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WATER RESOURCES
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KS DEPT OF AGRICULTURE

Original
Submittal
(Pepe)

**BEFORE THE CHIEF ENGINEER OF THE DIVISION OF WATER
RESOURCES, KANSAS DEPARTMENT OF AGRICULTURE**

**IN THE MATTER OF THE CITY) Case No. 04 WATER 2869
OF WICHITA'S APPLICATIONS) Application to Appropriate Water
TO OPERATE AN AQUIFER STORAGE) File No's 45,567; 45,568; 45,569;
RECOVERY PROJECT IN HARVEY) 45,570; 45,571; 45,472; 45,473; 45,474;
COUNTY, KANSAS.) 45,575; and 45,576**

HEARING SUBMITTALS OF APPLICANT CITY OF WICHITA

COMES NOW the Applicant, The City of Wichita, and files its submittals in response to the Pre-Hearing Order of October 18, 2004.

A. Agree or Disagree with Issues

The City of Wichita agrees to the issues as identified by the Chief Engineer, nos. 1, 2, 3, 5, and 6.

B. Proposed Changes to Issues

As to Issue **no. 4**:

"4. Are the recommendations of GMD # 2, including the provisions of its Memorandum of Understanding with the City of Wichita, adequate to ensure that only bank storage water will be diverted by the bank storage wells?

The City of Wichita suggests that the Issue be restated as follows:

"4. Do the recommendations of GMD # 2, including the provisions of its Memorandum of Understanding with the City of Wichita, adequately address the

aquifer/river interconnection of the diversion wells and ensure that there will be no impairment of existing water rights.”

As to Issue **no. 7**:

“7. Will this project impair senior water rights in the Equus Beds Aquifer by adversely affecting the underflow?”

The City of Wichita requests that the issue be restated and further clarified. The City is uncertain as to the scope of the reference to “underflow.” The City is also uncertain as to the “senior water rights” that need to be addressed in this issue. The City suggests that the issue may be encompassed in nos. 2 and 5. If no. 7 is included, the City also recommends that this issue include the phrase “and will the project adversely affect the public interest?”

In general, while not requiring a change in wording of issues, the City requests that the issues be understood to incorporate the Request for Modification of Permit Applications, filed by the City of Wichita immediately with this pleading.

C. Exhibit List

In addition to the exhibits in support of the Applications, as identified in the Pre-Hearing Order, Hearing Procedures no. 4, the City of Wichita submits the following exhibits **attached** hereto, Bate-stamped and submitted as Supplemental City Exhibits:

- A. Equus Beds Recharge Project: public meeting list
- B. Equus Beds Recharge Project: Federal and State Agency meeting list
- C. Dr. Herman Bouwer letter to David Stous – August 10, 2000
- D. Changes in Ground-Water Levels and Storage in the Wichita Well Field Area, South - Central Kansas, 1940 – 98; Water – Resources Investigation Report 98-4141 USGS, Lawrence, Kansas 1998
- E. Status of Ground-Water Levels and Storage Volume in the Equus Beds Aquifer Near Wichita, Kansas, January 2000 – January 2003; Water – Resources Investigations Report 03-4298 USGS, Lawrence, Kansas, 2004
- F. Baseline Water quality and Preliminary Effects of Artificial Recharge on Ground Water, South – Central Kansas, 1995-98; Water Resources Investigations Report 99-4250 USGS, Lawrence, Kansas, 1999

- G. Effects of Artificial Recharge on Water Quality in the Equus Beds Aquifer, South – Central Kansas, 1995-2000; USGS Fact Sheet 096-01
USGS, Lawrence, Kansas, November 2001
- H. Hydrologic and Chemical Interaction of the Arkansas River and the Equus Beds Aquifer Between Hutchinson and Wichita, South- Central Kansas; Water – Resources Investigations Report 95-4191 USGS, Lawrence, Kansas, 1996
- I. Burrton IGUCA Remediation Study, by Burns & McDonnell, 1997
Prepared for Kansas Corporation Commission
- J. Arkansas River Water Management Improvement Study; Modeling of Chloride Transport in the Equus Beds Aquifer Technical Report
U. S. Bureau of Reclamation Report, November 1993
- K. Hydrobiological Monitoring Plan for the Integrated Local Water Supply Project
Prepared for the City of Wichita, by Burns & McDonnell, October 2004
- L. Map – 40/60 ASR Option, Full-Scale Concept layout
- M. Preliminary Diversion Well Site Schematic
- N. Typical Recharge Well Site Schematic
- O. Typical Recharge Basin Site Schematic
- P. [VACANT]
- Q. ASR Phase I Proposed Facility Locations
- R. ASR Phase 1 Diversion Well and Pipeline Site Map
- S. Average Sulfate Concentrations greater than or equal to 250 milligrams per liter, November 2001-August 2004
- T. Average Nitrite Plus Nitrate Concentrations greater than or equal to 10 milligrams per liter, November 2001-August 2004
- U. Atrazine Detected At Least Once at Concentrations greater than or equal to 0.1 micrograms per liter, November 2001-August 2004
- V. Average Chloride Concentrations greater than or equal to 250 milligrams per liter, November 2001-August 2004
- W. Average Arsenic Concentrations greater than or equal to 10 micrograms per liter, November 2001-August 2004
- X. Chloride Concentration Level A (Top)

