

**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) OAH NO. 23AG0003 AG
FROM EDWARDS COUNTY, KANSAS)
PURSUANT TO THE KANSAS WATER)
TRANSFER ACT.)
_____)**

Pursuant to K.S.A. Chapters 77 and 82a.

**THE CITIES' SUBMISSION OF
INFORMATION REGARDING
POTENTIAL HEARING LOCATIONS**

COME NOW the Cities of Hays and Russell, Kansas, by and through their undersigned counsel, and provide this submission about potential Water Transfer hearing locations.

In compliance with the directive in Paragraph 6 of the February 21, 2023, Prehearing Order, the City of Hays, in coordination with the City of Russell, explored potential locations for the Water Transfer Hearing based on the criteria set out in the Prehearing Order with the potential to accommodate a hearing lasting as long as two weeks. The search criteria are attached.

The Director of the Hays Convention and Visitors Bureau contacted her counterparts in Great Bend, Dodge City, and Wichita. She located the following potential locations for the hearing.

Dodge City

Boot Hill Casino & Resort Conference Center
4100 W Comanche St.
No on-site IT staff but "Operations Staff" can address IT needs.

Great Bend

Great Bend Events Center
3111 10th Street
No on-site IT staff.

Wichita All locations have on-site IT staff.

Wichita State University Campus

Hyatt Regency
400 W. Waterman
Adjacent to Century II Convention Center
next to the Arkansas River

Marriott Hotel
9100 E. Corporate Hills Drive
East side of Wichita
near Kellogg and Webb Road

Drury Plaza Hotel Broadview
400 W. Douglas Ave
Downtown Wichita
next to the Arkansas River.

DoubleTree by Hilton Hotel
2098 S. Airport Rd,
Near the Eisenhower National Airport

As discussed during the February 15, 2023 portion of the Zoom Prehearing Conference, the term “basin of origin” is not defined in the Water Transfer Act. The Cities were permitted to share their screen to show three different river-basin maps. Holding the hearing in Dodge City, Great Bend, or Wichita would comply with the statute’s “basin of origin” requirement. See the attached basin maps.

The Cities intend to present evidence electronically with a very limited number of printed exhibits. The First Amended Water Transfer Application alone has 185 Exhibits covering 7,721 pages. The Cities are still processing well over 100,000 pages of documents but have identified over 1,500 “key” exhibits. In addition, there could be a many as 12 expert reports, with hundreds of pages of supporting documentation. Printing all of the exhibits, reports, and supporting documentation would be impractical, burdensome, and cost prohibitive.

The WTA requires that that the presiding officer fairly and equitably assess the costs of the hearing among the applicant and other parties. While there may be other vendors who can provide these services, the attached fee schedule states that travel costs are based on actual charges. The Appino and Biggs Reporting Service has an office in Wichita. Holding the hearing in any other City would increase costs for travel, hotel, and meals for the Trial Technician and the Audio-Visual Technician.

The Cities submit that, of the locations contemplated at the prior conference, Wichita is the most feasible venue for the hearing for several reasons including that there are multiple venues of sufficient size and capabilities.

Respectfully submitted

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing Submission Of Information Regarding Potential Hearing Locations was served this 2nd day of March 2023, by uploading it to OAH Case Nos. 23AG0003 and by electronic mail to the following:

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WATER TRANSFER HEARING

Courtroom Requirements

This list assumes no additional intervenors.

