

**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.

**DWR's NOTICE OF COMPLIANCE WITH  
PREHEARING STATUS CONFERENCE ORDER  
(concerning providing public notice of December hearing)**

COMES NOW the Kansas Department of Agriculture, Division of Water Resources ("DWR"), by and through counsel, Aaron B. Oleen, and hereby notifies the Presiding Officer and the other formal parties in this matter that DWR has complied with the Prehearing Status Conference Order issued by the Presiding Officer on October 2, 2019 (the "Order"), concerning the public notice that DWR was ordered to give regarding the rescheduled formal phase of the hearing that will commence on December 10, 2019. More specifically:

1. The published notice in certain publications of general circulation and in the Kansas Register, as ordered in paragraph 4 of the Order, was effectuated.
2. Notice of the rescheduled hearing was posted on DWR's website for this matter, also as ordered in paragraph 4 of the Order.
3. On November 19, 2019, DWR mailed notices of the rescheduled hearing directly to the categories of individuals as ordered in paragraph 5 of the Order. A copy of the template direct-notice mailing is attached as **Exhibit A**.

Respectfully submitted,



Aaron B. Oleen, S. Ct. #23588  
1320 Research Park Drive  
Manhattan, Kansas 66502  
TEL: (785) 564-6715  
FAX: (785) 564-6777  
aaron.oleen@ks.gov  
*Attorney for KDA-DWR*

### CERTIFICATE OF SERVICE

I certify that on this 21<sup>st</sup> day of November, 2019, the above *DWR's Notice of Compliance with Prehearing Status Conference Order* was electronically filed with the Presiding Officer for this matter and that copies were sent via e-mail to the following:

**Presiding Officer Constance C. Owen**  
connieowen@everestkc.net

**Intervenors**  
1010 Chestnut  
Halstead, KS 67056  
twendling@mac.com

**Equus Beds Groundwater Management District No. 2**  
313 Spruce  
Halstead, KS 67056  
tboese@gmd2.org  
tom@aplawpa.com  
stucky.dave@gmail.com  
leland.rolfs@sbcglobal.net

**City of Wichita**  
Department of Public Works & Utilities  
455 North Main Street  
Wichita, KS 67202  
jpajor@wichita.gov  
bmcleod@wichita.gov



Aaron B. Oleen, S. Ct. #23588

THE STATE OF KANSAS



**KANSAS DEPARTMENT OF AGRICULTURE**  
Mike Beam, Secretary of Agriculture

**DIVISION OF WATER RESOURCES**  
David W. Barfield, Chief Engineer

November 19, 2019

<<ADDRESS>>

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

**\*\*\*RESCHEDULED PUBLIC HEARING\*\*\***

Dear Sir or Madam:

You are receiving this notice because you have been identified as a permitted or known well owner within the Central Wellfield Study Area of the Wichita Aquifer Storage and Recovery (ASR) project. The Wichita ASR project, which is the only active ASR project in the state, was developed and approved in two phases within the Equus Beds Aquifer.

On March 12, 2018, the City of Wichita forwarded to the KDA Division of Water Resources (KDA-DWR) a detailed proposal for modifications to the conditions associated with the City's existing permits for Phase II of the ASR project, including modifications to the bottom of the Basin Storage Area and a new method to accumulate recharge credits when recharge capacity is limited. The City's proposal and other details regarding this matter can be found at KDA-DWR's webpage at: <https://www.agriculture.ks.gov/WichitaASR>.

Although there have been previous reschedulings, **please note that a public hearing to address the City of Wichita's proposed modifications has been rescheduled to commence on December 10, 2019 at 9:00 a.m. at the First Mennonite Church, 427 W. 4th, Halstead, Kansas, 67056**. The formal phase of the hearing will be open to the public and will be scheduled to take place over three days, December 10, 11, and 12, 2019, beginning at 9:00 a.m. each day and ending no later than 5:00 p.m. each day. The public and all interested parties are invited to submit oral or written comments during a time specifically reserved for this purpose: oral public comments will be received beginning at 9:00 a.m. and ending no later than 11:00 a.m. on Friday, December 13, 2019, at the same location as the formal phase of the hearing, the First Mennonite Church, 427 W. 4th, Halstead, Kansas 67056.

Written comments will be accepted until the record is closed, which will occur at midnight on Friday, January 17, 2020, unless extended by further order of the presiding officer. Written comments may be submitted any of the following ways: (1) by submitting them to KDA-DWR staff during the formal phase of the hearing; (2) by submitting them to KDA-DWR staff or the presiding officer during the public-comment phase of the hearing; (3) by mailing a copy to Ronda Hutton, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas, 66502, Attn: Wichita ASR Project Testimony; or (4) by sending an electronic copy via e-mail to [ronda.hutton@ks.gov](mailto:ronda.hutton@ks.gov). Written comments already received regarding this matter will be considered and do not need to be resubmitted.

**EXHIBIT "A"**

Again, additional information and documents concerning the City's ASR project and proposed modifications can be found at DWR's webpage at: <http://www.agriculture.ks.gov/WichitaASR>. **Please check that webpage for periodic updates about the ASR project, including any schedule changes and deadlines.**

If you have any questions about this notice, you may contact Doug Schemm directly at (785) 296-3495.

Sincerely,

A handwritten signature in cursive script that reads "Lane P. Letourneau". The signature is written in black ink and is positioned above the typed name.

Lane P. Letourneau, P.G.  
Water Appropriation Program Manager  
Division of Water Resources