

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

In the Matter of the Proposed Greater GMD4
Local Enhanced Management Area in
Cheyenne, Rawlins, Gove, Logan,
Sheridan, Sherman, Thomas, and
Wallace Counties, Kansas

Pursuant to K.S.A. 82a-1041.

002 – DWR LEMA - 2026

PREHEARING ORDER

COMES NOW, Earl D. Lewis Jr., P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture (Chief Engineer), and hereby issues this Prehearing Order in the Matter of the Proposed Greater GMD4 Local Enhanced Management Area (LEMA) submitted by Northwest Kansas Groundwater Management District Number 4 (GMD4). In support of such Prehearing Order, the Chief Engineer finds and orders as follows:

1. A prehearing conference was held in the above-captioned matter on August 28, 2026. The prehearing conference was conducted electronically via video conference and was recorded.
2. The prehearing conference was presided over by the Chief Engineer. Also present in the capacity of providing advice and assistance to the Chief Engineer was Stephanie Kramer, Chief Counsel, Kansas Department of Agriculture (KDA).
3. It was noted that, for the duration of these proceedings, KDA-DWR staff members who have provided technical assistance to the Chief Engineer in his role as the presiding officer have been Chris Beightel and Ken Kopp, while KDA-DWR staff members who have represented KDA-DWR in its role as a formal party to these proceedings have been Lane Letourneau and Kelly Stewart and that that will continue to be the case.
4. GMD4 manager Shannon Kenyon was present on behalf of GMD4.
5. Present on behalf of Kansas Department of Agriculture, Division of Water Resources (KDA-DWR) staff members who will represent KDA-DWR in its capacity as a party to the second public hearing in the above captioned matter (public hearing) was Kate Langworthy, KDA Staff Attorney.
6. Attorneys Daniel Buller and David Traster of Foulston Siefkin, LLP were present as observing members of the public. It was noted that Mr. Buller and Mr. Traster are finalizing arrangements regarding representation of currently unidentified clients potentially interested in this matter and intend to request to participate in the above-captioned

proceedings as formal parties on behalf of such clients, though no such request was made at or prior to the prehearing conference.

7. The prehearing conference was held for the purpose of selecting a date for the public hearing, specifying the procedures to be followed at the public hearing, setting applicable deadlines, and considering all other matter necessary for conducting the public hearing.
8. The public hearing will be held on October 13, 2026, in-person at the City Limits Convention Center in Colby, Kansas and will begin at 9:00 a.m. central time. The hearing will conclude by 12:00 p.m. central time.
9. The Chief Engineer will act as the hearing officer for the public hearing. As of the date of issuance of this Prehearing Order, the formal parties to the public hearing are GMD4 and KDA-DWR. Any requests to participate as a formal party will be considered as of the date they are received.
10. The public hearing will be for the purpose of considering the LEMA's proposed corrective controls, the likelihood that the LEMA plan will achieve the stated goals, and any other matters the Chief Engineer deems necessary.
11. The public hearing will consist of a formal phase and an informal phase. During the formal phase of the public hearing, GMD4 will present its testimony first, followed by KDA-DWR and then by any other parties that have been granted permission to participate as a formal party as of the hearing date.
12. During the informal phase of the public hearing, all parties not participating in the formal phase, including parties affected by the proposed LEMA, organizations, and any interested members of the public, will have an opportunity to provide oral and written testimony.
13. During both the formal and informal phases of the hearing, the Chief Engineer may ask clarifying questions of witnesses providing oral testimony, and the formal parties will also be permitted to ask clarifying questions of each other during the formal phase of the public hearing. The rules of evidence will not be strictly adhered to, and all clarifying questions should avoid taking the form of cross examination, including during the formal phase of the public hearing.
14. During the public hearing, the Chief Engineer will apply procedures that provide all parties a reasonable opportunity to be heard and present evidence and will give effect, as determined reasonable, to the privileges listed in K.S.A. 60-426 through 60-436 and any other privileges recognized by law.
15. Both formal and informal parties may submit written testimony and exhibits in advance of the hearing. Such testimony will be included in the hearing record and will be considered along with all other evidence presented. The deadline for formal parties to submit written pre-hearing testimony and exhibits is October 6, 2026. Informal parties may submit written testimony any time in advance of the hearing or at the hearing.

16. Both formal and informal parties will have the opportunity to submit written post-hearing testimony and exhibits, which may be for the purpose of rebuttal, until October 27, 2026.
17. The Chief Engineer may also require or allow post-hearing briefing by the formal parties. The Chief Engineer will set deadlines regarding the submission of post-hearing briefs, if it is determined that the same will be required or allowed, in a post-hearing order, which will be issued prior to October 27, 2026.
18. The hearing record will close on October 27, 2026 or, if post-hearing briefing is required or allowed, on the date that post-hearing briefing by the formal parties is concluded.
19. Written testimony or exhibits may be submitted, in accordance with this order, either at the public hearing; via mail to Kansas Department of Agriculture, Attn: Legal Division, 1320 Research Park Drive, Manhattan, Kansas 66502; or via electronic mail to ronda.hutton@ks.gov. Submissions subject to deadlines as set out in this order must be received by the applicable deadline date.
20. Following the close of the hearing record, the Chief Engineer will issue an order in accordance with K.S.A. 82a-1041 and rules and regulations adopted pursuant thereto.

IT IS SO ORDERED THIS 31ST DAY OF AUGUST 2026.



Earl D. Lewis Jr., P.E.
Chief Engineer, Division of Water Resources
Kansas Department of Agriculture

CERTIFICATE OF SERVICE

On this 31st day of August 2026, I hereby certify that a true and accurate copy of the foregoing Prehearing Order was sent by electronic mail to:

Shannon Kenyon
skenyon@gmd4.org

Kate Langworthy
kate.langworthy@ks.gov

Daniel Buller
dbuller@foulston.com

David Traster
dtraster@foulston.com

/s/Stephanie A. Kramer
Stephanie A. Kramer