

**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**

The above matter comes before the Presiding Officer/Administrative Law Judge (ALJ) to address “letters” sent to the ALJ by counsel for the Cities of Hays, Kansas and Russell, Kansas.

1. On November 8, 2022, a *Prehearing Order and Notice of Prehearing Conference* was issued in the above matter advising the parties that a prehearing conference would be held by video conference on February 15, 2023.
2. On February 3, 2023 a letter was sent to the ALJ on behalf of the Cities of Hays, Kansas and Russell, Kansas requesting a prehearing conference order.
3. On February 10, 2023, a letter was sent to the ALJ on behalf of the Cities of Hays, Kansas and Russell, Kansas requesting the prehearing conference be converted to allow parties to appear in-person.
4. “Letters” to the ALJ are not a proper way for any party to make any request in these proceedings. Any request should be filed as a motion, which has been properly served on all parties.
5. The November 8, 2022, a *Prehearing Order and Notice of Prehearing Conference* explained to the parties that the prehearing conference would be an opportunity for the parties to address any concerns with moving forward in this matter. No further guidance will be provided prior to the prehearing conference.
6. The “request” to conduct the prehearing conference in-person is denied. The matter has been scheduled to be conducted by video conference. The parties have been provided instructions how to join the video conference to participate in the proceeding.
7. Any further “requests” must be filed as motion properly served on all parties.

8. This prehearing order shall govern the proceedings until such time as it is replaced by a subsequent order. No agreement of the parties alone may modify this order.

IT IS SO ORDERED.



Matthew A. Spurgin  
Administrative Law Judge  
Office of Administrative Hearings

**Certificate of Service**

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

**City of Hays**  
c/o Toby Dougherty, City Manager  
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Hays, KS 67601

**Mark Frame**  
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**City of Russell**  
c/o John Quinday, City Manager  
133 W. 8<sup>th</sup> Street  
Russell, KS 67665

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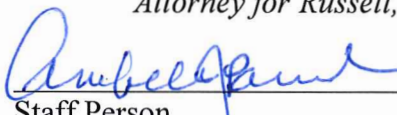
and I further certify that I caused a copy of the foregoing to be served electronically through OAH's e-filing system to:

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