

**In The Matter Of:**

*State of Kansas - Division of Water Resources  
Kansas Department of Agriculture*

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*City of Wichita's Phase II - Public Hearing  
December 13, 2019*

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State of Kansas - Division of Water Resources Kansas Department of  
Agriculture

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1 STATE OF KANSAS  
2 BEFORE THE DIVISION OF WATER RESOURCES  
3 KANSAS DEPARTMENT OF AGRICULTURE  
4  
5

6 In the Matter of the )  
7 City of Wichita's Phase II )  
8 Aquifer Storage and ) Case Number  
9 Recovery Project in Harvey ) 18 WATER 14014  
10 And Sedgwick Counties, )  
11 Kansas. )

12 -----  
13 Pursuant to K.S.A. 81a-1901  
14 and K.A.R. 5-14-3a.

15 PUBLIC HEARING  
16

17 This matter came on for Public Hearing  
18 before the Honorable Presiding Officer Constance  
19 C. Owen for the Division of Water Resources of  
20 the State of Kansas, at Halstead, Kansas, before  
21 Rachelle Smith, a Certified Shorthand Reporter  
22 of Kansas, on December 13, 2019, at 9:01 a.m.  
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A P P E A R A N C E S

Various members of the general public  
were in attendance.

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1 P R O C E E D I N G S

2

3 THE HEARING OFFICER: Good morning,  
4 everyone. Welcome. Thank you for coming. My  
5 name is Connie Owen and I am the presiding  
6 officer for the City of Wichita's request to  
7 modify their aquifer storage and recovery  
8 project, Phase 2 permits. This is the informal  
9 public comment period, and I am very happy to  
10 see all of you here. I want to hear what each  
11 one of you has to say.

12 I will give you a little bit of update  
13 and tell you a little bit about how this will go  
14 this morning. We are on the record. We have a  
15 court reporter here who is recording your  
16 comments, because I take notes but my notes  
17 aren't perfect. So this will allow me to review  
18 your comments very carefully later when I am  
19 preparing my decision.

20 Today's date, for the record, is  
21 December 13, 2019. And it's about five after  
22 nine o'clock in the morning.

23 If you have previously submitted  
24 written comments then those are already in the  
25 record, and I will carefully consider those.

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1 You are welcome to resubmit, but you don't have  
2 to. If you would also like to submit written  
3 comments, please do so, and there are directions  
4 for how to do that on the Division of Water  
5 Resource's website. You can do that by regular  
6 postal mail or by E-mail. Or if you want to  
7 leave some here today, that's okay, too.

8 As some of you may know, the first part  
9 of this week, Tuesday, Wednesday and Thursday we  
10 conducted the beginning of the formal phase of  
11 the hearing where the parties and the attorneys  
12 present their information. We did not get  
13 finished. So that has been continued to a date  
14 to be determined. So that didn't finish and  
15 we'll have to finish that up at a later date.  
16 But I definitely wanted to keep this date this  
17 morning for your comments. And seeing all of  
18 you here I am very glad I did.

19 I am going to call out names, just to  
20 make it simple in the order of the sign up  
21 sheet. If you just came to listen and you don't  
22 want to speak, just wave me off. And that's  
23 fine. I will go to the next name.

24 When you come up to speak please come  
25 to the mic here at the front at the podium and

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1 carefully speak your name. Our court reporter  
2 might need you to spell it. And please say your  
3 address.

4 Are there any questions about how this  
5 is going to go before we get started? Okay.

6 No. Great.

7 The first name on the list is Brad  
8 Banz.

9 MR. BANZ: Brad Banz, B-R-A-D, B-A-N-Z.  
10 I live at 609 Union Park Circle in Colwich,  
11 67030.

12 THE HEARING OFFICER: Please go ahead.

13 MR. BANZ: So I have some land, I have  
14 an 80 and it is in Section 27, township 23,  
15 range 4 West, and that's in Reno County. And  
16 that's roughly along U.S. 50 west of Burrton.  
17 So I have also, I live in, as I said, I live in  
18 Colwich so I served the City of Colwich for 35  
19 years as a firefighter and fire chief there. So  
20 I think I can probably speak for the city there.  
21 We have two wells, city wells and we have rights  
22 for another one. So, you know, we are looking  
23 with nervous anticipation what's going to go on  
24 in this hearing today.

25 So going back to the well on my



1 property, my uncle, Edmond C. Banz, drilled that  
2 irrigation well back in 1986. And when he did  
3 so, looking at the water well records then, the  
4 static water level at that point in time was six  
5 feet. Last year we had to go back in and recase  
6 the well. The water well drilling firm that did  
7 this they measured that, I was out there when  
8 they did that, the static level at that time was  
9 20 feet. So that's a significant drop in the  
10 levels.

11 Now, I took over in 2007, I inherited  
12 the ground in 2007. So I am on the learning  
13 curve, I am a layperson. I don't know if this  
14 has any engineering basis or not, but I would  
15 say from a lay person's standpoint that that  
16 would be a significant drop in the surface water  
17 level. And to me that would equate to a  
18 lowering of the water level in the Equus Beds.

19 So also talking to the drillers from  
20 this particular water well drilling company,  
21 they said that they have been out in an area  
22 south of Hutchinson and they have had to go in  
23 and drill several other wells, deepening the  
24 level of these wells because of the lowering of  
25 the level in the Equus Beds.

1           So based on the information that I have  
2           seen, and from my own experience, and from  
3           listening to the water well driller, I would  
4           like to make the following requests to the  
5           hearing officer. And that is, number one, that  
6           the City of Wichita be allowed to draw out only  
7           water credited to it that the City has injected  
8           in, plus, you know, of course whatever they have  
9           the rights to. And basically what I am saying  
10          is, do not give the City of Wichita extra water  
11          credits in the Equus Beds for water that it is  
12          directly pumping from the Little Arkansas River  
13          to Wichita.

14                 Number two, that the board make the  
15                 most conservative ruling concerning pumping  
16                 below the 1993 levels and keep the pumping level  
17                 at the same levels. Don't allow the City to go  
18                 any deeper.

19                 And number three, if the hearing  
20                 officer decides to take other action, other than  
21                 keeping the pumping level as is, that they or  
22                 the chief, you, yourself, or the chief engineer,  
23                 name an independent third party engineering firm  
24                 to study further to determine a safe level to  
25                 which the level can be pumped. The City of

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1 Wichita would agree to pay for all expenses to  
2 do this.

3 And finally, my closing statement, I  
4 would like to encourage the hearing officer not  
5 to take any drastic actions until a reasonable  
6 solution can be reached. Just to look at what  
7 has happened in the Ogallala aquifer it has been  
8 grossly mismanaged to the point of no return and  
9 I don't want to see the same thing happen in the  
10 Equus Beds. Thank you.

11 THE HEARING OFFICER: Thank you, sir.  
12 Next name is Jeff Lanterman.

13 MR. LANTERMAN: Nothing from me.

14 THE HEARING OFFICER: Beth Vannatta.

15 MS. VANNATTA: Vannatta, it wasn't the  
16 name I was born with. Spell it V-A-N-N-A-T-T-A  
17 and I live at 14001 West U.S. Highway 50 in the  
18 Halstead area.

19 Okay, I have two short comments to  
20 make. I believe or listened to a description  
21 here of tree rings as a record of droughts. And  
22 the information was based on an excerpt from  
23 Colorado. In 1854 Kansas territory was open for  
24 settlement. Until then this country was a vast  
25 prairieland with almost no trees. There is a

1 marked difference between the tree covered  
2 mountains of Colorado and this Prairieland. And  
3 there is a wide distance separating us as well.

4 I don't believe you can rely on tree  
5 ring interpretation from Colorado to determine  
6 long term our Kansas droughts. Wichita is  
7 selling water to 14 entities. Ten are adjacent  
8 cities, three are rural water districts, and the  
9 final, the Chisholm Creek Utility Authority.  
10 There is nothing to say that this sales area  
11 will not increase.

12 El Dorado is less than 30 miles  
13 northeast of Wichita. Their water source is  
14 El Dorado Lake, which is roughly the same size  
15 as Cheney Lake, from which Wichita draws. But  
16 there is a drip difference. El Dorado Lake is a  
17 grassland lake. It does not have the silt  
18 problem that Cheney has. Their water is also  
19 available for sale, and they would like to sale  
20 to Wichita. When you add profit to the water  
21 equation it becomes a bit more dicey, is it need  
22 or is it agreed?

23 But we who live directly above the  
24 Equus Beds still have the need. Thank you.

25 THE HEARING OFFICER: Thank you, ma'am.

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1 Next is Josh Carmichael.

2 MR. CARMICHAEL: Passing.

3 THE HEARING OFFICER: Thank you, sir.  
4 Bret Jacob. Another pass. Steven McLoud,  
5 another pass. Tonya (sic) Bulla.

6 MS. BULLA: Good morning, my name is  
7 Toyia Bulla, T-O-Y-I-A, B-U-L-L-A. I live at  
8 203 North Devinshire Avenue in Bentley.

9 First --

10 THE HEARING OFFICER: Sorry I got your  
11 name wrong.

12 MS. BULLA: That's okay, everybody  
13 does. I am not worried. Thank you for holding  
14 these hearings in our area so we can come and  
15 speak to you. I appreciate that very much. I  
16 have a domestic well where I live in Bentley. I  
17 also own a ranch four miles west of Bentley in  
18 which my family farm has a well there to serve  
19 livestock.

20 I wrote written comments back in  
21 February and I came to portions of the hearings  
22 this week, as much as my other commitments would  
23 allow me to trying to have an open mind so that  
24 I could hear both parties. I have lived in  
25 Wichita many years of my professional career. I

1 grew up in this area, this rural area, and now I  
2 am back in this rural area. I have friends in  
3 Wichita, friends in this area, I want us to come  
4 to a solution for all parties involved.

5 I want to have an open mind and I  
6 listened to the City's presentation, part of it,  
7 not all of it, I couldn't come to the whole  
8 thing. I also listened to the cross examination  
9 of some of those witnesses. And I didn't see, I  
10 didn't hear anything that allayed my concerns  
11 about what this will do to the Equus Beds and  
12 how it will impact my wells and the wells of my  
13 neighbors and the farmers in this area.

