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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.

- 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.

*Walter S. Schemm*

**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 48706

There's no funny business here. All of what is happening is within state statute. But it feels wrong because the common inner mechanizations of our country and state has bubbled to the surface. We are not a state or country of laws, but of might. The only thing different from a medieval society is today, currency and attorneys are wielded against the peasants, instead of swords and calvary.

All of the farmers, domestic well users and residents of our county, where Wichita plans to draw the water from, have a right and a say in the process. But those two things amount to a drop in the bucket against the lake of resources the city has.

Wichita argues that it needs more water to serve future needs. That's a worthy argument. And it should be noted in all this, that the reason the Equus beds is currently in good shape is due to Wichita's stewardship.

However, currently Wichita sells water to 14 other cities, with a combined population of twice Harvey County. Some of those cities are in Butler County and could easily be served by El Dorado Reservoir. It seems to us that Wichita, to prepare for a 100 year drought, might simply try to limit its customers to make sure it has enough supply for itself.

But those customers mean money for the city.

So it's working with the state of Kansas to help it legally take more water for it to sell.

It could simply buy water rights the old fashioned way.

Instead it has come up with an idea to treat river water, serve it to residents, and then claim credit on the aquifer because it didn't use water in the Equus beds.

Under that logic, every farmer who moves from corn to wheat should get credits on the bed for not irrigating.

We get allowing Wichita to possibly draw more credits if it really does need them. But the artificial recharge credits sound like a scheme.

We'd hope that Barfield would reject that idea as inequitable and unfair when taking into account other users. Perhaps he'll end up making a good case when he is talking to himself.

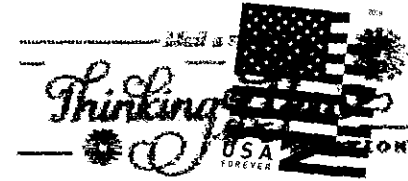
We just have little faith at this point that will happen.



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