

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

**In the Matter of the City of Wichita's
Phase II Aquifer Storage and Recovery Project
in Harvey and Sedgwick Counties, Kansas.**)
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Case No. 18 WATER 14014

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

**SEPTEMBER 18, 2018 - WICHITA ASR HEARING ON VARIOUS MOTIONS
CONFERENCE CALL MINUTES**

- The conference call was initiated by Hearing Officer Barfield (“HO Barfield”) at approximately 11:00 a.m.
- In attendance were representatives of the City of Wichita (“City”), Equus Beds Groundwater Management District No. 2 (“GMD2”), the Division of Water Resources (“DWR”), and non-party Tessa Wendling.
- HO Barfield noted that DWR had provided notice to those water rights located within ½ a mile of the new applications.
- The parties reported they were unable to agree on a hearing schedule. At issue was additional time for discovery and the time required for GMD2’s normal process for considering waivers related to the City’s new application. The City offered to delay the consideration of the new applications for up to a year by holding a second hearing to avoid a delay in decision regarding the other issues.
- Even delaying the consideration of the new applications, HO Barfield believed an additional 30 days was needed to allow for fuller and more orderly discovery and hearing preparation.
- After review of calendars, all parties tentatively agreed that the public hearing date should be set for December 3 and 4, 2018, pending availability of counsel and experts hired by GMD2.
- In order to facilitate the new hearing date of December 3 and 4, and to avoid bifurcation of the proceedings as described above, HO Barfield has requested that GMD2 consider if it can modify its procedures to timely consider the expected waivers for these applications prior to the hearing date. If GMD2 is unable to accommodate this request, the Chief Engineer will reconsider whether the issues should be bifurcated.
- It was determined that the preliminary disclosure of expert witnesses set for September 18, 2018 would not be extended further.
- Presuming that the public hearing will be held on December 3 and 4, the City of Wichita, GMD2, and DWR agreed to cooperate in developing the remainder of the hearing schedule for submission to the Chief Engineer by close of business on September 21, 2018.
- GMD2 indicated that they had hired additional counsel Lee Rolfs, who shall submit an entry of appearance as soon as possible.

- It appears that the various motions before HO Barfield will be resolved by a new scheduling order, however, all parties retain the right to raise any motions, previously filed or not, when the new deadlines for motions are established.

Prepared by:



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CERTIFICATE OF SERVICE

On this 18th Day of September 2018, I hereby certify that the original of the foregoing was sent by electronic mail to:

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