

**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 BIG BEND
GROUNDWATER MANAGEMENT DISTRICT No. 5**

The above matter comes before the Presiding Officer/Administrative Law Judge (ALJ) to address a petition to intervene by Big Bend Groundwater Management District No. 5 (GMD5).

1. Before the above captioned matter was referred to the Office of Administrative Hearings (OAH), GMD5 submitted a "Petition for Intervention" to the Water Transfer Panel requesting intervention pursuant to K.S.A. 85a-1503(c) and K.S.A. 77-521.
2. On February 15, 2023, GMD5 filed a timely petition for intervention with OAH.¹ The petition also noted GMD5 fell within the definition as a "commenting agency" pursuant to the Water Transfer Act.²
3. During the prehearing conference held on February 15, 2022, the matter of GMD5's intervention was addressed and GMD5 was asked to re-submit its petition for intervention to OAH. During the prehearing conference, the City of Hays, Kansas noted it had no objection to GMD5's intervention in this matter. No other parties voiced any opposition to GMD5 being granted intervention in the matter.
4. GMD5's petition for intervention is granted. Counsel for GMD5 shall be added to the service list for this proceeding along with the other intervenors and other parties.

IT IS SO ORDERED.


Matthew A. Spurgin
Administrative Law Judge
Office of Administrative Hearings

¹ See K.S.A. 82a-1503(c).

² K.S.A. 82a-1501(i)

Certificate of Service

On February 20th, 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:

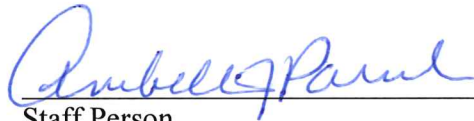
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