

STATE OF KANSAS  
BEFORE THE DIVISION OF WATER RESOURCES  
KANSAS DEPARTMENT OF AGRICULTURE

In the Matter of the City of Wichita's )  
Phase II Aquifer Storage and Recovery Project )  
in Harvey and Sedgwick Counties, Kansas. )

Case No. 18 WATER 14014

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Pursuant to K.S.A 82a-1901 and K.A.R. 5-14-3a.

NOTICE OF DELEGATION AND TEMPORARY POSTPONEMENT

COMES NOW, David W. Barfield, Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, who, pursuant to K.A.R. 5-14-3a, hereby delegates to Constance M. Owens the authority to serve as the presiding officer in this matter and temporarily postpones the remaining hearing dates in this matter.

It is important to note that upon review of GMD2's Motion to Ensure the Impartiality of Hearing Officer, this delegation should not be viewed as agreement with that motion. All activity conducted prior to the initiation of these proceedings falls within the normal duties of the Chief Engineer, GMD2 has taken numerous quotes and cites to caselaw out of context and made unsubstantiated assertions, and further has presented no evidence of bias or prejudice. Despite these shortcomings, it is clear that GMD2, with the Intervenor's support, do not believe it can receive a fair hearing in this proceeding. Therefore, in order to ensure to all parties that this matter will be decided based upon the evidentiary record, a presiding officer shall be appointed.

THEREFORE, I hereby appoint Constance M. Owen as presiding officer for these proceedings. She shall be delegated the authority to conduct a hearing among the formal parties and to provide written recommendations to the Chief Engineer based on the record after such hearings are complete. Chris Beightel shall, continue to be separated from the Division of Water Resources, and shall be available to assist her as required on technical matters.

FURTHER, the hearing scheduled for March 26 and March 27, 2019 shall be temporarily postponed, all motions currently pending shall be considered by Ms. Owen in due time, and she shall set a scheduling conference as soon as possible.

IT IS SO ORDERED, THIS 19th DAY OF MARCH 2019 IN MANHATTAN,  
RILEY COUNTY, KANSAS.

/s/ David W. Barfield  
David W. Barfield, P.E.  
Chief Engineer, Division of Water Resources  
Kansas Department of Agriculture

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MAR 19 2019

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**CERTIFICATE OF SERVICE**


On this 19th Day of March 2019, I hereby certify that the original of the foregoing was sent by electronic mail to:

City of Wichita  
Department of Public Works & Utilities  
455 North Main Street  
Wichita, Kansas 67202  
[jpajor@wichita.gov](mailto:jpajor@wichita.gov)  
[bmcleod@wichita.gov](mailto:bmcleod@wichita.gov)

Equus Beds Groundwater Management District No. 2  
313 Spruce  
Halstead, Kansas 67056  
[tboese@gmd2.org](mailto:tboese@gmd2.org)  
[tom@aplawpa.com](mailto:tom@aplawpa.com)  
[stucky.dave@gmail.com](mailto:stucky.dave@gmail.com)  
[leland.rolfs@sbcglobal.net](mailto:leland.rolfs@sbcglobal.net)

Intervenors  
Tessa M. Wendling  
1010 Chestnut Street  
Halstead, Kansas 67056  
[twendling@mac.com](mailto:twendling@mac.com)

Division of Water Resources  
Kansas Department of Agriculture  
1320 Research Park Drive  
Manhattan, Kansas 66502  
[aaron.oleen@ks.gov](mailto:aaron.oleen@ks.gov)  
[lane.letourneau@ks.gov](mailto:lane.letourneau@ks.gov)

  
\_\_\_\_\_  
KDA Staff Person

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