

RECEIVED

OCT 15 2018

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.

- 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.

RECEIVED

OCT 24 2018

Topeka Field Office

**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 48727

Douglas J Sandra Vogt

9917 W. 109<sup>th</sup> N. Salina, KS 67135

RECEIVED

OCT 15 2018

Topeka Field Office  
DIVISION OF WATER RESOURCES

Mr. Barfield,

I'm an agricultural producer in Harvey and Sedgwick Counties. I am opposed to the new pending application by the City of Wichita to acquire recharge credits from the pumping of surface water from the Little Arkansas River in times of high flow.

I'm not opposed to the pumping of surface water during high flow, it is the credits that are disturbing to me. I don't think that there is anything that would be positive outcome for the Equus Beds Aquifer to be pumped that extensively in time of a severe drought. I am not in favor of changing the "Basin Storage Area"

Phase 1 was sold to us, the agricultural producers, small towns, and rural residents as a project to minimize the movement of chlorides in the Burrton Kansas area. I feel allowing these credits that could be used by the City of Wichita during periods of extreme drought would only expedite the movement of chlorides into the Wichita Well Field, irrigation wells, small municipal wells, and domestic wells permanently contaminating the quality of water in this area. Is there any models or studies that would indicate this could happen?

Things like this tend to make us feel that the City of Wichita is not consistent in their long term plans. It makes us think what's next when or if they do get these credits. How can we stop them from drawing down the aquifer during an extreme drought and pulling in the chloride plume into our area of the aquifer. Who's going to take the blame? Who will have to live with the contamination?

A possible solution, could be to offer credits for the water in the Burrton area that is contaminated as recharge credit water. It's not the best quality and will be more expensive to treat, but at least we can assure ourselves that it will stay in place and not migrate into the Wichita Well Field, irrigation wells, small municipal wells and domestic wells. After all there is such a slim chance that we will ever see such an extreme drought. It would be a small price to pay versus contaminating an entire aquifer for possibly just a few months' worth of water.

Another possible solution, would be to blend the Burrton area water with water currently being pumped from the Aquifer to a certain ratio to stay within drinking water standards. This way could possibly dilute the plume near Burrton before it reaches the Wichita Well Field, irrigation wells, small municipal wells, and domestic wells that aren't currently contaminated. It would possibly be the "baby steps" approach to dilute the plume.

There has to be a better way Mr. Barfield. I think it needs to go back to the drawing board. I'm sure there has been a lot of effort and dollars put into this so far, but I just don't think it's safe to take off and fly and this point. I have confidence in you that you will make the right decision.

Thanks for your consideration in this matter,

Applications:

48708  
48720  
48721

*Edward J Weber*

Edward J. Weber

Halstead, Kansas

eddie@weberfarms.ks  
coxmail.com

RECEIVED

OCT 24 2018