of the following groups, and any meeting attendees present during Wichita's presentations:

The Chief Engineer and staff of the Division of Water Resources, Kansas Department of Agriculture; Kansas Farm Bureau; Equus-Walnut Regional Advisory Committee; Regional Economic Area Partnership; Kansas Municipal Utilities; League of Kansas Municipalities; Kansas Rural Water Association; Kansas Livestock Association; Sedgwick County Farm Bureau; Harvey

County Farm Bureau; Sedgwick Count Commission; Board members and Staff of Groundwater Management District # 2; and Harvey County Commission.

Additional persons with knowledge of the facts related to the subject matter may include:

Brian McLeod; Alan King; Joe Pajor; Don Henry; Scott Macey; Brian Meier; Don Koci; John Winchester; Daniel Clement; Paul McCormick; Luca DeAngelis; Nathan Dunahee; Tracy Streeter; Earl Lewis; Mary Knapp; Tessa Wendling; Richard Basore; Josh Carmichael; Judy Carmichael; Bill Carp; Carol Denno; Steve Jacob; Terry Jacob; Michael J. McGinn; Michael P. and Susannah M. McGinn; Bradley Ott; Tracy Pribbenow; Robert Seiler and David Wendling.

7. Please identify all experts you have hired or consulted with regarding the Subject Matter of this administrative hearing or the AMC Proposal, and:
 - a. Identify all documents that have been provided to all such experts;
 - b. Identify all documents that have been provided to you by such experts;
 - c. State the subject matter in which each expert was consulted and the substance of their expected testimony at hearing.

RESPONSE:

Counsel objects to the Interrogatory as overly broad, unduly burdensome, and designed to invade work product.

/s/ Brian K. McLeod
Brian K. McLeod, SC # 14026

Subject to and without waiving the foregoing objection, the City further responds as follows:

Preliminary Expert Disclosures were provided consistent with the schedule set in the Prehearing Order. The City offers the following additional information relating to listed experts, some of whom may also testify as fact witnesses (To the extent documents in the production response are referred to, this data is additionally responsive to the District's Production Requests 8 and 9):

Alan King; Director, City of Wichita Public Works & Utilities

- a) Alan King's factual observations and opinions are presented in the ASR Permit Modification Proposal and cover letter. Specific contributions are as indicated in the table Summary of Expert Witness Contributions.
- b) Consulted for: Municipal Utility Management, and also City Council directions and policy development with regard to water utility infrastructure, water conservation, and drought response
- c) The grounds for Alan King's opinions are knowledge of pertinent information presented in the subdirectories Proposal, Proposal Communication, and Meetings.
- d) Documents
 - i. Documents prepared by or under the supervision of Alan King are provided in the subdirectories Proposal and Proposal Communications.
 - ii. Alan King was provided, relied upon, or reviewed documents included in the subdirectories Proposal, Proposal Communications and Reports.
- e) Additional documents provided by Alan King include correspondence found in the subdirectory Electronic Communications.
- f) Alan King is a City of Wichita employee; his compensation is publicly available.
- g) Alan King's qualifications are as presented in the City of Wichita's Preliminary Expert Disclosure.

Joseph Pajor, Deputy Director, City of Wichita Public Works and Utilities

- a) Joseph Pajor's factual observations and opinions are presented in the ASR Permit Modification Proposal, cover letter, and supporting appendices presented in the subdirectory Proposal. Specific contributions are as indicated in the table Summary of Expert Witness Contributions
- b) Consulted for: Wichita's historical interactions with Groundwater Management District No. 2, the history of the City's water resources and the purposes of the changes contemplated by the City's current ASR proposal
- c) The grounds for Joseph Pajor's opinions are knowledge of pertinent information presented in the subdirectories Proposal, Proposal Communication, Meetings, and Reports.
- d) Documents
 - i. Documents prepared by or under the supervision of Joseph Pajor are provided in the subdirectories Proposal and Proposal Communications.
 - ii. Joseph Pajor was provided, relied upon, or reviewed documents included in the subdirectories Proposal Communications and Reports.
- e) Additional documents provided by Joseph Pajor include correspondence found in the subdirectory Electronic Communications.
- f) Joseph Pajor is a City of Wichita employee; his compensation is publicly available.

- g) Joseph Pajor's qualifications are as presented in the City of Wichita's Preliminary Expert Disclosure.

Don Henry, Assistant Director, City of Wichita Public Works and Utilities,

- a) Don Henry's factual observations and opinions are presented in the ASR Permit Modification Proposal, cover letter, and supporting appendices presented in the subdirectory Proposal. Specific contributions are as indicated in the table Summary of Expert Witness Contributions
- b) Consulted for: Municipal Water Utility Management and planning, including the history of the City's water resources, history and trends in the aquifer, 1993 water levels and the purposes of the changes contemplated by the City's current ASR proposal
- c) The grounds for Don Henry's opinions are knowledge of pertinent information presented in the subdirectories Proposal, Proposal Communication, Meetings, and Reports.
- d) Documents
 - i. Documents prepared by or under the supervision of Don Henry are provided in the subdirectories Proposal and Proposal Communications.
 - ii. Don Henry was provided, relied upon, or reviewed documents included in the subdirectories Proposal Communications and Reports.
- e) Additional documents provided by Don Henry include correspondence found in the subdirectory Electronic Communications.
- f) Don Henry is a City of Wichita employee; his compensation is publicly available.
- g) Don Henry's qualifications are as presented in the City of Wichita's Preliminary Expert Disclosure.

Scott Macey, Water Resources Engineer, City of Wichita Public Works & Utilities

- a) Scott Macey's factual observations and opinions are presented in the ASR Permit Modification Proposal, cover letter, and supporting appendices presented in the subdirectory Proposal. Specific contributions are as indicated in the table Summary of Expert Witness Contributions
- b) Consulted for: current and historical water use trends, current City treatment processes and infrastructure planning, and technical tools and models used for water resource decision making
- c) The grounds for Scott Macey's opinions are knowledge of pertinent information presented in the subdirectories Proposal, Proposal Communication, Meetings, Reports, and Water Rights.
- d) Documents
 - i. Documents prepared by or under the supervision of Scott Macey are provided in the subdirectories Proposal and Proposal Communications.

- ii. Scott Macey was provided, relied upon, or reviewed documents included in the subdirectories Proposal Communications, Reports, and Model.
- e) Additional documents provided by Scott Macey include correspondence found in the subdirectory Electronic Communications.
- f) Scott Macey is a City of Wichita employee; his compensation is publicly available.
- g) Scott Macey's qualifications are as presented in the City of Wichita's Preliminary Expert Disclosure.

Brian Meier, Burns & McDonnell

- a) Brian Meier's factual observations and opinions are presented in the ASR Permit Modification Proposal, cover letter, and supporting appendices presented in the subdirectory Proposal. Specific contributions are as indicated in the table Summary of Expert Witness Contributions
- b) Consulted for: Wichita's ASR project history, including its missions, goals, and methods, and the interagency coordination as the City's water utility employed a dynamic plan for its water resources
- c) The grounds for Brian Meier's opinions are knowledge of pertinent information presented in the subdirectories Proposal, Proposal Communication, Meetings, Reports, and Water Rights.
- d) Documents
 - i. Documents prepared by or under the supervision of Brian Meier are provided in the subdirectories Proposal and Proposal Communications.
 - ii. Brian Meier was provided, relied upon, or reviewed documents included in the subdirectories Proposal Communications, Reports, and Model.
- e) Additional documents provided by Brian Meier include correspondence found in the subdirectory Electronic Communications.
- f) Brian Meier is a Burns & McDonnell employee; the Contracts provided in the City's Production of Documents disclose a Fee Schedule for each class of employee.
- g) Brian Meier's qualifications are as presented in the City of Wichita's Preliminary Expert Disclosure.

Don Koci, Burns & McDonnell

- a) Don Koci's factual observations and opinions are presented in the ASR Permit Modification Proposal, cover letter, and supporting appendices presented in the subdirectory Proposal. Specific contributions are as indicated in the table Summary of Expert Witness Contributions
- b) Consulted for: Wichita's ASR project history, goals and mission, in addition to water rights and regulatory structures
- c) The grounds for Don Koci's opinions are knowledge of pertinent information presented in the subdirectories Proposal, Proposal Communication, Meetings, Reports, and Water Rights.

- d) Documents
 - i. Documents prepared by or under the supervision of Don Koci are provided in the subdirectories Proposal and Proposal Communications.
 - ii. Don Koci was provided, relied upon, or reviewed documents included in the subdirectories Proposal Communications, Reports, and Model.
- e) Additional documents provided by Don Koci include correspondence found in the subdirectory Electronic Communications.
- f) Don Koci is a Burns & McDonnell employee; the Contracts provided in the City's Production of Documents disclose a Fee Schedule for each class of employee.
- g) Don Koci's qualifications are as presented in the City of Wichita's Preliminary Expert Disclosure.

John Winchester, High Country Hydrology

- a) John Winchester's factual observations and opinions are presented in the ASR Permit Modification Proposal, cover letter, and supporting appendices presented in the subdirectory Proposal. Specific contributions are as indicated in the table Summary of Expert Witness Contributions
- b) Consulted for: municipal water resources planning, hydrological analyses, drought simulation, use of the 1% drought in the planning process, and technical tools and models
- c) The grounds for John Winchester's opinions are knowledge of pertinent information presented in the subdirectory HCH.
- d) Documents
 - i. Documents prepared by or under the supervision of John Winchester are provided in the subdirectory HCH.
 - ii. John Winchester was provided, relied upon, or reviewed documents included in the subdirectory HCH.
- e) Additional documents provided by John Winchester include correspondence found in the subdirectory Electronic Communications.
- f) John Winchester is a High Country Hydrology employee; the subdirectory Contracts provided in the City's Production of Documents discloses contractual agreements with R.W. Beck, Inc., and SAIC Energy, Environment & Infrastructure, LLC. Each company was directly engaged by the City of Wichita; these Contracts are also provided.
- g) John Winchester's qualifications are as presented in the City of Wichita's Preliminary Expert Disclosure.

Daniel Clement, Burns & McDonnell

- a) Daniel Clement's factual observations and opinions are presented in the ASR Permit Modification Proposal, cover letter, and supporting appendices presented in the subdirectory Proposal.

- b) Consulted for: Equus Beds aquifer water usage and sustainable yield, recharge mechanisms and accounting, water resource conditions, and technical tools and models
- c) The grounds for Daniel Clement's opinions are knowledge of pertinent information presented in the subdirectories Proposal, Proposal Communication, Meetings, Reports, Model, and Water Rights.
- d) Documents
 - i. Documents prepared by or under the supervision of Daniel Clement are provided in the subdirectories Proposal, Proposal Communications, and Model.
 - ii. Daniel Clement was provided, relied upon, or reviewed documents included in the subdirectories Proposal Communications and Reports.
- e) Additional documents provided by Daniel Clement include correspondence found in the subdirectories Proposal Communication and Electronic Communications.
- f) Daniel Clement is a Burns & McDonnell employee; the Contracts provided in the City's Production of Documents disclose a Fee Schedule for each class of employee.
- g) Daniel Clement's qualifications are as presented in the City of Wichita's Preliminary Expert Disclosure.

Paul McCormick, Burns & McDonnell

- a) Paul McCormick's factual observations and opinions are presented in the ASR Permit Modification Proposal, cover letter, and supporting appendices presented in the subdirectory Proposal.
- b) Consulted for: aquifer water usage and sustainable yield, recharge mechanisms and accounting, water resource conditions, and technical tools and models
- c) The grounds for Paul McCormick's opinions are knowledge of pertinent information presented in the subdirectories Proposal, Proposal Communication, Meetings, Reports, and Model.
- d) Documents
 - i. Documents prepared by or under the supervision of Paul McCormick are provided in the subdirectories Proposal, Proposal Communications, and Model.
 - ii. Paul McCormick was provided, relied upon, or reviewed documents included in the subdirectories Proposal Communications and Reports.
- e) Additional documents provided by Paul McCormick include correspondence found in the subdirectories Proposal Communication and Electronic Communications.
- f) Paul McCormick is a Burns & McDonnell employee; the Contracts provided in the City's Production of Documents disclose a Fee Schedule for each class of employee.
- g) Paul McCormick's qualifications are as presented in the City of Wichita's Preliminary Expert Disclosure.

Luca DeAngelis, Burns & McDonnell

- a) Luca DeAngelis's factual observations and opinions are presented in the ASR Permit Modification Proposal, cover letter, and supporting appendices presented in the subdirectory Proposal.
- b) Consulted for: historical and current aquifer conditions, such as chloride transport, and modeling simulation tools
- c) The grounds for Luca DeAngelis' opinions are knowledge of pertinent information presented in the subdirectories Proposal, Reports, and Model.
- d) Documents
 - iii. Documents prepared by or under the supervision of Luca DeAngelis are provided in the subdirectory Proposal.
 - iv. Luca DeAngelis was provided, relied upon, or reviewed documents included in the subdirectories Proposal Communications and Reports.
- e) Additional documents provided by Luca DeAngelis include correspondence found in the subdirectory Electronic Communications.
- f) Luca DeAngelis is a Burns & McDonnell employee; the Contracts provided in the City's Production of Documents disclose a Fee Schedule for each class of employee.
- g) Luca DeAngelis's qualifications are as presented in the City of Wichita's Preliminary Expert Disclosure.

Nathan Dunahee, Burns & McDonnell

- a) Nathan Dunahee's factual observations and opinions are presented in the ASR Permit Modification Proposal, cover letter, and supporting appendices presented in the subdirectory Proposal.
- b) Consulted for: geochemical effects of natural and artificial aquifer groundwater recharge, and modeling simulation tools
- c) The grounds for Nathan Dunahee's opinions are knowledge of pertinent information presented in the subdirectories Proposal, Reports, and Model.
- d) Documents
 - i. Documents prepared by or under the supervision of Nathan Dunahee are provided in the subdirectory Proposal.
 - ii. Nathan Dunahee was provided, relied upon, or reviewed documents included in the subdirectories Proposal Communications and Reports.
- e) Additional documents provided by Nathan Dunahee include correspondence found in the subdirectory Electronic Communications.
- f) Nathan Dunahee is a Burns & McDonnell employee; the Contracts provided in the City's Production of Documents disclose a Fee Schedule for each class of employee.
- g) Nathan Dunahee's qualifications are as presented in the City of Wichita's Preliminary Expert Disclosure.

8. If you have ever had any of the documents that are to be identified pursuant to any of these Interrogatories or are to be produced pursuant to any of the Requests for Production of Documents served on you simultaneously with these Interrogatories that have been destroyed, describe in detail the circumstances of and all reasons for such destruction and produce all documents that relate to or concern either the circumstances or the reason for such destruction.

RESPONSE:

Counsel objects to the Interrogatory as vague, particularly in the context of the overbroad and burdensome nature of the District's requests.

/s/ Brian K. McLeod
Brian K. McLeod, SC 14026

Subject to and without waiving the foregoing objection, the City responds as follows:

The City does not believe any such documents in its possession have been destroyed, but cannot speak to consultant contracts or other public records in the possession of the District, or the circumstances or reasons for the District's destruction of any such documents the District may have destroyed.

9. Please indicate any and every meeting and communication You have had with the DWR about the Subject Matter. Please include the date of each meeting and/or communication, the individuals involved in any meeting and/or communication, the subject matter of each communication and/or meeting, and the location of any communication and/or meeting.

RESPONSE:

Counsel objects to the Interrogatory as overly broad and unduly burdensome.

