In The Matter Of:

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

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

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Page 5 Page 7 1 PROCEEDINGS 1 carefully speak your name. Our court reporter 2 might need you to spell it. And please say your 2 THE HEARING OFFICER: Good morning, 3 address. 3 4 everyone. Welcome. Thank you for coming. My Are there any questions about how this 5 name is Connie Owen and I am the presiding is going to go before we get started? Okay. 6 officer for the City of Wichita's request to No. Great. 7 modify their aquifer storage and recovery 7 The first name on the list is Brad 8 project, Phase 2 permits. This is the informal Banz. 8 9 public comment period, and I am very happy to MR. BANZ: Brad Banz, B-R-A-D, B-A-N-Z. 9 10 see all of you here. I want to hear what each 10 I live at 609 Union Park Circle in Colwich. 11 one of you has to say. 11 67030. I will give you a little bit of update THE HEARING OFFICER: Please go ahead. 12 12 13 and tell you a little bit about how this will go MR. BANZ: So I have some land, I have 13 14 this morning. We are on the record. We have a 14 an 80 and it is in Section 27, township 23, court reporter here who is recording your range 4 West, and that's in Reno County. And comments, because I take notes but my notes that's roughly along U.S. 50 west of Burrton. aren't perfect. So this will allow me to review So I have also, I live in, as I said, I live in your comments very carefully later when I am Colwich so I served the City of Colwich for 35 years as a firefighter and fire chief there. So preparing my decision. 20 Today's date, for the record, is I think I can probably speak for the city there. 21 December 13, 2019. And it's about five after We have two wells, city wells and we have rights for another one. So, you know, we are looking nine o'clock in the morning. 22 with nervous anticipation what's going to go on If you have previously submitted 24 written comments then those are already in the in this hearing today. 25 record, and I will carefully consider those. 25 So going back to the well on my

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You are welcome to resubmit, but you don't have
 to. If you would also like to submit written
 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.

As some of you may know, the first part of this week, Tuesday, Wednesday and Thursday we 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.

I am going to call out names, just to make it simple in the order of the sign up

sheet. If you just came to listen and you don't

want to speak, just wave me off. And that's

23 fine. I will go to the next name.

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

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.

Now, I took over in 2007, I inherited the ground in 2007. So I am on the learning

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

8 lowering of the water level in the Equus Beds.

So also talking to the drillers from 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

25 and drift several other wens, deepening the

24 level of these wells because of the lowering of

25 the level in the Equus Beds.

So based on the information that I have 1 marked difference between the tree covered 2 seen, and from my own experience, and from 2 mountains of Colorado and this Prairieland. And 3 listening to the water well driller, I would there is a wide distance separating us as well. 4 like to make the following requests to the I don't believe you can rely on tree 5 ring interpretation from Colorado to determine 5 hearing officer. And that is, number one, that 6 the City of Wichita be allowed to draw out only long term our Kansas droughts. Wichita is 7 water credited to it that the City has injected selling water to 14 entities. Ten are adjacent 8 in, plus, you know, of course whatever they have cities, three are rural water districts, and the 9 the rights to. And basically what I am saying final, the Chisholm Creek Utility Authority. 10 is, do not give the City of Wichita extra water There is nothing to say that this sales area 11 credits in the Equus Beds for water that it is 11 will not increase. 12 directly pumping from the Little Arkansas River El Dorado is less than 30 miles 12 13 to Wichita. northeast of Wichita. Their water source is El Dorado Lake, which is roughly the same size Number two, that the board make the 14 15 most conservative ruling concerning pumping as Cheney Lake, from which Wichita draws. But below the 1993 levels and keep the pumping level there is a drip difference. El Dorado Lake is a at the same levels. Don't allow the City to go grassland lake. It does not have the silt problem that Cheney has. Their water is also 18 any deeper. available for sale, and they would like to sale And number three, if the hearing 19 to Wichita. When you add profit to the water 20 officer decides to take other action, other than 21 keeping the pumping level as is, that they or equation it becomes a bit more dicey, is it need 22 the chief, you, yourself, or the chief engineer, or is it agreed? 23 name an independent third party engineering firm But we who live directly above the 23 24 to study further to determine a safe level to Equus Beds still have the need. Thank you. 25 which the level can be pumped. The City of 25 THE HEARING OFFICER: Thank you, ma'am. Page 10 Page 12 1 Wichita would agree to pay for all expenses to Next is Josh Carmichael. MR. CARMICHAEL: Passing. 2 do this. 2 THE HEARING OFFICER: Thank you, sir. And finally, my closing statement, I 3 4 would like to encourage the hearing officer not Bret Jacob. Another pass. Steven McLoud, 5 to take any drastic actions until a reasonable another pass. Tonya (sic) Bulla. 6 solution can be reached. Just to look at what MS. BULLA: Good morning, my name is 7 has happened in the Ogallala aquifer it has been Toyia Bulla, T-O-Y-I-A, B-U-L-L-A. I live at 8 grossly mismanaged to the point of no return and 203 North Devinshire Avenue in Bentley. 9 I don't want to see the same thing happen in the 9 First --10 Equus Beds. Thank you. 10 THE HEARING OFFICER: Sorry I got your THE HEARING OFFICER: Thank you, sir. 11 11 name wrong. 12 Next name is Jeff Lanterman. MS. BULLA: That's okay, everybody MR. LANTERMAN: Nothing from me. does. I am not worried. Thank you for holding 13 THE HEARING OFFICER: Beth Vannatta. these hearings in our area so we can come and 14 MS. VANNATTA: Vannatta, it wasn't the speak to you. I appreciate that very much. I 15 16 name I was born with. Spell it V-A-N-N-A-T-T-A have a domestic well where I live in Bentley. I also own a ranch four miles west of Bentley in

