

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)Case No. 18 WATER 14014
in Harvey and Sedgwick Counties, Kansas.)
_____))
Pursuant to K.S.A. 82a-1901 and K.A.R. 5-14-3a.

PREHEARING STATUS CONFERENCE ORDER

Comes now, Constance C. Owen, Presiding Officer, who hereby documents the following matters addressed during a status conference conducted by telephone on September 18, 2019, regarding the City of Wichita's proposed modifications to Phase II of its Aquifer Storage Project ("Project").

1. The status conference call was presided over by the Presiding Officer. Representatives and counsel from the following parties were present: Brian McLeod, Scott Macey, and Joseph Pajor for the City of Wichita ("City"); Tom Adrian, Lee Rolfs, David Stucky and Tim Boese for the Equus Beds Groundwater Management District No. 2 ("GMD2"); Aaron Oleen, Stephanie Murray and Doug Schemm for the Division of Water Resources, Kansas Department of Agriculture ("DWR"); and Tessa Wendling for the Intervenor.

2. The evidentiary hearing in the above-captioned matter, also referred to as the formal phase of the hearing, will be conducted on December 10, 11 and 12, 2019, at the First Mennonite Church of Halstead, 427 W. 4th Street, Halstead, Kansas 67056. The hearing will begin at 9:00 a.m. each day and end no later than 5:00 p.m. each day.

3. There will be a separate time designated for the presiding officer to receive oral and/or written public comments. The public comment portion of this hearing process will be held on December 13, 2019, from 9:00 a.m. to 11:00 p.m., at the First Mennonite Church of Halstead, 427 W. 4th Street, Halstead, Kansas 67056. The parties and their attorneys are welcome to attend the public comment portion of the hearing process, but their attendance is not required. Written comments from members of the public will also be allowed after that date, according to instructions that will be detailed in the Notice of Hearing.

4. Pursuant to K.A.R. 5-14-3a(d), notice of the hearing described above will be published in the following publications of general circulation, for at least two news cycles at least 15 days in advance of the hearing: the Wichita Eagle, the Hutchinson News, the Newton Now, and the Harvey County Independent. Notice of the hearing will also be published in the Kansas Register at least 15 days in advance of the hearing. Notice of the hearing will also be posted on the Division of Water Resources' website at least 15 days in advance of the hearing. DWR will arrange for all of these publications.

5. DWR shall mail notice of the hearing directly to the following categories of individuals, at least 15 days in advance of the hearing:

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EQUUS BEDS GMD #2

(A) all water right owners and water permit owners, and water use correspondents, for all water rights and permits on file with DWR with a well located within the Central Wellfield Study Area;

(B) all owners of known wells, both unpermitted domestic wells and permitted wells, located within 1/2 mile of the City of Wichita's previously filed and subsequently withdrawn applications File Nos. 48,704 through 48,733. These wells were made known to DWR by the City as part of the application process for the withdrawn applications File Nos. 48,704 through 48,733.

(C) all owners of domestic wells located within 1/2 mile of each well authorized under water rights and permits comprising the City's ASR Phase II project which the City seeks to modify under the proposal that is the subject of this hearing. GMD2 will provide to DWR the necessary information (names, addresses, well locations) for providing direct mail notice to this category of individuals. GMD2 will provide this information sufficiently ahead of time, and in readily usable form, to allow DWR reasonable time to ensure the mailings are accomplished at least 15 days in advance of the hearing.

6. To best facilitate the conduct of the formal phase of the hearing, the parties will be heard in the following sequence: the City of Wichita, DWR, GMD2, the Intervenors.

7. The parties all request flexibility regarding the order of witnesses, including allowing witnesses to present testimony out of sequence to accommodate their travel schedules. The City anticipates using the first day, at least, to present its witnesses. All parties also request, in the interest of time and scheduling concerns, to allow testimony outside the normal scope of cross-examination, while preserving the reasonable opportunity for each party to question witnesses for rebuttal purposes. The Presiding Officer will attempt to accommodate these requests, subject to the requirements that each party have a fair opportunity to present its evidence and cross-examine opposing evidence.

8. A subsequent status conference call is set for November 21, 2019, at 2:00 p.m., to address any last minute issues.

IT IS SO ORDERED, THIS 2nd DAY OF OCTOBER 2019.



Constance C. Owen
Presiding Officer

CERTIFICATE OF SERVICE

On this 2nd day of October 2019, I hereby certify that the original of the foregoing Prehearing Status Conference Order was sent by electronic mail to the following:

City of Wichita Department of Public Works & Utilities
455 North Main Street
Wichita, Kansas 67202
bmcleod@wichita.gov

Equus Beds Groundwater Management District No. 2
313 Spruce
Halstead, Kansas 67056
tboese@gmd2.org
tom@aplawpa.com
stucky.dave@gmail.com
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agraber@aplawpa.com

Intervenors
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Division of Water Resources
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Manhattan, Kansas 66502
aaron.oleen@ks.gov
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Constance C. Owen
Presiding Officer