/s/ Brian K. McLeod
Brian K. McLeod, SC # 14026

Subject to and without waiving the foregoing objection, the City further responds as follows:

The City has employed computer term searches to locate electronic calendars and email communications from which it believes the answer to the Interrogatory may be compiled, and has produced these to the District concurrently herewith. The City refers the District to

this body of documents as its answer to this Interrogatory.

Applicable communications or correspondence is provided in electronic form, as the subdirectory Proposal Communications. Additional detail may be available in the subdirectory Electronic Communications. Applicable meetings in which additional pertinent communications may have occurred are listed in the subdirectories DWR Meetings and GMD2 Meetings.

10. Please explain in detail the accounting method that will be used to determine water entering and leaving the Aquifer with the AMC Proposal.

RESPONSE:

Please refer to the proposal documents and Proposal Correspondence.

11. Please explain in detail how the Aquifer will be artificially recharged through the AMC Proposal.

RESPONSE:

Please refer to the proposal documents and Proposal Correspondence.

12. Please explain in detail where source water will be treated and used pursuant to the AMC Proposal.

RESPONSE:

Please refer to the proposal documents and Proposal Correspondence.

13. Please explain in detail how source water will be treated pursuant to the AMC Proposal.

RESPONSE:

Please refer to the proposal documents and Proposal Correspondence.

14. Please explain the calculation used to arrive at the AMC five percent initial loss and the rationale for that calculation.

RESPONSE:

Please refer to the proposal documents and Proposal Correspondence.

15. Please explain in detail how the proposed AMC gradational annual losses were determined.

RESPONSE:

Please refer to the proposal document and Proposal Correspondence.

16. Please explain in detail how the physical recharge capacity of the Aquifer was determined.

RESPONSE:

Please refer to the proposal documents, Proposal Correspondence, and the subdirectory Reports within the City's Production of Documents.

17. Please explain in detail whether the water quality of the Aquifer will be impacted by the AMC Proposal and Your rationale.

RESPONSE:

Please refer to the Proposal Document and the subdirectory Reports for information regarding protection of water quality.

18. Please explain what infrastructure will be utilized for the AMC Proposal.

RESPONSE:

All currently constructed and future ASR infrastructure will be utilized in conjunction with the AMC proposal. Please refer to the Proposal Document and the subdirectory Reports.

19. Please explain how the proposed recharge credit cap of 120,000 acre-feet was derived.

RESPONSE:

Please refer to the proposal documents and Proposal Correspondence for information pertinent to the derivation of the 120,000 acre-feet cap.

20. Please explain the adjustments to the proposed minimum index levels which resulted in proposed minimum index levels lower than the modeled results.

RESPONSE:

Please refer to the proposal documents and Proposal Correspondence.

21. Please explain if the ASR Permit Modification Proposal is in compliance with the District/City Phase I and Phase II MOUs.

RESPONSE

Counsel objects to the Interrogatory as invading work product and essentially seeking a legal analysis and opinion from the City's counsel rather than matters of fact calculated to lead to admissible evidence.

/s/ Brian K. McLeod

Brian K. McLeod, SC # 14026

Subject to and without waiving the foregoing objection, the City further responds as follows:

:

The City believes the substantive protections to domestic wells anticipated by the MOU's are present in Proposal and/or can be adequately addressed by actual permit conditions.

22. Please explain the level of input and assistance the Chief Engineer provided to You in the development of the Your ASR Permit Modification Proposal and when the assistance occurred.

RESPONSE:

Communication and input by from the Chief Engineer was standard for a project of this nature and did not deviate from the normal course. The City refers the District to the produced documents for its further answer to this Interrogatory.

Applicable communications or correspondence is provided in electronic form, as the subdirectory Proposal Communications. Additional detail may be available in the subdirectory Electronic Communications. Applicable meetings in which additional pertinent communications may have occurred are listed in the subdirectories DWR Meetings and GMD2 Meetings.

23. Specifically identify how the City of Wichita demonstrated to the Chief Engineer that these proposed changes to Wichita's existing aquifer and storage recovery program will not: 1) prejudicially and unreasonably affect the public interest, 2) impair existing water rights, nor 3) allow an unreasonable raising or lowering of the water level? Identify all the facts, studies, expert opinions, computer modeling and other information relied on by the City of Wichita in making such a demonstration to the Chief Engineer.

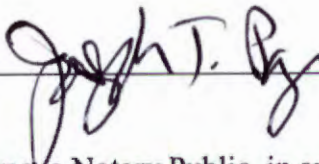
RESPONSE:

For information on how the City has addressed these topics to date, please refer to the proposal document and additional supplied information. To the extent that the demonstrations in question are also an object of the public hearing and subsequent administrative proceedings scheduled in this matter (and hence, ongoing), additional information will be made available to the District in the conduct of the administrative proceedings, as and when appropriate in accordance with the Prehearing Order and any subsequent directions of the Chief Engineer.

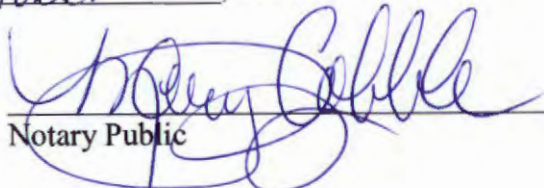
VERIFICATION

STATE OF KANSAS)
) ss.
COUNTY OF SEDGWICK)

Joseph T. Pajor, being of lawful age and being duly sworn upon oath, deposes and states that he is the Deputy Director of Public Works and Utilities for the City of Wichita, Kansas, a party herein; that he has read the above and foregoing interrogatories and responses and that the answers, statements and allegations therein above contained are true and correct to the best of his information, knowledge and belief.

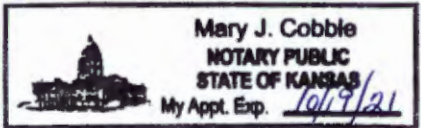


SUBSCRIBED AND SWORN to before me, a Notary Public, in and for the aforesaid state and county, this 31st day of October, 2018.



Notary Public

My Appointment Expires:
10/19/21



CERTIFICATE OF SERVICE

The undersigned hereby certifies that he or she served the above and foregoing Responses to Interrogatories upon counsel for the other parties herein by electronic mail, this 30th day of October, 2018, addressed to:

Thomas A. Adrian
David J. Stucky
tom@aplawpa.com
dave@aplawpa.com
313 Spruce
Halstead, Kansas 67056
And

Leland Rolfs
Leland.rolfs@sbcglobal.net
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Kansas Department of Agriculture
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Manhattan, Kansas 66502
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(316) 268-4681
FAX: (316) 268-4335
bmcleod@wichita.gov

Exhibit A

Documents Withheld Subject to Privilege And/or Work Product Doctrine

Brian McLeod email of June 12, 2015 to Alan King and Don Henry, re. GMD2 MOUs (attorney client privileged and work product)

Undated, unsent Don Henry email screen with June 12, 2015 Brian McLeod email attached and no other content (attorney client privileged and work product).

Brian McLeod email of March 30, 2107 re. ASR Permits & Recharge Credits (attorney-client privileged and work-product)

Joe Pajor email of March 31, 2017 forwarding Brian McLeod March 30, 2017 email to other City recipients (attorney-client privileged and work product)

Brian Meier's response of April 1, 2017 (attorney-client privilege and work product)

Deb Ary's October 25, 2017 email to Brian McLeod re. Cochran Bentley Wellfield dispute (attorney-client privileged and work product and probably also irrelevant to this case)

February 6, 2018 email of Don Henry to City Attorney Jennifer Magana, requesting legal assistance re ASR Permitting Process (attorney client privileged)

February 6, 2018 email of Jennifer Magana responding to Don Henry request (attorney client privileged)

March 1, 2018 email of Brian McLeod to Don Henry, regarding possible permit language (attorney client privileged and work product)

March 1, 2018 email of Don Henry to Brian McLeod, regarding possible permit language (attorney client privileged and work product)

August 1, 2018 email of Brian McLeod to Alan King, Joe Pajor and Scott Macey, regarding interrogatories sent to GMD2 (attorney client privileged and work product)

Joe Pajor email of same date, internally forwarding August 1, 2018 Brian McLeod email to Don Henry (attorney client privileged and work product)

Brian McLeod email of August 20, 2018 to Joe Pajor, Don Henning and Scott Macey, forwarding Allison Graber email and GMD2 discovery requests with commentary (attorney client privileged and work product)

Brian McLeod email of August 20, 2018 to Don Henry and Scott Macey re. GMD2 discovery requests (attorney client privileged and work product)

Scott Macey email of August 20, 2018 to Brian McLeod, and Brian McLeod responsive email re. forwarding GMD2 discovery requests (attorney client privileged and work product)

Scott Macey email of August 20, 2018 to Brian McLeod, Joe Pajor and Don Henry, re. Upcoming Hearing (attorney client privileged and work product)

Scott Macey email to Brian McLeod link of August 20, 2018, sharing email Records (attorney-client privileged and work product)

Brian McLeod email of August 23, 2018 regarding KORA compliant (attorney client privileged)

Scott Macey email of August 24, 2018 to Brian McLeod re. draft KORA complaint (attorney client privileged)

Joe Pajor email of August 28, 2018 to Brian McLeod, re. request to IT in support of ASR permit modification hearing (attorney client privileged and work product)

Brian Meier August 28, 2018 CONFIDENTIAL email to Brian McLeod, Joe Pajor, Scott Macey and Daniel Clement on responses to GMD2 discovery, and attachments (attorney client privileged and work product)

Scott Macey August 30, 2018 email to Brian McLeod re. expert witness groups by response category (Attorney client privileged and work product)

Additional Scott Macey August 30, 2018 email to Brian McLeod re. expert witness groups by response category (Attorney client privileged and work product)

Three August 31, 2018 communications from Scott Macey to Brian McLeod relating to ASR events calendar (attorney client privileged and work product)

Scott Macey August 31, 2018 email to Brian Meier regarding progress drafts of discovery responses, and its attachments (attorney client privileged and work product)

Scott Macey August 31, 2018 email to Joe Pajor regarding progress drafts of discovery responses, and its attachments (attorney client privileged and work product)

August 31, 2018 email of Scott Macey to Brian McLeod relating to ASR events calendar (attorney client privileged and work product)

August 31, 2018 email of Scott Macey to Brian Meier and Daniel Clement regarding ASR events calendar (work product)

September 4, 2018 email of Scott Macey to Brian McLeod and Don Henry re. Preliminary Expert Witness Disclosure (Attorney client privileged and work product)

September 4, 2018 email of Scott Macey to Brian McLeod, Brian Meier and Don Henry re. Preliminary Expert Witness Disclosure (Attorney client privileged and work product)

September 4, 2018 email of Scott Macey to Brian McLeod regarding expert resumes (attorney client privileged and work product).

September 4, 2018 email of Scott Macey to Burns & McDonnell staff and Brian McLeod regarding progress draft of expert witness overview (attorney client privileged and work product)

September 4, 2018 follow-up email of Scott Macey to Luca DeAngelis re. expert witness overview (work product)

September 4, 2018 Luca DeAngelis response (work product)

Daniel Clement email of 8/30/2018 to Scott Macey, Luca DeAngelis, Paul McCormick, Brian Meier , re. Summary of Credentials Request (work product)

Michael Jacobs email of 8/30/2018 to Stan Breitenbach, Scott Macey , re. On Call Task Orders (work product)

Paul McCormick email of 8/30/2018 to Scott Macey, Luca DeAngelis, Daniel Clement, Brian Meier , re. Summary of Credentials Request (work product)

Scott Macey email of 8/30/2018 to Luca DeAngelis, Paul McCormick, Daniel Clement , re. Summary of Credentials Request (work product)

Scott Macey email of 8/30/2018 to Brian McLeod, Daniel Clement, Joseph Pajor, Paul McCormick , re. Expert witness groups by response category (attorney client privileged and work product)

Scott Macey email of 8/30/2018 to Brian McLeod, Daniel Clement, Joseph Pajor, Paul McCormick , re. Expert witness groups by response category (attorney client privileged and work product)

Scott Macey email of 8/30/2018 to Nathan Dunahee, Brian Meier , re. Summary of Credentials Request (work product)

Scott Macey email of 8/30/2018 to Joseph Pajor, Brian McLeod , re. Outlook records (attorney client privileged and work product)

Joseph Pajor email of 8/31/2018 to Scott Macey, Don Henry, Brian McLeod , re. File Access (attorney client privileged)

Nathaniel Dunahee email of 8/31/2018 to Scott Macey , re. Summary of Credentials Request (work product)

Nathaniel Dunahee email of 8/31/2018 to Scott Macey , re. Summary of Credentials Request (work product)

Nathaniel Dunahee email of 8/31/2018 to Scott Macey, Brian Meier , re. Summary of Credentials Request (work product)

Scott Macey email of 8/31/2018 to Brian Meier, Daniel Clement, Don Henry, Joseph Pajor , re. ASR Events Calendar (work product)

Scott Macey email of 8/31/2018 to Nathaniel Dunahee , re. Summary of Credentials Request (work product)

Scott Macey email of 8/31/2018 to Nathaniel Dunahee , re. Summary of Credentials Request (work product)

Scott Macey email of 8/31/2018 to Donald Koci, Tracy Streeter, Brian Meier , re. Request for your Presence as Expert witness (work product)

Scott Macey email of 8/31/2018 to Scott Macey , re. ASR Events Calendar (work product)

Scott Macey email of 8/31/2018 to Brian McLeod , re. ASR Events Calendar (attorney client privileged and work product)

Scott Macey email of 8/31/2018 to Brian McLeod , re. ASR Events Calendar (attorney client privileged and work product)

Scott Macey email of 8/31/2018 to Brian McLeod, Don Henry, Joseph Pajor , re. Wichita ASR proposal (attorney client privileged and work product)

Scott Macey email of 8/31/2018 to Joseph Pajor , re. Response to DWR GMD 4 (work product)

Scott Macey email of 8/31/2018 to Joseph Pajor, Don Henry, Brian McLeod , re. File Access (attorney client privileged and work product)

Donald Koci email of 9/3/2018 to Scott Macey, Brian Meier , re. Request for your Presence as Expert witness (work product)

cherwell email of 9/4/2018 to Joseph Pajor , re. Service Request 94552 has been resolved (attorney client privileged)

Brian McLeod email of 9/4/2018 to Alan King, Scott Macey, Jennifer Magana , re. This Just In (attorney client privileged)

Brian McLeod email of 9/4/2018 to Scott Macey, Alan King, Don Henry, Joseph Pajor , re. Resumes for expert witness (attorney client privileged)

Brian McLeod email of 9/4/2018 to Joseph Pajor , re. Wichita ASR Motion (attorney client privileged)

Brian Meier email of 9/4/2018 to Brian McLeod, Don Henry, Scott Macey, Daniel Clement , re. Request for your Presence as Expert witness (attorney client privileged)

Joseph Pajor email of 9/4/2018 to Alan King, Don Henry, Scott Macey, Brian Meier, Daniel W. Clement , re. Wichita ASR Motion (attorney client privileged)

Luca DeAngelis email of 9/4/2018 to Scott Macey , re. Wichita; Preliminary Expert Witness overview (work product)

Brian Meier email of 9/4/2018 to Joseph Pajor , re. Wichita ASR Motion (work product)

Scott Macey email of 9/4/2018 to Luca DeAngelis , re. Wichita; Preliminary Expert Witness overview (work product)

Scott Macey email of 9/4/2018 to Brian McLeod , re. Latest version of Preliminary Expert Disclosure (attorney client privileged and work product)

Scott Macey email of 9/4/2018 to Brian McLeod , re. Preliminary Expert Disclosure edits (attorney client privileged and work product)