Page 9

and I live at 14001 West U.S. Highway 50 in the Halstead area. 18 Okay, I have two short comments to 19 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

February and I came to portions of the hearings this week, as much as my other commitments would allow me to trying to have an open mind so that

which my family farm has a well there to serve

I wrote written comments back in

I could hear both parties. I have lived in

25 Wichita many years of my professional career. I

19

20

livestock.

Page 16

Page 13

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.

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.

I am still concerned that it has long

15 term ramifications to this particular water

source, particularly because of the chloride

17 plume that could come in, weakening the

8 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 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

.8 of water for each day.

Finally they come out and drilled us a

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

14 |

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

tested. It tested two kinds of salt extreme, so

.1 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.

.4 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

- 1 d d d d d d d d d d

18 that's going to be a real hazard for the people

L9 that live in that area.

If we continue to do this, many of the 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

Page 14

1 little insincere if it wasn't in the original2 proposal.

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.

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. Thank20 you.

THE HEARING OFFICER: Thank you, ma'am.

Tommy Logue.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 **Kansas Department of Agriculture**

1 be a lot of hungry people going on.

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
- about this program. I hope we could do
- something about it. Thank you. 12

THE HEARING OFFICER: Thank you, sir. 13

14 Ruth Jacob.

15 MS. JACOB: Good morning. I am Ruth

Jacob, R-U-T-H, J-A-C-O-B. I live at 9317

Southwest 72nd, Sedgwick. And I have been here 17

for the past three days and I want to say I do

appreciate the fact that you have created a

relaxed atmosphere for people, that has been

21 nice.

22 I want to say that my family has lived

in and around Halstead for four generations. My

great grandfather helped found this church in

25 1875, and we have been stewards of the Equus

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

if it comes too much further it is going to get

in to the well field, it's going to cover a

bigger area. And it is going to change

everybody's lives around here forever.

All of us that live or own land above

10 the Equus Beds need the water to raise the crops

to feed the world and to feed livestock. The

City of Wichita generously said they would drill

new wells or deepen existing ones to make sure

everyone has water, but do they have any idea

what that would cost? Do they know how long it

would take? And would they be willing to be

disrupted from their daily life, like our

families and farms would be? It would be days

or weeks while we would wait on the drillers.

And farmers cannot be without water for even one

day. 21

Many of the wells around here are very 22

shallow, so the disaster of the wells going dry

during a 1% drought is real because the city

would be pulling so much extra water. I know

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Page 19

1 Beds aguifer for nearly 150 years. I hope that

2 we can continue to be stewards for many

3 generations to come.

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

well that supplies our irrigation pivot system.

Now, when I was a little girl we were 12

13 taught not to waste water, or anything else. We

14 got our toothbrushes wet, we shut the faucet

off, brushed our teeth, and we rinsed our mouth

16 out with a couple of sips of water out of a

glass. We shared bath water. We watered

18 flowers, when needed, and gardens. And didn't

use the water on the lawn or anything that was

deemed to be unnecessary, because we needed the

water for the livestock and for our homes. That

was most important. 22

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 of many wells around here, and it's record on

the Internet, that are only at about 30 feet.

Another thing that's a concern is 3

that the City would get 120,000 additional acre

feet of water to use in times of the 1% drought

and farmers that live and farm above the Equus

Beds have been denied any new allocation for

water since the early 1980s. The Groundwater

Management District Number 2 was formed to deal

with the problem of having been over

appropriated for a number of years. They know

the proposal could be disastrous because of the

over appropriation, and have said it shouldn't

be allowed.

Agriculture, which is our main thing 15

right here in the middle of Kansas, is America's

bread and butter. In fact, it really is the

City of Wichita's bread and butter. We provide

food for them, too. Something of this magnitude

with so many uncertainties just shouldn't be

allowed by the District of Water Resources, a

governing body of the Kansas Department of Agriculture, that governs the use and allocation

24 of the state's water resources.