14 I am still concerned that it has long  
15 term ramifications to this particular water  
16 source, particularly because of the chloride  
17 plume that could come in, weakening the  
18 hydrological barrier. I am very concerned about  
19 that. I heard the City of Wichita, I believe  
20 Mr. Pajor, mentioned that he was open to some  
21 restrictions on when they could withdraw those  
22 credits, the water from those credits, but I  
23 didn't see that in the original proposal. And  
24 it's, I believe his comment was he would welcome  
25 those kinds of restrictions, but I find that a

1 little insincere if it wasn't in the original  
2 proposal.

3 I don't believe, from what I heard,  
4 that the City of Wichita made a concerted effort  
5 to look for other sources of water outside of  
6 the Equus Beds that could serve those purposes,  
7 and the need to fulfill that need.

8 The bottom line, Ms. Owen, is that  
9 nobody knows what the future holds for this  
10 area, or any other area. Nobody can predict the  
11 weather and what years we might have a drought  
12 and what years we might have surplus water.  
13 Only the Lord God knows that. And this is a  
14 difficult decision for you, and I don't envy  
15 your place in having to make this  
16 recommendation, but I pray that you would listen  
17 to us and ask the Lord for guidance in this  
18 situation because only He can really give us the  
19 best possible outlook for all parties. Thank  
20 you.

21 THE HEARING OFFICER: Thank you, ma'am.  
22 Tommy Logue.

23 MR. LOGUE: My name is Tommy Logue,  
24 spelled T-O-M-M-Y, L-O-G-U-E. I live at 303  
25 North Garden Avenue in Burrton, Kansas. I have

1 been in this area for 86 years, except for the  
2 time that Uncle Sam required my services. I was  
3 raised in Bentley, and at the time that I think  
4 I was about 14 Wichita put in two wells on the  
5 northwest and northeast corners of the section  
6 that's occupied by Bentley. They come around  
7 and explained to us that it wouldn't lower our  
8 water level at that time.

9 We had a well in our house. It was on  
10 a joint of pipe eight feet deep with pump point.  
11 We had plenty of water. They pumped those wells  
12 for 24 hours to test them and the next morning  
13 we got up and we had no water. Wasn't going to  
14 lower our water table, but we had no water.  
15 Well, they brought us water bottles on a cradle,  
16 family of five is supposed to get ready for  
17 school and do our daily chores on five gallons  
18 of water for each day.

19 Finally they come out and drilled us a  
20 well, and I have forgotten now how far they said  
21 they went, but it was considerably deeper than  
22 our well was to begin with. So they, they  
23 lowered it a lot. And it's continued to stay  
24 that way.

25 I live in the, practically on Main



1 Street in Burrton and I had a well that was at  
2 27 foot of water in it when I moved in. I  
3 haven't measured it lately, but two years ago I  
4 watered my garden with that water and every  
5 plant died. I had to go get a knee operation so  
6 I didn't finish raising a garden that year.  
7 Last year I put out a garden and watered it,  
8 again it died.

9 So I took my water in and had it  
10 tested. It tested two kinds of salt extreme, so  
11 the water, the salt presume has passed me by  
12 considerably. So their pumping is bringing that  
13 salt plume right on in to what was good water.  
14 I don't know what they do with that, but it's  
15 unusable for me. They continue to do this and  
16 the City of Burrton's water is soon going to be  
17 polluted with water, I mean with salt. And  
18 that's going to be a real hazard for the people  
19 that live in that area.

20 If we continue to do this, many of the  
21 farmers that's irrigating is going to have an  
22 extreme problem with their crops when they are  
23 trying to irrigate with saltwater. And this is  
24 the bread basket area for the State of Kansas,  
25 if it continues to operate this way, there may

1 be a lot of hungry people going on.

2 This whole thing reminds me of a little  
3 boy that comes out on the porch and he has an  
4 ice-cream cone in his hand. And the big bully  
5 down the street sees he has an ice-cream cone,  
6 comes down and takes it away from him. The  
7 daddy's not around any more and he has no big  
8 brothers, so he has to do nothing but stand  
9 there and watch him eat his ice-cream. Nothing  
10 he can do about it. It's kind of the way I feel  
11 about this program. I hope we could do  
12 something about it. Thank you.

13 THE HEARING OFFICER: Thank you, sir.  
14 Ruth Jacob.

15 MS. JACOB: Good morning. I am Ruth  
16 Jacob, R-U-T-H, J-A-C-O-B. I live at 9317  
17 Southwest 72nd, Sedgwick. And I have been here  
18 for the past three days and I want to say I do  
19 appreciate the fact that you have created a  
20 relaxed atmosphere for people, that has been  
21 nice.

22 I want to say that my family has lived  
23 in and around Halstead for four generations. My  
24 great grandfather helped found this church in  
25 1875, and we have been stewards of the Equus

1 Beds aquifer for nearly 150 years. I hope that  
2 we can continue to be stewards for many  
3 generations to come.

4 I spent my childhood on a farm three  
5 miles north of Halstead, and I now live four  
6 miles southeast of Halstead. My husband is a  
7 retired farmer, but we own and live on a quarter  
8 section with two domestic wells, one at the  
9 house, one at the farm shop and it is used to  
10 water cattle in a small feedlot. We also have a  
11 well that supplies our irrigation pivot system.

12 Now, when I was a little girl we were  
13 taught not to waste water, or anything else. We  
14 got our toothbrushes wet, we shut the faucet  
15 off, brushed our teeth, and we rinsed our mouth  
16 out with a couple of sips of water out of a  
17 glass. We shared bath water. We watered  
18 flowers, when needed, and gardens. And didn't  
19 use the water on the lawn or anything that was  
20 deemed to be unnecessary, because we needed the  
21 water for the livestock and for our homes. That  
22 was most important.

23 Now, having an ample supply of good  
24 water is the most important thing needed when  
25 people want to sell a house or when they want to

1 build a house. We need to have good quality  
2 water and we need to have a quantity of water.  
3 Over pumping of the Equus Beds also is allowing  
4 the chloride to move further to the east. And  
5 if it comes too much further it is going to get  
6 in to the well field, it's going to cover a  
7 bigger area. And it is going to change  
8 everybody's lives around here forever.

9 All of us that live or own land above  
10 the Equus Beds need the water to raise the crops  
11 to feed the world and to feed livestock. The  
12 City of Wichita generously said they would drill  
13 new wells or deepen existing ones to make sure  
14 everyone has water, but do they have any idea  
15 what that would cost? Do they know how long it  
16 would take? And would they be willing to be  
17 disrupted from their daily life, like our  
18 families and farms would be? It would be days  
19 or weeks while we would wait on the drillers.  
20 And farmers cannot be without water for even one  
21 day.

22 Many of the wells around here are very  
23 shallow, so the disaster of the wells going dry  
24 during a 1% drought is real because the city  
25 would be pulling so much extra water . I know

1 of many wells around here, and it's record on  
2 the Internet, that are only at about 30 feet.

3 Another thing that's a concern is  
4 that the City would get 120,000 additional acre  
5 feet of water to use in times of the 1% drought  
6 and farmers that live and farm above the Equus  
7 Beds have been denied any new allocation for  
8 water since the early 1980s. The Groundwater  
9 Management District Number 2 was formed to deal  
10 with the problem of having been over  
11 appropriated for a number of years. They know  
12 the proposal could be disastrous because of the  
13 over appropriation, and have said it shouldn't  
14 be allowed.

15 Agriculture, which is our main thing  
16 right here in the middle of Kansas, is America's  
17 bread and butter. In fact, it really is the  
18 City of Wichita's bread and butter. We provide  
19 food for them, too. Something of this magnitude  
20 with so many uncertainties just shouldn't be  
21 allowed by the District of Water Resources, a  
22 governing body of the Kansas Department of  
23 Agriculture, that governs the use and allocation  
24 of the state's water resources.

25 It is understandable that Wichita wants

1 to keep their customers happy; but we, too, need  
2 to be happy. The Equus Beds already has the  
3 best stewards possible. They have the  
4 Groundwater Management District Number 2 team,  
5 and they have all of the residents and  
6 landowners that are above the Equus Beds. Thank  
7 you very much for your time.

8 THE HEARING OFFICER: Thank you, ma'am.  
9 Alan Jackson, waiving off. Myrle Cale House,  
10 pass, okay. And I am having trouble with this  
11 next name. I think it's someone with you,  
12 Myrle. You are passing also. Okay. And we  
13 have a Roger? I am having a hard time reading  
14 this. You pass. Another pass.

15 Representative Stephen Owens.

16 MR. OWENS: Good morning, Madame  
17 Chairwoman. My name is Stephen, S-T-E-P-H-E-N,  
18 O-W-E-N-S, I am Representative for the 74th  
19 South District. I live at 306 South Hoover Road  
20 in Hesston, Kansas; and also have land in rural  
21 Harvey County.

22 Thank you very much for the opportunity  
23 to be here today. And thank you very much for  
24 the work that you are doing, I know it is a  
25 daunting task.

1           As representative of the majority of  
2 the people in this room I am honored to be here  
3 and stand here and ask just a simple few  
4 questions that I think needs to be answered  
5 before action is taken. And I recognize that  
6 action has been delayed as the result of not  
7 getting through all of the formal testimony.

8           My first question is, are passive  
9 recharge credits even legal? As I understand  
10 what the City of Wichita is proposing it is to  
11 create a new type of recharge credit. I have  
12 asked the legislative research department of the  
13 State of Kansas that very question, and yet to  
14 receive an answer. So I want to ensure that if  
15 a decision such as this is made that it's within  
16 the statutory allowance that the State of Kansas  
17 currently has.

18           Do we know the consequences of dropping  
19 the aquifer below the '93 levels? Is there true  
20 testing? Is there independent third party work  
21 that has been done so we truly understand the  
22 consequences of those actions. You see in the  
23 state legislature we often do things and create  
24 unintended consequences of which we have the  
25 responsibility to go back and fix.

1 Unfortunately if we don't know the consequences  
2 of those levels being dropped and ultimately  
3 what it may do to that salt plume and where it  
4 may move. Those are unintended consequences  
5 where we don't have the right or the ability to  
6 go back and fix.

7 As I have had the opportunity to study  
8 and to understand this issue, it is my belief,  
9 and my understanding, that more research needs  
10 to be done. That more questions need answered  
11 and that we need to look at this possibly even  
12 on a state level through legislation in the  
13 event that these passive recharge credits are  
14 decisions that are made need to be statutory  
15 legal.