Scott Macey email of 9/4/2018 to Brian McLeod , re. Resumes thus far (attorney client privileged and work product)

Scott Macey email of 9/4/2018 to Brian McLeod , re. Wichita; Preliminary Expert Witness overview (Luca DeAngelis) (attorney client privileged and work product)

Scott Macey email of 9/4/2018 to Brian Meier, Brian McLeod, Don Henry , re. Preliminary Expert Witnesses Due (attorney client privileged and work product)

Scott Macey email of 9/4/2018 to Brian Meier, Brian McLeod, Don Henry, Daniel Clement , re. Preliminary Expert Witnesses Due (attorney client privileged and work product)

Scott Macey email of 9/4/2018 to Tracy Streeter , re. Request for your Presence as Expert witness (work product)

Brian Meier email of 9/5/2018 to Joseph Pajor, Alan King, Don Henry, Scott Macey, Daniel Clement , re. Wichita ASR Motion to Extend Time (work product)

Brian McLeod email of 9/6/2018 to Joseph Pajor , re. ARS application notice status and application processing (attorney client privileged)

Brian McLeod email of 9/6/2018 to Joseph Pajor , re. Required Notices (attorney client privileged)

Joseph Pajor email of 9/6/2018 to Scott Macey , re. In re. City of Wichita's Phase II ASR, 18 WATER 14014 (DWR) (attorney client privileged)

Joseph Pajor email of 9/6/2018 to Scott Macey , re. In re. City of Wichita's Phase II ASR, 18 WATER 14014 (DWR) (attorney client privileged)

Brian Meier email of 9/6/2018 to Joseph Pajor, Don Henry, Brian McLeod , re. ARS application notice status and application processing (attorney client privileged and work product)

Scott Macey email of 9/6/2018 to Don Henry , re. On Call Task Orders (work product)

Scott Macey email of 9/6/2018 to Michael Jacobs, Ary, Debra , Don Henry, Joseph Pajor, Brian McLeod , re. Email records to be shared with GMD2 (attorney client privileged and work product)

Scott Macey email of 9/6/2018 to Joseph Pajor , re. File Location (work product)

Scott Macey email of 9/6/2018 to Joseph Pajor , re. In re. City of Wichita's Phase II ASR, 18 WATER 14014 (DWR) (work product)

Brian McLeod email of 9/7/2018 to Alan King, Joseph Pajor , re. Required Notices (attorney client privileged)

Brian McLeod email of 9/7/2018 to Alan King, Joseph Pajor , re. Required Notices (attorney client privileged)

Joseph Pajor email of 9/7/2018 to Alan King, Don Henry, Scott Macey, Brian McLeod, Daniel Clement , re. Required Notices (attorney client privileged)

Ary, Debra email of 9/7/2018 to Scott Macey, Michael Jacobs, Don Henry, Joseph Pajor, Brian McLeod , re. Email records to be shared with GMD2 (attorney client privileged and work product)

Ary, Debra email of 9/7/2018 to Scott Macey, Brian McLeod , re. Email records to be shared with GMD2 (attorney client privileged and work product)

Scott Macey email of 9/7/2018 to Daniel Clement , re. ASR Proposed Minimum Index Levels (work product)

Scott Macey email of 9/7/2018 to Brian McLeod, Brian Meier, Daniel W. Clement , re. Wichita ASR Interrogatory Markup (attorney client privileged and work product)

Brian McLeod email of 9/10/2018 to Alan King, Joseph Pajor , re. Wichita ASR Update (attorney client privileged)

Brian McLeod email of 9/10/2018 to Alan King, Joseph Pajor, Don Henry , re. Cochran Case, Bentley Wellfield (attorney client privileged)

Brian McLeod email of 9/10/2018 to Scott Macey, Daniel Clement , re. RFA document edits (attorney client privileged)

Brian McLeod email of 9/10/2018 to Scott Macey, Daniel Clement , re. RFA document edits (attorney client privileged)

Brian McLeod email of 9/10/2018 to Joseph Pajor, Jennifer Magana , re. ASR Case (attorney client privileged)

Joseph Pajor email of 9/10/2018 to Don Henry, Scott Macey, Brian Meier (bmeier@burnsmcd.com), Daniel Clement , re. Wichita ASR Update (attorney client privileged)

Joseph Pajor email of 9/10/2018 to Alan King, Don Henry, Scott Macey, Brian Meier, Daniel W. Clement , re. ASR Case (attorney client privileged)

Joseph Pajor email of 9/10/2018 to Alan King, Don Henry, Scott Macey, Brian McLeod, Daniel Clement , re. Wichita ASR Update (attorney client privileged)

Daniel Clement email of 9/10/2018 to Scott Macey , re. ASR Drought Modeling Report Supplemental Figures (work product)

Daniel Clement email of 9/10/2018 to Scott Macey, Brian McLeod, Scott Macey , re. RFA document edits (attorney client privileged and work product)

Scott Macey email of 9/10/2018 to Daniel Clement , re. ASR Drought Modeling Report Supplemental Figures (work product)

Scott Macey email of 9/10/2018 to Don Henry, Joseph Pajor, Brian McLeod , re. Sharing invitation (attorney client privileged and work product)

Scott Macey email of 9/10/2018 to Brian McLeod, Daniel Clement , re. RFA document edits (attorney client privileged and work product)

Brian McLeod email of 9/11/2018 to Joseph Pajor, Brian McLeod, Don Henry, Alan King, Daniel Clement , re. DWR Offer Suggestion (attorney client privileged)

Brian McLeod email of 9/11/2018 to Joseph Pajor, Brian McLeod, Don Henry, Alan King, Daniel Clement , re. DWR Offer Suggestion (attorney client privileged)

Joseph Pajor email of 9/11/2018 to Brian McLeod, Don Henry, Alan King, Daniel Clement , re. DWR Offer Suggestion (attorney client privileged)

Joseph Pajor email of 9/11/2018 to Brian McLeod, Don Henry, Alan King, Daniel Clement , re. DWR Offer Suggestion (attorney client privileged)

Brian Meier email of 9/11/2018 to Joseph Pajor , re. DWR Offer Suggestion (work product)

Brian Meier email of 9/11/2018 to Joseph Pajor , re. DWR Offer Suggestion (work product)

Scott Macey email of 9/11/2018 to Daniel Clement , re. ASR Drought Modeling Report Supplemental Figures (work product)

Brian McLeod email of 9/12/2018 to Scott Macey , re. RFA document edits (attorney client privileged)

Brian McLeod email of 9/12/2018 to Scott Macey, Joseph Pajor , re. DWR Offer Suggestion (attorney client privileged)

Brian McLeod email of 9/12/2018 to Joseph Pajor, Brian McLeod, Don Henry, Alan King, Daniel Clement , re. DWR Offer Suggestion (attorney client privileged)

Brian McLeod email of 9/12/2018 to Joseph Pajor, Brian McLeod, Don Henry, Alan King, Daniel Clement , re. DWR Offer Suggestion (attorney client privileged)

Joseph Pajor email of 9/12/2018 to Brian McLeod, Don Henry, Alan King, Daniel Clement , re. DWR Offer Suggestion (attorney client privileged)

Joseph Pajor email of 9/12/2018 to Brian McLeod, Don Henry, Alan King, Daniel Clement , re. DWR Offer Suggestion (attorney client privileged)

McGown, Tyler email of 9/12/2018 to Scott Macey, Don Henry, Stan Breitenbach, Brian Meier, Daniel Clement , re. On Call Task Orders (work product)

Scott Macey email of 9/12/2018 to Brian McLeod, Joseph Pajor , re. DWR Offer Suggestion (work product)

Scott Macey email of 9/12/2018 to Brian McLeod, Joseph Pajor , re. DWR Offer Suggestion (work product)

Scott Macey email of 9/12/2018 to Brian McLeod , re. RFA document edits (work product)

Scott Macey email of 9/12/2018 to Brian Meier, Daniel Clement, Joseph Pajor , re. RFA document edits (work product)

Scott Macey email of 9/12/2018 to Brian McLeod, Daniel Clement, Brian Meier , re. RFA document edits (attorney client privileged and work product)

Scott Macey email of 9/12/2018 to Brian Meier , re. RFA document edits (work product)

Scott Macey email of 9/13/2018 to Brian McLeod , re. DWR Offer Suggestion (work product)

Scott Macey email of 9/13/2018 to Brian McLeod, Joseph Pajor , re. GMD2 Videos (work product)

Scott Macey email of 9/13/2018 to Brian McLeod, Joseph Pajor , re. GMD2 Videos (work product)

Scott Macey email of 9/13/2018 to Brian McLeod, Joseph Pajor , re. Draft KORA request #3 (attorney client privileged and work product)

Brian McLeod email of 9/14/2018 to Scott Macey , re. Email records to be shared with GMD2 (attorney client privileged)

Brian McLeod email of 9/14/2018 to Scott Macey , re. Email records to be shared with GMD2 (attorney client privileged)

Scott Macey email of 9/14/2018 to Don Henry , re. On Call Task Orders (work product)

Scott Macey email of 9/14/2018 to John Winchester , re. Documents for Hearing (work product)

Scott Macey email of 9/14/2018 to Brian McLeod , re. Email records to be shared with GMD2 (attorney client privileged and work product)

Don Henry email of 9/17/2018 to Brian McLeod, Brian Meier, Scott Macey , re. ASR Permit Change Conference with Chief Engineer (attorney client privileged)

Brian McLeod email of 9/17/2018 to Don Henry, Scott Macey , re. ASR Permit Change Conference with Chief Engineer (attorney client privileged)

Brian McLeod email of 9/17/2018 to Don Henry, Brian Meier, Scott Macey , re. ASR Permit Change Conference with Chief Engineer (attorney client privileged)

Brian McLeod email of 9/17/2018 to Scott Macey , re. ROGS (attorney client privileged)

Brian McLeod email of 9/17/2018 to Scott Macey , re. Wichita ASR Interrogatory Markup (attorney client privileged)

Brian McLeod email of 9/17/2018 to Scott Macey , re. Wichita ASR Interrogatory Markup (attorney client privileged)

Brian McLeod email of 9/17/2018 to Scott Macey , re. Wichita Staff Bios (attorney client privileged)

Brian McLeod email of 9/17/2018 to Scott Macey , re. Wichita Staff Bios (attorney client privileged)

Brian McLeod email of 9/17/2018 to Scott Macey , re. Wichita Staff Bios (attorney client privileged)

John Winchester email of 9/17/2018 to Scott Macey , re. Documents for Hearing (work product)

Brian Meier email of 9/17/2018 to Brian McLeod, Joseph Pajor, Don Henry, Scott Macey , re. GMD2 Request for Extension of Discovery Period and Delay of Evidentiary Hearing (attorney client privileged and work product)

Brian Meier email of 9/17/2018 to Brian McLeod, Joseph Pajor, Don Henry, Scott Macey , re. GMD2 Request for Extension of Discovery Period and Delay of Evidentiary Hearing (attorney client privileged and work product)

Scott Macey email of 9/17/2018 to Brian McLeod , re. ROGS (attorney client privileged and work product)

Scott Macey email of 9/17/2018 to Brian McLeod , re. Wichita Staff Bios (attorney client privileged and work product)

Brian McLeod email of 9/18/2018 to David Barfield, Kenneth Titus, Tom Adrian, dave@aplawpa.com , re. City's Preliminary Expert Disclosures (attorney client privileged)

Brian McLeod email of 9/18/2018 to Scott Macey , re. FW (attorney client privileged)

Brian Meier email of 9/18/2018 to Scott Macey , re. ASR 9am conf. call (work product)

Brian Meier email of 9/18/2018 to Brian McLeod, Don Henry, Scott Macey , re. Proposed Hearing Schedule (attorney client privileged and work product)

Brian Meier email of 9/18/2018 to Brian McLeod, Scott Macey, Don Henry , re. Proposed Hearing Schedule (attorney client privileged and work product)

Scott Macey email of 9/18/2018 to Brian McLeod, Brian McLeod , re. ASR 9am conf. call (resend) (attorney client privileged and work product)

Scott Macey email of 9/18/2018 to Brian McLeod, Brian McLeod , re. ASR 9am conf. call (attorney client privileged and work product)

Scott Macey email of 9/18/2018 to Brian Meier, Daniel Clement, re. Required Notices (work product)

Joseph Pajor email of 9/19/2018 to Brian Meier, Brian McLeod, Alan King, Don Henry , re. Application withdrawal cover letter JTP Edits (attorney client privileged)

Brian Meier email of 9/19/2018 to Brian McLeod, Don Henry, Joseph Pajor, Scott Macey , re. Application Withdrawal Letter (attorney client privileged and work product)

Scott Macey email of 9/19/2018 to Don Henry , re. Events Calendar to Crosscheck (work product)

Scott Macey email of 9/19/2018 to Brian McLeod , re. Events Calendar to Crosscheck (attorney client privileged and work product)

Scott Macey email of 9/19/2018 to Joseph Pajor , re. Events Calendar to Crosscheck (work product)

Scott Macey email of 9/19/2018 to Tracy Streeter , re. Request for your Presence as Expert witness (work product)

Tracy Streeter email of 9/19/2018 to Scott Macey , re. Request for your Presence as Expert witness (work product)

Scott Macey email of 9/20/2018 to Scott Macey , re. DWR Meeting Minutes Revisions (work product)

Scott Macey email of 9/20/2018 to Norman, Kevin, Joseph Pajor, Brian McLeod , re. Outlook Query issues (attorney client privileged and work product)

Scott Macey email of 9/20/2018 to Norman, Kevin, Joseph Pajor, Brian McLeod , re. Outlook Query issues (attorney client privileged and work product)

Brian McLeod email of 9/21/2018 to Joseph Pajor, Sharon Dickgrafe , re. Wichita ASR Minutes from September 18, 2018 Hearing (attorney client privileged)

Brian McLeod email of 9/21/2018 to Joseph Pajor, Sharon Dickgrafe, Brian McLeod , re. Wichita ASR Minutes from September 18, 2018 Hearing (attorney client privileged)

Sharon Dickgrafe email of 9/21/2018 to Brian McLeod, Joseph Pajor, Brian McLeod , re. Wichita ASR Minutes from September 18, 2018 Hearing (attorney client privileged)

Sharon Dickgrafe email of 9/21/2018 to Joseph Pajor , re. Wichita ASR Minutes from September 18, 2018 Hearing (attorney client privileged)

Joseph Pajor email of 9/21/2018 to Brian McLeod , re. Wichita ASR Minutes from September 18, 2018 Hearing (attorney client privileged)

Joseph Pajor email of 9/21/2018 to Sharon Dickgrafe , re. Wichita ASR Minutes from September 18, 2018 Hearing (attorney client privileged)

Joseph Pajor email of 9/21/2018 to Sharon Dickgrafe , Brian McLeod , re. Wichita ASR Minutes from September 18, 2018 Hearing (attorney client privileged)

Joseph Pajor email of 9/21/2018 to Scott Macey , re. Wichita ASR Minutes from September 18, 2018 Hearing (attorney client privileged)

Scott Macey email of 9/21/2018 to Brian Meier, Joseph Pajor, Brian McLeod , re. DWR RFA cross reference (updated) (attorney client privileged and work product)

Scott Macey email of 9/21/2018 to Brian Meier, Joseph Pajor, Brian McLeod , re. DWR RFA cross reference (attorney client privileged and work product)

Scott Macey email of 9/21/2018 to Brian Meier, Joseph Pajor, Brian McLeod , re. DWR RFA cross reference (attorney client privileged and work product)