It is understandable that Wichita wants

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- 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
- you very much for your time.
- 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
- have a Roger? I am having a hard time reading
- this. You pass. Another pass.
- Representative Stephen Owens. 15
- MR. OWENS: Good morning, Madame 16
- 17 Chairwoman. My name is Stephen, S-T-E-P-H-E-N,
- O-W-E-N-S, I am Representative for the 74th
- South District. I live at 306 South Hoover Road
- in Hesston, Kansas; and also have land in rural
- Harvey County. 21
- Thank you very much for the opportunity 22
- 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 Unfortunately if we don't know the consequences
- of those levels being dropped and ultimately
- what it may do to that salt plume and where it
- 4 may move. Those are unintended consequences
- where we don't have the right or the ability to
- go back and fix.
- As I have had the opportunity to study
- and to understand this issue, it is my belief,
- and my understanding, that more research needs
- to be done. That more questions need answered
- and that we need to look at this possibly even
- on a state level through legislation in the
- event that these passive recharge credits are
- 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
- anything that I can do to help you and your
- work, the City of Wichita, in finding the
- answers that they need, because I certainly
- don't want to minimize the importance of what
- they are doing in watching out for their
- residents, but I also don't want to minimize the
- importance of the residents of Harvey County and
- 25 those farmers.

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- 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
- getting through all of the formal testimony.
- 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
- a decision such as this is made that it's within
- 16 the statutory allowance that the State of Kansas
- currently has. 17
- Do we know the consequences of dropping 18
- 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.

- You see we can go about 40 days without
- food, but only three days without water and water is one of the most precious resources that
- we have. I stand committed to helping. Thank 5 you.
- THE HEARING OFFICER: Thank you, sir.
- David Stroberg. Pass. Esley Schmidt. Do I
- have that right?
- 9 MR. SCHMIDT: I am Esley Schmidt,
- E-S-L-E-Y. 10
- THE HEARING OFFICER: I apologize for 11
- getting your name wrong. 12
- MR. SCHMIDT: My address is 736 Eagle 13
- 14 in Walton, Kansas. We are out in the country
- about five and a half miles away from there.
- We had a spring in our pasture years ago, and I suppose the spring is still there,
- but there was a cement encasement around the
- water and I went back Tuesday to see how much
- water was still there, and the only water that I
- could find was little patches around the cement
- encasement that they built years ago. Around
- 23 the spring.
- Now, at that time, or all the time that
- 25 I remember, there was a pond of water below the

Kansas Department of Agriculture 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 pond water, the spring water is very soft.

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 that's on the farmstead, but as far as the spring being of much value to us any more is not because we had to change your method of our plumbing, because it isn't producing enough water any more for all the cattle that we have in the pasture. So we have to start putting up the hay in bales. 19 And now, of course, I am so old now 20 21 that I don't do much farming any more, but I can

My family arrived in the Halstead area 2 130 years ago, things were a little bit different on the prairie back then. They lived and worked in the area southwest of Halstead. In good years they celebrated the harvest. In bad years they nearly starved to death. My family members are listed in Cutler's History of Kansas as pioneers. One, Kate Hess, my great, great grandfather's sister, lived and raised her family with her husband, Adam. The other was Kathryn Frey, and she homestead in Barton County, was the first Native American woman in that county. These pioneers knew they would fight drought, floods and mother nature, but these pioneers could never have imagined that one day they would be fighting with their neighbors to the south in Sedgwick County for their very existence using the water which is every community's life blood. The incredible part of this dynamic is 20 that the City of Wichita wants to withdraw more water than the original agreement that they agreed to states. Not to sustain their own citizens' use but to sell it to other

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25 communities.

Page 25

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Page 27

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. THE HEARING OFFICER: Thank you, sir.

still work on the place at age 92 and 93, I am,

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

Michael Koehn.

12

6 MR. KOEHN: Koehn.

THE HEARING OFFICER: Koehn, sorry. My 7

glasses don't help me as much as I like.

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

THE HEARING OFFICER: Sure. 11

MR. KOEHN: Michael, M-I-C-H-A-E-L,

Koehn, and you spell it K-O-E-H-N. My address

is 15425 Southwest 72nd Street, Halstead.

I would like to take this time to tell 15

you a little bit about my family and how it

impacts my family. My name is Michael Koehn and

I have taken off of work this week to attend

these hearings because of the importance to my

family and community of Halstead and Harvey

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.

article of July 17, 2018, by Amy Bickel, the City of Wichita was selling water at that time to 11 other communities of 77,000 people. This

According the High Plains Journal

is incredible to me as it is well known that the Burrton salt plume is approaching from the west

and migration of the chloride from the Big

Arkansas River toward Halstead from the south.