16 With that, I want to offer my time and  
17 my commitment to this organization, to you, in  
18 anything that I can do to help you and your  
19 work, the City of Wichita, in finding the  
20 answers that they need, because I certainly  
21 don't want to minimize the importance of what  
22 they are doing in watching out for their  
23 residents, but I also don't want to minimize the  
24 importance of the residents of Harvey County and  
25 those farmers.



1           You see we can go about 40 days without  
2 food, but only three days without water and  
3 water is one of the most precious resources that  
4 we have. I stand committed to helping. Thank  
5 you.

6           THE HEARING OFFICER: Thank you, sir.  
7 David Stroberg. Pass. Esley Schmidt. Do I  
8 have that right?

9           MR. SCHMIDT: I am Esley Schmidt,  
10 E-S-L-E-Y.

11          THE HEARING OFFICER: I apologize for  
12 getting your name wrong.

13          MR. SCHMIDT: My address is 736 Eagle  
14 in Walton, Kansas. We are out in the country  
15 about five and a half miles away from there.

16          We had a spring in our pasture years  
17 ago, and I suppose the spring is still there,  
18 but there was a cement encasement around the  
19 water and I went back Tuesday to see how much  
20 water was still there, and the only water that I  
21 could find was little patches around the cement  
22 encasement that they built years ago. Around  
23 the spring.

24          Now, at that time, or all the time that  
25 I remember, there was a pond of water below the

1 spring that I don't remember that it ever got  
2 dry, even during the dry periods. I went by  
3 there all the way and there was not a single  
4 drop of water anywhere for about a quarter of a  
5 mile. Now, we live up on a hill, the water  
6 level there, well, the well is about 90 feet  
7 deep and the water is hard as rock, whereas the  
8 pond water, the spring water is very soft.

9 Of course we have, water has been  
10 confiscated already years ago, of course not  
11 available any more, but we do still have a  
12 little bit of water in the 90 foot deep well  
13 that's on the farmstead, but as far as the  
14 spring being of much value to us any more is not  
15 because we had to change your method of our  
16 plumbing, because it isn't producing enough  
17 water any more for all the cattle that we have  
18 in the pasture. So we have to start putting up  
19 the hay in bales.

20 And now, of course, I am so old now  
21 that I don't do much farming any more, but I can  
22 still work on the place at age 92 and 93, I am,  
23 I am still alive where a lot of my friends are  
24 dead. I hope that the City of Wichita is not  
25 allowed to confiscate all the rest of the water

1 that we have, even though we were already not  
2 able to use much of it because it's too, too low  
3 in the spring. Thank you.

4 THE HEARING OFFICER: Thank you, sir.  
5 Michael Koehn.

6 MR. KOEHN: Koehn.

7 THE HEARING OFFICER: Koehn, sorry. My  
8 glasses don't help me as much as I like.

9 MR. KOEHN: May I give a you a copy it  
10 cites some references.

11 THE HEARING OFFICER: Sure.

12 MR. KOEHN: Michael, M-I-C-H-A-E-L,  
13 Koehn, and you spell it K-O-E-H-N. My address  
14 is 15425 Southwest 72nd Street, Halstead.

15 I would like to take this time to tell  
16 you a little bit about my family and how it  
17 impacts my family. My name is Michael Koehn and  
18 I have taken off of work this week to attend  
19 these hearings because of the importance to my  
20 family and community of Halstead and Harvey  
21 County. I live and farm in Lakin Township  
22 southwest of Halstead. I am also a member of  
23 the Harvey County Planning and Zoning  
24 Commission, so you can see how I have a vested  
25 interest in the future of Harvey County.

1           My family arrived in the Halstead area  
2    130 years ago, things were a little bit  
3    different on the prairie back then. They lived  
4    and worked in the area southwest of Halstead.  
5    In good years they celebrated the harvest. In  
6    bad years they nearly starved to death. My  
7    family members are listed in Cutler's History of  
8    Kansas as pioneers. One, Kate Hess, my great,  
9    great grandfather's sister, lived and raised her  
10   family with her husband, Adam. The other was  
11   Kathryn Frey, and she homestead in Barton  
12   County, was the first Native American woman in  
13   that county. These pioneers knew they would  
14   fight drought, floods and mother nature, but  
15   these pioneers could never have imagined that  
16   one day they would be fighting with their  
17   neighbors to the south in Sedgwick County for  
18   their very existence using the water which is  
19   every community's life blood.

20           The incredible part of this dynamic is  
21   that the City of Wichita wants to withdraw more  
22   water than the original agreement that they  
23   agreed to states. Not to sustain their own  
24   citizens' use but to sell it to other  
25   communities.

1           According the High Plains Journal  
2 article of July 17, 2018, by Amy Bickel, the  
3 City of Wichita was selling water at that time  
4 to 11 other communities of 77,000 people. This  
5 is incredible to me as it is well known that the  
6 Burrton salt plume is approaching from the west  
7 and migration of the chloride from the Big  
8 Arkansas River toward Halstead from the south.

9           According to the article published by  
10 the Kansas Geological Society Open File Report  
11 2012, water quality data was assembled for  
12 Groundwater Management District 2 using its  
13 monitoring wells, irrigation wells and municipal  
14 wells in the City of Wichita. According to this  
15 data it was determined that the Burrton salt  
16 plume has migrated eastward and in to the deeper  
17 part of the aquifer with time. The front of the  
18 plume, as indicated by the 500 mg/litre chloride  
19 isosurface is only one mile from the nearest  
20 municipal supply well in the Wichita well field.

21           According to the United States  
22 Geological Society article of August 7, 2014,  
23 artificial recharge by actually injecting water  
24 into the aquifer from the Little Arkansas River  
25 will raise groundwater levels, increase storage

1 volume in the aquifer and deter or slow down the  
2 plume of chloride brine approaching the Wichita  
3 well field from the Burrton area, which was  
4 caused by oil production activities in the  
5 1930s. They also note that the approaching high  
6 chloride water from the south by the Arkansas  
7 River has the same requirements of the need for  
8 actual injection of water in to the aquifer, not  
9 simply taking water or earning credits for not  
10 doing so.

11 Even though the City of Wichita has  
12 submitted numerous models and tables at this  
13 hearing, it's still evident they are not sure  
14 they know what they are doing hundred percent by  
15 the large ASR water reclamation pit on Southwest  
16 36th Street, which is a total failure and has  
17 trees growing up in inside of it. They have  
18 abandoned the pit and left it as an eyesore to  
19 the community, which serves as a testimony that  
20 all things can't be modeled or tabled.

21 Madame Officer, part of my family came  
22 west on the Oregon trail to a little town just  
23 south of the trail in Webster County, Nebraska  
24 called Blue Hill in the 1800s. His name was  
25 Henry Wagener, Sr., and he was my great, great

1 great grandfather. And he was the father of my  
2 great grandfather, Henry Wagener, Jr. He began  
3 farming and was successful until three years of  
4 sustained drought destroyed the land and the  
5 wells ran dry which prompted a mass exodus from  
6 that area.

7 Henry Wagener, Jr., heard of the  
8 plentiful water in the Halstead area and decided  
9 to bring his family to Halstead by wagon. They  
10 loaded everything they owned into the wagon and  
11 started out for Halstead from the Nebraska  
12 border. He came that distance with his wife,  
13 Theresa, and my great grandmother, Anna, and  
14 twin, who were four years old at the time.

15 They walked the entire distance because  
16 there was no room in the wagon for Theresa and  
17 for the two four year-old twins. It took them a  
18 month to get here from Nebraska. By that time  
19 they were down to one set of clothes that they  
20 washed every night and hung up to dry for the  
21 next day. Anna married my great grandfather,  
22 Dave Lentz, and they homesteaded southwest of  
23 town, where they had my grandmother, Marie.

24 In the 1930s my mother was born in the  
25 dustbowl days to Anna's granddaughter Marie and

1 her husband, Clarence Farber. They farmed near  
2 my other relatives on a farm southwest of  
3 Halstead. My grandparents, my mother and her  
4 little brother nearly starved to death after  
5 three years of drought in the 1930s. They lost  
6 their farm due to the lack of water that they  
7 had worked so hard for and had to move to town  
8 or starve. This affected my mother to the point  
9 that she would hid canned goods, cans of food  
10 all over the house because she never wanted to  
11 be hungry again.

12           Madame Officer, my family really  
13 doesn't want to be forced off our land again and  
14 have to move, which very well could happen if  
15 our wells go dry or the migration of salt from  
16 the Burrton area isn't stopped by enforcement of  
17 the original water rights agreements which the  
18 City of Wichita agreed to and called for actual  
19 injection of water into the aquifer, not simply  
20 getting credits for not taking water.

21           The City of Wichita has voiced no  
22 explanation of what they would do or if there  
23 would be compensation if the wells do go dry and  
24 cannot be redrilled or the Burrton salt plume  
25 continues its inevitable march and contaminates



1 domestic wells.

2 Madame Officer, the citizens of Harvey  
3 County aren't asking for anything extra or  
4 special treatment, just that the City of Wichita  
5 be asked to honor the agreement that they agreed  
6 upon. Thank you.

7 THE HEARING OFFICER: Thank you, sir.  
8 Sarah Koehn.

9 MS. KOEHN: Pass.

10 THE HEARING OFFICER: I think our next  
11 person, the last name is Durner.

12 MS. DURNER: Good morning. My name is  
13 Rosa, Rosetta, R-O-S-E-T-T-A, Durner, just like  
14 turner with a D, D-U-R-N-E-R.

15 THE HEARING OFFICER: I am sorry,  
16 please repeat the last name.

17 MS. DURNER: D-U-R-N-E-R.

18 THE HEARING OFFICER: I was way off.  
19 Thank you.

20 MS. DURNER: I live at 300 North  
21 Sedgwick in Burrton. I am work in the bank in  
22 the Burrton and I listen to customers' concerns  
23 and complaints all day. They are very concerned  
24 about the salt plume and the diminishing water.  
25 We see the water in the river dry up, it used to

1 be a river, now it's becoming sandbars. I am  
2 not as well prepared as some of the others here.  
3 I just want you to know my concerns and my  
4 customers. I own farmland. So I thank you for  
5 your time.

6 THE HEARING OFFICER: Thank you, ma'am.  
7 Frank Harper.

8 MR. HARPER: I do have a copy. It has  
9 my name and address on it. I will repeat it  
10 though. Thanks. My name is Frank Harper, my  
11 address is 8426 South Ridge Road, Sedgwick,  
12 Kansas. I am not very good at following a  
13 script, never have been, but I did attempt to  
14 write some notes here to try to keep my comments  
15 focused.

