

**BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF KANSAS**

IN THE MATTER OF THE APPLICATION OF
THE CITIES OF HAYS, KANSAS
AND RUSSELL, KANSAS FOR APPROVAL TO
TRANSFER WATER FROM EDWARDS
COUNTY PURSUANT TO THE KANSAS
WATER TRANSFER ACT

OAH Case No. 23AG0003 AG

**MOTION BY WATER PROTECTION ASSOCIATION OF CENTRAL
KANSAS AND EDWARDS COUNTY, KANSAS TO STRIKE REBUTTAL
TESTIMONY OF DAVID BARFIELD, P.E.**

Water Protection Association of Central Kansas (Water PACK) and Edwards County, Kansas (collectively Intervenors) move for an order striking the rebuttal testimony and report of David Barfield, P.E. As explained and demonstrated in the accompanying memorandum, Mr. Barfield is not qualified to offer the opinions included in his testimony and report and the opinions are thus neither proper nor helpful to this tribunal. Incorporated in the memorandum are David Barfield's rebuttal report (Exhibit A), the deposition of David Barfield (Exhibit B), the report of Dave Romero of Balleau Groundwater, Inc citing relevant credentials (Exhibit C) the response to a Kansas Open Records request revealing new data in relation to the relevant groundwater model (Exhibit D) and the Final Report of the Special Master with Certificate of Adoption of RRCA Groundwater Model, in *Kansas v. Nebraska and Colorado* (Exhibit E).

Dated July 17, 2023
Overland Park, Kansas

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CERTIFICATE OF SERVICE

I hereby certify that on July 17, 2023, the foregoing was electronically served to all counsel of record by email as follows:

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