According to the article published by

the Kansas Geological Society Open File Report 2012, water quality data was assembled for

Groundwater Management District 2 using its

monitoring wells, irrigation wells and municipal

wells in the City of Wichita. According to this

data it was determined that the Burrton salt

plume has migrated eastward and in to the deeper

part of the aquifer with time. The front of the plume, as indicated by the 500 mg/litre chloride

isosurface is only one mile from the nearest

municipal supply well in the Wichita well field. 20

According to the United States 21

Geological Society article of August 7, 2014, artificial recharge by actually injecting water

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.
- Even though the City of Wichita has
- 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
- 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 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.
- 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.
- 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

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

- 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.
 - THE HEARING OFFICER: I think our next
 - 11 person, the last name is Durner.
 - 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.
 - THE HEARING OFFICER: I am sorry,
 - 16 please repeat the last name.
 - MS. DURNER: D-U-R-N-E-R.
 - THE HEARING OFFICER: I was way off.
 - 19 Thank you.
 - 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
 - and complaints all day. They are very concernedabout 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.
- THE HEARING OFFICER: Thank you, ma'am. Frank Harper.
- 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.
- 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 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.
- 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.
- 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

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- 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 aguifer to compliment the supply
- 9 of water they have access to from Cheney
- 10 reservoir.
- 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.
- 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 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.
- 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
- 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.
- Since I need to ad lib a little bit, I
- 25 wouldn't feel right if I didn't. You know, I

Page 37 Page 39 1 don't think anyone here is anticity. We all 1 with the district and say listen, how can we 2 benefit from many of the things that the city 2 make this good for all of us, not just a one 3 provides to us, whether it's going to eat dinner sided approach to benefit the city and try to 4 or participating in retail and everything else recapture and make this whole process of 5 that goes with the city. But there's a lot that spending millions and millions of dollars whole 6 the city benefits from the stakeholders in this for them. That's my comments, thank you very 7 district. The ag economy, the industry that's 7 8 out here in the district, the people that live THE HEARING OFFICER: Thank you. Darcy 8 out here, use the water, drink the water, that 9 Weninger? patronize the city in many, many ways. MS. WENINGER: Pass. 10 11 I thought back a little bit from my THE HEARING OFFICER: David Weninger. 11 12 time serving on the board, which I enjoyed MR. WENINGER: My name is David 12 immensely, it was a discussion we had with, it Weninger. And I live at 7350 North 167th 14 was a different municipality, but it was a Street. situation where an engineering firm had come in 15 THE REPORTER: Spell your last name, and built a couple of well houses to basically 16 please. for the well infrastructure to supply the city MR. WENINGER: W-E-N-I-N-G-E-R. Back 17 water. Well, in the process they didn't allow in the '70s I drilled water wells for almost for enough room to meter the water coming out of nine years and since then around the Bentley this building. area those wells are dry. And Bentley I believe 20 So ultimately they came to the board has city water now. And I farm a, some acreage 21 22 and asked, well, we basically mis engineered east of Colwich and I am irrigating the 67 23 this and can you guys help us out? And I permitted field on 31 acre feet of water. 24 remember sitting there thinking, well, here I Now, one year it rained and I didn't 24 25 am, a farmer and a rancher in this community 25 use my 31 acre feet. But I wasn't allowed, if

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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

here to do. That's not what we are here to do.

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.

They swung as hard as they could thinking all of

14 this, it was all going to work, but at best they

got a base hit.

And now they are asking the citizens 16

and stakeholders of this district to say, hey, 17

would you go ahead and make that home run for us

because we spent a hell of a lot of money here

to make this home run work and we only got a

base hit. And that's the only thing that

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 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

and I used my 31 acre feet before the irrigation

season was over with.

So, you know, I am sure everyone around can feel that if we could bank what we didn't

use the year before, it would be pretty nice.

Because we are only allotted so much. But if we

don't use it, that's it for that year.

And in my nine years of drilling water wells, a lot of, a lot of miles, a lot of miles

in the area, and I am thinking if Wichita wants

more water, let them drill their wells over by

Wichita. There is plenty of water north of

Wichita, because even for when they all come in

for a new housing addition, we had to drill

wells to de water so they could put the sewer

line in at ten feet. And hundreds of de water

wells just to suck the aquifer down so they

could work underground at ten feet, but when

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.
- I am asking you to deny the City of
- 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 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.

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.

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.
- 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

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- 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.
- 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.
- THE HEARING OFFICER: Thank you, sir.
- 21 Roger Unruh.
- MR. UNRUH: Pass.
- THE HEARING OFFICER: Alvin Neville.
- MR. NEVILLE: My name is Alvin Neville,
- 25 N-E-V-I-L-E. I live at 14601 West 77th Street

- 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?
- 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.
- 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
- at the same instead of seeing how much water they can sell. Even back in 2012 and '13, to my

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Page 45 1 knowledge, they did not impose any restrictions, 2 they just want you to pump water. Selling water 3 is their business. 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 compromised that we use for drinking water, 8 watering our livestock and irrigating our crops.