16 Good morning. My name is Frank Harper,  
17 I live approximately one mile north of the town  
18 of Sedgwick in Harvey County. I am a farmer and  
19 rancher. I served on the GMD-2 board from 2000  
20 through 2009. My comments this morning are  
21 primarily based on my time on the GMD-2 board  
22 during approval and implementation of Phase 1  
23 City of Wichita's aquifer storage and recovery  
24 project, as well as learning information more  
25 recently regarding Wichita's current proposal.

1           My guess would be that there is no one  
2           in this room today that doesn't respect the City  
3           of Wichita's responsibility to provide a safe  
4           drinking water supply to the citizens of  
5           Wichita, as well as other uses of water within  
6           the City. We understand that the City has  
7           approximately 40,000 acre feet of water within  
8           the Equus Beds aquifer to compliment the supply  
9           of water they have access to from Cheney  
10          reservoir.

11           What does concern many of us is it  
12          seems to be Wichita's constant strategy to  
13          redefine water and it's method of capturing  
14          storage. Their effort in doing this seems to be  
15          to gain increasingly more and more of the  
16          precious resource in ways only allowed by them  
17          and not other water users. Their process for  
18          doing this seems to be to continue to hire large  
19          engineering firms like Burns & McDonnell to  
20          attempt to legitimize these strategies and  
21          tactics.

22           When Phase 1 of the ASR project was  
23          approved, GMD 2, and the City of Wichita, agreed  
24          to several key factors that would set the  
25          parameters not only for Phase 1, but also for

1 subsequent phases. The board and the other  
2 stakeholders of the district felt that the MOU  
3 that was created was entered in to in good faith  
4 by all parties. Now it seems that the City has  
5 decided to take a different approach and go  
6 against the MOU they entered in to with GMD-2.

7 This abandonment of the MOU has  
8 resulted in their attempt to change the rules  
9 and regulations to better suit their objectives  
10 and ultimately change the permit conditions as  
11 set forth in Phase 1 of the ASR project.

12 Countless hours were spent by the GMD-2 board,  
13 GMD-2 staff and numerous other stakeholders  
14 during Phase 1 permitting to arrive at key  
15 points of agreement, such as using the 1993  
16 aquifer levels for baseline storage capacity.  
17 Two, not allowing passive recharge credits.  
18 And, three, the establishment of the hydraulic  
19 barrier to slow the salt movements from the  
20 Burton brine contamination area.

21 To my understanding, all three of these  
22 key points have simply been abandoned by the  
23 City in its current proposal. Perhaps the City  
24 forgot somewhere along the way that mother  
25 nature is far superior for replenishing the

1 shallow aquifer than multi-million dollar  
2 infrastructures, paid for by taxpayer money.

3           So why wouldn't the citizens and the  
4 stakeholders of the district feel betrayed and  
5 upset by Wichita's recent approach? It seems as  
6 though when the City so-called engineers methods  
7 of capturing storage don't work, they simply  
8 abandon their agreements.

9           In addition, to this an increasingly  
10 frustrating part is what seems to be the  
11 Division of Water Resources assistance and  
12 support for the City of Wichita for doing such.  
13 There is reason for concern when citizens lose  
14 faith in their government entities to be  
15 unbiased and fair to all parties. This recent  
16 approach by the City of Wichita, with what  
17 appears to be the assistance of DWR to ignore  
18 legitimate questions and concerns from the  
19 citizens and stakeholders in GMD-2, gives  
20 legitimate reasons for Kansans to lose faith in  
21 their state and its agencies. I certainly hope  
22 that this is not the result of this hearing  
23 process.

24           Since I need to ad lib a little bit, I  
25 wouldn't feel right if I didn't. You know, I

1 don't think anyone here is anticity. We all  
2 benefit from many of the things that the city  
3 provides to us, whether it's going to eat dinner  
4 or participating in retail and everything else  
5 that goes with the city. But there's a lot that  
6 the city benefits from the stakeholders in this  
7 district. The ag economy, the industry that's  
8 out here in the district, the people that live  
9 out here, use the water, drink the water, that  
10 patronize the city in many, many ways.

11 I thought back a little bit from my  
12 time serving on the board, which I enjoyed  
13 immensely, it was a discussion we had with, it  
14 was a different municipality, but it was a  
15 situation where an engineering firm had come in  
16 and built a couple of well houses to basically  
17 for the well infrastructure to supply the city  
18 water. Well, in the process they didn't allow  
19 for enough room to meter the water coming out of  
20 this building.

21 So ultimately they came to the board  
22 and asked, well, we basically mis engineered  
23 this and can you guys help us out? And I  
24 remember sitting there thinking, well, here I  
25 am, a farmer and a rancher in this community

1 sitting on a board volunteering my time, and I  
2 am being asked to fix a problem that an  
3 engineering firm had created, that they were  
4 paid well for by a city to provide water to its  
5 citizens. And I thought to myself at that point  
6 in time, it came to mind that's not what we are  
7 here to do. That's not what we are here to do.

8 And I look at this situation, and I  
9 think about, and it's not near as good as  
10 example with the gentleman with the ice-cream  
11 cone, but I thought here we are, the city has  
12 basically swung for the fence for this project.  
13 They swung as hard as they could thinking all of  
14 this, it was all going to work, but at best they  
15 got a base hit.

16 And now they are asking the citizens  
17 and stakeholders of this district to say, hey,  
18 would you go ahead and make that home run for us  
19 because we spent a hell of a lot of money here  
20 to make this home run work and we only got a  
21 base hit. And that's the only thing that  
22 bothers me about this whole process.

23 It seems to me there has been an  
24 unwillingness for the city to sit down, and  
25 possibly DWR as well, with the stakeholders and

1 with the district and say listen, how can we  
2 make this good for all of us, not just a one  
3 sided approach to benefit the city and try to  
4 recapture and make this whole process of  
5 spending millions and millions of dollars whole  
6 for them. That's my comments, thank you very  
7 much.

8 THE HEARING OFFICER: Thank you. Darcy  
9 Weninger?

10 MS. WENINGER: Pass.

11 THE HEARING OFFICER: David Weninger.

12 MR. WENINGER: My name is David  
13 Weninger. And I live at 7350 North 167th  
14 Street.

15 THE REPORTER: Spell your last name,  
16 please.

17 MR. WENINGER: W-E-N-I-N-G-E-R. Back  
18 in the '70s I drilled water wells for almost  
19 nine years and since then around the Bentley  
20 area those wells are dry. And Bentley I believe  
21 has city water now. And I farm a, some acreage  
22 east of Colwich and I am irrigating the 67  
23 permitted field on 31 acre feet of water.

24 Now, one year it rained and I didn't  
25 use my 31 acre feet. But I wasn't allowed, if



1 we could bank that, or if I could banked what I  
2 had left of the 31 acre feet, I could have had a  
3 crop the next year. But the next year was dry  
4 and I used my 31 acre feet before the irrigation  
5 season was over with.

6 So, you know, I am sure everyone around  
7 can feel that if we could bank what we didn't  
8 use the year before, it would be pretty nice.  
9 Because we are only allotted so much. But if we  
10 don't use it, that's it for that year.

11 And in my nine years of drilling water  
12 wells, a lot of, a lot of miles, a lot of miles  
13 in the area, and I am thinking if Wichita wants  
14 more water, let them drill their wells over by  
15 Wichita. There is plenty of water north of  
16 Wichita, because even for when they all come in  
17 for a new housing addition, we had to drill  
18 wells to de water so they could put the sewer  
19 line in at ten feet. And hundreds of de water  
20 wells just to suck the aquifer down so they  
21 could work underground at ten feet, but when  
22 they got that in then the wells were abandoned.

23 So that's, you know, I could never  
24 understand why the City of Wichita wells are 30  
25 miles from town. If I want a water well, I

1 can't go drill it on my neighbor's ground, I  
2 have to drill it on my ground. So if Wichita  
3 needs more water, there is plenty of water in  
4 the Wichita city limits. That's about it.

5 THE HEARING OFFICER: Thank you. Joe  
6 Bergkamp.

7 MR. BERGKAMP: I am Joe Bergkamp,  
8 B-E-R-G-K-A-M-P. I live at 2004 South Willow  
9 Lake Road here in Harvey County, which is the  
10 western edge of the recharge basin that we are  
11 discussing. I and my wife, we have lived there  
12 for 30 plus years, basically a grain farmer of  
13 corn, beans, wheat and milo. And I do have  
14 irrigation.

15 I am asking you to deny the City of  
16 Wichita, their request. Primarily because our  
17 domestic well, since we live on the outer edges  
18 we'll be greatly affected. And we also have a  
19 rental house down the road. And if that well  
20 goes dry nobody is going to want to rent a  
21 rental house where there is no water. I am not  
22 a hydrologist or geologist, but we all know what  
23 happens when the water table drops below the  
24 water well pump, it is no longer a pump. And we  
25 know what the resolution is to this, two

1 resolutions really. One, drill a deeper well or  
2 simply deny the City of Wichita their request,  
3 because it will happen. Our water table will  
4 drop.

5 I have a grandson, when he was  
6 approximately five years old we would play a  
7 board game, and he would inadvertently make up  
8 the rules as we would go. And they would favor  
9 him. And I kind of thought, well, I was  
10 probably that way, too, at that age. But I see  
11 a huge similarity here between my five year-old  
12 grandson and the City of Wichita making up the  
13 rules as they go. I would give anything to have  
14 that kind of luxury, but obviously I don't.

15 So we are requesting that you deny  
16 their request and I also want to take this  
17 opportunity to thank you, Connie, for all that  
18 you have done. We really do appreciate it. And  
19 that's all I have to say.

20 THE HEARING OFFICER: Thank you, sir.  
21 Roger Unruh.

22 MR. UNRUH: Pass.

23 THE HEARING OFFICER: Alvin Neville.

24 MR. NEVILLE: My name is Alvin Neville,  
25 N-E-V-I-L-L-E. I live at 14601 West 77th Street

1 in Colwich. Our family has irrigation wells  
2 three miles east of Patterson, and two near  
3 Bentley, that is decent water for now. We also  
4 have wells south of the Arkansas River near  
5 Colwich. We know what chlorides do to our crops  
6 because we deal with it there with the chlorides  
7 that come from the river water that we pump.  
8 The levels there range anywhere from 300 to 650  
9 parts per million.

