

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

In The Matter of )  
the Designation of the Sheridan 6 ) 12 WATER 8366  
Local Enhanced Management Area (“LEMA”) )  
\_\_\_\_\_ )

**HEARING MANAGEMENT ORDER NO. 1**

On the 14<sup>th</sup> of November, 2012, between 9:05 and 10:11 am, the Chief Engineer held a pre-hearing telephonic conference in the above-captioned matter. Groundwater Management District No. 4 (“GMD4”) and its counsel, Division of Water Resources’ (“DWR”) staff and counsel, and Mr. Brownie Wilson of the Kansas Geologic Survey (“KGS”) participated in the conference. For purposes of proceedings before the Chief Engineer in the above-captioned case, IT IS HEREBY ORDERED THAT:

**1. Notice of Hearing.**

**a. By the Chief Engineer.**

As set forth by the Notice of Hearing issued by the Chief Engineer on October 10, 2012, the second public hearing in this matter will take place at 10:30 am on Wednesday, November 28, 2012. The hearing will be held at the Sheridan County Courthouse, 925 9<sup>th</sup> Street, Hoxie, Kansas. The hearing is scheduled for one day and may continue as long as necessary for a full disclosure of the relevant facts.

**b. By Publication.**

Pursuant to K.S.A. 82a-1041(b), Notice of Hearing was given by publication in the Hoxie Sentinel on October 18, 2012.

**2. Final Pre-hearing Proceedings.**

**a. Pre-Filed Testimony.**

To enhance the Chief Engineer's review at the hearing, GMD4, DWR, and the KGS shall make every effort to pre-file their testimony with the Chief Engineer by November 21, 2012. Filings by electronic means are acceptable. Pre-filed testimony includes any testimony in electronic form, and any testimony that will be presented by audio-visual means (see Section 4.b. below). Failure to pre-file any such testimony shall not preclude any person's right to present testimony at the hearing.

**b. Record from First Hearing.**

The record from the September 13, 2012 hearing in this matter shall be incorporated into the record of the second hearing. To that end, DWR shall pre-file that September 13, 2012 record with the Chief Engineer by November 21, 2012.

**3. Hearing Proceedings.**

**a. Subject Matter of Hearing.**

Pursuant to K.S.A. 82a-1041(c), the subject matter of the hearing shall be limited to the local enhanced management plan that was reviewed at the September 13, 2012 hearing. The hearing will consider whether to accept, reject, or suggest modifications to the proposed LEMA.

**b. Record of Hearing.**

**i. Who may present testimony.**

Anyone may submit written or oral statements to be included in the hearing record. Oral statements will be accepted only at the hearing. Written statements may be submitted at the public hearing or be sent to the Sheridan 6 LEMA, c/o Leslie Garner, 109 S.W. 9<sup>th</sup> Street, 4<sup>th</sup> Floor, Topeka, Kansas 66612, faxed to (785) 368-6668, or e-mailed to [leslie.garner@kda.ks.gov](mailto:leslie.garner@kda.ks.gov).

Written comments will be accepted if delivered or postmarked on or before Tuesday, December 4, 2012. Interested members of the public are encouraged to attend the hearing.

**ii. Order of Testimony; copies of same.**

Testimony shall be presented in the following order:

1. GMD4, including any testimony by KGS and DWR staff requested by GMD4;
2. the KGS, as it deems necessary to submit testimony independently of GMD4;
3. DWR; and
4. Members of the Public.

GMD4, the KGS, and DWR shall provide five (5) copies of their testimony at the hearing. After the record closes on December 4, 2012, DWR will post the record online at its website.

**iii. Conduct of Hearing by Chief Engineer; Questions.**

To ensure a complete a record as possible, the Chief Engineer anticipates questioning of GMD4, KGS, and DWR, and may ask questions of others who provide testimony. In the event that anyone decides not to respond to the Chief Engineer's questions at the hearing, responses may be submitted in written form by December 4, 2012, pursuant to Section 3.b.1 above. In the event that members of the public provide testimony in the form of questions to GMD4, the KGS, DWR or others, the Chief Engineer will use his discretion in allowing them to respond. This is a public hearing and no cross-examination of anyone providing testimony is allowed.

**iv. Court Reporter.**

A court reporter will provide a written transcript of the hearing.

**4. Hearing Room Logistics, Audio-Visual Equipment, and Demonstrative Exhibits.**

**a. Hearing Room Logistics.**

Ms. Rhonda White, assistant clerk of the Sheridan County District Court, has graciously agreed to assist in the hearing. She may be contacted at (785) 675-3451, and by email at dchoxie@ruraltel.net. Please contact her with any questions regarding hearing room logistics.

**b. Audio-Visual Equipment.**

DWR will provide a standard PC laptop computer as well as a projector that can project images from the computer's screen. The courtroom is equipped with a projection screen. Those who wish to provide testimony in the form of such images, including powerpoint slides, maps, photographs, and other images, shall be prepared to use the DWR computer at the hearing.


**c. Demonstrative Exhibits.**

Demonstrative exhibits need not be pre-filed and will not be admitted into the record unless the person using them so requests.

**5. Order to Publish and Distribute.**

This Order shall be published electronically by posting on both the GMD4 and DWR websites.

Dated: November 16, 2012.

  
David W. Barfield  
Chief Engineer