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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) Case No. 18 Water 14014
In Harvey and Sedgwick Counties, Kansas.)**

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

**REVISED MOTION FOR SUMMARY JUDGMENT BASED ON SUPPLEMENTAL
DISCOVERY ANSWERS RECEIVED FROM CITY**

COMES NOW the Equus Beds Groundwater Management District No. 2 (hereinafter "the District") pursuant to K.S.A. 60-256, and other authority, and respectfully requests the Hearing Officer to grant the District's Revised Motion for Summary Judgment as there are now no longer any relevant genuine issues of material fact based on the City of Wichita's (hereinafter "the City") supplemental answers to discovery, furnished to the District on 8/1/2019, in response to the Hearing Officer's Order on Prehearing Motions ruling on the District's Motion to Compel. The District contends that the City's March 12, 2018, ASR Permit Modification Proposal ("Proposal") is in contravention of current Kansas water law and regulations because it allows the City to accumulate Aquifer Maintenance Credits (hereinafter "AMCs") for diverting surface water from the Little Arkansas River and sending it directly to the City for municipal use, while subsequently allowing the City to withdraw those credits from the Equus Beds Aquifer without having first recharged the Equus Beds Aquifer with real physical source water. Notwithstanding the existing scheduling orders, this Revised Motion must be allowed because the District was

prejudiced in filing its original Motion for Summary Judgment by not having the benefit of the City properly answering its discovery requests.

WHEREFORE, the District moves the Hearing Officer to both allow and grant its Revised Motion for Summary Judgment and deny, in full or in part, the City's Proposal as a matter of law, and for such other relief as the Hearing Officer deems just and equitable.

RESPECTFULLY SUBMITTED,



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Management District Number 2

CERTIFICATE OF FILING AND SERVICE

We, Thomas A. Adrian, Leland Rolfs, 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; (x) email; and/or () hand delivery on the 25th day of September, 2019, to:

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