10 When the water table is down we have to  
11 limit our irrigation and the time that we  
12 irrigate because of the damage that it does to  
13 the crops. Back in 2012 we realized that  
14 immensely. We can't allow water levels to be  
15 lowered and take the chance of the salt  
16 contaminating the water that could potentially  
17 come from Burrton and disrupt the aquifer.

18 This is why GMD set the lower  
19 restrictions in 1993 to prevent this from  
20 happening. It isn't the best scenario for water  
21 and cattle and drinking water for us either. As  
22 we do have livestock also.

23 How many more entities will Wichita try  
24 to sell their water to in the future? They have  
25 plenty now . Needless to say that they won't

1 expand. A different twist is with new homes and  
2 businesses constantly being built more and more  
3 water is needed to water their grass. This  
4 grass should have a water limit to preserve  
5 water. Near us we have two, three and five acre  
6 home sites that I drive by in the summertime and  
7 they are constantly watering the grass day in  
8 and day out with no stopping. Is that really a  
9 necessity?

10 Back in the '90s the City of Wichita  
11 imposed water restrictions on homes and  
12 businesses that did water grass. And that  
13 should be a bigger priority now than trying to  
14 scheme a plan on how to sell more and more  
15 water. Yes, they have a drought plan but in my  
16 opinion there are steps being implemented way to  
17 late and slow as they are in a business to sell  
18 water.

19 The irrigators and the farming  
20 community have implemented various changes to  
21 help irrigate and reserve water at our expense  
22 because we care about our water supply and its  
23 value. Wichita, a heavy user, should be looking  
24 at the same instead of seeing how much water  
25 they can sell. Even back in 2012 and '13, to my

1 knowledge, they did not impose any restrictions,  
2 they just want you to pump water. Selling water  
3 is their business.

4 In summary, I am against the proposed  
5 water level changes being sought. We cannot  
6 take the chance that our water well will be  
7 compromised that we use for drinking water,  
8 watering our livestock and irrigating our crops.  
9 Once contaminated, it will never be the same.  
10 Wichita needs to look at similar water  
11 restrictions and how water is being used on  
12 grass, something that is not a priority, only an  
13 aesthetic. Getting water to sell should not be  
14 a priority. Thank you.

15 THE HEARING OFFICER: Thank you.  
16 Anthony Seiler.

17 MR. SEILER: Good morning. My name is  
18 Anthony Seiler, S-E-I-L-E-R, I live at 208 North  
19 Charles Street in Wichita, Kansas. And I am  
20 here today representing the Sedgwick County Farm  
21 Bureau, I am the current executive director of  
22 that organization.

23 THE HEARING OFFICER: Go ahead.

24 MR. SEILER: I want to start,  
25 Madame Hearing Officer, I would like to thank

1 you for your public service and your willingness  
2 to engage in this challenging and lengthy  
3 hearing process.

4 On behalf of the Sedgwick County Farm  
5 Bureau Agricultural Association, I would like to  
6 express our opposition to the proposed  
7 modifications to the Aquifer Storage and  
8 Recovery permit conditions made by the City of  
9 Wichita. The Equus Beds Aquifer is a vital  
10 resource for many of the 900 farm families that  
11 we represent in Sedgwick County. It's continued  
12 stewardship is top of mind and we are committed  
13 to being good neighbors with the businesses and  
14 municipalities that depend on it.

15 We are very concerned that the  
16 modifications that have been proposed to the ASR  
17 project, to create the Aquifer Maintenance  
18 Credits and to lower the index level, would  
19 threaten the appropriation rights of all other  
20 users of Equus Beds water and could potentially  
21 also threaten the preservation of this important  
22 resource. We understand that the City of  
23 Wichita has an obligation to its citizens to  
24 provide water, even during severe drought, but  
25 the solution currently proposed would do so on

1 the backs of hard-working Kansas farmers and  
2 ranchers, our members.

3 The creation of Aquifer Maintenance  
4 Credits would allow Wichita to receive recharge  
5 credits without performing any of the positive  
6 benefits for the aquifer that were originally  
7 justification for the ASR project. To make a  
8 financial analogy, the AMCs would be like  
9 receiving a check, cashing it, and then also  
10 getting credit for a deposit; allowing the  
11 recipient to spend the same money twice. This  
12 kind of accounting would never be acceptable in  
13 the financial world because the bank would bear  
14 the cost of the extra deposit.

15 In the case of the Equus Beds, all the  
16 other right holders would bear the cost of the  
17 benefit Wichita would receive from the AMCs.  
18 The justification that Wichita has offered for  
19 the AMCs is that it would allow them to continue  
20 to practice outcome based management of their  
21 water resources rather than pumping a hole into  
22 the Equus Beds to make space for physical  
23 recharge.

24 We believe this clearly indicates that  
25 the city's primary motivation through this



1 modification is not the conservation of the  
2 Equus Beds, but the maximization of their water  
3 appropriation ability. The city is attempting  
4 to set up a false dichotomy where there are only  
5 two choices, but in reality, there are countless  
6 alternatives that do not include AMCs or the  
7 irresponsible management of the Equus Beds and  
8 they should be encouraged to pursue them.

9 Our members understand the need to be  
10 responsible partners with Wichita in managing  
11 this precious natural resource and ask only for  
12 equitable treatment in its administration.  
13 If the AMCs are approved, we see no reason why  
14 the city would ever need to perform any physical  
15 recharge again. It would be cheaper, quicker,  
16 and more efficient to simply pump the water from  
17 the Little Arkansas directly to Wichita and  
18 avoid the process of injecting water back into  
19 the aquifer and then pumping it out later. The  
20 city would have no financial incentive to  
21 physically recharge water and it would allow  
22 them to accumulate a greater amount of water  
23 appropriations which seems to be their clear  
24 goal rather than resource conservation.

25 With regards to lowering the index

1 level, we are concerned that if the aquifer was  
2 ever drawn down below the 1993 levels it would  
3 cause significant harm to our members and other  
4 users of the Equus Beds. When the water levels  
5 reached their low in 1993, the effect on users  
6 was dramatic enough through dry wells and  
7 impaired water quality that DWR stepped in and  
8 established this as the safe limit. If the  
9 lower index level was approved, we see no reason  
10 why the same harms that were experienced in 1993  
11 would not be repeated if these limits were ever  
12 surpassed.

13 One final recommendation that we have  
14 for DWR in future rule making process is to  
15 engage with all impacted parties at an earlier  
16 point in the discussions. It is admirable that  
17 DWR takes a "let's find a way to yes" approach  
18 and works with rights seekers, when so many  
19 regulatory agencies have a reputation for being  
20 aloof to the concerns of those they regulate.  
21 However, in this modification process we think  
22 that one of the critical errors was that other  
23 rights holders, who would be affected by these  
24 modifications were not engaged during the  
25 informal conversation phase of this process. If

1 DWR does not bring all of the interests to the  
2 table during the "let's find a way to yes"  
3 phase, then the finished product is not likely  
4 to serve the interests of the entire community.

5 Finally, we would like to associate  
6 ourselves with the testimony and legal analysis  
7 given by Kent Askren on behalf of Kansas Farm  
8 Bureau at the public hearing December 11, 2018.  
9 Madame Hearing Officer, we appreciate the  
10 magnitude of the decision you have before you  
11 and the difficulty of balancing the interests of  
12 all parties in safely preserving this vital  
13 natural resource.

14 We look forward to the continued  
15 discussion of the proposed changes and hope that  
16 their resolution will ensure that the Equus Beds  
17 remains a source of prosperity for farmers,  
18 ranchers, businesses, and municipalities for  
19 generations to come. Thank you.

20 THE HEARING OFFICER: Thank you.  
21 Cheryl McLoud. Pass, okay. Robert McCart.  
22 Kenny Weber. Theresa Seiler. Pass. Jared  
23 Janzen. Pass. Scott McCoy, pass. Barbara  
24 Dilly Stecklein. Pass. Gary Stecklein.

25 MR. STECKLEIN: Good morning. For the

1 record my name is Gary, last name Stecklein,  
2 S-T-E-C-K-L-E-I-N. And we live at 11918 North  
3 279th Street West, which is just north of the  
4 Arkansas River on Burmac Road. For the record,  
5 I happen to be a mechanical engineer, please  
6 don't take the, don't accuse me of something  
7 there. And also I am not Larry Steckline, the  
8 guy who gives the ag report, so please don't  
9 think I am he either.

10 My wife and I moved back to Kansas in  
11 2008 and moved to her family farm. And since  
12 that time I have become aware of the situation  
13 here. And I must say it was the first time I  
14 heard about this recharge situation. I thought  
15 it was about almost the dumbest thing I had ever  
16 heard of because it seemed to me it would be  
17 kind of hard to take the Little Arkansas River  
18 to put it back in to the aquifer because when  
19 you want water you don't have it. So that seems  
20 to have been the case and been proved over the  
21 last how many years.

22 I do want to say, just looking at it  
23 from an outsider's viewpoint I must agree that  
24 giving credits for water that you don't put back  
25 in to the aquifer seems to be not logical. It

1 doesn't benefit the aquifer one iota. Taking  
2 the Little Arkansas water to the City of Wichita  
3 is fine, but they should not be given credit for  
4 doing that.

5 Taking water below the 1993 level is  
6 also a bad idea. That happened to be the year  
7 my wife's grandmother passed away, so we were  
8 here and we heard of how bad it was in 1993. We  
9 have come to this area very, very many times,  
10 but live here now and have, we use domestic  
11 water, we have wells for irrigation of the  
12 farmland.

13 A couple of things I want to share,  
14 however, is from our experience in living in San  
15 Antonio, Texas for 27 years. While we lived  
16 there the City of San Antonio was going through  
17 the same kinds of problems that the City of  
18 Wichita is facing. They take all of their water  
19 from the aquifers to the west of San Antonio,  
20 which was also being used for irrigation. And  
21 the solution they came up with was to actually  
22 buy the water from the farmers so that they  
23 would not use it for irrigation. So that is a  
24 potential solution that I think should be  
25 investigated.

