

1320 Research Park Drive  
Manhattan, Kansas 66502  
(785) 564-6700



900 SW Jackson, Room 456  
Topeka, Kansas 66612  
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

March 8, 2016

EQUUS BEDS GROUNDWATER  
MANAGEMENT DISTRICT NO. 2  
ATTN TIM BOESE  
313 SPRUCE  
HALSTEAD KS 67056

Re: Proposed changes to  
K.A.R. 5-1-1 and 5-12-1, Wichita ASR

Dear Mr. Boese and GMD Board:

I received your letter of February 19, 2016 informing me of discussions between the Board and the City of Wichita regarding the proposed modifications to K.A.R. 5-1-1 and K.A.R. 5-12-1, and plans to continue those discussions.

While I have heard the Board's and others' concerns that the proposed rule change could allow changes in the Wichita ASR that may be detrimental to the area, such concerns can only receive full and due consideration when the issue is ripe, that is, in the context of a specific project proposal or request for change. If a new project or a change to the Wichita ASR project is proposed pursuant to these rule modifications, a full hearing will be held and a record of facts and concerns will be made and acted upon.

I have decided to proceed with adopting the proposed rule in the form considered at the January hearing except that in K.A.R. 5-1-1 the definition of "Minimum index level" will be modified to read:

*(uu) "Minimum index level" means 20 feet above bedrock elevation or an alternatively proposed minimum elevation for storage within a basin storage area or, if the basin storage area is subdivided, a smaller subdivided area."*

We consider this a non-substantive change, however the change in language must be reviewed and approved by the Department of Administration and the Attorney General. This review was initiated today. We anticipate it will take about 30 days to implement the change in regulation.

I am encouraged by the dialogue between GMD and the City of Wichita and encourage you both to continue these discussions on the specifics related to any proposed change in ASR project conditions. As mentioned above, the proposed rule allows for the minimum index level to be an "alternatively proposed minimum elevation for storage within a basin storage area." I spoke to the City yesterday to communicate my hope and expectation that they would work with GMD and area

stakeholders to define minimum elevations that allow the City's ASR project to meet the its needs while protecting the interests of others in the region.

Let me know if you have any questions or if there is anything our agency can do to be a constructive part of this important discussion.

Sincerely,

A handwritten signature in blue ink that reads "David W. Barfield". The signature is stylized and includes a date "1/26/16" at the end.

David W. Barfield, P.E.  
Chief Engineer  
Division of Water Resources

Cc: Don Henry, City of Wichita  
Joe Pajor, City of Wichita