

**BEFORE THE DIVISION OF WATER RESOURCES
KANSAS DEPARTMENT OF AGRICULTURE**

In the Matter of the Renewal of the)
Groundwater Management District No. 4)
Local Enhanced Management Area in Cheyenne, Decatur,)
Rawlins, Gove, Graham, Logan Sheridan, Thomas, and)
Wallace Counties, Kansas.)
)
Pursuant to K.S.A. 82a-1041.)
_____)

002 – DWR-LEMA – 2022

PRE-HEARING ORDER

COMES NOW, Earl D. Lewis, Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, who hereby sets the following procedures for the conduct of the public hearing regarding the renewal of the Northwest Kansas Groundwater Management District No. 4 (“GMD4”) Local Enhanced Management Area (“LEMA”) Management Plan.

1. On July 11, 2022, a pre-hearing conference regarding the public hearing to consider the renewal of the GMD4 LEMA was held via video conference.
2. The call was presided over by the Chief Engineer, Earl Lewis, and the following parties were present: Kenneth Titus, Stephanie Kramer, and Shannon Kenyon.

THEREFORE, having considered all matters raised at the pre-hearing conference, the Chief Engineer hereby sets forth the following requirements for the public hearing regarding the renewal of the GMD4 LEMA:

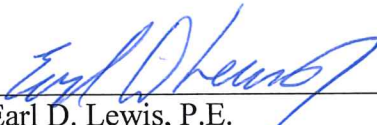
1. The public hearing shall be held as provided for in the individual notices sent to each water right owner affected by the proposed LEMA and in the public notices that were published in the Kansas Register, the Colby Free Press, and the Goodland Star-News. The hearing shall commence at 10:00 a.m. on July 27, 2022 at the City Limits Convention Center, 2227 South Range, Colby, Kansas 67701 and shall continue as long as necessary for the full disclosure of relevant facts.
2. The hearing shall consist of two phases. The first phase shall be considered the formal phase of the hearing. During this portion of the hearing, those parties designated by the Chief Engineer to participate in formal phase shall be allowed to present testimony, call witnesses, and cross-examine the witnesses called by other parties participating in the formal phase of the hearing.
3. The rules of evidence will not be strictly adhered to in the formal phase of the hearing. However, all cross-examinations conducted shall bear a reasonable relationship to the testimony provided. Additionally, the privileges listed in K.S.A. 60-426 through 60-436,

and any other privileges recognized by law, shall be given effect, as the Chief Engineer determines reasonable.

4. All rules and procedures shall be applied by the Chief Engineer to provide all parties to this action a reasonable opportunity to be heard and present evidence.
5. Subject to any future order of the Chief Engineer necessitated by the subsequent entry of any other formal parties into this matter, the following parties shall be considered participants in the formal phase of the hearing and shall present evidence and call witnesses in the order listed:
 - a. GMD4;
 - b. Division of Water Resources.
6. Any additional party wishing to participate in the formal phase of the hearings shall submit such request to the Chief Engineer by 5:00 p.m. on July 18, 2022. Any request received after this date shall be considered but may be denied if the Chief Engineer determines that the burden of additional preparation placed on the other parties participating in the formal phase of the hearing as a result of granting the request would be too burdensome. However, all parties not participating in the formal phase of the hearing shall still be eligible to provide oral and written testimony in the informal phase of the hearing and to submit additional written testimony, including rebuttal testimony, following the close of oral testimony at the public hearing.
7. All parties participating in the formal phase of the hearing shall provide the Chief Engineer and all other formal parties a list of witnesses and the proposed topics of their testimony by 5:00 p.m. on July 21, 2022. Since the hearing date is quickly approaching and it is possible that additional parties may enter the case only shortly before that deadline, the Chief Engineer recognizes that all witnesses and exhibits may not be finalized by this deadline. Therefore, the parties shall list all speculative witnesses and topics in their July 21 disclosures and shall confirm such witnesses as soon as possible after the initial deadline, but no such witness shall be allowed to testify during the formal phase of the hearing if less than 24 hours' notice of the witness's testimony is given.
8. Following the completion of the formal phase of the hearing, the Chief Engineer shall preside over the informal phase of the hearing. During the informal phase of the hearing, all parties affected by the proposed LEMA management plan, all members of the public, and any other interested parties, people, or organizations may present testimony. Questions asked of individuals providing informal testimony shall be limited to questions seeking to clarify information provided by the individual and shall not take the form of a cross-examination.
9. The deadline to submit written testimony, including rebuttal testimony, and any other comments regarding the proposed renewed GMD4 LEMA management plan shall be August 10, 2022.

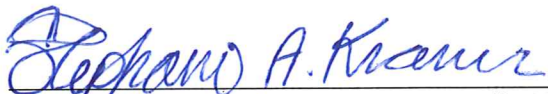
10. Kelly Stewart shall represent KDA-DWR throughout this matter and shall not consult with the Chief Engineer regarding this matter until its conclusion. Lane Letourneau and Chris Beightel shall remain available to consult with the Chief Engineer and shall not consult with Mr. Stewart regarding this matter until its conclusion.

IT IS SO ORDERED, THIS 18th DAY OF JULY 2022.



Earl D. Lewis, P.E.
Chief Engineer, Division of Water Resources
Kansas Department of Agriculture

Prepared by:



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CERTIFICATE OF SERVICE

On this 18th Day of July 2022, I hereby certify that a true and accurate copy of the foregoing Prehearing Conference Order was sent by electronic mail to:

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DWR Staff