Wichita needs to look at similar water 11 restrictions and how water is being used on

grass, something that is not a priority, only an aesthetic. Getting water to sell should not be

Once contaminated, it will never be the same.

a priority. Thank you.

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

MR. SEILER: Good morning. My name is 17 Anthony Seiler, S-E-I-L-E-R, I live at 208 North

Charles Street in Wichita, Kansas. And I am

here today representing the Sedgwick County Farm 20 Bureau, I am the current executive director of

that organization. 22

THE HEARING OFFICER: Go ahead. 23

MR. SEILER: I want to start, 24

25 Madame Hearing Officer, I would like to thank

1 the backs of hard-working Kansas farmers and

ranchers, our members. 3

The creation of Aquifer Maintenance Credits would allow Wichita to receive recharge

credits without performing any of the positive benefits for the aquifer that were originally

justification for the ASR project. To make a

financial analogy, the AMCs would be like

receiving a check, cashing it, and then also

getting credit for a deposit; allowing the

recipient to spend the same money twice. This

kind of accounting would never be acceptable in

the financial world because the bank would bear

the cost of the extra deposit.

15 In the case of the Equus Beds, all the other right holders would bear the cost of the benefit Wichita would receive from the AMCs.

The justification that Wichita has offered for

the AMCs is that it would allow them to continue

to practice outcome based management of their

water resources rather than pumping a hole into

the Equus Beds to make space for physical 23 recharge.

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

1 modification is not the conservation of the

Equus Beds, but the maximization of their water

3 appropriation ability. The city is attempting

to set up a false dichotomy where there are only

two choices, but in reality, there are countless

alternatives that do not include AMCs or the

irresponsible management of the Equus Beds and

they should be encouraged to pursue them.

Our members understand the need to be responsible partners with Wichita in managing

this precious natural resource and ask only for

equitable treatment in its administration.

If the AMCs are approved, we see no reason why 14 the city would ever need to perform any physical

recharge again. It would be cheaper, quicker,

and more efficient to simply pump the water from

the Little Arkansas directly to Wichita and

avoid the process of injecting water back into

the aquifer and then pumping it out later. The

city would have no financial incentive to

physically recharge water and it would allow them to accumulate a greater amount of water

appropriations which seems to be their clear

goal rather than resource conservation. With regards to lowering the index 25

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1 you for your public service and your willingness

2 to engage in this challenging and lengthy

3 hearing process.

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

stewardship is top of mind and we are committed

to being good neighbors with the businesses and

municipalities that depend on it.

We are very concerned that the 15

16 modifications that have been proposed to the ASR project, to create the Aquifer Maintenance

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 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.
- 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
- 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 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.
- My wife and I moved back to Kansas in
- 1 2008 and moved to her family farm. And since
- 12 that time I have became 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.
- I do want to say, just looking at it
- 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

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- 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
- ourselves with the testimony and legal analysisgiven 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.
- 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.
- 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.
- MR. STECKLEIN: Good morning. For the

- 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.
- 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.

- A couple of things I want to share,
- 14 however, is from our experience in living in San
- Antonio, Texas for 27 years. While we lived
- there the City of San Antonio was going through
- 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
- 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.

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

Out of that roughly we figure annually

- 11 about 60 percent of the corn is irrigated, we
- 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.
- If the City of Wichita is allowed to
- 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

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- 1 represent a little over 850 producers there as2 well.
- 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.
- 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 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.
- This project was started, in part, to
- L1 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 it20 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.
- All the folks who have made their homes 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.

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.

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.

Thank you for your time and

17 consideration and listening to all of us speak

18 about this issue. Thank you.

THE HEARING OFFICER: Thank you. Steve

20 Jacob. David Jacob. David Wendling.

MR. WENDLING: Pass.

THE HEARING OFFICER: John Wendling.

MR. WENDLING: Pass.

THE HEARING OFFICER: Joe Trego.

MR. TREGO: Joe Trego, 806 Main,

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

to know, that quantity a safe yield.

The unknown is, what is that quantity 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.

I have lived in rural areas most of my 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

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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

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

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.

THE HEARING OFFICER: Thank you, sir.

22 Dan Andrew.

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 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.

I watch the data supplied by GMD-2 very

12 closely and with great interest. In recent 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,

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

The cost of my wells is in the tens of thousands

of dollars. It's availability, the water, adds

to the value of the land, however, Wichita's request threatens all of this and every user.