1           The other thing I want to pass along is  
2           in an economic development meeting I happened to  
3           attend several years ago with Mr. Longwell,  
4           before he became mayor, and the City of Wichita  
5           was talking about the importance of water  
6           resources for the economic growth of the City.  
7           And it just, it occurred to me during that  
8           meeting that the, because they were taking water  
9           out of Lake Cheney, which I didn't know they  
10          were, it occurred to me that a channel from the  
11          Arkansas River to Lake Cheney would be an  
12          approach for providing recharge of that  
13          reservoir. So even though high levels in the  
14          river are not common, they do occur even during  
15          drought periods. So that seems to me to be a  
16          way of providing additional water resources for  
17          the City of Wichita. And so I thank you very  
18          much and thank you.

19                 THE HEARING OFFICER: Thank you, sir.  
20                 Harold Schmidt. Pass. Karen Siebert. Pass.  
21                 Jack Queen.

22                 MR. QUEEN: Good morning. My name is  
23                 Jack Queen, Q-U-E-E-N, I live at 3230 North Flat  
24                 Creek in Wichita. I am also the present general  
25                 manager of the farmers co-op here in Halstead,

1 represent a little over 850 producers there as  
2 well.

3 Good morning. My name is Jack Queen,  
4 like I said I am present general manager of the  
5 farmers co-op in Halstead. We also have  
6 locations in Bentley, Mt. Hope and Patterson.  
7 If you think about the shape of a football,  
8 seven or eight miles north and south of Mt. Hope  
9 and north of Halstead, that's our territory. I  
10 will give you some numbers for that area, take a  
11 little different approach and look at the  
12 financial consequences on this trade area.

13 What was discussed this week is very  
14 important to the co-op, over 850 plus customers.  
15 Not only is GMD-2 a vital part of many farming  
16 operations also used in their homes and  
17 livestock operations. Before GMD-2 was  
18 developed for irrigation purposes, many of these  
19 farmers were growing 30 to 40 bushels a week.  
20 Today they are growing 190 to 210 bushel of corn  
21 and 60 to 80 bushels of soy beans. That 40  
22 bushel a week crop today is worth about \$167.20  
23 an acre. A 210 bushel of corn crop is worth  
24 \$766.50 an acre, and an 80 bushel of soy bean  
25 crop is worth about \$661.60 an acre. I realize

1 the costs of inputs is different, but the same  
2 is the more you put in the more you get out.

3 So here at Farmers Co-Op, the Elevator  
4 Company, we receive about 4 million bushels of  
5 corn in a year, about 1.7 million bushels of  
6 soybeans a year. That's just what comes to us  
7 and not counting what goes to other elevators or  
8 kept in storage to be fed or shipped or  
9 somewhere else.

10 Out of that roughly we figure annually  
11 about 60 percent of the corn is irrigated, we  
12 receive, and about 50 percent of the soybeans is  
13 irrigated. So math tells us roughly 11,500  
14 acres of corn that we receive is from irrigated  
15 ground, and 10,600 acres of soybeans come from  
16 irrigated ground. Roughly equates to 8.8  
17 million dollars in irrigated corn, 7 million  
18 dollars in irrigated soy beans, a total of 15.8  
19 million dollars in our surrounding communities  
20 from this irrigation activities.

21 If the City of Wichita is allowed to  
22 pump these credits they don't pump back in the  
23 ground and the water is unable to be pumped on  
24 the land, and we will go back to the dry land  
25 wheat days. So you can look at those 22,000



1 acres that will provide 3.7 million dollars in  
2 our communities, in this small area. Roughly 23  
3 percent of that revenue generated from the  
4 irrigation activities will be all that's left.

5 So roughly a little over 75 percent of  
6 that money, of that \$15 million, will not be in  
7 our communities to be spent on input costs,  
8 stuff for their homes, different things like  
9 that.

10 This project was started, in part, to  
11 keep the Burrton salt water plume from migrating  
12 into this highly productive agriculture area, as  
13 well as help keep the chloride from the Arkansas  
14 River in the Arkansas River. Both of these  
15 issues would make this water unsuitable for  
16 domestic uses, livestock and agriculture. It  
17 appears to me that the City of Wichita wants to  
18 take a wait-and-see approach if this experiment  
19 happens, but by the time it happens, once it  
20 happens it's too late. We'll lose the  
21 irrigation for our homes and livestock and crops  
22 that we grow today. These wells will likely  
23 have to be abandoned as well.

24 All the folks who have made their homes  
25 in rural Harvey and Sedgwick County will be

1 without water for their homes and livestock, and  
2 will be forced to leave or face the high costs  
3 of getting rural water pumped to their homes.

4 This appears to be a reckless attempt  
5 to grab a resource that they will then sell to  
6 the highest bidder, while all of those who have  
7 their livelihood and GMD-2 will be lost. It is  
8 my, and the 800 plus members of the co-op and  
9 Elevator Company ask that this proposition be  
10 denied and the City of Wichita look elsewhere  
11 for the future needs.

12 As I said earlier, it is my  
13 understanding that El Dorado Lake has plenty of  
14 water that could be purchased and piped to  
15 Wichita.

16 Thank you for your time and  
17 consideration and listening to all of us speak  
18 about this issue. Thank you.

19 THE HEARING OFFICER: Thank you. Steve  
20 Jacob. David Jacob. David Wendling.

21 MR. WENDLING: Pass.

22 THE HEARING OFFICER: John Wendling.

23 MR. WENDLING: Pass.

24 THE HEARING OFFICER: Joe Trego.

25 MR. TREGO: Joe Trego, 806 Main,

1 Halstead. And I think this is a gamble. It  
2 might work and it might not. My work history I  
3 worked for the City of Wichita well field in  
4 1970s, and then became involved in the  
5 irrigation world from '84 to '08. And when I  
6 was working in Wichita for the City of Wichita,  
7 a co-worker we had charts for water depth. It  
8 coned. And we had to change these charts once a  
9 week. And on well number 1, which is on Highway  
10 50, the further, furthest north point, I worked  
11 for, I was working with Bob Farber and the, he,  
12 he commented that somebody turned the irrigation  
13 well on and the water cratered. And it creates  
14 a cone, and what the, and what I am concerned,  
15 with the depletion of the cone, the water  
16 depletion, will create a cone and we have  
17 saltwater coming in from Burrton and saltwater  
18 coming in from the river. And it never goes  
19 away. And I don't want to gamble with that.  
20 Thank you.

21 THE HEARING OFFICER: Thank you, sir.  
22 Dan Andrew.

23 MR. ANDREW: Good morning. My name is  
24 Dan Andrew. I live 4605 South Ridge Road, I  
25 have lived there since '92, something like that.

1 I own two 80s right along Ridge Road we have two  
2 irrigation wells and three circles. I think we  
3 would like to believe that fresh clean water is  
4 unlimited, we would like to believe that, but in  
5 reality, fresh clean potable water is limited in  
6 the sense that nature can only supply a certain  
7 amount of water, as yet to be through this  
8 aquifer is yet to be determined what that is and  
9 at what level. And we call that level, you  
10 know, that quantity a safe yield.

11 The unknown is, what is that quantity  
12 and that answer is what we see. The second part  
13 of that is how it's best to be used. And I am  
14 hearing new information here today that  
15 Wichita's intended use of it, and quite honestly  
16 it's very disturbing, at the least, and can be  
17 very maddening at the most, I guess.

18 I have lived in rural areas most of my  
19 life. I have talked with a few and fresh water  
20 has been understood as long as I can remember.  
21 So I have been keen on this topic my whole life  
22 and try to practice the most conservative level  
23 usage as possible, and I think most of my  
24 neighbors in the agricultural community do the  
25 same. It's been our nature to do that to make

1 the most of what we have.

2 Water is, and everybody knows this,  
3 water is the life blood of all life. Water,  
4 without water the landscape around here would be  
5 just like mars. In my world my domestic well is  
6 at the bottom of the aquifer to bedrock, the two  
7 other are down to bedrock, along with these  
8 wells are monitoring wells to monitor wells  
9 monthly until certified usage could be  
10 determined.

11 I watch the data supplied by GMD-2 very  
12 closely and with great interest. In recent  
13 years we benefited from timely growing season,  
14 rains to ease the demand on irrigation wells.  
15 However, that could change any time as we all  
16 know. The requested increase by Wichita is at  
17 least very shocking and at most very alarming.

18 It's troubling that another entity can  
19 invade in to the rural areas and take the  
20 resources right from under the landowners. My  
21 deed to my land says I own the mineral rights.  
22 Oil companies have to get my permission if they  
23 will drill on my land and they will pay me a  
24 royalty if oil is discovered. What makes water  
25 any different? Wichita's request, I believe,

1 goes beyond sustainable and threatens the  
2 viability of the aquifer. And it threatens all  
3 the users that use that aquifer.

4           The increased demand threatens me and  
5 every other user in the district. Texas has no  
6 program to regulate water, that I am aware of.  
7 And I was down there a few years ago to buy a  
8 circle and the gentleman that I bought it from,  
9 or was going to buy it from, says we have run  
10 out of water because we pumped it dry. That  
11 community is suffering because of the no water.  
12 The cost of my wells is in the tens of thousands  
13 of dollars. It's availability, the water, adds  
14 to the value of the land, however, Wichita's  
15 request threatens all of this and every user.

16           Clearly the limited aquifer must be  
17 aggressively protected. Other sources, other  
18 methods must be found and developed. Drilling  
19 wells deeper is fool hearty, it simply pumps the  
20 tub to a lower level. I think it's detestable  
21 what Wichita would do, to pump water from right  
22 underneath us and then sell it to somebody else.  
23 We have heard the fall of the water levels in  
24 the lifetimes of the older residents here.  
25 These facts cannot be ignored. It is hard

1 evidence of an ongoing trend. This trend needs  
2 to be stopped and it needs to be stopped now.  
3 Wichita's request will only accelerate and  
4 continue this dangerous trend.

5 And I would like to change the  
6 vernacular on this salt plume business, we keep  
7 saying we need to slow that. No, I don't think  
8 we need to slow it, I think we need to stop it  
9 where it is right now so somebody else does not  
10 lose their ability to water their garden or  
11 drink the water from their well.

12 Thank you very, very much for hearing  
13 us all out. I appreciate it.

14 THE HEARING OFFICER: Thank you. Bill  
15 Carp. Pass. Joy Carp. Pass. Charles Esfel.  
16 Do I have that right? Carol Dunno. Pass.  
17 Laura King. Gina Bell.

18 MS. BELL: I am Gina Bell and I live at  
19 3009 Cotton Hill Drive in Newton. I happen to  
20 be the planning and zoning director. I am the  
21 one that issues the domestic water well permits,  
22 and I can tell you that we have already suffered  
23 droughts. And those wells, of domestic quality,  
24 have been a problem. I didn't really, I wasn't  
25 ready to do this.

