

ADRIAN & PANKRATZ, P.A.
Attorneys at Law
Old Mill Plaza, Suite 400
301 N. Main St.
Newton, KS 67114
Phone: (316) 283-8746
Fax: (316) 283-8787

**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

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

**MOTION TO MODIFY THE
SCHEDULING ORDER AND EXTEND THE DEADLINE TO
TAKE DEPOSITIONS**

COMES NOW Equus Beds Groundwater Management District, Number 2, by and through its attorney (hereinafter "the District") by and through counsel Thomas A. Adrian of Adrian & Pankratz, P.A., and David J. Stucky, with its Motion to Modify the Scheduling Order and Extend the Deadline to Take Depositions, and in support of said Motion, states as follows:

1. Pursuant to the existing Scheduling Order, the last day to take depositions is March 1, 2019.
2. The District has attempted to arrange a time when it could take the deposition of Lane Letourneau, an employee of the Division of Water Resources, Kansas Department of Agriculture (hereinafter "the DWR").
3. The District has worked diligently along with the DWR, to arrange a suitable time for such deposition within the time limit of March 1st.
4. Those efforts have been unsuccessful for at least 3 reasons:

- a. Mr. Letourneau's schedule is busy, in part due to the legislative session and he is completely unavailable February 28th and March 1st.
 - b. Weather forecast for February 27, 2019 (the date tentatively scheduled for the deposition) was unfavorable and full of risk.
 - c. The District could not find a court reporter able to report the deposition on February 27, 2019.
5. The District believes that an extension until March 8, 2019, would be sufficient to allow the deposition to be scheduled and completed.
 6. No party to the proceeding would be prejudiced by such extension of time.
 7. DWR, by and through DWR Attorney Aaron Oleen, has advised that DWR does not object to the District's deposition extension request.

WHEREFORE, the District respectfully prays for a short extension on the deposition deadline as specified in this Motion, and for such other relief as the Hearing Officer deems just and reasonable.

RESPECTFULLY SUBMITTED,



Thomas A. Adrian, SC #06976

tom@aplawpa.com

David J. Stucky, SC #23698

ADRIAN & PANKRATZ, P.A.

dave@aplawpa.com

Attorneys for Equus Beds Groundwater
Management District Number 2

CERTIFICATE OF FILING AND SERVICE

We, Thomas A. Adrian and David J. Stucky, do hereby certify that a true and correct copy of the above was served by () mail, postage prepaid and properly addressed by depositing the same in the U.S. mail; () fax; (x) email; and/or () hand delivery on the 27 day of February, 2019, to:

Aaron Oleen
Division of Water Resources
Oleen, Aaron [KDA] <Aaron.Oleen@ks.gov>
<Lane.Letourneau@ks.gov>

Brian K. McLeod
City of Wichita
McLeod, Brian <BMcLeod@wichita.gov>
jpajor@wichita.gov

Tessa M. Wendling 1010
Chestnut Street Halstead,
Kansas 67056
twendling@mac.com

and the original sent by () mail, () fax, (x) email, and/or () electronically filed to/with:

State of Kansas
Division of Water Resources
Department of Agriculture
Titus, Kenneth [KDA] Kenneth.Titus@ks.gov
Barfield, David [KDA] <David.Barfield@ks.gov>
Beightel, Chris [KDA] <Chris.Beightel@ks.gov>



Thomas A. Adrian, SC #06976
tom@aplawpa.com
David J. Stucky, SC #23698
ADRIAN & PANKRATZ, P.A.
dave@aplawpa.com
Attorneys for Equus Beds Groundwater
Management District Number 2