Clearly the limited aquifer must be 16

aggressively protected. Other sources, other

methods must be found and developed. Drilling wells deeper is fool hearty, it simply pumps the

20 tub to a lower level. I think it's detestable

what Wichita would do, to pump water from right

22 underneath us and then sell it to somebody else.

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

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

a problem. And if that does happen then Wichita

needs to be responsible for making sure that

people have domestic water. Thank you.

THE HEARING OFFICER: Thank you, ma'am.

Calvin Kissick. Pass. Kelly Holle. She

passes. Floyd Holle, Sr.

11 MR. HOLLE: Name is Floyd Holle, I live 12 at 11035 Southwest 84, Sedgwick. And I would

like to read this from the Equus Beds

Groundwater Management District 2 to start with.

I better put my glasses on.

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

MR. HOLLE: H-O-L-L-E. Dear Mr. Holle, as per your request of January 3rd, 1980, this

office has made an evaluation of the proposed

well located near the center of the northwest

quarter of section 26. The evaluation was made

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

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1 location. The revised management program of the

2 to be stopped and it needs to be stopped now.

3 Wichita's request will only accelerate and

4 continue this dangerous trend.

And I would like to change the

6 vernacular on this salt plume business, we keep

1 evidence of an ongoing trend. This trend needs

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

drink the water from their well. Thank you very, very much for hearing 12

13 us all out. I appreciate it.

THE HEARING OFFICER: Thank you. Bill 14 15 Carp. Pass. Joy Carp. Pass. Charles Esfel.

Do I have that right? Carol Dunno. Pass.

Laura King. Gina Bell. 17

MS. BELL: I am Gina Bell and I live at 18 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.

2 Equus Beds Groundwater Management District

3 states that after April 11, 1979, no more than

4,025 acre feet of water may be appropriated

within a two mile radius of a proposed well

location. According to the evaluation, the

total appropriations for Wichita wells alone

within the two mile circle is 8.724, more than

9 twice the allowable rate. The total

appropriations far exceed the guidelines of

11 4,025 acre feet. Again, this means that an

12 application for a well at this location

described above could not be approved. Very

14 truly yours, Equus Beds Groundwater Management

District, Thomas bell. 15

So for the last 40 years permits have 16 been denied in order to maintain and sustain the

aquifer. It's been a good thing. We want to

maintain the aquifer. The ASR project is

promoted as a way to slow the salt movement.

That was a good thing, if it works. It seems

counterproductive to grant permission to lower

the aquifer, and speed the salt movement under

any circumstance. 24

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

5 right thing. Just say no. Thank you. THE HEARING OFFICER: Thank you, sir.

Nina Wendling. Pass. Jana, last name begins with a B. No. Bruce Seiler.

4 to Mr. Barfield is don't be pressured. Do the

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

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

MR. SEILER: S-E-I-L-E-R. My wife 14 Theresa and I operate our family farm which sets above the Equus Beds aquifer. We depend on the Equus Beds for domestic and irrigation water.

As such, we recognize the importance of 19 maintaining the quality and quantity of water in

20 our aguifer. 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 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 aguifer is too full

to accept recharge is unfathomable. If the

aquifer is too full at any time to receive more

water, as it was earlier this year after an

abundant rainfall, then clearly the recharge is

unnecessary at that time.

Above normal rainfall is what refills 10 11 the aquifer most efficiently. If the City does 12 not return water to the aquifer, it should not receive credit. No one should be allowed to claim credit for acts of nature. We are opposed

to the City of Wichita's plan that would allow them to draw extra water from the aquifer in

times of drought due to these artificial

credits. During a drought everyone will need

extra water, not just the City of Wichita and

their customers. Thank you.

THE HEARING OFFICER: Thank you, sir. 21

Greg Gleason. Pass. Stan Jost. Pass. Bryson

Earl. Maybe I am not reading that right? Pass.

Edward Weber.

25 MR. WEBER: My name is Eddie Weber my

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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.

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

Furthermore, the majority of our farm 10 11 ground has a water table at five to 20 feet.

12 And we recognize that a portion of the water we

pump through our irrigation systems moves back

14 through the soil profile to recharge the 15 aquifer.

If we were allowed to operate under the 16 same agreement that the City of Wichita is 17

proposing, we would expect to be able to bank

19 credits for our water that we did not pump, due

to the use of our alternative water source, as

21 well as the water that we are returning to the 22 aguifer.

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 address is 7 Lesley Lane, Halstead. My family

2 and I are water right holders and are residence

of the Equus Beds aquifer. We own or manage water rights from index well number 2. On the

northern fringe of the well field through index

well 34 on the southern fringe of the well 7 field.

The City of Wichita has the reputation of being an 800 pound gorilla. The Wikipedia's

definition of an 800 pound gorilla is an

American English expression where a person or organization so powerful that it can act without

regard to the rights of others or the law.

This phrase reminds me of a riddle.