1           Anyway, I think that Harvey County and  
2 I, I think Harvey County has already said this,  
3 are against being, with Wichita being able to  
4 lower the water levels any more. It will cause  
5 a problem. And if that does happen then Wichita  
6 needs to be responsible for making sure that  
7 people have domestic water. Thank you.

8           THE HEARING OFFICER: Thank you, ma'am.  
9 Calvin Kissick. Pass. Kelly Holle. She  
10 passes. Floyd Holle, Sr.

11           MR. HOLLE: Name is Floyd Holle, I live  
12 at 11035 Southwest 84, Sedgwick. And I would  
13 like to read this from the Equus Beds  
14 Groundwater Management District 2 to start with.  
15 I better put my glasses on.

16           THE HEARING OFFICER: You should  
17 probably spell your last name.

18           MR. HOLLE: H-O-L-L-E. Dear Mr. Holle,  
19 as per your request of January 3rd, 1980, this  
20 office has made an evaluation of the proposed  
21 well located near the center of the northwest  
22 quarter of section 26. The evaluation was made  
23 to determine if a permit for a well could be  
24 approved. According to the evaluation a permit  
25 for a well could not be approved for that



1 location. The revised management program of the  
2 Equus Beds Groundwater Management District  
3 states that after April 11, 1979, no more than  
4 4,025 acre feet of water may be appropriated  
5 within a two mile radius of a proposed well  
6 location. According to the evaluation, the  
7 total appropriations for Wichita wells alone  
8 within the two mile circle is 8,724, more than  
9 twice the allowable rate. The total  
10 appropriations far exceed the guidelines of  
11 4,025 acre feet. Again, this means that an  
12 application for a well at this location  
13 described above could not be approved. Very  
14 truly yours, Equus Beds Groundwater Management  
15 District, Thomas bell.

16 So for the last 40 years permits have  
17 been denied in order to maintain and sustain the  
18 aquifer. It's been a good thing. We want to  
19 maintain the aquifer. The ASR project is  
20 promoted as a way to slow the salt movement.  
21 That was a good thing, if it works. It seems  
22 counterproductive to grant permission to lower  
23 the aquifer, and speed the salt movement under  
24 any circumstance.

25 The City of Wichita may be able to

1 afford dealing with saltwater, but the rest of  
2 us can't. We all try to teach your children not  
3 to give in to peer pressure. What I would say  
4 to Mr. Barfield is don't be pressured. Do the  
5 right thing. Just say no. Thank you.

6 THE HEARING OFFICER: Thank you, sir.  
7 Nina Wendling. Pass. Jana, last name begins  
8 with a B. No. Bruce Seiler.

9 MR. SEILER: I live at 8310 North 199th  
10 West, Colwich. I lived in the northwest part of  
11 Sedgwick County all of my life.

12 THE HEARING OFFICER: Pardon me, sir,  
13 would you please spell your name.

14 MR. SEILER: S-E-I-L-E-R. My wife  
15 Theresa and I operate our family farm which sets  
16 above the Equus Beds aquifer. We depend on the  
17 Equus Beds for domestic and irrigation water.  
18 As such, we recognize the importance of  
19 maintaining the quality and quantity of water in  
20 our aquifer. We have invested time and money to  
21 ensure that our farm uses water in a very  
22 conservative water. All 20 of our irrigation  
23 systems have been updated with the most  
24 efficient nozzles available. We use application  
25 as a way to further conserve our water. The

1 water permits that we utilize have a total of  
2 2,366 acre feet of authorized annual water  
3 usage. However, our average usage has been  
4 1,063 acre feet, which is less than 45 percent  
5 of our allocation.

6 We realize that our crops require more  
7 than that amount of water and we are grateful  
8 and blessed for rain as our alternative source  
9 of water for our crops.

10 Furthermore, the majority of our farm  
11 ground has a water table at five to 20 feet.  
12 And we recognize that a portion of the water we  
13 pump through our irrigation systems moves back  
14 through the soil profile to recharge the  
15 aquifer.

16 If we were allowed to operate under the  
17 same agreement that the City of Wichita is  
18 proposing, we would expect to be able to bank  
19 credits for our water that we did not pump, due  
20 to the use of our alternative water source, as  
21 well as the water that we are returning to the  
22 aquifer.

23 In turn, all users of the aquifer  
24 should be entitled to credits for that same  
25 reason. However, we are not asking for water

1 credits of any kind because we believe that that  
2 would be detrimental to the sustainability of  
3 our aquifer. Why the City would ask for aquifer  
4 maintenance credits when the aquifer is too full  
5 to accept recharge is unfathomable. If the  
6 aquifer is too full at any time to receive more  
7 water, as it was earlier this year after an  
8 abundant rainfall, then clearly the recharge is  
9 unnecessary at that time.

10 Above normal rainfall is what refills  
11 the aquifer most efficiently. If the City does  
12 not return water to the aquifer, it should not  
13 receive credit. No one should be allowed to  
14 claim credit for acts of nature. We are opposed  
15 to the City of Wichita's plan that would allow  
16 them to draw extra water from the aquifer in  
17 times of drought due to these artificial  
18 credits. During a drought everyone will need  
19 extra water, not just the City of Wichita and  
20 their customers. Thank you.

21 THE HEARING OFFICER: Thank you, sir.  
22 Greg Gleason. Pass. Stan Jost. Pass. Bryson  
23 Earl. Maybe I am not reading that right? Pass.  
24 Edward Weber.

25 MR. WEBER: My name is Eddie Weber my

1 address is 7 Lesley Lane, Halstead. My family  
2 and I are water right holders and are residence  
3 of the Equus Beds aquifer. We own or manage  
4 water rights from index well number 2. On the  
5 northern fringe of the well field through index  
6 well 34 on the southern fringe of the well  
7 field.

8 The City of Wichita has the reputation  
9 of being an 800 pound gorilla. The Wikipedia's  
10 definition of an 800 pound gorilla is an  
11 American English expression where a person or  
12 organization so powerful that it can act without  
13 regard to the rights of others or the law.

14 This phrase reminds me of a riddle.  
15 Where does an 800 pound gorilla sit? The answer  
16 is, anywhere it wants to. In the case of the  
17 City of Wichita acting as the 800 pound gorilla  
18 one may change this riddle up a bit and say  
19 where does the City of Wichita get its water  
20 from? The answer, anywhere it wants to.

21 What I see as the biggest concern is  
22 the chloride plume from the Burrton area and the  
23 natural intrusion from the Big Arkansas River.  
24 What the City is proposing has no regard to the  
25 concerns. If anything, it will only increase

1 the problem when we get in to a drought  
2 situation, whether it be just a significant  
3 drought of 2011 and 2012 or a 1% drought.

4 I feel that if we don't address the  
5 realization of the chloride plume contaminating  
6 the well field area we'll continually come back  
7 to the situation we have been in the last  
8 several years. And that is, fighting and not  
9 fixing the concern of contamination of chloride  
10 in to the well field.

11 My dad also told us in our family  
12 meetings about our farming operation that if you  
13 bring a problem to the meeting then also bring a  
14 solution to the problem. So I would like to  
15 throw out a solution. Can the moth ball Phase 1  
16 be utilized as a method to withdraw water from  
17 the nearby chloride plume in the Burrton area?  
18 Can the water be treated or blended and sent to  
19 Wichita? This method would lower the aquifer to  
20 allow room for recharge credits from the  
21 original bank storage wells along the Little Ark  
22 and the northern area of the well field.

23 Would this, over time, dilute the  
24 chloride plume as natural recharge replaces the  
25 chloride contaminated water that was withdrawn?

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1 Would this create more storage in the aquifer of  
2 good water?

3 In closing, Ms. Owen, I would like to  
4 state that the City of Wichita doesn't have the  
5 best track record of accurate projections or  
6 forecasts. There is too much at risk here to be  
7 wrong. There have been good and talented people  
8 on both sides of the room this week, but I would  
9 hope and pray that your recommendation to the  
10 chief engineer is to deny this proposal and send  
11 it back to the drawing board with solutions to  
12 the chloride plume. Thank you.

13 THE HEARING OFFICER: Thank you, sir.  
14 Tim, were there more sheets? Thank you. Terry  
15 Jacob. Last name William, first name begins  
16 with W. I can't read it. No. Dan Dyck.

17 MR. DYCK: I came here a little late,  
18 but our family --

19 THE REPORTER: Sir, can you spell your  
20 name.

21 MR. DYCK: D-Y-C-K, Daniel Dyck.

22 THE HEARING OFFICER: Sorry for  
23 mispronouncing it.

24 MR. DYCK: Happens all the time. Our  
25 family lives in Hutchinson but our family has an

1 interest in the Halstead area, I have farmland  
2 here, we have had interests here for over 100  
3 years. And I negotiated an injection well with  
4 the City of Wichita many moons ago. And I  
5 remember I also got up and spoke and my, one of  
6 my main concerns is water has a value. And at  
7 that time when I spoke I, I said, is there a  
8 formula, if the City of Wichita takes the water,  
9 too much water, is there a formula to help those  
10 that have the earlier numbers for a water  
11 rights? And at that time they, the City, just  
12 said, oh, there is no need for that, we have it  
13 all worked out, we have a web page you can see  
14 that we are not going to do any harm, et cetera.  
15 And as I said, my point is, it looks like there  
16 has been some, and I know it has been quite a  
17 few years ago, but that there has been some  
18 mission creep where the City of Wichita needs to  
19 change the rules. And so my main point is, I  
20 feel that there should be a formula, if they  
21 start damaging crops or other industrial  
22 interests there should be a formula to help  
23 those with the senior rights financially.

24 So basically that's what I have to say.  
25 Thank you.



1 THE HEARING OFFICER: Thank you. Josh  
2 Mueller.

3 MR. MUELLER: Good morning. I will  
4 make my comments pretty short. I don't have a  
5 prepared statement. A little bit of my  
6 background, our family farm ranches in the area  
7 pretty much of all within the Equus Beds. Also  
8 feed and run several cattle in the area so we  
9 have several stock wells around also. And with  
10 my basic, all of my immediate family living  
11 within the Equus Beds also, I guess really water  
12 quality is an issue that I think is on the top  
13 of all of our minds, number one. And with the  
14 project in mind further depletion and serious  
15 depletion of the Equus Beds can cause some  
16 serious water quality issues and especially for  
17 our immediate community. I guess that would be  
18 my number one concern.