Scott Macey email of 9/21/2018 to Joseph Pajor, Norman, Kevin, Brian McLeod , re. Subsets of outlook search results (attorney client privileged and work product)

Scott Macey email of 9/21/2018 to Joseph Pajor, Norman, Kevin, Brian McLeod , re. Subsets of outlook search results (attorney client privileged and work product)

Scott Macey email of 9/25/2018 to Strayer, Martha , re. Burns & McDonnell On Call (work product)

Joseph Pajor email of 9/26/2018 to Alan King, Don Henry, Scott Macey, Brian Meier, Daniel W. Clement , re. In re Wichita's ASR Project, KDA case no. 18 WATER 14014 (attorney client privileged)

Joseph Pajor email of 9/26/2018 to Brian McLeod, Alan King, Don Henry , re. Cochran Case, Bentley Wellfield (attorney client privileged)

Brian McLeod email of 9/27/2018 to Joseph Pajor, Jennifer Magana , re. Cochran Argument Dates (attorney client privileged)

Paul McCormick email of 9/27/2018 to Scott Macey , re. Commentary on model changes (work product)

Scott Macey email of 9/27/2018 to Brian Meier, Paul McCormick, Daniel Clement , re. Writeup for tomorrow (work product)

Scott Macey email of 9/27/2018 to Bush, Shirley , re. Request for Copy of February 9, 2016 Letter from GMD No. 2 to Chief Engineer Ba (work product)

Scott Macey email of 9/27/2018 to Paul McCormick , re. Commentary on model changes (work product)

Brian McLeod email of 9/28/2018 to Scott Macey , re. ASR Data Transmittal Letter (attorney client privileged)

Brian McLeod email of 9/28/2018 to Scott Macey , re. ASR Data Transmittal Letter (attorney client privileged)

Paul McCormick email of 9/28/2018 to Scott Macey, Daniel Clement , re. Draft Report (work product)

Paul McCormick email of 9/28/2018 to Scott Macey, Brian Meier, Don Henry, Joseph Pajor, Daniel Clement , re. ASR Data Transmittal Letter (work product)

Brian Meier email of 9/28/2018 to Scott Macey, Paul McCormick, Daniel Clement , re. Writeup for tomorrow (work product)

Don Henry email of 9/28/2018 to Scott Macey , re. ASR Data Transmittal Letter (work product)

Don Henry email of 9/28/2018 to Scott Macey , re. Events Calendar to Crosscheck (work product)

Scott Macey email of 9/28/2018 to Brian Meier, Don Henry, Joseph Pajor, Paul McCormick , re. ASR Data Transmittal Letter (work product)

Scott Macey email of 9/28/2018 to Daniel Clement, Paul McCormick, Brian McLeod , re. ASR Data Transmittal Letter (attorney client privileged and work product)

Scott Macey email of 9/28/2018 to Don Henry , re. Events Calendar to Crosscheck (work product)

Scott Macey email of 9/28/2018 to Lane Letourneau , re. GMD2 letter request (work product)

Scott Macey email of 9/28/2018 to Lane Letourneau, Aaron Oleen, Alan King, Brian McLeod , re. ASR Groundwater Modeling Data Submittal (attorney client privileged and work product)

Scott Macey email of 9/28/2018 to Paul McCormick, Daniel Clement , re. Draft Report (work product)

Scott Macey email of 9/28/2018 to Brian McLeod , re. ASR Data Transmittal Letter (attorney client privileged and work product)

Scott Macey email of 9/28/2018 to Brian McLeod , re. ASR Data Transmittal Letter (attorney client privileged and work product)

Scott Macey email of 9/28/2018 to Brian McLeod , re. Draft Letter (attorney client privileged and work product)

Scott Macey email of 9/28/2018 to Brian McLeod , re. Edit (attorney client privileged and work product)

Scott Macey email of 9/28/2018 to Brian McLeod, Joseph Pajor , re. ASR Data Transmittal Letter (attorney client privileged and work product)

Scott Macey email of 9/28/2018 to Brian McLeod, Joseph Pajor , re. ASR Data Transmittal Letter (attorney client privileged and work product)

Brian McLeod email of 10/1/2018 to Alan King, Joseph Pajor, Don Henry, Scott Macey, Jennifer Magana , re. ASR Schedule (attorney client privileged)

Brian McLeod email of 10/1/2018 to Alan King, Joseph Pajor, Don Henry, Scott Macey, Jennifer Magana , re. Wichita ASR Minutes from September 18, 2018 Hearing (attorney client privileged)

Brian McLeod email of 10/1/2018 to Joseph Pajor, Alan King, Don Henry, Scott Macey, Jennifer Magana , re. Wichita ASR Minutes from September 18, 2018 Hearing (attorney client privileged)

Brian McLeod email of 10/1/2018 to Joseph Pajor, Alan King, Don Henry, Scott Macey, Jennifer Magana , re. Wichita ASR Minutes from September 18, 2018 Hearing (attorney client privileged)

Joseph Pajor email of 10/1/2018 to Brian Meier, Daniel Clement , re. Wichita ASR Minutes from September 18, 2018 Hearing (attorney client privileged)

Joseph Pajor email of 10/1/2018 to Brian McLeod, Alan King, Don Henry, Scott Macey, Jennifer Magana , re. ASR Schedule (attorney client privileged)

Joseph Pajor email of 10/1/2018 to Brian McLeod, Alan King, Don Henry, Scott Macey, Jennifer Magana , re. Wichita ASR Minutes from September 18, 2018 Hearing (attorney client privileged)

Scott Macey email of 10/1/2018 to Bush, Shirley , re. Request for Copy of February 9, 2016 Letter from GMD No. 2 to Chief Engineer Ba (work product)

Scott Macey email of 10/1/2018 to Lane Letourneau , re. Letter to GMD 2 on ASR rule, moving forward (work product)

Scott Macey email of 10/1/2018 to Brian McLeod, Don Henry, Joseph Pajor , re. Scott Macey shared correspondence (attorney client privileged and work product)

Joseph Pajor email of 10/2/2018 to Brian McLeod, Brian McLeod, Alan King, Don Henry, Scott Macey , re. Wichita ASR Minutes from September 18, 2018 Hearing (attorney client privileged)

Brian McLeod email of 10/3/2018 to Joseph Pajor , re. Wichita ASR Minutes from September 18, 2018 Hearing (attorney client privileged)

Joseph Pajor email of 10/3/2018 to Brian McLeod , re. Wichita ASR Minutes from September 18, 2018 Hearing (attorney client privileged)

Joseph Pajor email of 10/3/2018 to Brian McLeod , re. Wichita ASR Minutes from September 18, 2018 Hearing (attorney client privileged)

Joseph Pajor email of 10/3/2018 to Alan King, Don Henry, Brian McLeod , re. Wichita ASR Minutes from September 18, 2018 Hearing (attorney client privileged)

Brian Meier email of 10/3/2018 to Joseph Pajor, Alan King, Don Henry, Scott Macey, Daniel Clement , re. In re Wichita's ASR Project, KDA case no. 18 WATER 14014 (work product)

Scott Macey email of 10/4/2018 to Brian McLeod , re. Draft Verbiage for Letter RE Phase 1 (attorney client privileged and work product)

Scott Macey email of 10/4/2018 to Tracy Streeter , re. Request for your Presence as Expert witness (work product)

Brian McLeod email of 10/16/2018 to Brian Meier, Joseph Pajor, Alan King, Don Henry, Daniel Clement , re. Wichita ASR Schedule (attorney client privileged)

Scott Macey email of 10/18/2018 to Brian McLeod , re. Coordination (attorney client privileged and work product)

Scott Macey email of 10/18/2018 to Brian McLeod , re. Coordination (attorney client privileged and work product)

Brian McLeod email of 10/19/2018 to Scott Macey , re. Subsets of outlook search results (attorney client privileged)

Scott Macey email of 10/19/2018 to Scott Macey , re. DWR Meetings Calendar (work product)

Scott Macey email of 10/19/2018 to Scott Macey , re. GMD2 Events Calendar (work product)

Scott Macey email of 10/19/2018 to Brian McLeod , re. Draft Production of Documents (attorney client privileged and work product)

Scott Macey email of 10/19/2018 to Brian McLeod , re. Subsets of outlook search results (attorney client privileged and work product)

Scott Macey email of 10/19/2018 to Brian McLeod, Joseph Pajor , re. Subsets of outlook search results (attorney client privileged and work product)

Scott Macey email of 10/19/2018 to Brian McLeod, Joseph Pajor, Don Henry , re. Subsets of outlook search results (attorney client privileged and work product)

Scott Macey email of 10/22/2018 to Brian Meier, Daniel Clement , re. Draft Production of Documents (work product)

Scott Macey email of 10/22/2018 to Brian Meier, Daniel Clement , re. proposal correspondence to share (work product)

Scott Macey email of 10/22/2018 to Daniel Clement, Brian Meier , re. Exhibit List (work product)

Scott Macey email of 10/22/2018 to Daniel Clement, Brian Meier, Brian McLeod , re. Exhibit List (revised) (attorney client privileged and work product)

Scott Macey email of 10/22/2018 to Brian McLeod , re. Expert Witness Format (attorney client privileged and work product)

Scott Macey email of 10/22/2018 to Brian McLeod , re. proposal correspondence to share (attorney client privileged and work product)

Scott Macey email of 10/22/2018 to Brian McLeod, Joseph Pajor, Don Henry, Brian Meier , re. Draft Expert Report (attorney client privileged and work product)

Brian McLeod email of 10/23/2018 to Schawe, Colleen, Scott Macey , re. Expert Witness Format (attorney client privileged)

Scott Macey email of 10/23/2018 to John Winchester , re. Hearing (work product)

Scott Macey email of 10/23/2018 to Brian McLeod , re. Expert Witness Format (attorney client privileged and work product)

Scott Macey email of 10/23/2018 to Joseph Pajor, Don Henry , re. Hearing (work product)

Scott Macey email of 10/24/2018 to Penny Feist , re. ASR Website Update (work product)

Scott Macey email of 10/24/2018 to Penny Feist, Jennifer Hart , re. ASR Website Update (work product)

Scott Macey email of 10/24/2018 to Jennifer Hart , re. ASR Website Update (work product)

Scott Macey email of 10/24/2018 to Jennifer Hart , re. ASR Website Update (work product)

Scott Macey email of 10/24/2018 to Jennifer Hart , re. Files to add to Wichita.gov website (work product)

Scott Macey email of 10/24/2018 to John Winchester, Luca DeAngelis, Nathaniel Dunahee, Brian Meier , re. ASR Permit Change Interrogatory Responses (work product)

Scott Macey email of 10/24/2018 to Alan King, Joseph Pajor, Don Henry, Brian McLeod, Brian Meier , re. ASR Permit Change Interrogatory Responses (attorney client privileged and work product)

Scott Macey email of 10/24/2018 to Joseph Pajor, Don Henry, Brian McLeod , re. ASR Permit Change Interrogatory Responses (attorney client privileged and work product)

Nelson, Ben email of 10/24/2018 to Scott Macey , re. 1% Drought (work product)

Brian McLeod email of 10/25/2018 to Scott Macey , re. City Responses to Admission Requests (attorney client privileged)

Daniel Clement email of 10/25/2018 to Scott Macey , re. ASR Permits and Regs Legal Review (work product)

McGown, Tyler email of 10/25/2018 to Scott Macey, Brian Meier, Daniel Clement , re. On Call Task Orders (work product)

Scott Macey email of 10/25/2018 to Daniel Clement , re. ASR Permits and Regs Legal Review (work product)

Scott Macey email of 10/25/2018 to Jennifer Hart , re. more files (work product)

Scott Macey email of 10/25/2018 to Jennifer Hart , re. more files (work product)

Scott Macey email of 10/25/2018 to Michael Jacobs, Don Henry , re. On Call Task Orders (work product)

Scott Macey email of 10/25/2018 to McGown, Tyler, Brian Meier, Daniel Clement , re. On Call Task Orders (work product)

Exhibit B: SUMMARY OF EXPERT WITNESS CONTRIBUTIONS	King	Pajor	Henry	Macey	Meier	Koci	Winchester	Clement	McCormick	DeAngelis	Dunahee	Streeter
Proposal Cover Letter	X	X	X		X							
1.0 Introduction	X	X	X		X							
2.0 proposed ASR minimum index levels	X	X	X	X				X	X	X	X	
Table 2-1: City of Wichita Drought Response Plan (DRP) Stages	X	X	X	X								X
2.1 1% Drought Reconstruction - Palmer Drought Severity Index (PDSI)				X			X	X				X
Table 2-2: 1% Drought Reconstruction from PDSI				X			X	X				X
2.2 City of Wichita - Future Raw Water Demand Assessment		X	X	X								X
2.3 Integrated Water Resources Management During a 1% Drought Using MODSIM-DSS				X			X	X				X
Figure 1 - MODSIM DSS Network GUI				X			X	X				
Table 2-3: MODSIM-DSS simulation results for the 1% drought utilizing projected 2060 demands				X				X				
2.4 Groundwater Modeling Setup - 1% Drought Simulation								X	X			
Figure 2 - Simulated Conditions of 1% Drought Demand on Cheney Reservoir				X				X				
2.4.1 Stress Period (SP) Development								X	X			
Figure 3 - USGS Equus Beds Groundwater Flow Model Active Model Boundary								X	X	X		
Table 2-4: PDSI values for South-Central Kansas							X	X		X		
Table 2-5: Water Variables and Inputs to the EBGWM by Stress Period								X	X	X		
2.4.2 Starting Groundwater Model Elevations				X				X	X	X		
2.4.3 Groundwater Pumping - Agricultural Irrigation, Industrial Use, Other Municipal Users								X	X	X		
Table 2-6: Net Irrigation Use in the 1% Drought Model								X	X	X		
2.4.4 Groundwater Pumping - City of Wichita				X				X	X	X		
Table 2-7: Distributed City of Wichita Pumping by Stress Period								X	X	X		
2.4.5 Streamflow - Arkansas River, Little Arkansas River, Cow Creek								X	X	X		
2.4.6 Precipitation & Natural Aquifer Recharge								X	X	X		
Figure 4 - Locations of USGS Stream Gages Within and Near the ASR BSA								X	X	X		
Table 2-8: Simulated Natural Aquifer Recharge Inputs for EBGWM								X	X	X		
2.4.7 Evaporation & Transpiration								X	X			
2.5 Groundwater Modeling Results ... 1% Drought Simulation								X	X			
Table 2-9: Groundwater Modeling Results for 1% Drought Simulation								X	X			
2.6 Proposed Modifications to ASR Minimum Index Water Levels								X	X			
Figure 5 - Initial Groundwater Elevations at Beginning of Simulated Drought								X	X			
Figure 6 - Modeled Groundwater Elevations at the End of Simulated Drought (SP8)								X	X			
Figure 7 - Modeled Groundwater Elevations End of Simulated Recovery Year 1 (SP9)								X	X			
Figure 8 - Groundwater Elevations End of Simulated Recovery Year 2 (SP10)								X	X			
Figure 9 - 1993 Groundwater Levels as a Percentage of Predevelopment Saturated Aquifer Thickness								X	X			
Figure 10 - Modeled Aquifer Conditions by ASR Index Cell at the End of Simulated Drought (SP8)								X	X			
2.7 Summary								X	X			
Table 2-10: Development of Proposed ASR Minimum Index Levels								X	X			
Table 2-11: Proposed ASR Minimum Index Levels								X	X			
Figure 11 - Average Aquifer Conditions by Index Cell at Proposed Minimum Levels								X	X			

