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Mike Beam, Acting Secretary

Laura Kelly, Governor

March 28, 2019

Toby Dougherty, City Manager  
CITY OF HAYS  
City Hall, 16th & Main  
P.O. Box 490  
Hays, KS 67601  
City of Hays and Russell

Jon Quinday, City Manager  
CITY OF RUSSELL  
133 W. 8th Street  
P.O. Box 112  
Russell, KS 67665

RE: In the Matter of the City of Hays' and the City of Russell's Applications for Approval to Change the Place of Use, the Point of Diversion and the Use Made of the Water Under an Existing Water Right, regarding the following existing water rights: File Nos. 21,729-D1; 21,729-D2; 21,730; 21,731; 21,732-D1; 21,732-D2; 21,733; 21,734; 21,841; 21,842; 22,325; 22,326; 22,327; 22,329; 22,330; 22,331; 22,332; 22,333; 22,334; 22,335; 22,338; 22,339; 22,340; 22,341; 22,342; 22,343; 22,345; 22,346; 27,760; 29,816; 30,083; and 30,084.

Dear Messrs. Dougherty and Quinday:

Enclosed are contingent approval documents that I have issued today, i.e., the Master Order and its accompanying incorporated Change Approvals and other appendices and exhibits. These documents provide contingent approval for the Cities' requested applications for change under the above referenced file numbers related to the R9 Water Rights.

As you know, these issued documents follow an extensive public process related to the consideration of the change applications.

Because these contingently approved changes are related to the Cities' desire to move greater than 2,000 acre-feet of water more than 35 miles, the Cities have previously submitted an application to transfer water from Edwards County to the Cities pursuant to the Water Transfer Act (K.S.A. 82a-1501, et seq.). With the issuance of the enclosed contingent approval documents, I anticipate that the water transfer proceedings will be initiated in the near future.

Your attention is directed to the terms, conditions, and limitations explained in the enclosed Master Order and incorporated and specifically applied in its accompanying Change Approvals. A unique condition of these documents is that they do not become effective until the occurrence of certain events, as explained in the Master Order. One such required event is certain written notice to be provided to DWR by the Cities. Please provide this notice such that DWR receives it within 30

days as explained in the Master Order. Also note that, upon the effectiveness of the enclosed documents, additional conditions enumerated in each change approval will apply to the corresponding water right. These include conditions regarding the installation of diversion works and water meters, which must be completed by certain deadlines and documented by the submission of certain forms.

Because the enclosed Master Order will modify and impose new conditions on the R9 Water Rights upon becoming effective, it should be recorded with the Register of Deeds as other instruments affecting real estate, upon becoming effective.

Finally, I have also enclosed a document entitled "DWR Staff Review of R9 Ranch Pumping and Water Levels," dated March 26, 2019, which document is referenced in the enclosed Master Order, is posted on DWR's website for this matter (<https://www.agriculture.ks.gov/HaysR9>), and is a part of the extensive record considered in this matter.

If you have any questions, please contact this office.

Sincerely,



David W. Barfield, P.E.  
Chief Engineer  
Division of Water Resources

Enclosures:

Master Order Contingently Approving Change Applications Regarding R9 Ranch Water Rights including Change Approvals for above referenced file numbers  
DWR Staff Review of R9 Ranch Pumping and Water Levels

pc:

David M. Traster, FOULSTON SIEFKIN LLP  
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Kent Moore, President, Water PACK