19 And then as well the land and the  
20 livestock I mean obviously that's our  
21 livelihood. So I think in severe cases what we  
22 have been discussing and talking about the last  
23 several months or over a year, there could be  
24 serious repercussions for that. Basically  
25 that's all I have to say.

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Agriculture

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1 THE HEARING OFFICER: Thank you, sir.

2 MR. BENDER: I guess I am next.

3 THE HEARING OFFICER: Are you Jeff  
4 Bender?

5 MR. BENDER: Bender, B-E-N-D-E-R last  
6 name, Roman numeral III. I am not here  
7 representing the Harvey County Planning  
8 Commission, although I am a member of that  
9 commission. I have been on that commission for  
10 11 years. And part of our duties as  
11 commissioner is to have a comprehensive plan for  
12 development of the county in a uniform way, the  
13 way that will benefit the county. A lot of  
14 people in Harvey County are not on a water  
15 system served by the city of any of the cities  
16 within the county. A lot of us have wells.

17 With my property just east of here I  
18 have approximately 125 trees, I have a pretty  
19 nice garden, on about three acres. And I have a  
20 lot of farmers that live near me and they use a  
21 lot of water. I have been involved in this  
22 matter for a few years, I actually testified  
23 before the Water Board in Manhattan a couple of  
24 years ago. And at that time I expressed a  
25 concern about what was being proposed by

1 Wichita. I still have that concern.

2 I am concerned about the quality of  
3 life, what will I do for water if my water dries  
4 up because of what is being proposed?

5 Approximately, I don't know, five or six years  
6 ago, my water table dropped considerably. I had  
7 very little water pressure to supply my  
8 household. Luckily, since then the water level  
9 has gone up. And I have been able to use my  
10 well water for both my yard use and my household  
11 use.

12 I wish to express to you the fact that  
13 I am not the only person in this county, as you  
14 well know, that have these concerns. I ask for  
15 you to consider our comments in a very serious  
16 way. The future of this county is at stake. We  
17 don't want to be known as the desert of South  
18 Central Kansas. Thank you.

19 THE HEARING OFFICER: Thank you, sir.  
20 Charles Esfeld.

21 MR. ESFELD: Good morning. My name is  
22 Charles Esfeld, spelled E-S-F-F-E-L-D. I live  
23 at 4316 South Halstead Road. If he is next it  
24 looks like I am last.

25 I have sat through some of the three

1 days of testimony and then through the comments  
2 today and something that I have not heard  
3 mention is a possibility of trying to stop that  
4 salt plume. And I don't know what has been done  
5 out there before in the area, I have done work  
6 in the area oil field 30 or 40 years ago, but I  
7 don't know what's happening out there now. But  
8 to relay, well, I lived in Great Bend and we had  
9 farm ground on the outside edge of Great Bend  
10 and there is a salt plume along the drywall of  
11 that creek at Great Bend. And we knew it was  
12 there in high school, we were farming on one  
13 piece of ground and eventually after my dad got  
14 out of it. Well, we had the ground and it  
15 crossed the road and got in a well on the other  
16 side of the road. And unfortunately we got  
17 caught in to the groundwater controller bottoms,  
18 that's one third, and that's every year, not  
19 just when it's dry. So that well is not going  
20 to be redrilled, dry land on that.

21 When that was happening I visited with  
22 a man named Errol Clark (ph) and some of you may  
23 know him. I don't know if you ever worked in  
24 this area. But he did well water work in Kansas  
25 City helping cities and irrigators with wells

1 and installations. And I asked him about the  
2 salt plume on the north edge of Great Bend. He  
3 made the comment if you want to find it you just  
4 hire us and for enough money we'll find it.

5 With the testing and drilling  
6 capabilities today, compared to 40 years ago, a  
7 water driller here now that could probably tell  
8 us what it would take to take a water well rig  
9 and grid that area and drill it. I think there  
10 are testing companies in Wichita that might test  
11 that and be able to trace those saltwater leaks  
12 back too whichever well it's coming from. EPA  
13 does it. They will show you where somebody  
14 poured five gallons of oil on the ground and  
15 they have testing to show that now.

16 So my recommendation would be to back  
17 up and see where it's coming from and see if we  
18 can solve that particular elephant in the room  
19 and then still have to contend with Wichita.  
20 Thank you very much.

21 THE HEARING OFFICER: Thank you, sir.  
22 Those are all the names that I have so far. Is  
23 there anyone else that would like to speak?  
24 Please do, sir. Please let us know who you are.

25 MR. JACKSON: My name is Alan Jackson,

1 I passed earlier. I live at 2009 South  
2 Hershberg Road, Main Street in Halstead. I am a  
3 very mall irrigator. I promised myself I  
4 wouldn't speak today, but listening to the  
5 gentleman from Farm Bureau I changed my mind.

6 I can't add anything more to the  
7 immediate facts at hand. I have listened to the  
8 testimony through the week and what I wanted to  
9 add is a note of caution. To give you a little  
10 bit of background why I add that, in my past  
11 life and my license is now retired, but I was a  
12 licensed mechanical engineer for 35 years. I  
13 have had responsibility of daily management of a  
14 \$20 million product line for quite a few years.  
15 And with that I understand the business side and  
16 the responsibility you have as a businessman to  
17 take advantage of any opportunities that are  
18 provided you.

19 In listening to the testimony this week  
20 we have had some unintentional consequences of  
21 the rules we have set forward. One is the  
22 gentleman in Farm Bureau suggested was if we  
23 allow the changes what requirements are there to  
24 actually do a recharge? I hadn't thought of  
25 that, but that would a possible, an

1 unintentional consequence of a rule we tried to  
2 improve things, and maybe didn't.

3 Earlier in the week Wichita's made the  
4 comment several times that they would be  
5 required to withdraw their credits early because  
6 of the lower level set. And I have to give  
7 everybody credit for being upfront with the  
8 process when it was decided earlier, but that's  
9 an unintentional consequence.

10 If I understand their logic, it would  
11 be to be concerned that they couldn't recover  
12 those credits at a later date because the water  
13 level is too low, so they used them early, they  
14 would pump additional waters from the Equus  
15 Beds, and I couldn't understand how that was a  
16 gain, but the gain probably, and again I am not  
17 an expert, would be to leave water in Cheney to  
18 do that.

19 As the result they would have an  
20 opportunity to go back later to get that water  
21 from Cheney. Unfortunately that water is  
22 subject to evaporation and other losses more so  
23 than the Equus Beds. So we have created,  
24 through our rules, with good intentions on both  
25 sides, a situation where in the long run we have

1 really done ourselves a detriment.

2 At the same time and I have had the  
3 privilege of being able to understand a little  
4 bit of the lingo. They talk about modeling and  
5 in a different life and environment I have done  
6 a little modeling, and one of the modelers said  
7 he run a 150 plus scenarios. I understand that.  
8 You don't guess at the best possible solution,  
9 you try to get close to it, and then you run a  
10 bunch of scenarios on both sides. You actually  
11 look at the whole area of where you think the  
12 best solution is and pretty soon you start  
13 finding other opportunities. You educate  
14 yourself and you continue to try to improve the  
15 best optimum results.

16 So as we change our rules, assuming  
17 that we do, you have to understand that as a  
18 responsible, that it's a responsibility to the  
19 people of Wichita, and the City of Wichita has  
20 the resources to do this, to absolutely carpet  
21 bomb that area with analysis to make sure that  
22 they are using whatever rules are given to their  
23 best possible ability.

24 So even though we do it with best  
25 intent, I trust Wichita to be coming to us with



1 their best intent, because they have  
2 responsibilities, too. You need to be cautious  
3 what changes we allow that we don't create a  
4 situation where we have unintentional losses  
5 where we try to get gains. Thank you for your  
6 time.

7 THE HEARING OFFICER: Thank you, sir.  
8 Is there anyone else that would like to speak  
9 this morning? Yes, sir.

10 MR. SARANCHUK: Sorry, I hadn't signed  
11 in yet. My name is Ted Saranchuk,  
12 S-A-R-A-N-C-H-U-K. I hadn't planned on saying  
13 anything this morning. And I live at 3302  
14 Dartmouth Road, Hutchinson, Kansas. I am within  
15 the city limits, I am not a water rights holder.  
16 However, I have heard several references to the  
17 salt plume here in Burrton. There is an ongoing  
18 effort that has started to mitigate that. I  
19 think one of the things that needs to be done is  
20 to bring that to the forefront of the  
21 legislatures in this state. Thank you.

22 THE HEARING OFFICER: Thank you.  
23 Anyone else? I know it's 11:00 o'clock but we  
24 can keep going. Okay. Well, thank you very,  
25 very much. I sincerely appreciate the time. I

1 know many of you have taken time off work and  
2 sacrificed and traveled to get here and I really  
3 appreciate that. I value your input very  
4 highly. I will consider it very carefully.

5 I have my own notes and I will have the  
6 transcripts of what you said, so that I won't  
7 miss anything. If you would like to submit more  
8 comments at any time, that's perfectly fine.

9 The previous orders about this hearing  
10 indicated that January 17 was the last day to  
11 submit written comments. That is no longer true  
12 because the hearing didn't finish up yesterday  
13 and we have to continue it another day. We'll  
14 continue to accept written comments until a  
15 point in time after that formal phase is over.

16 So please be aware that that January  
17 17th deadline no longer applies. So with that  
18 being said, thank you very much for coming and  
19 for being concerned and participating. I am  
20 very grateful. And right now it's about 11:05  
21 and we'll adjourn for today.

22

23

24

25

1 CERTIFICATE

2  
3 STATE OF KANSAS )  
4 ) ss:  
5 SEDGWICK COUNTY )

6  
7 I, Rachelle Smith, a Certified  
8 Shorthand Reporter within and for the State of  
9 Kansas, certify that the foregoing is a full and  
10 correct transcript of all the oral evidence and  
11 oral proceedings had in this matter at the  
12 aforementioned time and place.

13 IN WITNESS WHEREOF, I have  
14 hereunto set my hand and official Kansas  
15 registration information at Wichita, Kansas.

16  
17  
18 Certified Court Reporter registered with the  
19 Kansas Supreme Court, No. 0864. Expires June  
20 30th, 2020.

21  
22  
23  
24 /S/ Rachelle Smith, CSR  
25