Exhibit B: SUMMARY OF EXPERT WITNESS CONTRIBUTIONS		King	Pajor	Henry	Macey	Meier	Koci	Winchester	Clement	McCormick	DeAngelis	Dunahee	Streeter
3.0	Aquifer Maintenance Credits proposal	X	X	X		X	X						
	3.1 Integrated Local Water Supply Plan (ILWSP)		X	X		X	X						
	3.2 City of Wichita ASR Program Development		X	X		X	X						
	Figure 12 - Historic Water Use in the ASR BSA				X				X				
	Figure 13 - Historic Groundwater Level Changes in the ASR BSA				X				X				
	3.3 Benefits of ASR Aquifer Maintenance Credits (AMCs)		X	X		X	X						
	3.4 Proposed AMC Permit Conditions		X	X		X	X						
	3.5 ASR Physical Recharge & ASR Operations Plan				X	X			X		X		
	3.6 Outcome Based Management of Water Resources		X	X		X	X						
	Table 3-1: Benefits to Multiple Aquifer Users and Water Resources from AMCs		X	X		X	X						
	Figure 14 - AMC Operations Table 2016 Example				X				X				
4.0	Proposed ASR Accounting Methodology					X	X		X	X			
	Figure 15 - ASR Accounting Loss Percentage Map								X	X			
	Table 4-1 : Index Cell Infrastructure and Loss Percentage								X	X			
	Figure 16 - Current and Proposed Accounting Method Results Comparison								X	X			
	Table 4-2: Current and Proposed Accounting Method Results Comparison								X	X			
	Table 4-3: Theoretical Recharge Accounting Example for Index Cell 15								X	X			
Attachment A	City of Wichita Drought Response Plan	X	X	X	X								
Attachment B	Palmer Drought Severity Index, Research Paper No. 45							X	X				
Attachment C	HCH 1% Drought Reconstruction Technical Memorandum				X			X					
Attachment D	City of Wichita Water Demand Assessment		X	X	X			X					
Attachment E	USGS SIR 2013-5042 Groundwater Model Report				X				X	X	X		
Attachment F	Historic NOAA PDSI Values for SC Kansas				X			X	X				
Attachment G	Streamflows for Arkansas, Little Arkansas River 2011-2012								X	X			
Attachment H	USGS SIR 2013-5170, Revised 1993 Groundwater Levels				X				X	X			
Attachment I	Drought Model Simulation Results & Hydrographs								X	X			
Attachment J	ASR Accounting Simulations								X	X			

**STATE OF KANSAS
BEFORE THE DIVISION OF WATER RESOURCES
KANSAS DEPARTMENT OF AGRICULTURE**

**In the Matter of the City of Wichita's
Phase II Aquifer Storage and Recovery Project
In Harvey and Sedgwick Counties, Kansas**

Case No. 18 WATER 14014

Pursuant to K.S.A. 82a-1901 and K.A.R. 5-14-3a.

**THE CITY OF WICHITA'S RESPONSES TO EOUUS BEDS
GROUNDWATER MANAGEMENT DISTRICT NUMBER 2 FIRST
REQUEST FOR ADMISSIONS TO CITY OF WICHITA, KANSAS**

Pursuant to K.S.A. 60-236, request is hereby made upon the City of Wichita, Kansas ("The City") to admit within thirty (30) days from the date of service of this Request for Admissions, the truth of the facts and genuineness of the statements set forth below.

Each matter as to which an admission is requested is admitted, unless within thirty (30) days after service of this Request for Admissions on The City a written objection or answer addressed to this matter, signed by The City or the attorney for said The City, specifically denying the matter or setting forth in detail the reason by The City cannot truthfully admit or deny the matter, is served on Thomas A. Adrian and David J. Stucky, Adrian & Pankratz, PA, 301 North Main, Suite 400, Newton, Kansas 67114.

DEFINITIONS

1. "You" and/or "Your" means the City of Wichita, and any agent, consultant, employee, or manager for the City of Wichita.
2. "The City" shall mean the City of Wichita

3. "DWR" means the Division of Water Resources ("DWR"), and any agent, consultant, employee, or manager for DWR.
4. "Chief Engineer" means David Barfield, Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.
5. "The District" shall mean the Equus Beds Groundwater Management District No. 2.
6. "Subject Matter" means the content of this administrative hearing including, but not limited to, AMCs, the ASR Permit Modification Proposal, and all related subject matter.
7. "ASR Permit Modification Proposal" means the proposal dated March 12, 2018, that You submitted to the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.
8. "AMC Proposal" means the Aquifer Maintenance Credits Proposal submitted as part of the ASR Permit Modification Proposal.
9. "AMC" means Aquifer Maintenance Credit.
10. "Aquifer" shall mean the Equus Beds Aquifer.
11. "ASR" shall mean Aquifer Storage and Recovery
12. "As used herein, the term ""document" means any medium upon which intelligence or information can be recorded or retrieved, and includes, without limitation, the original and each copy, regardless of origin and location, of any book, pamphlet, periodical, letter, memorandum, (including any memorandum or report of a meeting or conversation), contract, agreement, letter, e-mail, facsimile, check, receipt, notice, study, telegram, computer printout, invoice, computer data file, work papers, diary, calendar, transcript, bill, record, photograph, or any other graphic matter, however produced or reproduced, which is or was your possession, custody or control.

13. As used herein, the term "communication" means any oral or written utterance of any nature including, but not limited to, correspondence, e-mail, facsimile, conversations, discussions, and consultations, between or among two or more persons.
14. As used herein, the terms "identification," "identify," or "identity," when used in reference to (a) a natural individual, require you to state his or her full name, job title, residential and business addresses and home and business phone numbers; (b) a corporation or business, require you to state its full name and any names under which it does business, the address of its principal place of business, and the addresses of all of its offices; (c) a document, requires you to state the number of pages and the nature of the document (e.g., letter or memorandum), its title, its date, the name or names of its authors and recipients, and its present location and custodian; (d) a communication, requires you to identify the document or documents which refer to or evidence the communication; and (e) an oral communication, requires you to identify the persons participating in the communication and to state the date, manner, place and substance of the communication.
15. When a request for admission requires you to "state the basis of" a particular claim, defense, contention, or allegation, state in your answer the identity of each and every communication and each and every fact and legal theory that you think supports, refers to, or evidences such claim, defense, contention or allegation.
16. As used herein, the word "or" appearing in a request for admission should not be read so as to eliminate any part of the request for admission, but, whenever applicable, it should have the same meaning as the word "and."

17. As used herein, the words "person" or "entity" mean any natural person, company, business, partnership, corporation, association or other group carrying on a business enterprise.

REQUEST FOR ADMISSIONS

1. Admit or deny that no water will actually physically be injected into the Aquifer with the AMC Proposal.

ADMIT

DENY x

The AMC proposal describes the interactive accumulation of physical recharge credits and AMC recharge credits. The City will continue to conduct physical recharge operations based on the condition and capacity of the aquifer to accept physical recharge.

2. Admit or deny that no source water will enter into the Aquifer through gravity flow due to the AMC Proposal.

ADMIT

DENY x

The AMC proposal describes the interactive accumulation of physical recharge credits and AMC recharge credits. The City will continue to conduct physical recharge operations based on the condition and capacity of the aquifer to accept physical recharge.

3. Admit or deny that no source water will actually be stored in the Aquifer with the AMC Proposal.

ADMIT

DENY x

The AMC proposal describes the interactive accumulation of physical recharge credits and AMC recharge credits. The City will continue to conduct physical recharge operations based on the condition and capacity of the aquifer to accept physical recharge.

4. Admit or deny that recharge pits will not be used to cause source water to enter the storage volume of the basin storage area as a part of the AMC Proposal.

ADMIT

DENY x

The AMC proposal describes the interactive accumulation of physical recharge credits and AMC recharge credits. The City will continue to conduct physical recharge operations based on the condition and capacity of the aquifer to accept physical recharge. Recharge pits will continue to be utilized to facilitate recharge activities as appropriate.

5. Admit or deny that recharge trenches will not be used to cause source water to enter the storage volume of the basin storage area as a part of the AMC Proposal.

ADMIT _____

DENY _____

The AMC proposal describes the interactive accumulation of physical recharge credits and AMC recharge credits. The City will continue to conduct physical recharge operations based on the condition and capacity of the aquifer to accept physical recharge. Recharge trenches are currently not used for physical recharge however it is uncertain if recharge trench technology will be utilized to facilitate recharge in the future. If and when appropriate, trenches could be used to facilitate recharge activities.

6. Admit or deny that recharge wells will not be used to cause source water to enter the storage volume of the basin storage area as a part of the AMC Proposal.

ADMIT _____

DENY _____

The AMC proposal describes the interactive accumulation of physical recharge credits and AMC recharge credits. The City will continue to conduct physical recharge operations based on the condition and capacity of the aquifer to accept physical recharge. Recharge wells will continue to be utilized to facilitate recharge activity.

7. Admit or deny that no artificial recharge system will be used to cause source water to enter into the Aquifer through the AMC Proposal.

ADMIT _____

DENY _____

The AMC proposal describes the interactive accumulation of physical recharge credits and AMC recharge credits. The City will continue to conduct physical recharge operations based on the condition and capacity of the aquifer to accept physical recharge.

8. Admit or deny that no artificial recharge of the Aquifer will occur with respect to the AMC Proposal.

Counsel objects that the request is vague, due to the phrase “with respect to.”

/s/ Brian K. McLeod

Brian K. McLeod, SC # 14026

Subject to and without waiving the foregoing objection, the City further responds as follows:

ADMIT _____

DENY _____

The AMC proposal describes the interactive accumulation of physical recharge credits and AMC recharge credits. The City will continue to conduct physical recharge operations based on the condition

and capacity of the aquifer to accept physical recharge.

9. Admit or deny that source water will not be put into the Aquifer by the AMC Proposal subject to later recovery through the AMC Proposal.

ADMIT _____ DENY x _____

The AMC proposal describes the interactive accumulation of physical recharge credits and AMC recharge credits. The City will continue to conduct physical recharge operations based on the condition and capacity of the aquifer to accept physical recharge.

10. Admit or deny that there will not be an accounting system in place to account for or quantify the water entering and leaving the Aquifer with the AMC Proposal.

ADMIT _ _ _ _ DENY x _ _ _ _

The proposal describes the interactive accumulation of physical recharge credits and AMC recharge credits. An annual accounting report will be made and submitted for both physical and AMC recharge credits.

11. Admit or deny that the AMC Proposal will not artificially replenish the water supply of the aquifer.

ADMIT _ _ _ _ DENY x _ _ _ _

The AMC proposal describes the interactive accumulation of physical recharge credits and AMC recharge credits. The City will continue to conduct physical recharge operations based on the condition and capacity of the aquifer to accept physical recharge.

12. Admit or deny that the source water subject to the AMC Proposal will be pumped directly to the City without any source water directly entering the Aquifer.

Counsel objects that the request is vague, due to the phrase "subject to the AMC proposal."

/s/ Brian K. McLeod

Brian K. McLeod, SC # 14026

Subject to and without waiving the foregoing objection, the City further responds as follows:

ADMIT _ _ DENY x _____

The AMC proposal describes the interactive accumulation of physical recharge credits and AMC recharge credits. The City will continue to conduct physical recharge operations based on the condition and capacity of the aquifer to accept physical recharge.

13. Admit or deny that the relative saturated thickness of the Aquifer in a given location will not impact the AMC Proposal in any manner since no source water is actually entering the Aquifer.

Counsel objects that the request is compound, contains an erroneous assumption that no water is entering the aquifer, and is ambiguous due to the word "since."

/s/ Brian K. McLeod

Brian K. McLeod, SC # 14026

Subject to and without waiving the foregoing objection, the City further responds as follows:

ADMIT

DENY x

The proposal describes the interactive accumulation of physical recharge credits and AMC recharge credits. The City will continue to conduct physical recharge operations based on the condition and capacity of the aquifer to accept physical recharge. The static water level and by extension the saturated thickness of the aquifer at a given location will impact the ratio of physical recharge credit accumulation to AMC recharge credit accumulation.

14. Admit or deny that there is not a definition of AMC in statute or regulation.

ADMIT x

DENY

AMCs as proposed constitute an additional method to accumulate and account for recharge credits under the existing regulation definition. Recharge Credit as currently defined means the quantity of water that is stored in the basin storage area and that is available for subsequent appropriation for beneficial use by the operator of the aquifer storage and recovery system.

15. Admit or deny that there is not a definition of "passive recharge credits" in statute or regulation.

ADMIT x

DENY

The AMC Proposal does not request "passive recharge credits".

16. Admit or deny that there is no statute or regulation that specifically allows for the AMC Proposal.

Counsel objects that the request is vague, due to the use of the word "specifically."

/s/ Brian K. McLeod

Brian K. McLeod, SC # 14026

Subject to and without waiving the foregoing objection, the City further responds as follows:

ADMIT _____

DENY _____x

State statute allows for the construction and operation of ASR projects. The development of an ASR project may result in the accumulation of recharge credits

17. Admit or deny that AMCs represent groundwater not pumped by the City's existing native groundwater rights.

Counsel objects that the request is vague and incomprehensible.

/s/ Brian K. McLeod

Brian K. McLeod, SC # 14026

Subject to and without waiving the foregoing objection, the City further responds as follows:

ADMIT _____

DENY x _____

AMCs represent the capture and beneficial use of an intermittently available source of water from the Little Arkansas River. The source water captured would be available for physical recharge if not limited by aquifer conditions as described within the proposal.

18. Admit or deny that the existing and proposed aquifer storage and recovery wells are, or will be, equipped with water meters to accurately and separately record the quantity of water pumped from the native water rights, the physical recharge credits, and the aquifer maintenance credits.

Counsel objects that the request is vague and ambiguous, due to the use of the word "separately," and the uncertainty whether it is meant to apply to each well or to what is being pumped.

/s/ Brian K. McLeod

Brian K. McLeod, SC # 14026

Subject to and without waiving the foregoing objection, the City further responds as follows, based on the assumption that "separately" applies to what is being pumped:

ADMIT _____

DENY x _____

Recharge recovery wells are equipped with meters capable of recording recharge water entering a well and water produced from each well. The water produced or recovered from each well will be categorized as either a native water right, physical recharge credit or AMC. Annual ASR accounting reports specifically detailing recharged and pumped quantities have been developed, reviewed and approved by the Groundwater Management District No. 2 (GMD2) Board and Staff since 2006.

Subject to and without waiving the foregoing objection, the City further responds as follows:

ADMIT _____

DENY _____ x

The City consulted with the State of Kansas Climatologist regarding the planned level of drought mitigation. In addition to consulting with the State of Kansas Climatologist, the City has received professional guidance regarding the 1% drought simulation model inputs.

22. Admit or deny that Your appropriation applications requesting withdrawal of AMCs are subject to the Districts' Safe Yield Regulation K.A.R. 5-22-7.

ADMIT _ _ _ _

DENY x _____

K.A.R. 5-22-7(b)(7) specifically indicates that applications for aquifer storage and recovery are not subject to the District's Safe Yield Regulation.

23. Admit or deny that the appropriation of groundwater as proposed by the AMC Proposal does not comply with the District's Safe Yield Regulation K.A.R. 5-22-7.

ADMIT _____

DENY _ _ ~~_____~~

K.A.R. 5-22-7(b)(7) specifically indicates that applications for aquifer storage and recovery are not subject to the District's Safe Yield Regulation.

24. Admit or deny that there is no exception for AMC appropriation applications specified in the District's Safe Yield Regulation, K.A.R. 5-22-7.

ADMIT _ _ _ _

DENY _____ x

K.A.R. 5-22-7(b)(7) specifically indicates that applications for aquifer storage and recovery are not subject to the District's Safe Yield Regulation.