Where does an 800 pound gorilla sit? The answer

is, anywhere it wants to. In the case of the

City of Wichita acting as the 800 pound gorilla one may change this riddle up a bit and say

where does the City of Wichita get its water

from? The answer, anywhere it wants to. 20 21

What I see as the biggest concern is the chloride plume from the Burrton area and the

natural intrusion from the Big Arkansas River.

What the City is proposing has no regard to the

25 concerns. If anything, it will only increase

Page 69 Page 71 1 the problem when we get in to a drought 1 interest in the Halstead area, I have farmland 2 situation, whether it be just a significant 2 here, we have had interests here for over 100 3 years. And I negotiated an injection well with 3 drought of 2011 and 2012 or a 1% drought. 4 the City of Wichita many moons ago. And I I feel that if we don't address the 5 realization of the chloride plume contaminating remember I also got up and spoke and my, one of 6 the well field area we'll continually come back my main concerns is water has a value. And at 7 to the situation we have been in the last that time when I spoke I, I said, is there a 8 several years. And that is, fighting and not formula, if the City of Wichita takes the water, 9 fixing the concern of contamination of chloride too much water, is there a formula to help those in to the well field. that have the earlier numbers for a water 10 11 My dad also told us in our family rights? And at that time they, the City, just 12 meetings about our farming operation that if you said, oh, there is no need for that, we have it bring a problem to the meeting then also bring a all worked out, we have a web page you can see solution to the problem. So I would like to that we are not going to do any harm, et cetera. throw out a solution. Can the moth ball Phase 1 And as I said, my point is, it looks like there be utilized as a method to withdraw water from has been some, and I know it has been quite a the nearby chloride plume in the Burrton area? few years ago, but that there has been some Can the water be treated or blended and sent to mission creep where the City of Wichita needs to 19 Wichita? This method would lower the aquifer to change the rules. And so my main point is, I 20 allow room for recharge credits from the feel that there should be a formula, if they original bank storage wells along the Little Ark start damaging crops or other industrial and the northern area of the well field. interests there should be a formula to help Would this, over time, dilute the those with the senior rights financially. 23

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24

25 Thank you.

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

In closing, Ms. Owen, I would like to 3 4 state that the City of Wichita doesn't have the

24 chloride plume as natural recharge replaces the

25 chloride contaminated water that was withdrawn?

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.

THE HEARING OFFICER: Thank you, sir. 13

Tim, were there more sheets? Thank you. Terry

Jacob. Last name William, first name begins

with W. I can't read it. No. Dan Dyck. 16

MR. DYCK: I came here a little late, 17

but our family --18

THE REPORTER: Sir, can you spell your 19

20 name.

22

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

THE HEARING OFFICER: Sorry for

23 mispronouncing it.

MR. DYCK: Happens all the time. Our

25 family lives in Hutchinson but our family has an

THE HEARING OFFICER: Thank you. Josh Mueller. 2

So basically that's what I have to say.

MR. MUELLER: Good morning. I will 3

make my comments pretty short. I don't have a

prepared statement. A little bit of my

background, our family farm ranches in the area

pretty much of all within the Equus Beds. Also

feed and run several cattle in the area so we

have several stock wells around also. And with

my basic, all of my immediate family living

within the Equus Beds also, I guess really water

quality is an issue that I think is on the top

of all of our minds, number one. And with the

project in mind further depletion and serious

depletion of the Equus Beds can cause some

serious water quality issues and especially for

our immediate community. I guess that would be

my number one concern. 18

And then as well the land and the 19

livestock I mean obviously that's our

livelihood. So I think in severe cases what we

have been discussing and talking about the last

several months or over a year, there could be

serious repercussions for that. Basically

25 that's all I have to say.

- 1 THE HEARING OFFICER: Thank you, sir.
- MR. BENDER: I guess I am next. 2
- THE HEARING OFFICER: Are you Jeff 3
- 4 Bender?
- 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
- way that will benefit the county. A lot of
- 14 people in Harvey County are not on a water
- system served by the city of any of the cities
- within the county. A lot of us have wells.
- With my property just east of here I 17 have approximately 125 trees, I have a pretty
- nice garden, on about three acres. And I have a
- lot of farmers that live near me and they use a
- 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 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
- salt plume. And I don't know what has been done
- out there before in the area, I have done work
- in the area oil field 30 or 40 years ago, but I
- don't know what's happening out there now. But
- to relay, well, I lived in Great Bend and we had
- farm ground on the outside edge of Great Bend
- and there is a salt plume along the drywall of
- that creek at Great Bend. And we knew it was
- there in high school, we were farming on one
- piece of ground and eventually after my dad got
- out of it. Well, we had the ground and it
- crossed the road and got in a well on the other
- side of the road. And unfortunately we got
- caught in to the groundwater controller bottoms,
- that's one third, and that's every year, not
- just when it's dry. So that well is not going
- to be redrilled, dry land on that.
- When that was happening I visited with 21
- a man named Errol Clark (ph) and some of you may
- know him. I don't know if you ever worked in
- this area. But he did well water work in Kansas
- City helping cities and irrigators with wells

