

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

COPY

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SEP 04 2018

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

LEGAL SECTION
KS DEPT. 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 FOR EXTENSION OF TIME TO ANSWER
THE CITY OF WICHITA'S DISCOVERY REQUESTS
AND TO DESIGNATE EXPERT WITNESS**

COMES NOW Equus Beds Groundwater Management District, Number 2, by and through its attorneys, Thomas A. Adrian and David J. Stucky of Adrian & Pankratz, P.A., and moves the Hearing Officer, pursuant to K.S.A. 60-206(b)(1)(A) and any other applicable statutes or regulations, to allow it a thirty- (30) day extension to answer the City of Wichita's discovery requests and to disclose its expert witness. Movant further States:

1. Counsel for the City of Wichita timely sent Plaintiff discovery requests in the form of a First Set of Interrogatories.
2. Due to the complexity of this case, additional counsel is being consulted.
3. The extension of time is necessary due to the complexity and length of information required to properly answer the interrogatories and due to the contested issues in the case. Further, additional time to answer is needed due to the fact that Movant needs to obtain records from other entities in order to answer the requests. Movant has targeted much of

the needed information through its own set of discovery requests. These crucial discovery requests have not been answered at this time by the other parties.

4. Most or all the questions deal with review of the pending applications and/or proposed ASR modifications. Pursuant to the District's Application Processing Requirements and Procedures Regulation K.A.R. 5-22-12, District Staff must notify an applicant and "any other parties" of its recommendation of an application. It has been Staff practice to not review any application until the nearby well owners have been properly notified and the comment period is over. Comments are then taken into consideration when reviewing the application and then anyone who submitted comments receives a copy of Staff recommendations. Because the District believes that proper notification to nearby well owners has not yet occurred, Movant cannot review and make recommendations for the pending applications yet.
5. Information garnered from public comments is needed to accurately answer the discovery requests.
6. Additionally, the District has hired consultants to help with answering the discovery requests and they have not yet had a chance to do so.
7. Nonetheless, to the best of its ability and with the information it has, the Movant is working to obtain the requested answers and will send the information to counsel for the City of Wichita as soon as it is received but needs additional time to do so. Thus, an extension of time to answer the interrogatories is imperative.
8. Additionally, Movant needs additional time to make an expert witness designation. One expert witness that Movant is desiring to utilize has not yet furnished an expert report and just recently returned from a vacation. The potential expert is just now able to review the

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; () email; and/or () hand delivery on the 31st day of August, 2018, to:

Aaron Oleen
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, Kansas 66502

Brian K. McLeod
Deputy City Attorney
City Hall - 13th Floor
455 N. Main
Wichita, Kansas 67202

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

State of Kansas
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive, 3rd Floor
Manhattan, KS 66502



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