25. Admit or deny that You have communicated and coordinated directly with the Chief Engineer regarding the ASR Permit Modification Proposal and AMC Proposal.

Counsel objects to the request as vague and indefinite in time.

/s/ Brian K. McLeod
Brian K. McLeod, SC # 14026

Subject to and without waiving the foregoing objection, the City further responds as follows:

ADMIT DENY

Communication protocols align with standard application development procedures. There has also been extensive communications and coordination with GMD2 Staff and Board members per standard procedures and at the request of GMD2.

26. Admit or deny that the proposed AMCs can only be withdrawn by the City during a 1% drought.

ADMIT DENY

Withdrawal of AMC's are not limited to specific climatic conditions.

Respectfully Submitted,

/s/ Brian K. McLeod
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Wichita, Kansas 67202
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FAX: (316) 268-4335
bmcleod@wichita.gov

CERTIFICATE OF SERVICE

The undersigned hereby certifies that he served the above and foregoing responses to Requests for Admission by electronic mail on this 30th day of October, 2018, addressed to:

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POD\Contracts\RW Beck
POD\Contracts\BurnsMcDonnell\On-Call
POD\Contracts\BurnsMcDonnell\Permit Changes
POD\Contracts\BurnsMcDonnell\On-Call\Executed with Signatures_Wichita
2016 On-Call_Contract 5-25.pdf
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POD\Model\Model Run No 3.ZIP
POD\Model\MODFLOW-2000 Version 1.19.01.url
POD\Model\sir2013-5042.pdf
POD\Model\USGS Groundwater Information- USGS MODL FOW Reports.url
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limitations-city-of-wichita.pdf
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POD\Proposal Communications\20141010_1993 Water Level Relief.pdf
POD\Proposal Communications\20141117_DWR Meeting Minutes.pdf
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POD\Proposal Communications\20160308_Proposed changes to K.A.R 5-1-1 and
5-12-1 Wichita ASR.pdf
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POD\Proposal Communications\20170526_GMD_to_Wichita.pdf
POD\Proposal Communications\20170626_ASR Minimum Index Levels Draft
Modeling.pdf
POD\Proposal Communications\20170629_Draft Report - ASR Modified Minimum
Index Water Levels.pdf
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Index Water Levels.pdf
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Communications\20170918_wichita_asr_project_process__dwr_comments.pdf
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Supplemental Figure.pdf
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draft report.pdf
POD\Proposal Communications\20171106_ASR Drought Modeling Report
Supplemental Figures.pdf

POD\Proposal Communications\20171211_asr_hearing_officer_letter.pdf
POD\Proposal Communications\20171220_gmd-2-special-meeting-on-asr.pdf
POD\Proposal Communications\20180302_Final Draft of Permit Modifications
Proposal for review.pdf
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interaction.docx
POD\Reports\HCH Documents\Tech Memo 2 - Equus Beds characteristics.docx

POD\Reports\HCH Documents\Tech Memo 3 - Current conditions preliminary model results.docx
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POD\Reports\HCH Documents\Tech Memo 6 - Modsim model revisions.docx
POD\Reports\HCH Documents\Thousand Years of Variability KGS_OF_2012-18.pdf
POD\Reports\HCH Documents\Walnut_Lower_Arkansas_Study_2008_09_15.pdf
POD\Reports\HCH Documents\Water Demand Assessment - Technical Memo FINAL 2013-10-03.pdf
POD\Reports\HCH Documents\Wichita raw water model review 11-17-2010.pptx
POD\Reports\HCH Documents\Wichita Water Model Review 2010-12-07.pdf
POD\Reports\HCH Documents\Yield Modeling Technical Memo FINAL 2013-10-03.pdf
POD\Reports\HCH Documents\Yield Modeling Technical Memorandum.docx
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POD\Reports\HCH Documents\Planning\Cook_etal_2007_ESR.pdf
POD\Reports\HCH Documents\Planning\Drought Reconstruction 1999.pdf
POD\Reports\HCH Documents\Planning\Drought Reconstruction 2007.pdf
POD\Reports\HCH Documents\Planning\Drought Severity & Water Supply Dependabilty.pdf
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POD\Reports\KGS Documents\OFR17-3\Appendix_B1-4.pptx
POD\Reports\KGS Documents\OFR17-3\Appendix_B5.pptx
POD\Reports\KGS Documents\OFR17-3\Appendix_C.xlsx
POD\Reports\KGS Documents\OFR17-3\OFR_2017-3.pdf
POD\Reports\NGWA Documents\Groundwater Modeling White Papers.pdf
POD\Reports\USGS Documents\2014 USGS Presentation to GMD2_12.9.14.pdf
POD\Reports\USGS Documents\Equus Beds Recharge Project.url
POD\Reports\USGS Documents\SIR20045038_ver1.01.pdf
POD\Reports\USGS Documents\USGS Document Exhibits.docx
POD\Reports\Wichita Documents\2013 Drought Response Plan.pdf

POD\Reports\Wichita Documents\2016 Wichita Water Planning Presentation to GMD2.pdf
POD\Reports\Wichita Documents\2017 ASR Permit Change Meeting Handout.pdf
POD\Reports\Wichita Documents\Blue Ribbon Workshop 2001
POD\Reports\Wichita Documents\Burns&McDonnell
POD\Reports\Wichita Documents\CH2M
POD\Reports\Wichita Documents\HDR
POD\Reports\Wichita Documents\Reclamation
POD\Reports\Wichita Documents\SAIC
POD\Reports\Wichita Documents\Utility Advisory Committee
POD\Reports\Wichita Documents\Well Recharge Data
POD\Reports\Wichita Documents\Wichita Aquifer Storage & Recovery Project.url
POD\Reports\Wichita Documents\Wichita ASR.url
POD\Reports\Wichita Documents\Blue Ribbon Workshop 2001\Blue Ribbon Panel Water Supply Recommendations.pdf
POD\Reports\Wichita Documents\Blue Ribbon Workshop 2001\Blue Ribbon Workshop Summary.pdf
POD\Reports\Wichita Documents\Blue Ribbon Workshop 2001\Chamber 11152001.ppt
POD\Reports\Wichita Documents\Blue Ribbon Workshop 2001\peer710.ppt
POD\Reports\Wichita Documents\Blue Ribbon Workshop 2001\Potential Participants for Water Supply Workshop Prj Design.doc
POD\Reports\Wichita Documents\Blue Ribbon Workshop 2001\Workshop Details.xls
POD\Reports\Wichita Documents\Burns&McDonnell\1993 Water Supply Study.pdf
POD\Reports\Wichita Documents\Burns&McDonnell\1998 Cheney Reservoir Yield Study.pdf
POD\Reports\Wichita Documents\Burns&McDonnell\2000 Concept Design Study of the Equus Beds ASR Project Appendix 1of3.pdf
POD\Reports\Wichita Documents\Burns&McDonnell\2000 Concept Design Study of the Equus Beds ASR Project Appendix 3of3.pdf
POD\Reports\Wichita Documents\Burns&McDonnell\2000 Concept Design Study of the Equus Beds ASR Project.pdf
POD\Reports\Wichita Documents\Burns&McDonnell\2000 Demonstration Project Report.pdf
POD\Reports\Wichita Documents\Burns&McDonnell\2004 Hydrobiological Monitoring Plan.pdf
POD\Reports\Wichita Documents\Burns&McDonnell\2005 ILWSP Operations Modeling and Economic Evaluation (Reverse Osmosis Plant).pdf
POD\Reports\Wichita Documents\Burns&McDonnell\2005 Operations Modeling.pdf
POD\Reports\Wichita Documents\Burns&McDonnell\2006 Water Master Plan.pdf
POD\Reports\Wichita Documents\Burns&McDonnell\2008 Equus Beds Storage Deficit Relationships.pdf
POD\Reports\Wichita Documents\Burns&McDonnell\2016 Water Master Plan.pdf
POD\Reports\Wichita Documents\Burns&McDonnell\Accounting Reports
POD\Reports\Wichita Documents\Burns&McDonnell\Phase 1 BSW Evaluation
POD\Reports\Wichita Documents\Burns&McDonnell\Accounting Reports\2006 Accounting Report.pdf
POD\Reports\Wichita Documents\Burns&McDonnell\Accounting Reports\2007 Accounting System Report.pdf
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POD\Reports\Wichita Documents\Burns&McDonnell\Phase 1 BSW Evaluation\ASR_PumpTestReview_0115.pdf
POD\Reports\Wichita Documents\Burns&McDonnell\Phase 1 BSW Evaluation\BM070505_Shallow_Aquifer_Test_DWs.pdf
POD\Reports\Wichita Documents\Burns&McDonnell\Phase 1 BSW Evaluation\BM070505_Shallow_Aquifer_Test_DWs_Appendices.pdf
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POD\Reports\Wichita Documents\Burns&McDonnell\Phase 1 BSW Evaluation\Div well 2 report DRAFT REV 20060801.pdf
POD\Reports\Wichita Documents\Burns&McDonnell\Phase 1 BSW Evaluation\Div well 3 pumping test report.pdf
POD\Reports\Wichita Documents\CH2M\2008 Membrane Filtration Report.pdf
POD\Reports\Wichita Documents\CH2M\2009 Geochemical Study for the ASR Program.pdf
POD\Reports\Wichita Documents\CH2M\2010 Water Chemistry Pilot Test Report.pdf
POD\Reports\Wichita Documents\CH2M\2011 Diversion Well Testing Report Appendices.pdf
POD\Reports\Wichita Documents\CH2M\2011 Diversion Well Testing Report.pdf
POD\Reports\Wichita Documents\HDR\2010 ASR Program Review by HDR.pdf
POD\Reports\Wichita Documents\HDR\2010 ASR Program Review Presentation by HDR.pdf
POD\Reports\Wichita Documents\Reclamation\2008 Equus Beds ASR EIS Scoping Document.pdf
POD\Reports\Wichita Documents\Reclamation\2009 Environmental Impact Statement Appendices.pdf
POD\Reports\Wichita Documents\Reclamation\2009 Environmental Impact Statement.pdf
POD\Reports\Wichita Documents\Reclamation\2010 Equus Beds ASR Record of Decision.pdf
POD\Reports\Wichita Documents\SAIC\2013 Alternatives Evaluation Tech Memo.pdf
POD\Reports\Wichita Documents\SAIC\2013 Water Demand Assessment.pdf
POD\Reports\Wichita Documents\Utility Advisory Committee\June 3rd Water Rate Discussion and Recommendation.pdf

POD\Reports\Wichita Documents\Utility Advisory Committee\Mayor Names
Water Utilities Committee.url
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3-10 Committee mtg.pd.pdf
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POD\Water Rights\Wells\1006\Change Application Denial September 2014.pdf
POD\Water Rights\Wells\1006\Change of Application Approval 12112014.pdf
POD\Water Rights\Wells\1006\District Application Review Report 11-
2014.pdf
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POD\Water Rights\Wells\388\Approval 6-18-08.pdf
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POD\Water Rights\Wells\HV 006\Approval 6-18-08.pdf
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**STATE OF KANSAS
BEFORE THE DIVISION OF WATER RESOURCES
KANSAS DEPARTMENT OF AGRICULTURE**

**In the Matter of the City of Wichita’s)
Phase II Aquifer Storage and recovery Project) Case No. 18 WATER 14014
In Harvey and Sedgwick Counties, Kansas)
_____)
Pursuant to K.S.A. 82a-1901 and K.A.R. 5-14-3a**

**CITY OF WICHITA’S RESPONSES TO PRODUCTION REQUESTS
OF EOUUS BEDS GROUNDWATER MANAGEMENT DISTRICT NO. 2**

1. Please furnish all reports you made to DWR concerning the ASR Permit Modification Proposal.

RESPONSE: Reports provided to DWR are included in the City’s Production of Documents; the information has been provided to the Parties in an online filesharing application, Dropbox. A physical copy of the shared resources is available upon request. The ASR Permit Modification Proposal, cover letter, and supporting appendices are provided in electronic form, as the subdirectory Proposal. Preliminary versions of the Proposal documents provided to DWR are available in the subdirectories Electronic Communications or Proposal Communications.

2. Please provide all communications or correspondence between you and DWR concerning the ASR Permit Modification Proposal.

RESPONSE: Applicable communications or correspondence is provided in electronic form, as the subdirectory Proposal Communications. Additional detail may be available in the subdirectory Electronic Communications. Applicable meetings in which additional pertinent communications may have occurred are listed in the subdirectories DWR Meetings and GMD2 Meetings.

3. Please provide an electronic copy of the groundwater model(s) used in the ASR Permit Modification Proposal, including all inputs, outputs, calibration, and adjustments.

RESPONSE: An electronic copy of the requested modeling information are provided in the subdirectory Model.

4. Please produce any and all documents that demonstrate, reflect, or explain the accounting method that will be used for the AMC Proposal.

RESPONSE: Please refer to the ASR Permit Modification Proposal, cover letter, supporting appendices, and the files presented in the subdirectories Proposal

Communication, Electronic Communications, and Model.

5. Please produce any and all documents relating to the ASR Minimum Index Levels for the ASR Proposal.

RESPONSE: Please refer to the ASR Permit Modification Proposal, cover letter, supporting appendices, and the files presented in the subdirectories Proposal Communication, Electronic Communications, and Model.

6. Please produce any and all documents used to arrive on the calculation for the AMC five percent initial loss determination.

RESPONSE: Please refer to the ASR Permit Modification Proposal, cover letter, supporting appendices, and the files presented in the subdirectories Proposal Communication, Electronic Communications, and Model.

7. Please produce any and all documents used to arrive on the calculation of the AMC gradational annual losses.

RESPONSE: Please refer to the ASR Permit Modification Proposal, cover letter, supporting appendices, and the files presented in the subdirectories Proposal Communication, Electronic Communications, and Model.

8. All documents relating to the work product of any expert who is expected to testify in this administrative hearing, including, but not limited to, documents evidencing, substantiating, referring or relating to: (a) each expert's factual observations and opinions; (b) the subject matter on which each expert was consulted and/or; (c) a summary of the grounds of each opinion; (d) all documents generated by, prepared by, provided to, relied upon, or reviewed by any such expert; (e) all documents provided to you by each expert, including but not limited to notes, reports, summaries, and correspondence; (f) documents evidencing the hourly rate of each expert, the method of determining the amount to be paid to the expert, the amount of fees earned by the expert to date, the amount of fees currently owed to the expert, the amount of fees billed to you by the expert, and the amount paid to the expert to date; and (g) a resume or curriculum vitae or other document summarizing such expert's qualifications within the field or discipline or area with respect to this litigation with regard to which such expert was consulted.

RESPONSE:

Counsel objects to the request as overbroad and invasive of protected work product.

/s/ Brian K. McLeod
Brian K. McLeod, SC # 14026

Subject to and without waiving the foregoing objection, a discussion of the produced documents responsive to this request is provided in the City of Wichita's Response to Interrogatory No. 7 of

Equus Beds Management District Number 2 First Interrogatories.

9. All documents relating to the work product of any consulting expert whose work will provide the basis, in whole or in part, of the testimony of any expert who will testify as a witness in this administrative hearing, including, but not limited to, documents evidencing, substantiating, referring or relating to: (a) each expert's factual observations and opinions; (b) the subject matter on which each expert was consulted; (c) a summary of the grounds of each opinion; (d) all documents generated by, prepared by, provided to, relied upon, or reviewed by any such expert; (e) all documents provided to you by each expert, including but not limited to reports, summaries, and correspondence; (f) documents evidencing the hourly rate of each expert, the method of determining the amount to be paid to the expert, the amount of fees earned by the expert to date, the amount of fees currently owed to the expert, the amount of fees billed to you by the expert, and the amount paid to the expert to date; and (g) a resume or curriculum vitae or other document summarizing such expert's qualifications within the field or discipline or area with respect to this litigation with regard to which such expert was consulted.