- Y. Chloride Concentration Level B (Middle)
- Z. Chloride Concentration Level C (Bottom)
- AA. Water Supply Plan Workshop Summary, July 31, 2001
- BB. Arsenic Concentrations in deep (>80 ft) wells, 2003
- CC. Department of Agriculture Narrative, 2SH078
- DD. Hydrograph of River and Groundwater Levels During Pumping and Nonpumping periods
- EE. Groundwater Levels and Geology at Index Well No. 2
- FF. Physical Model Set Up Halstead Test Well
- GG. Recharge Factors Used in Model
- HH. Streamflow
- II. Evapotranspiration Package
- JJ. Application for Permit to Appropriate Water for Beneficial Use, ASR Project RW-1 “Proposed”
- KK. Right of Access Documentation

D. Witness List

The City of Wichita may call the following as witnesses:

David Warren, City of Wichita, Director of Water & Sewer Department – Description of the City of Wichita Project, need for the project and related policy issues, water rights application process including meetings, memorandum of understanding with the Groundwater Management District.

Jerry Blain, P.E., City of Wichita, Water Supply Projects Administrator – Description of City of Wichita Project, Halstead and Sedgwick Demonstration Project, water rights application process, reports used in application, property access for wells, absence of impairment of existing water rights, water quality.

Jeff Klein, P.E., Burns & McDonnell, Project Manager - Identification of reports in the applications, identification of additional reports added as exhibits, water quality issues.

David Stous, P.E., P.G., Burns & McDonnell, Chief Water Supply Hydrogeologist - Identification of reports in the application, identification of additional reports added as exhibits, modeling, water accounting, water levels, aquifer issues, absence of impairment of existing water rights.

Andy Ziegler, United States Geological Survey, Supervisory Hydrologist and District Water Quality Specialist - USGS reports used in the applications, water quality issues.

Mike Dealy, Manager, Equus Beds Groundwater Management District – GMD recommendations, memorandum of understanding.

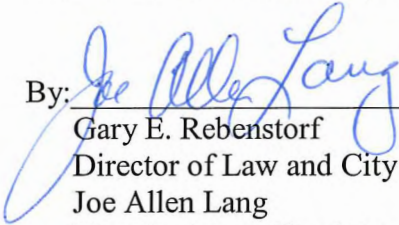
E. Right of Access to Proposed Wells

The City of Wichita submits information to show those properties where the City owns or has the legal right of access to install, operate, and access wells for the foreseeable life of the project. For the remaining properties, where the right for City access has not been finalized, the City of Wichita submits the status of acquisition and includes documentation where available. (Hearing Procedure #1.) **Documentation attached as Exhibit KK** (pages 2046 –2060)

Respectfully Submitted,

THE CITY OF WICHITA, KANSAS

By: _____


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Director of Law and City Attorney
Joe Allen Lang
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CERTIFICATE OF SERVICE

I hereby certify that the above and foregoing was sent on this 5th day of November, 2004 as follows :

Originals by Hand Delivery to

David L. Pope, P.E.
Hearing Officer, Chief Engineer and Director
Division of Water Resources
Kansas Department of Agriculture
109 SW 9th St, 2nd Floor
Topeka, KS 66612-1283

And **Copies by U.S. Mail**, postage prepaid, to the following:

Mike Dealy
Equus Beds GMD No. 2
313 Spruce Street
Halstead, KS 67056

Leland E. Rolfs **[included with Originals]**
Department of Agriculture
109 SW 9th St, 4th Floor
Topeka, KS 66612

Joe Bergkamp
2004 South Willow Lake Rd
Halstead, KS 67056

Ronald Neuway
903 N. Willow Lake Rd
Burrton, KS 67020



Joe Allen Lang