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Topeka Field Office
DIVISION OF WATER RESOURCES

September 22, 2018

Department of Agriculture
Division of Water Resources
Topeka Field Office
6531 SE Forbes Ave., Suite B
Topeka, KS 66619

RE: City of Wichita Pending New Applications, File Numbers. 48-704 – 48733

Dear Mr. Schemm:

Thank you for notifying me of the pending new applications by the City of Wichita. I have a number of concerns regarding the proposal to allow the recovery of aquifer recharge credits at these existing wells.

1. Applications should be placed on hold until a decision is made regarding the Minimum Index Levels.
 2. Approval of the above referenced applications would allow additional water to be appropriated in an already over appropriated area.
 3. Applications for aquifer storage and recovery wells should be subject to Safe Yield Regulation. Exempting these wells from the safe yield regulation is discriminatory.
 4. In the interest of the public a decision regarding these applications should be deferred to the next administration.
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1. Applications should be placed on hold until a decision is made regarding the Minimum Index Levels.

The City of Wichita ASR Permit Modification Proposal Revised Minimum Index Levels & Aquifer Maintenance Credits (the "Proposal") poses even further harm to residents in the Basin Storage Area if in addition to allowing the appropriation of an additional 500 acre-feet the City is also allowed to lower the minimum index levels another 9 – 23 feet below the 1993 levels. Residents will be forced to deepen all existing wells and still run the risk of not having water available based on the significant rate of withdrawal being requested by the City. Where there is a conflict between water uses domestic use should be given priority. The City of Wichita Proposals will threaten the viability of existing domestic wells. In rural areas residents rely completely on domestic wells for all of their water needs including drinking water and this proposal is a direct threat to their ability to sustain life without being forced to move to town.

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2. Approval of the above referenced applications would allow additional water to be appropriated in an already over appropriated area.

The above referenced applications seek to appropriate an additional 500 acre-feet of groundwater for each of the 30 applications in an already **over-appropriated** area. Many of these applications do not meet domestic well spacing requirements. Spacing requirements are put in place to prevent impairment of other wells. Other applications for water rights in this area are being denied due to the over appropriation and these applications should be treated the same.

3. Applications for aquifer storage and recovery wells should be subject to Safe Yield Regulation. Exempting these wells from the safe yield regulation is discriminatory.

Allowing these ASR wells to be exempt from the District's Safe Yield Regulation K.A.R. 5-22-7(b) poses a significant threat to the availability of drinking water in rural areas, maintaining the Equus Beds, the ability of local area residents to enjoy the use of their property and is against public policy. The exemption for ASR wells from Safe Yield Regulations (K.A.R. 5-22-7(b) (7)) is discriminatory in giving the City of Wichita preferential treatment over other water users, inconsistent with the Kansas Water Appropriate Act and should be revoked.

4. It is in the public interest to defer any and all decisions to the next administration.

The decision regarding these applications and the City of Wichita Proposal will have a long-lasting impact on the health and livelihood of Kansas residents and the overall health of the Equus Beds. These decisions should not be made by a Chief Engineer and an administration on the way out the door. These critical decisions should be made by an administration with a long-term interest who will be around to deal with the aftermath. Any and all decisions on the above referenced applications and the City of Wichita Proposal should be deferred until the new administration is in place.

Water is a critical resource to sustain life. These new applications will deprive current residents of this limited natural resource, impair property rights and continue the rapid decline of the Kansas rural population. I urge you protect the health and livelihood of Kansas residents over the desire of the City of Wichita to continually increase their profits from the sale of water from the Equus Beds .

Sincerely,

Water Right, File No 48721