

BEFORE THE KANSAS DEPARTMENT OF AGRICULTURE  
DIVISION OF WATER RESOURCES

In The Matter of the Designation of the )  
Groundwater Management District No. 4 )  
District-Wide Local Enhanced Management Area )  
in Cheyenne, Decatur, Rawlins, Gove, Graham, )Case No. 002-DWR-LEMA-2017  
Logan, Sheridan, Sherman, Thomas, and )  
Wallace Counties in Kansas. )  
\_\_\_\_\_)

**MOTION FOR EXTENSION OF TIME**

COME NOW, the Intervenors, and move the Chief Engineer for an Order extending the deadline to submit comments in the above-captioned matter now scheduled for December 12, 2017. In support of said Motion, the Intervenors assert the following:

1. A hearing in this matter was held on November 14, 2017. On Friday, December 8, 2017, counsel for DWR informed counsel for the Intervenors that according to the court reporter as of the "end of the day" on Wednesday December 6, 2017, preparation of the transcript had been "slow-going (200-300 pgs long) and that it's looking like it won't be done until sometime next week."
2. The transcript was not available until the morning of December 11, 2017, the day before the record is set to close.

3. In addition, the Intervenors requested documents from DWR and the GMD, including especially numerous emails and the attachments in their native formats.

4. Counsel for DWR has worked diligently to produced many of the documents requested and to date has produced over 900 emails and associated attachments that were requested and responsive to the Intervenors request. The last of the emails were produced at 4:23 p.m. on Friday December 8, 2017.

5. In spite of his best efforts, counsel for the Intervenors understands that counsel for DWR has been able to review less than half of the emails that are responsive to the Intervenor's requests.

6. Prior to the November 14, 2017, hearing, counsel for the GMD explained that providing the documents in the requested format was presenting technical and timing issues, in part because of the Governor's Water Conference.

7. On Monday, November 13, 2017, the day before the hearing, the GMD produced documents in .pdf format at 4:49 PM, and at 4:57 PM, , the GMD produced some additional email in a single .txt formatted document.

8. The documents were not useful in the format provided.

9. Intervenor's counsel expected that the GMD would comply with the request to produce documents as requested and on December 8, 2017, asked counsel for

the GMD about the status of the request noting specifically that email traffic with the Kansas Water Office was needed.

10. On Friday, December 8, counsel for the GMD provided the documents previously provided, again in .pdf format.

11. There were a total of 1,211 pages produced including 852 pages of spreadsheets that were printed without pagination, headings, or other formatting that would make the spreadsheets intelligible.

12. The Intervenor's original request specifically requested production of all written and electronic correspondence between and among the GMD and "agencies . . . consulted by GMD4 to obtain data, suggestions, analysis, or other information."

13. On information and belief, important correspondence with the Kansas Water Office has not been produced by either the GMD or DWR.

14. This motion is filed at this late date because counsel has been diligently trying to comply with the Chief Engineer's schedule. However,

- ◆ the press of other matters,
- ◆ the fact that adequate time for discovery has not been provided,
- ◆ the delay in preparation of the transcript,
- ◆ the fact that many of the requested documents have not been provided at all,
- ◆ the fact that some documents that were provided were not in a useful format in spite of best efforts by counsel for the GMD, and

- ◆ other factors

have made preparing an appropriate submittal in the time permitted impossible.

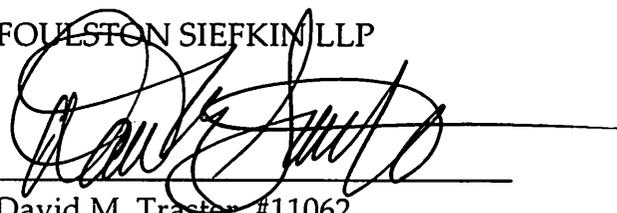
15. Intervenor's are aware of no facts indicating that a delay would prejudice any party, especially in light of the Chief Engineer's comment at the conclusion of the November 14, 2017, hearing indicating that because the GMD has proposed changes to its plan, "it is likely that the order of decision will return the plan to the GMD for further consideration, proposed changes, and any other matters that I determine necessary." Transcript p. 287-288.

16. Because of the timing of this Motion, counsel has not been able to confer with counsel for DWR or the GMD before filing this motion.

WHEREFORE, the Intervenor's request that the Chief Engineer extend the deadline to submit comments now scheduled for December 12, 2017.

Respectfully submitted,

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ATTORNEY FOR INTERVENORS

## CERTIFICATE OF SERVICE

On this 11th day of December 2017, I hereby certify that foregoing was sent by electronic mail to:

David W. Barfield, Chief Engineer  
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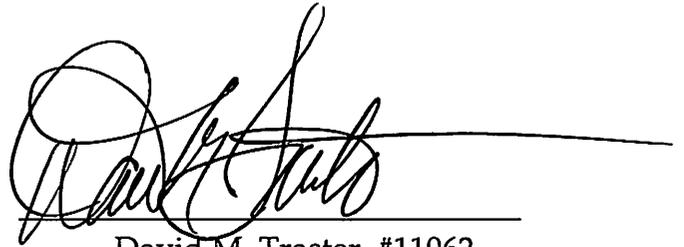
and true and correct copies were sent by the same methods to:

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A handwritten signature in black ink, appearing to read "David M. Traster", is written over a horizontal line. The signature is stylized and cursive.

David M. Traster, #11062