

**BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF KANSAS**

IN THE MATTER OF

The application of the Cities of
Hays, Kansas and Russell, Kansas
for approval to transfer
water from Edwards County, Kansas
pursuant to the Kansas Water Transfer Act.

OAH No. 23AG0003 AG

**PREHEARING ORDER GRANTING INTERVENTION OF WATER PACK AND
EDWARDS COUNTY**

The above matter comes before the Presiding Officer/Administrative Law Judge (ALJ) to address a petition to intervene by Water PACK and Edwards County (Edwards County), Kansas.

1. On December 5, 2022, 2022, Water PACK and Edwards County (Edwards County), Kansas filed an amended joint petition for intervention.
2. The Kansas Water Transfer Act specifies that intervention in this matter shall be in accordance with the Kansas Administrative Procedures Act (KAPA), except that the petition for intervention must be filed at least 60 days prior to the hearing.¹
3. KAPA requires the ALJ must issue an order granting or denying each pending petition for intervention at least one business day prior to the hearing, and that the ALJ may issue an order modifying intervention.²
4. A prehearing conference in this matter is scheduled to be held on February 15, 2023, and may be continued for up to 45 days. The formal public hearing in this matter cannot take place for at least 90 days after the conclusion of the prehearing conference.³ Therefore, the petition for intervention filed on December 5, 2022 is timely.
5. Sufficient information has been provided to establish Water PACK and Edwards County **may** have an interest in the outcome of the proceeding. Without making judgment on the facts as set forth in the respective briefings, it would be premature to determine that Water Pack and Edwards County do not have relevant interest in this matter. Therefore, in the interest of justice, the petition for intervention is granted. However, the ALJ reserves the

¹ K.S.A. 82a-1503(c).

² K.S.A. 77-521(d).

³ K.S.A. 82a-1503(b).

right to issue further order(s) in the future limiting the intervention of Water PACK and Edwards County, or any intervenors, should the ALJ deem it necessary to do so.

IT IS SO ORDERED.



Matthew A. Spurgin
Administrative Law Judge
Office of Administrative Hearings

Certificate of Service

On February 14th, 2023, I certify that a copy of the foregoing was placed in the United States first class mail, postage prepaid, addressed to:

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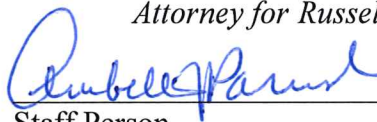
and I further certify that I caused a copy of the foregoing to be served electronically through OAH's e-filing system to:

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