



explanation.

2. Moreover, when Intervenors' counsel first informally began to participate in various status and hearing conference-calls in these proceedings back in September 2018, the Presiding Officer made it clear to all parties that any intervenors would be subject to the established deadlines and dates in these proceedings. Counsel for Intervenors then indicated her understanding and agreement.

3. As to GMD2's motion in support of Intervenors' motion, DWR notes that counsel for GMD2 previously participated in two different status and/or hearing conference-calls where the parties consulted their schedules and decided on a date and time to hold the public hearing for this matter. GMD2's repeated desire to disregard and continue those jointly determined hearing dates seems to indicate a shared underlying goal with Intervenors, i.e., to continue these proceedings in an attempt to obtain a new presiding officer. Like Intervenors, GMD2 cannot credibly claim lack of advance notice and opportunity to prepare regarding Wichita's proposed changes at issue, which GMD2 has known about since before 2016.

4. GMD2's information regarding the recent departure of their hydrogeologist, however, may warrant some appropriate extension or accommodation. But without knowing more, such as when GMD2 first knew that their hydrogeologist was leaving, DWR cannot opine on the propriety of using that departure as a basis for any further delay in these proceedings.

5. As the Presiding Officer and all parties should be aware, this matter involves the general public and thus is not like private litigation between an adjudicator and a small number of parties. Hearing dates should not be continuously changed based solely on the schedules and convenience of the formal parties. The effect on the general public also should be considered, and continually re-mailing and re-publishing notices of hearing-date changes not only risks

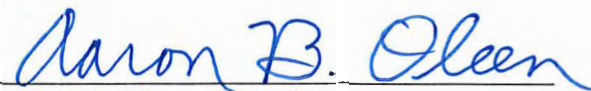
inconveniencing and confusing the general public, but also risks damaging the general public's faith in the orderly administration of this process and in those involved. DWR is not opposed, however, to extending the public-comment period that will follow the public hearing for this matter. Doing so could be an appropriate compromise to balance the claimed interests of Intervenors and GMD2 with the interests of Wichita and the general public.

6. Finally, although DWR has yet to see any "Golden Rule letter" threatened by GMD2's counsel in GMD2's motion in support, DWR denies that its discovery responses were insufficient or that any appropriate and reasonable follow-up questions or requests cannot reasonably and promptly be addressed within the currently established deadlines and dates.

7. In summary, DWR opposes the aforementioned motions based on how long the parties have been aware of the issues in this proceeding, on decisions that the Presiding Officer has made and to which the parties have been involved and expressed agreement, and on the negative effect to the general public that would be caused by again re-mailing and re-publishing notice of another change to the current public-hearing date.

WHEREFORE, DWR requests that the motions of Intervenors and GMD2 be denied; and for such other and further relief as the Presiding Officer deems just and equitable.

Respectfully submitted,



Aaron B. Oleen, S. Ct. #23588  
1320 Research Park Drive  
Manhattan, Kansas 66502  
TEL: (785) 564-6715  
FAX: (785) 564-6777  
aaron.oleen@ks.gov  
*Attorney for KDA-DWR*

## CERTIFICATE OF SERVICE

I certify that on this 6<sup>th</sup> day of November, 2018, the above *DWR's Response in Opposition to Intervenor's' and GMD2's Motions for Extension of Time to Request Discovery, Designate Expert Witnesses and Exhibits and Continue Hearing* was electronically filed with the Presiding Officer for this matter and that copies were sent via e-mail to the following:

Kenneth B. Titus  
Chief Legal Counsel  
Kansas Department of Agriculture  
1320 Research Park Drive  
Manhattan, KS 66502  
[kenneth.titus@ks.gov](mailto:kenneth.titus@ks.gov)  
*Attorney for Presiding Officer*

Equus Beds Groundwater Management District No. 2  
313 Spruce  
Halstead, KS 67056  
[tboese@gmd2.org](mailto:tboese@gmd2.org)  
[tom@aplawpa.com](mailto:tom@aplawpa.com)  
[stucky.dave@gmail.com](mailto:stucky.dave@gmail.com)

City of Wichita  
Department of Public Works & Utilities  
455 North Main Street  
Wichita, KS 67202  
[jpajor@wichita.gov](mailto:jpajor@wichita.gov)  
[bmcleod@wichita.gov](mailto:bmcleod@wichita.gov)

Tessa M. Wendling  
1010 Chestnut St.  
Halstead, KS 67056  
[twendling@mac.com](mailto:twendling@mac.com)  
*Attorney for Intervenor's*



Aaron B. Oleen, S. Ct. #23588