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Jackie McClaskey, Secretary

Governor Sam Brownback

March 8, 2016

David M. Traster
Daniel J. Buller
Foulston Siefkin LLP
1511 N. Waterfront Parkway, Suite 100
Wichita, KS 67206-4466

RE: Water Right File Nos. 21,729; 21,730; 21,731; 21,732;
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

Gentlemen,

As we continue to work through the process of evaluating the City's pending water right change applications, we have identified additional issues that were not included in our original meeting request and would therefore like to expand the scope of items to be discussed at our March 24, 2016 meeting.

The Hays change applications and proposed transfer were the focus of many of the audience's questions at the annual meeting of Water PACK in St. John on February 15. Comments and questions from the audience included:

- Will basin stakeholders' concerns related to the City of Hays change applications be formally heard?
- Will the City of Hays be allowed to take more water of the area than the safe yield?
- The irrigation of alfalfa was not sustainable long-term and therefore that high level of water use should not be a basis for determining how much water can be converted from irrigation to municipal use.

KDA-DWR's work to date has focused on whether the Hays change applications comply with our regulations, which are designed to generally ensure that changes are "...reasonable and will not impair other water rights", as required by K.S.A. 82a-708b. Given the project's large scale, long-term nature and other unique aspects, we are paying close attention to the reasonableness of the quantities and the effects on the area.

We are taking a closer look at historical water use, water level changes, and aquifer characteristics

in the area. And while it may not be necessary or appropriate to constrain long-term use to the area's safe yield, it is in everyone's best interest to ensure that the project is viable and reasonable for the long-term.

We would like to discuss the work the city has done related to the long-term sustainability of the project and its effects to the area.

As noted above, basin stakeholders would like an opportunity to have their concerns heard prior to a decision. Our regulations allow for a pre- or post-decision hearing before the chief engineer if requested by the applicant, and for the non-applicant, anyone who believes they are aggrieved by the chief engineer's decision can request a review by the Secretary of Agriculture. See K.A.R. 5-14-3. We would like to discuss the City's views on requesting a pre- or post-decision hearing on the change applications.

We look forward to our discussions on March 24. Let us know if you have any questions on these additional matters.

Sincerely,

A handwritten signature in blue ink that reads "David Barfield". The signature is written in a cursive style.

David W. Barfield, P.E.
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