

From: [Oleen, Aaron \[KDA\]](#)
To: [McLeod, Brian](#); [Allison Graber](#); [twending@mac.com](#); [connieowen@everestkc.net](#); [Tom Adrian](#); ["leland.rolfs"](#); ["Dave Stucky"](#); [Tim Boese](#)
Cc: [Letourneau, Lane \[KDA\]](#); [Pajor, Joseph](#); [King, Alan](#); [Henry, Don](#); [Macey, Scott](#); [Magana, Jennifer](#); [Dickgrafe, Sharon](#); [Titus, Kenneth \[KDA\]](#); [Barfield, David \[KDA\]](#); [Beightel, Chris \[KDA\]](#); [Hutton, Ronda](#); [Murray, Stephanie \[KDA\]](#)
Subject: RE: Revised Motion for Summary Judgment and Memorandum In Support; 18 WATER 14014
Date: Friday, September 27, 2019 9:27:00 AM

DWR opposes consideration of GMD2's revised summary-judgment motion and agrees that it should be stricken from the record. Even if such a filing has not expressly been prohibited by order of the Presiding Officer, such a prohibition is implicit in the parties' logistical discussions since the 7/24/19 *Order on Prehearing Motions* and such a prohibition has been effectively acceded to by GMD2, as DWR believes the recordings of subsequent hearings will support.

The proper procedure would have been for GMD2 to file a motion to allow consideration of such a revised dispositive motion. Regardless, DWR believes any revised dispositive motions are improper at this stage and should not be included in the record.

Aaron B. Oleen, Staff Attorney

Kansas Department of Agriculture

1320 Research Park Drive

Manhattan, Kansas 66502

Phone (direct): (785) 564-6738 | Fax: (785) 564-6777

My e-mail address has changed: aaron.oleen@ks.gov

www.agriculture.ks.gov

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From: McLeod, Brian <BMcLeod@wichita.gov>
Sent: Wednesday, September 25, 2019 4:17 PM
To: Allison Graber <agraber@aplawpa.com>; Oleen, Aaron [KDA] <Aaron.Oleen@ks.gov>; twending@mac.com; connieowen@everestkc.net; Tom Adrian <tom@aplawpa.com>; 'leland.rolfs' <leland.rolfs@sbcglobal.net>; 'Dave Stucky' <stucky.dave@gmail.com>; Tim Boese <tboese@gmd2.org>
Cc: Letourneau, Lane [KDA] <Lane.Letourneau@ks.gov>; Pajor, Joseph <JPajor@wichita.gov>; King, Alan <AKing@wichita.gov>; Henry, Don <DHenry@wichita.gov>; Macey, Scott <SMacey@wichita.gov>; Magana, Jennifer <JMagana@wichita.gov>; Dickgrafe, Sharon <SDickgrafe@wichita.gov>; Titus, Kenneth [KDA] <Kenneth.Titus@ks.gov>; Barfield, David [KDA] <David.Barfield@ks.gov>; Beightel, Chris [KDA] <Chris.Beightel@ks.gov>; Hutton, Ronda <Ronda.Hutton@ks.gov>; Murray, Stephanie [KDA] <Stephanie.Murray@ks.gov>
Subject: RE: Revised Motion for Summary Judgment and Memorandum In Support; 18 WATER 14014

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This submission is untimely, contrary to prior statements that no further prehearing motions were contemplated, and the information characterized as new has actually been known to the district from the beginning, because it is and always has been ascertainable from the proposal. The City respectfully requests the Hearing Officer to strike it for non-conformity with the scheduling orders.

From: Allison Graber <agraber@aplawpa.com>
Sent: Wednesday, September 25, 2019 4:05 PM
To: Aaron.Oleen@ks.gov; McLeod, Brian <BMcLeod@wichita.gov>; twendling@mac.com; connieowen@everestkc.net; Tom Adrian <tom@aplawpa.com>; 'Ieland.rolfs' <Ieland.rolfs@sbcglobal.net>; 'Dave Stucky' <stucky.dave@gmail.com>; Tim Boese <tboese@gmd2.org>
Cc: Lane.Letourneau@ks.gov; Pajor, Joseph <JPajor@wichita.gov>; King, Alan <AKing@wichita.gov>; Henry, Don <DHenry@wichita.gov>; Macey, Scott <SMacey@wichita.gov>; Magana, Jennifer <JMagana@wichita.gov>; Dickgrafe, Sharon <SDickgrafe@wichita.gov>; Kenneth.Titus@ks.gov; Barfield, David [KDA] <David.Barfield@ks.gov>; Chris.Beightel@ks.gov; Hutton, Ronda [KDA] <Ronda.Hutton@ks.gov>; Stephanie.Murray@ks.gov
Subject: Revised Motion for Summary Judgment and Memorandum In Support; 18 WATER 14014

Please see attached the District's Revised Motion for Summary Judgment Based on Supplemental Discovery Answers Received from City and the Memorandum in Support of Revised Motion for Summary Judgment.

Allison

Allison D. Graber
Legal Assistant/Accounting Assistant
Adrian & Pankratz, P.A.
301 N. Main, Suite 400
Newton, KS 67114
agraber@aplawpa.com
(316) 283-8746 Voice
(316) 283-8787 Fax
visit our website at www.aplawpa.com

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