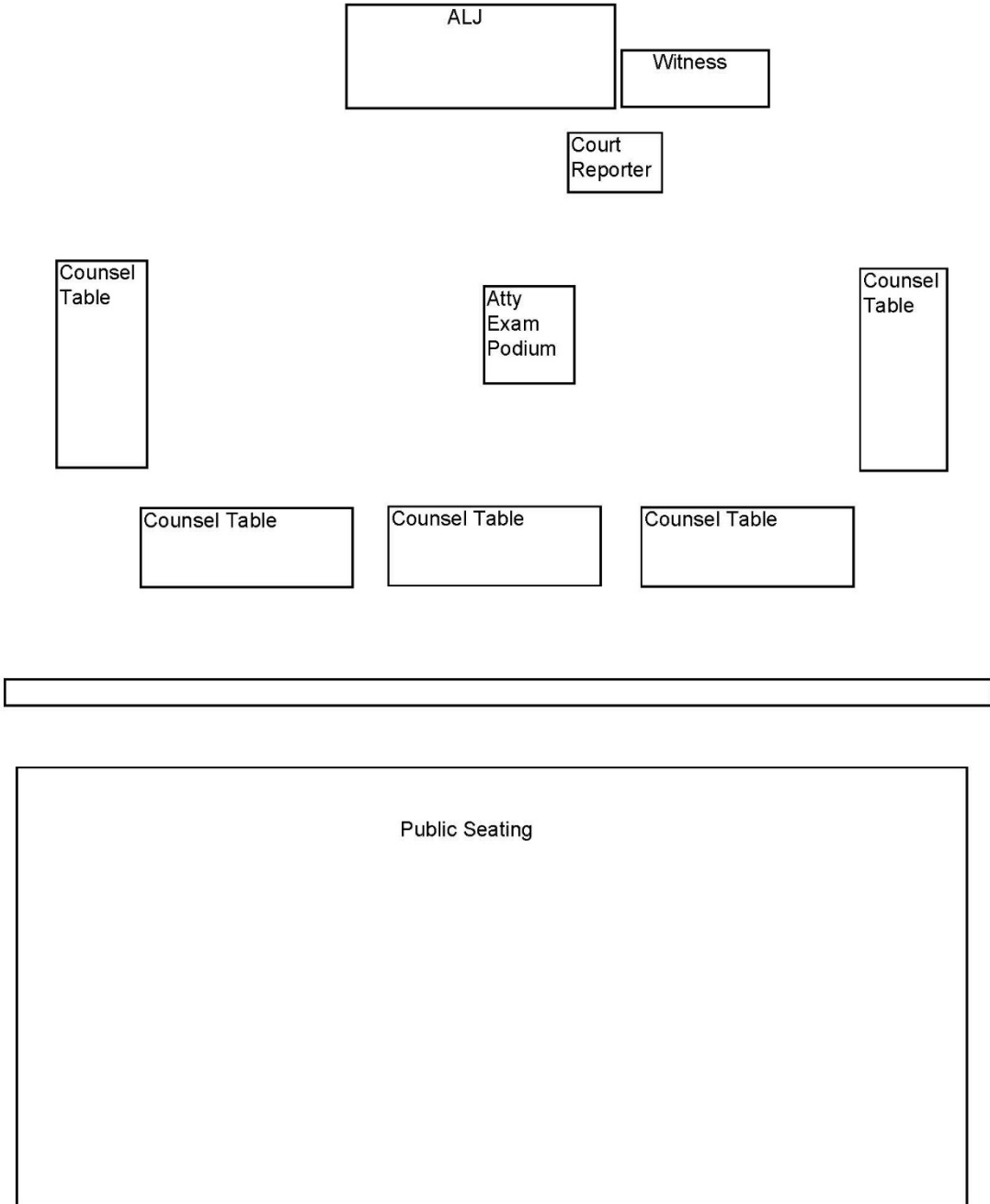
Courtroom Layout and Facility Requirements (proposed layout attached)

- ◆ Table for the ALJ
- ◆ Table for court reporter
- ◆ Table for witness
- ◆ Podium for attorney examination
- ◆ Five counsel tables (8')
 - City of Hays
 - City of Russell
 - Water PACK/Edwards County
 - GMD5
 - KDA/DWR
- ◆ Six separate work rooms near the courtroom for, preparation, collaboration, storage, meals, and other needs of the parties and the ALJ. The courtroom and work rooms must be secure so equipment can be left overnight but work rooms need to be accessible to the parties 24-7
 - ALJ
 - Court Reporter
 - Cities of Hays and Russell (large enough to accommodate 10+ people)
 - Water PACK and Edwards County
 - GMD5
 - KDA, DWR
- ◆ Public seating area for up to _____?
 - Suggest 75-100 because there will be at least one opportunity for the public to provide comments.
- ◆ High speed internet connection with sufficient bandwidth
- ◆ Enough electrical outlets to accommodate monitors, laptop computers, and other equipment of all parties, the court reporter, and the ALJ.

Electronics to be provided by outside vendor; fee schedule attached:

- ◆ 1 or 2 large monitors
- ◆ Ten small monitors (judge, witness, court reporter, attorney podium, counsel tables)
- ◆ Ten microphones (judge, witness, court reporter, attorney podium, counsel tables)
- ◆ Speakers
- ◆ Cameras for zoom and/or witnesses who testify remotely
- ◆ Cables, switches, etc.

Proposed Hearing Room Layout





Technology Specialists in Complex Litigation

Fee Schedule

Set up & Breakdown of Courtroom	-	\$500
Trial Technician Daily Charge	-	\$950
Audio-Visual Technician Daily Charge	-	\$450
70-Inch Monitor Daily Charge	-	\$90
50-Inch Monitor Daily Charge	-	\$75
8 20-Inch Monitor Daily Charge	-	\$80
Elmo Daily Charge	-	\$20
Switch Box Daily Charge	-	\$25
Projector Daily Charge	-	\$25
Speakers Daily Charge	-	\$10
Before 8:00 a.m. or After 5:00 p.m.	-	\$50/hour
Weekend Rates	-	Additional 25%
Travel and parking	-	Actual Charges
Trial Training		\$75 hour

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