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- 1 Wichita. I still have that concern.
- 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.
- I wish to express to you the fact that 12
- 13 I am not the only person in this county, as you
- 14 well know, that have these concerns. I ask for
- you to consider our comments in a very serious
- way. The future of this county is at stake. We
- don't want to be known as the desert of South 17
- Central Kansas. Thank you. 18
- THE HEARING OFFICER: Thank you, sir. 19
- 20 Charles Esfeld.
- MR. ESFELD: Good morning. My name is 21 22 Charles Esfeld, spelled E-S-F-F-E-L-D. I live
- 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 and installations. And I asked him about the
- 2 salt plume on the north edge of Great Bend. He
- made the comment if you want to find it you just
- hire us and for enough money we'll find it.
 - With the testing and drilling
- capabilities today, compared to 40 years ago, a
- water driller here now that could probably tell
- us what it would take to take a water well rig
- and grid that area and drill it. I think there
- are testing companies in Wichita that might test
- that and be able to trace those saltwater leaks
- back too whichever well it's coming from. EPA
- does it. They will show you where somebody
- poured five gallons of oil on the ground and
- they have testing to show that now.
- So my recommendation would be to back 16 up and see where it's coming from and see if we
- can solve that particular elephant in the room
- and then still have to contend with Wichita.
- Thank you very much. 20
- THE HEARING OFFICER: Thank you, sir. 21
- Those are all the names that I have so far. Is
- there anyone else that would like to speak?
- Please do, sir. Please let us know who you are. 24
 - MR. JACKSON: My name is Alan Jackson,

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- 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
- gentleman from Farm Bureau I changed my mind.
- 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.
- And with that I understand the business side and
- the responsibility you have as a businessman to
- take advantage of any opportunities that are
- provided you.
- In listening to the testimony this week 19
- 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 really done ourselves a detriment.
- At the same time and I have had the
- 3 privilege of being able to understand a little
- bit of the lingo. They talk about modeling and
- in a different life and environment I have done
- a little modeling, and one of the modelers said
- he run a 150 plus scenarios. I understand that.
- You don't guess at the best possible solution,
- you try to get close to it, and then you run a
- bunch of scenarios on both sides. You actually
- look at the whole area of where you think the
- best solution is and pretty soon you start
- finding other opportunities. You educate
- yourself and you continue to try to improve the
- best optimum results. 15

So as we change our rules, assuming 16

- that we do, you have to understand that as a
- responsible, that it's a responsibility to the
- people of Wichita, and the City of Wichita has
- the resources to do this, to absolutely carpet
- bomb that area with analysis to make sure that
- they are using whatever rules are given to their
- best possible ability.
- So even though we do it with best 24
- 25 intent, I trust Wichita to be coming to us with

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- 1 unintentional consequence of a rule we tried to
- 2 improve things, and maybe didn't.
- 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
- an unintentional consequence.
- If I understand their logic, it would 10
- 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
- Beds, and I couldn't understand how that was a
- gain, but the gain probably, and again I am not
- an expert, would be to leave water in Cheney to 17
- do that. 18
- As the result they would have an 19
- 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 their best intent, because they have
- 2 responsibilities, too. You need to be cautious
- what changes we allow that we don't create a
- situation where we have unintentional losses
- where we try to get gains. Thank you for your
- 6 time.
- 7 THE HEARING OFFICER: Thank you, sir.
- Is there anyone else that would like to speak
- this morning? Yes, sir.
- MR. SARANCHUK: Sorry, I hadn't signed 10
- 11 in yet. My name is Ted Saranchuk,
- S-A-R-A-N-C-H-U-K. I hadn't planned on saying
- anything this morning. And I live at 3302
- 14 Dartmouth Road, Hutchinson, Kansas. I am within
- the city limits, I am not a water rights holder.
- However, I have heard several references to the
- salt plume here in Burrton. There is an ongoing
- effort that has started to mitigate that. I
- think one of the things that needs to be done is
- to bring that to the forefront of the
- legislatures in this state. Thank you. 21
- THE HEARING OFFICER: Thank you.
- 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

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 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.
         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
   comments at any time, that's perfectly fine.
         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
   and we have to continue it another day. We'll
14 continue to accept written comments until a
   point in time after that formal phase is over.
         So please be aware that that January
16
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
                                                 Page 82
1
                  CERTIFICATE
 2
 3
    STATE OF KANSAS)
 4
    SEDGWICK COUNTY)
 5
 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
    correct transcript of all the oral evidence and
    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
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