

Schemm, Doug [KDA]

From: Tessa Wendling <twendling@me.com>
Sent: Friday, October 5, 2018 9:02 AM
To: Schemm, Doug [KDA]
Subject: City of Wichita applications and ASR Permit Modification Proposal
Attachments: scan0012.pdf

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Dear Mr. Schemm

Please find the attached letter regarding the City of Wichita's proposal.

Thank you,

Tessa

RECEIVED

OCT 05 2018

Topeka Field Office
DIVISION OF WATER RESOURCES

September 27, 2018

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

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OCT 05 2018

Topeka Field Office
DIVISION OF WATER RESOURCES

RE: City of Wichita Pending New Applications, File Numbers 48730 and City of Wichita ASR Permit Modification Proposal Revised Minimum Index Levels & Aquifer Maintenance Credits.

Dear Mr. Schemm:

I received your letter on September 20, 2018. Thank you for taking the time to notify 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.

The potential harm of the new applications is amplified by the City of Wichita's ASR Permit Modification Proposal Revised Minimum Index Levels & Aquifer Maintenance Credits. The combination of appropriating an additional 500 acre-feet to the City while also lowering the minimum index levels another 9 – 23 feet below the 1993 levels creates the potential for severe impacts and impairments in times of water shortage. I, along with other local residents, will be forced to deepen all existing wells, domestic and irrigation, as a precautionary measure and still run the risk of not having water available based on the significant rate of withdrawal being requested by the City. Many people in this area rely on domestic wells for all of their household water, including drinking water. The City has not demonstrated in their proposal how they will ensure an adequate water supply to meet the water needs of area residents and water permit holders in the time of a water shortage. I feel strongly that the needs of local residents should take priority to the broad ranges of uses the city has elected to pursue under the vague municipal purpose. Therefore, any new applications from the City should be delayed until a decision is made regarding the revised minimum index levels.

The City seeks to appropriate an additional 500 acre-feet of groundwater in an already **over appropriated area**. It has been commonly known for several years that no additional water rights will be granted in this area and therefore we have refrained from submitting new applications knowing they would be denied. It seems absurd to even consider appropriating additional water from the Equus Beds when the City has 3 other readily available sources of water in Cheney Reservoir, Eldorado Lake, and the water they are taking from the Little Arkansas River. If the City would utilize these available surface water options they would have no need to take groundwater and the Equus Beds could maintain healthy levels. The City should not be appropriated more water when that option isn't available to other users.

Applications for aquifer storage and recovery wells should be subject to Safe Yield. Allowing ASR wells to be exempt from the District's Safe Yield Regulation poses a significant threat to the Equus Beds, availability of water in domestic well and, impairment of existing water rights. The exemption for ASR wells from Safe Yield Regulations (K.A.R. 5-22-7(b) (7)) is not in the best interest of the public and discriminates in favor of the City of Wichita over other water users. This is inconsistent with the Kansas Water Appropriate Act which prioritizes domestic water use.

Water is a critical to the livelihood of rural Kansas residents. It is critical the Division of Water Resources work to protect the Equus Beds from unnecessary depletion and ensure an adequate water supply for residents who rely completely on domestic wells and local farmers who rely on irrigation. These new applications will deprive current residents of this limited natural resource, impair existing property rights and continue the decline of the Kansas rural population. I urge you protect the health and livelihood of Kansas residents from the City of Wichita's desire to continually profits from the sale of water from the Equus Beds.

Sincerely,

A handwritten signature in cursive script that reads "David E. Wendling".

David E. Wendling
Trustee
Phillip E. Wendling Trust