

3. The Chief Engineer and the DWR’s response to the District’s Motion reiterates this conclusion, stating, “. . .the order was deemed final, and was subject to review pursuant to the Kansas Judicial Review Act, 77-601 *et seq.*” *Response to Equus Bed Groundwater Management District No. 2’s Motion for Reconsideration*, at ¶ 3 (July 12, 2022).
4. The City of Wichita concurs: “The Chief Engineer’s Order of June 21, 2022 states that it is a Final Order . . . with the result that the proceedings at the agency level are clearly over[.]” *City of Wichita’s Response to the District’s Motion for Reconsideration and Fees*, at 1 (July 7, 2022).
5. Because the DWR—who sat as the adjudicative body over these proceedings—has issued orders and reiterated its position that administrative remedies are exhausted, and that no further review by the Secretary of Agriculture is permitted, the District withdraws its Motion to pursue its request for further administrative review. Instead, as instructed by the DWR, the District will pursue further recourse under the Kansas Judicial Review Act.

WHEREFORE, the District respectfully withdraws its Motion, dated July 6, 2022, precluding any further potential agency review and placing jurisdiction properly in district court.

RESPECTFULLY SUBMITTED:

/s/ Thomas A. Adrian
Thomas A. Adrian, SC #06976
tom@aplawpa.com
ADRIAN & PANKRATZ, P.A.
David J. Stucky, SC #23698
stucky.dave@gmail.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 21st day of July, 2022, to:

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

Intervenors
1010 Chestnut Street
Halstead, Kansas 67056
twendling@mac.com

Division of Water Resources
Kansas Dept. of Agriculture
1320 Research Park Drive
Manhattan, Kansas 66502
stephanie.kramer@ks.gov

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

Chief Engineer
Ronda Hutton - ronda.hutton@ks.gov

Secretary of Agriculture
Kenneth B. Titus, Chief Legal Counsel
Kenneth.Titus@ks.gov

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