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

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Pursuant to K.S.A. 82a-1901 and K.A.R. 5-14-3a.

**MOTION IN SUPPORT OF INTERVENORS' MOTION FOR EXTENSION OF TIME  
TO REQUEST DISCOVERY, DESIGNATE EXPERT WITNESSES AND EXHIBITS  
AND CONTINUE HEARING**

COMES NOW the Equus Beds Groundwater Management District, No. 2 (hereinafter "the District"), by and through counsel Thomas A. Adrian, Leland E. Rolfs, and David J. Stucky, with its Motion in Support of Intervenor's Motion for Extension of Time to Request Discovery, Designate Expert Witnesses and Exhibits and Continue Hearing. In support of said Motion, movant states as follows:

1. On or about November 3, 2018, Intervenor filed their Motion for Extension of Time to Request Discovery, Designate Expert Witnesses and Exhibits and Continue Hearing.
2. Intervenor alleges numerous reasons that extensions are meritorious including, but not limited to, their desire to analyze information from the City of Wichita (hereinafter "the City", hire their own experts, and adequately prepare for the subject hearing.
3. The District hereby joins in the Intervenor's Motion in all respects and incorporates all points raised by the Intervenor into the content of this Motion.

4. Additionally, the hydrogeologist employed by the District has accepted another job offer and has now moved to Virginia. Of course, the hydrogeologist was an integral witness for the District and crucial to analyzing the City's models and data sets. The District has now been deprived of this integral witness.
5. Consequently, the District must be allowed to hire a new internal hydrogeologist to help prepare for the hearing and testify at the hearing. At the very least, the District should be given the opportunity to hire an independent expert to aid in this regard. The District asks that it be allowed to designate this new expert under its list of witnesses.
6. Further, both the City and, to a lesser extent, the Division of Water Resources (hereinafter "DWR"), provided evasive answers to the District's discovery requests and withheld numerous documents the District requested. The District now needs to send out appropriate "Golden Rule letters" to the City and DWR asking both parties to supplement their answers and provide the requested documents to the District. If the answers are not appropriately supplemented, the District needs the opportunity to file a motion to compel and/or file Kansas Open Records Act (KORA) requests for the withheld public records. The motion to compel must then be ruled on by the Chief Engineer within the timeframe allotted for discovery. The District will then need an opportunity to review any additional supplemental answers or information that stem from the Chief Engineer's ruling and/or KORA request.
7. Additionally, or alternatively, the District needs the opportunity to ask clarifying discovery questions. The District must have these responses and information well in advance of the hearing to adequately prepare.

8. Finally, the District just received the City's models. The District is still feverishly trying to analyze the City's models and the additional information provided by the City. This has made it clear that the District needs to potentially hire rebuttal or initial experts to testify at the hearing.
9. The short timeline has also created an onerous burden on the undersigned counsel to adequately prepare exhibits and prep witnesses for the hearing. In fact, Mr. Rolfs has been unavailable for much of the time involved.
10. The discovery cutoff should be extended a minimum of an additional sixty (60) days. All other deadlines should also be extended accordingly.

WHEREFORE, the District respectfully requests that a new expert witness deadline be set, that all other deadlines be extended a minimum of an additional sixty days, that the hearing be continued, and for such other relief as the Chief Engineer may deem just and equitable.

RESPECTFULLY SUBMITTED,

/s/ Thomas A. Adrian  
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## CERTIFICATE OF FILING AND SERVICE

I, Thomas A. Adrian, do hereby certify that a true and correct copy of the above Motion 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 5th day of November, 2018, to:

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