RESPONSE: Counsel objects to the request as overbroad and invasive of protected work product.

/s/ Brian K. McLeod

Brian K. McLeod, SC # 14026

Subject to and without waiving the foregoing objection, a discussion of the produced documents responsive to this request is provided in the City of Wichita's Response to Interrogatory No. 7 of Equus Beds Management District Number 2 First Interrogatories.

10. All documents upon which you relied or referred to in answering the District's First Set of Interrogatories.

RESPONSE: Knowledge of all of the documents provided or listed in the subdirectory POD was relied upon in answering the District's First Set of Interrogatories.

11. All documents upon which you relied or referred to in answering the District' First Set of Requests for Admission.

RESPONSE: Knowledge of all of the documents provided or listed in the subdirectory POD was relied upon in answering the District's First Set of Requests for Admission.

12. Please provide all communications or correspondence, not privileged, between you and any third party concerning the ASR Permit Modification Proposal.

RESPONSE: Prior to submission of the ASR Permit Modification Proposal, the City conducted numerous meetings with stakeholders as presented in the March 12, 2018, letter to the Chief Engineer. Each group was presented with a copy of 2017 ASR Permit Change Meeting Handout.pdf; an electronic version is presented in the subdirectory Wichita Documents. Additional responsive documents may be found in the subdirectories Proposal Communications and Electronic Communications.

13. Please produce all communications or correspondence between You and the DWR concerning the ASR Permit Modification Proposal, including before and after the ASR Permit Modification Proposal was submitted to DWR.

RESPONSE: Applicable communications or correspondence is provided in electronic form, as the subdirectory Proposal Communications. Additional detail may be available in the subdirectory Electronic Communications. Applicable meetings in which additional pertinent communications may have occurred are listed in the subdirectories DWR Meetings and GMD2 Meetings.

14. Please produce all communications or correspondence, in your possession, between third parties and the DWR concerning the ASR Permit Modification Proposal, including before and after the ASR Permit Modification Proposal was submitted to DWR.

RESPONSE: Counsel objects to the Interrogatory as overly broad and unduly burdensome.

/s/ Brian K. McLeod
Brian K. McLeod, SC # 14026

Subject to, and without waiving the foregoing objection, the City further responds as follows:

Applicable communications or correspondence is provided in electronic form, as the subdirectory Proposal Communications. Additional detail may be available in the subdirectory Electronic Communications. Applicable meetings in which additional pertinent communications may have occurred are listed in the subdirectories DWR Meetings and GMD2 Meetings.

15. Please produce all communications, not privileged, between you and/or your attorneys and with your experts in this case regarding the Subject Matter or the AMC Proposal.

RESPONSE:

Counsel objects on the basis that the request as phrased would invade protected work product.

/s/ Brian K. McLeod
Brian K. McLeod, SC # 14026

Subject to and without waiving the foregoing objection, applicable communications or correspondence not privileged or protected as work product are provided in electronic form, in the subdirectory Proposal Communications. Additional detail may be available in the subdirectory Electronic Communications. Applicable meetings in which additional pertinent communications may have occurred are listed in the subdirectories DWR Meetings and GMD2 Meetings.

16. Please provide any and all documents, models, displays, exhibits, or any other form of demonstrative evidence which may be used as an exhibit at the administrative hearing in this matter.

RESPONSE: All of the documents provided or listed in the subdirectory POD may be used as an exhibit. A list of all applicable documents is presented as POD Documents.doc. The City also reserves the right to use as exhibits any documents produced by other parties in discovery.

17. Please provide all handwritten or recorded personal notes (including computer entries) or other documents of any kind whatsoever, including calendars, diaries, or similar documents made regarding the events and incidents which form the basis of this Subject Matter.

RESPONSE: Counsel objects to the Interrogatory as overly broad, unduly burdensome, and invasive of the attorney-client privilege and protected work product..

/s/ Brian K. McLeod
Brian K. McLeod, SC # 14026

Subject to, and without waiving the foregoing objection, the City further responds as follows:

Applicable communications or correspondence not privileged or protected as work product is provided in electronic form, as the subdirectory Proposal Communications. Additional detail may be available in the subdirectory Electronic Communications. Applicable meetings in which additional pertinent communications may have occurred are listed in the subdirectories DWR Meetings and GMD2 Meetings.

18. Please provide any and all documents relating to non-retained experts You may call at the administrative hearing.

RESPONSE: Counsel objects on the basis that the request, which appears primarily directed at the City employees listed as witnesses, is overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence.

/s/ Brian K. McLeod
Brian K. McLeod, SC # 14026

Subject to and without waiving the foregoing objection, to the extent the request can be narrowed to an identifiable range of documents with any actual bearing on this case, the City will consider producing them.

19. Please provide all documents of any kind whatsoever relating to your method or your

experts' methods of calculating the physical recharge capacity of the Aquifer pursuant to the AMC Proposal.

RESPONSE: Please refer to the ASR Permit Modification Proposal, cover letter, supporting appendices, and the files presented in the subdirectories Proposal Communication, Electronic Communications, Model, and Reports.

Respectfully Submitted,

/s/ Brian K. McLeod

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that he or she served the above and foregoing Response to Requests for Production upon counsel for the other parties herein by electronic mail, this 30th day of October, 2018, addressed to:

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**STATE OF KANSAS
BEFORE THE DIVISION OF WATER RESOURCES
KANSAS DEPARTMENT OF AGRICULTURE**

**In the Matter of the City of Wichita's
Phase II Aquifer Storage and Recovery Project
In Harvey and Sedgwick Counties, Kansas**

Case No. 18 WATER 14014

Pursuant to K.S.A. 82a-1901 and K.A.R. 5-14-3a.

**RESPONSES TO CITY OF WICHITA'S FIRST SET OF INTERROGATORIES
TO EQUUS BEDS GROUNDWATER MANAGEMENT DISTRICT NO. 2**

COMES NOW the City of Wichita, Kansas (the "City"), a party herein, and propounds the following interrogatories, to be answered by the Equus Beds Groundwater Management District No. 2 ("GMD2") in writing and under oath. These interrogatories are continuing in nature, and in the event that GMD2 discovers additional information responsive to these interrogatories between the time of its initial responses hereto and the time of hearing, such information is to be disclosed in supplemental answers served upon counsel for the City. All interrogatories are to be considered as requiring answers to the extent that the requested information is within the knowledge, information, files, or other sources available to GMD2, its attorneys and their agents, servants or employees, unless the context indicates otherwise.

Following each interrogatory, space has been provided for responses. To the extent that additional space proves necessary for complete responses, please insert additional pages as necessary.

INTERROGATORIES

INTERROGATORY NO. 1: If you contend that the new applications filed by the City in File Nos. 48-704 through 48-733 to allow recovery of aquifer storage credits from existing production wells should not be approved, please set forth all facts, and identify any related documents, which you rely upon to support such contention.

1. ANSWER:

Objection: This interrogatory is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. The City voluntarily dismissed all the applications referenced by this interrogatory, File Nos. 48-704 through 48-733.



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Attorneys for Equus Beds Groundwater

Management District Number 2

INTERROGATORY NO. 2: Please identify any witnesses whom you rely upon as a source of facts set forth in your answer to the preceding interrogatory, and indicate which witnesses have provided which facts.

ANSWER:

Objection: This interrogatory is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. The City voluntarily dismissed all the applications referenced by this interrogatory, File Nos. 48-704 through 48-733.



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INTERROGATORY NO. 3: If you contend that the uses proposed in the applications filed by the City in File Nos. 48-704 through 48-733 would impair a use under any existing water right, please identify each such water right and set forth all facts, and identify any related documents, which you rely upon to support the contention that the water right would be impaired.

ANSWER:

Objection: This interrogatory is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. The City voluntarily dismissed all the applications referenced by this interrogatory, File Nos. 48-704 through 48-733.



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Management District Number 2

INTERROGATORY NO. 4: Please identify any witnesses whom you rely upon as a source of facts set forth in your answer to the preceding interrogatory, and indicate which witnesses have provided which facts.

ANSWER:

Objection: This interrogatory is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. The City voluntarily dismissed all the applications referenced by this interrogatory, File Nos. 48-704 through 48-733.



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INTERROGATORY NO. 5: If you contend that the uses proposed by the applications filed by the City in File Nos. 48-704 through 48-733 would prejudicially and unreasonably affect the public interest, please identify each respect in which you contend such use would so affect the public interest, and set forth all facts, and identify any related documents, which you rely upon to support each such contention.

ANSWER:

Objection: This interrogatory is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. The City voluntarily dismissed all the applications referenced by this interrogatory, File Nos. 48-704 through 48-733.



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INTERROGATORY NO. 6: Please identify any witnesses whom you rely upon as a source of facts set forth in your answer to the preceding interrogatory, and indicate which witnesses have provided which facts.

ANSWER:

Objection: This interrogatory is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. The City voluntarily dismissed all the applications referenced by this interrogatory, File Nos. 48-704 through 48-733.



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INTERROGATORY NO. 7: If you contend that the bottom of the basin storage area should not be lowered as proposed by the City, please set forth all facts, and identify any related documents, which you rely upon to support such contention.

ANSWER:

Objection: This interrogatory is overly broad, vague, and burdensome. The information sought in this discovery is equally, or more, available to the propounding party. Moreover, this discovery request seeks the legal reasoning and theories of propounding party's contentions. The District is not required to prepare the propounding party's case and the propounding party has the burden in this case. This interrogatory further contains subparts, or compound, conjunctive, or disjunctive questions.



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Without waiving said objections, the current basin storage area (BSA) bottom was agreed upon by the City of Wichita, Division of Water Resources, and the Equus Beds GMD2, when the Aquifer Storage and Recovery (ASR) Phase I and Phase II were approved. The ASR Phase I and Phase II Findings & Orders both prohibit withdrawal of recharge credits if the water level is below the minimum index level in the Index cell(s). The Chief Engineer concluded in the August 8, 2005, ASR Findings and Order that the public interest was protected if the recharge credits could not be withdrawn when the water level was below the currently established minimum index levels. This conclusion was incorporated as conditions to both the August 8, 2005, ASR Findings and Order and the September 18, 2009 ASR Findings and Order signed by the Chief Engineer. Each ASR recharge credit withdrawal water permit also includes a condition allowing recovery of recharge credits only when the static water level is above the currently established minimum index water level. Therefore, lowering the minimum index levels and allowing credits to be withdrawn when the water levels are lower than the currently established minimum index levels does not protect the public interest.

Additionally, the GMD2 has granted spacing waivers based on the current minimum index levels and the City's guarantee that recharge credits would not be withdrawn if the water level was below the currently established minimum index levels. The City previously touted

that maintaining water-levels above the 1993 levels was a benefit of the ASR project and stated that they would not withdraw recharge credits if the water-level was below the currently established minimum index levels.

The City's drought scenario model submitted with the proposal uses a lowered (1998) water level as a starting head, which causes the water-levels to drop below the minimum index levels in some index cells during an extended 1% drought, according to the City's model. Starting the drought scenario model at a more recent and realistic higher water level elevation will change the results such that it might change the perceived notion that the currently established minimum index levels need to be changed. Additionally, the other model inputs, such as the extended 1% drought scenario severity and duration used in the City's model, needs to be further evaluated. The District is still in the process of reviewing the City's model, as the District has only had access to the current model for about one month – a model the City apparently took approximately two years to complete. Thus, this answer will be supplemented at a later time.

Allowing the minimum index levels to be lowered would reward poor aquifer stewardship by allowing the City to purposely lower the water level to create physical recharge capacity. This in turn provides no incentive for the City to conserve the groundwater resource and protect other water right owners from the unreasonable lowering of the water table. The impact of this decision will be felt in the Basin Storage Area and is supported by the USGS Equus Beds Groundwater Flow Model as modified by the City and Burns & McDonnell, documents, and other evidence as referenced in the answer to interrogatory number 20.

INTERROGATORY NO. 8: Please identify any witnesses whom you rely upon as a source of facts set forth in your answer to the preceding interrogatory, and indicate which witnesses have provided which facts.

ANSWER:

Objection: This interrogatory is overly broad, vague, and burdensome. The information sought in this discovery is equally, or more, available to the propounding party. Moreover, this discovery request seeks the legal reasoning and theories of propounding party's contentions. The District is not required to prepare the propounding party's case and the propounding party has the burden in this case.



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Management District Number 2

Without waiving said objection, the following witnesses support the above facts:

1. All current and former employees of the City of Wichita that have worked on the ASR Permit Modification Proposal or any phase of the ASR projects including, but not limited to:
 - a. Alan King
 - b. Joe Pajor
 - c. Richard Robinson
 - d. Scott Macey
 - e. David Warren
 - f. Jerry Blain
2. All consultants used by the City of Wichita including, but not limited to:
 - a. Daniel Clement
 - b. Brian Meier
 - c. Burns & McDonnell past and current employees
3. All experts designated by the City.
4. All experts designated by any of the parties.
5. Former and current employees of Division of Water Resources including, but not limited to:
 - a. Lane P. Letourneau
 - b. David Barfield
 - c. David Pope
6. Current and former employees of the GMD2 including, but not limited to:
 - a. Tim Boese

- b. Steve Flaherty
 - c. Mike Dealy
 - d. Don Koci
7. Water users in the District including, but not limited to:
 - a. All intervenors in the case.
 - b. Any constituent that may be negatively impacted by the City's actions.
 8. Current and former employees of the Kansas Geological Survey (KGS).
 9. Current and former employees of the United States Geological Survey (USGS).
10. This witness list will be supplemented at a later time.

INTERROGATORY NO. 9: If you contend that lowering the bottom of the basin storage area as proposed by the City would impair existing rights, please identify each right you contend would be so impaired, and as to each such right, set forth all facts, and identify any related documents, which you rely upon to support such contention.

ANSWER:

Objection: This interrogatory is overly broad, vague, and burdensome. The information sought in this discovery is equally, or more, available to the propounding party. Moreover, this discovery request seeks the legal reasoning and theories of propounding party's contentions. The District is not required to prepare the propounding party's case and the propounding party has the burden in this case. This interrogatory further contains subparts, or compound, conjunctive, or disjunctive questions.



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Management District Number 2


Without waiving said objection, it is the responsibility of the applicant (City of Wichita) to demonstrate that the modifications requested in the proposal, including lowering of the bottom of the basin storage area (BSA), will not cause impairment to existing rights. Please see the Pre-Hearing Conference Order dated July 23, 2018, and also the Order to Modify Hearing and Schedule dated September 27, 2018. The City's Proposal contains no information or proof that the proposed lowering of the bottom of the BSA will not impair existing water rights. The drought model results submitted with the City's proposal only focuses on why the City wants to lower the minimum index water-levels for the City's benefit; the model was not used to determine the impacts to senior water rights in the BSA.

That being said, lowering the bottom of the BSA threatens all prior water rights holders in the Basin Storage Area, both domestic and non-domestic, as the proposal results in an unreasonable lowering of the water level. As determined by the Chief Engineer in the August 8, 2005, ASR Findings and Order, the public interest is protected if the recharge credits cannot be withdrawn when the water level is below the currently established minimum index levels. Therefore, lowering the minimum index levels and allowing credits to be withdrawn when the water levels are lower than the currently established minimum index levels does not protect the public interest and threatens to impair prior water rights. This is supported by various models, prior agreements with the City and DWR, and various other evidence.

INTERROGATORY NO. 10: Please identify any witnesses whom you rely upon as a source of facts set forth in your answer to the preceding interrogatory, and indicate which witnesses have provided which facts.

ANSWER:

Objection: This interrogatory is overly broad, vague, and burdensome. The information sought in this discovery is equally, or more, available to the propounding party. Moreover, this discovery request seeks the legal reasoning and theories of propounding party's contentions. The District is not required to prepare the propounding party's case and the propounding party has the burden in this case.



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Management District Number 2

Without waiving said objection, see answer to interrogatory number 8.

INTERROGATORY NO. 11: If you contend that lowering the bottom of the basin storage area as proposed by the City would not be reasonable, please identify each respect in which you contend it would be unreasonable, and set forth all facts, and identify any related documents, which you rely upon to support such contention.

ANSWER:

Objection: This interrogatory is overly broad, vague, and burdensome. The information sought in this discovery is equally, or more, available to the propounding party. Moreover, this discovery request seeks the legal reasoning and theories of propounding party's contentions. The District is not required to prepare the propounding party's case and the propounding party has the burden in this case. This interrogatory further contains subparts, or compound, conjunctive, or disjunctive questions.



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Management District Number 2

Without waiving said objection, see answer to interrogatory number 7.

INTERROGATORY NO. 12: Please identify any witnesses whom you rely upon as a source of facts set forth in your answer to the preceding interrogatory, and indicate which witnesses have provided which facts.

ANSWER:

Objection: This interrogatory is overly broad, vague, and burdensome. The information sought in this discovery is equally, or more, available to the propounding party. Moreover, this discovery request seeks the legal reasoning and theories of propounding party's contentions. The District is not required to prepare the propounding party's case and the propounding party has the burden in this case.



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Attorneys for Equus Beds Groundwater

Management District Number 2

Without waiving said objection, see answer to interrogatory number 8.

INTERROGATORY NO. 13: If you contend that the applicable accounting procedures for Phase II of the project should not be modified to allow the City to develop recharge credits via its Aquifer Maintenance Credit proposal, please set forth all facts, and identify any related documents, which you rely upon to support such contention.

ANSWER :

Objection: This interrogatory is overly broad, vague, and burdensome. The information sought in this discovery is equally, or more, available to the propounding party. Moreover, this discovery request seeks the legal reasoning and theories of propounding party's contentions. The District is not required to prepare the propounding party's case and the propounding party has the burden in this case. This interrogatory also calls for a legal conclusion. This interrogatory further contains subparts, or compound, conjunctive, or disjunctive questions. Additionally, this interrogatory is objected to as irrelevant and not reasonably calculated to lead to the discovery of admissible evidence since the City has not proposed to change the accounting procedures as described in K.A.R. 5-12-2.



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Management District Number 2

Without waiving said objection, the concerns with impairment, identified in the answer to interrogatory number 9, are incorporated into this response. Changing the accounting procedures would require a change to the law and the City has not made this request. K.A.R. 5-1-1(mmm) and K.A.R. 5-22-1(ee) both specify that a credit is derived from water put into a basin storage area and "available for *subsequent* appropriation." *Id.* (emphasis added). Again, the word "subsequent" has significance pursuant to the plain language of the regulation. The water must actually be injected into the aquifer for *later* use. This City is not attempting this approach. The City is not attempting to change the accounting procedures. The City is asking that the current, existing accounting procedures be ignored.

Further, from a basic legal perspective, the Aquifer Maintenance Credit (AMC) proposal does not include "artificial recharge," as defined by K.A.R. 5-1-1(g) and K.A.R. 5-22-1(f), as no source water will be artificially recharged into the aquifer with the proposal. The Aquifer Storage and Recovery Accounting Regulation K.A.R. 5-12-2(b) identifies the items that must be included in determining the amount of recharge credits accumulated. These items include artificial recharge. AMCs are not "artificial recharge" and, in fact, AMCs are not identified in K.A.R. 5-12-2. Additionally, in both the August 8, 2005 Findings

& Order approving ASR Phase I, and the September 18, 2009 Findings & Order approving ASR Phase II, the Chief Engineer, Division of Water Resources, found “That aquifer storage and recovery means the **artificial recharge**, storage and recovery of water and consists of apparatus for diversion, treatment, **recharge**, storage, extraction and distribution of water. K.A.R. 5-1-1(f) and K.A.R. 5-22-1(d) both define “aquifer storage and recovery system” in similar terms and both include “artificial recharge” as a key component. With the AMC proposal, there is no artificial recharge or recharge, as the treated surface water is sent to the City for municipal use rather than being injected into the aquifer. Therefore, the AMC Proposal is not merely a modification of the applicable accounting procedures for Phase II of the Aquifer Storage and Recovery (ASR) Project. Rather, AMCs are a fundamental change in the way recharge credits can be accumulated and AMCs are not found anywhere in Kansas statutes or regulations. In fact, AMCs are counter to the existing ASR regulations.

Additionally, in both the August 8, 2005 Findings & Order approving ASR Phase I, and the September 18, 2009 Findings & Order approving ASR Phase II, the Chief Engineer, Division of Water Resources, expressly prohibited passive recharge credits. The Chief Engineer concluded in the August 8, 2005 ASR Findings and Order “That passive recharge credits should not be allowed because they are not “artificial recharge” as defined in K.A.R. 5-1-1, because no source water is being artificially recharged to create those credits”. This clearly indicates that AMCs are passive recharge credits and are therefore prohibited.

Furthermore, the existing ASR Phase II recharge and recovery water permits, for which the City is requesting be modified to allow the accumulation of AMCs, were previously exempt from GMD2 Safe Yield Regulation K.A.R. 5-22-7(a) pursuant to K.A.R. 5-22-7(b)(7), which exempts an application for an aquifer storage and recovery well. However, because there is no artificial recharge and therefore no storage with the AMC proposal, the existing and any future ASR Phase II water permit applications would be subject to the District’s Safe Yield Regulation K.A.R. 5-22-7(a). The District has previously stated and demonstrated that there is no groundwater available for appropriation in the City’s well field area and therefore new groundwater appropriations cannot be approved, except for recovery of recharge credits established as a result of physical recharge. In short, AMCs would allow appropriation of groundwater where there is no groundwater available for appropriation. This is not in the public interest as described in K.A.R. 5-3-9 (b), which states that it is in the public interest that only the safe yield of a source supply be appropriated. Clearly, allowing accumulation of AMCs is appropriation of additional groundwater in excess of the safe yield of the source of supply. AMCs would not only further over-appropriate the source of supply in the basin storage area, but would also be a takings of the prior water right holders in the area, as their source of supply would be appropriated by another junior water right(s). The City’s proposal would allow the City to appropriate 120,000 acre-feet of groundwater in an area that the source of supply for the proposed AMCs is already fully dedicated to existing water rights, based on safe yield calculations. Thus, no water can be credited to provide additional yields without taking prior water rights’ groundwater storage, or without first adding additional water to the supply with physical recharge.

Finally, AMCs are a different source of water for which no definition exists in Kansas statutes or regulations, unlike “groundwater”, “surface water”, and “recharge credits” which are all defined in K.A.R. 5-1-1. The AMC Proposal requests that the source of supply of the aquifer storage and recovery water permits (both existing and future ASR Phase II permits) be changed to allow AMCs to be accumulated and therefore become a source of supply under the auspice of a

“recharge credit”. However, AMCs are not “recharge credits” as no artificial recharge occurs and no source water is stored to establish the recharge credit. Clearly, a basic tenet of Kansas water law is that the source of supply of a water right cannot be changed and any modifications to existing water rights must relate to the same local source of supply. In fact, the Order to Modify Hearing and Schedule dated September 27, 2018, states the proposed changes must relate to the same local source of supply. Since AMCs are a different, albeit undefined, source of supply, the accumulation of AMCs cannot be approved. This is not an exhaustive list of the legal and factual reasons for this position and this will be further supplemented at a later time.

INTERROGATORY NO. 14: Please identify any witnesses whom you rely upon as a source of facts set forth in your answer to the preceding interrogatory, and indicate which witnesses have provided which facts.

ANSWER:

Objection: This interrogatory is overly broad, vague, and burdensome. The information sought in this discovery is equally, or more, available to the propounding party. Moreover, this discovery request seeks the legal reasoning and theories of propounding party’s contentions. The District is not required to prepare the propounding party’s case and the propounding party has the burden in this case.



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Management District Number 2

Without waiving said objection, see answer to interrogatory number 8.

INTERROGATORY NO. 15: If you contend that modifying the applicable accounting procedures for Phase II of the Project to allow the City to develop recharge credits via its Aquifer Maintenance Credit proposal would not be reasonable, please identify each respect in which you contend it would be unreasonable, and set forth all facts, and identify any related documents, which you rely upon to support such contention.

ANSWER:

Objection: This interrogatory is overly broad, vague, and burdensome. The information sought in this discovery is equally, or more, available to the propounding party. Moreover, this discovery request seeks the legal reasoning and theories of propounding party's contentions. The District is not required to prepare the propounding party's case and the propounding party has the burden in this case. This interrogatory further contains subparts, or compound, conjunctive, or disjunctive questions.



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Without waiving said objection, see answer to interrogatory number 13.

INTERROGATORY NO. 16: Please identify any witnesses whom you rely upon as a source of facts set forth in your answer to the preceding interrogatory, and indicate which witnesses have provided which facts.

ANSWER:

Objection: This interrogatory is overly broad, vague, and burdensome. The information sought in this discovery is equally, or more, available to the propounding party. Moreover, this discovery request seeks the legal reasoning and theories of propounding party's contentions. The District is not required to prepare the propounding party's case and the propounding party has the burden in this case.



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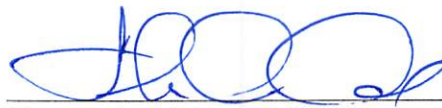
Attorneys for Equus Beds Groundwater
Management District Number 2

Without waiving said objection, see answer to interrogatory number 8.

INTERROGATORY NO. 17: If you contend that the applications filed by the City do not meet the requirements set forth for Aquifer Storage and Recovery Projects in K.A.R. 5-12-1, please separately set forth each respect in which you contend that the applications fail to meet K.A.R. 5-12-1 requirements, and set forth all facts, and identify any related documents, which you rely upon to support such contention.

ANSWER:

Objection: This interrogatory is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. The City voluntarily dismissed all the applications referenced by this interrogatory, File Nos. 48-704 through 48-733.



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INTERROGATORY NO. 18: Please identify any witnesses whom you rely upon as a source of facts set forth in your answer to the preceding interrogatory, and indicate which witnesses have provided which facts.

ANSWER:

Objection: This interrogatory is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. The City voluntarily dismissed all the applications referenced by this interrogatory, File Nos. 48-704 through 48-733.



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INTERROGATORY NO. 19: Please identify, by name, address and telephone number, any experts you have consulted or retained to testify in connection with this case.

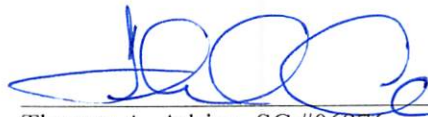
ANSWER:

All experts disclosed in the expert disclosure.

INTERROGATORY NO. 20: Please identify, by title, date, originator and short description, each document not already identified in your foregoing responses that you intend to submit in evidence at the hearing set in this matter.

ANSWER:

Objection: This interrogatory is overly broad, vague, and burdensome. The information sought in this discovery is equally, or more, available to the propounding party. Further, this answer will be supplemented at such time as exhibits need to be exchanged.



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Without waiving said objection, documents that may be submitted in evidence at the hearing include, but are not limited to:

1. Kansas Water Appropriation Act, July, 2017—legal foundational laws.
2. Rules and Regulations, Kansas Water Appropriation Act, September 2017—legal foundational laws.
3. Groundwater Management District Act, July, 2017—legal foundational laws.
4. Equus Beds Groundwater Management District No. 2 Rules and Regulations K.A.R. 5-22-1 through K.A.R. 5-22-17, March, 2016—legal foundational laws.

5. Equus Beds Groundwater Management District No. 2 Management Program, May 1, 1995—this was developed in collaboration with numerous parties and constituents and defines the management program for the District.
6. ASR Phase I approval (generic title), August 8, 2005, David Pope, Chief Engineer, DWR—self-explanatory purpose and defined earlier.
7. Modifications to ASR Phase I approval (generic title), August 1, 2006, David Pope, Chief Engineer, DWR—self-explanatory purpose and defined earlier.
8. ASR Phase II approval (generic title), September 18, 2009, David Barfield, Chief Engineer, DWR—self-explanatory purpose and defined earlier.
9. ASR Permit Modification Proposal – Revised Minimum Index Levels and Aquifer Maintenance Credits, City of Wichita, March 12, 2018—self-explanatory purpose and defined earlier.
10. Various ASR water permit applications, approvals, and associated documents too numerous to list—self-explanatory purposes.
11. Memorandum of Understanding between Equus Beds Groundwater Management District No. 2 and The City of Wichita, Kansas Regarding Wichita’s Proposed Aquifer Storage and Recovery Project, Phase I, September 14, 2004—self-explanatory purpose and explained previously.
12. Memorandum of Understanding between Equus Beds Groundwater Management District No. 2 and The City of Wichita, Kansas Regarding Wichita’s Proposed Aquifer Storage and Recovery Project, Phase II, December 3, 2008—self-explanatory purpose and defined earlier.
13. The USGS Equus Beds Groundwater Flow Model, as modified by the City and Burns & McDonnell, and any other models provided by the City—these indicate the impact of the City’s actions on the health of the Aquifer.
14. Any Memorandums of Understanding with the City, not listed above—same purposes as indicated above.
15. Any Board Minutes or Board Booklets—help to explain the evolution of the ASR project and the discussions advanced about the project; also may be used to demonstrate the importance of safe yield calculations, among other things.
16. Any safe yield calculations conducted germane to the matter—these demonstrate the fact that the City’s proposal violates these important principles.
17. Any documents referenced by the City or DWR—as indicated.
18. Any presentations made by the City or the Chief Engineer concerning the subject matter of this administrative hearing.
19. Various correspondence, etc. related to this matter that are too numerous to list from the District, City, and/or DWR or any of the identified entities’ agents or consultants—all these documents provide context to the project and the City’s proposal.

VERIFICATION

STATE OF KANSAS)
) ss.
COUNTY OF HARVEY)

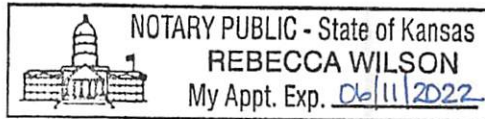
Timothy D. Boese, being of lawful age and being duly sworn upon oath, deposes and states that he is the Manager of Equus Beds Groundwater Management District No. 2., a party herein; that he has read the above and foregoing interrogatories and that the answers, statements and allegations therein above contained are true and correct to the best of his information, knowledge and belief.

Timothy D. Boese

Subscribed and sworn to before me this 30th day of OCTOBER, 2018,
by TIMOTHY D. BOESE

Rebecca Wilson
Notary Public

My Appointment Expires: 06/11/2022



CERTIFICATE OF SERVICE

The undersigned hereby certifies that he or she served the Equus Bed Groundwater Management District No. 2's responses to the above and foregoing Interrogatories upon counsel for the City of Wichita by electronic mail, this 30 day of Oct, 2018, addressed to:

Brian K. McLeod
Deputy City Attorney
City Hall - 13th Floor
455 N. Main
Wichita, Kansas 67202
BMcLeod@wichita.gov

[Signature]