

**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

AMENDED NOTICE OF PUBLIC COMMENT HEARING

Notice is hereby provided that a **public comment hearing** will be held in the above captioned matter.

**June 20, 2023
6:00 p.m. – 8:00 p.m.
Black and Gold Room
Memorial Union
Fort Hays State University
600 Park Street
Hays, KS 67601**

Those unable to attend in person but who wish to observe the public comment hearing may observe the proceeding through Zoom video conference through www.zoomgov.com and using Meeting ID: **161 450 7874** and Passcode: **193237**.

Individuals wishing to provide public comments may sign up upon arrival. Beginning at 6:00 p.m. the applicants, intervenors, and commenting agencies will each have an opportunity to give a brief presentation to explain their position or role in the proceeding. Following the presentations from the parties, members of the public who have signed up to provide comments will be given an opportunity to speak. Time for individual comments may be limited based upon the number of individuals who have signed up to comment in order to accommodate all who wish to comment. Please note while the proceeding will be available to view through Zoom, public comments will be limited to those individuals attending the Public Comment Hearing in-person.

The Public Comment Hearing may conclude prior to 8:00 p.m. at the discretion of the presiding officer if public comments have concluded.

In accordance with the Kansas Water Transfer Act, K.S.A. 82a-1501 et seq., an application from the Cities of Hays, Kansas and Russell, Kansas is currently pending for approval to transfer more than 2,000 acre-feet of water from their water rights in Edwards County, Kansas to Hays and

Russell. A presiding officer has been appointed from the Office of Administrative Hearings to preside over the matter.

A Formal Public Hearing has been scheduled to begin on July 19, 2023 in Wichita, Kansas. This Formal Public Hearing will be open to public observation, but not for public comment.

Pursuant to K.S.A. 82a-1503(b) the presiding officer has scheduled the Public Comment Hearing to be held in Hays, Kansas. Members of the public will have the opportunity to attend the Public Comment Hearing and have an opportunity to state their comments which can be heard by other members of the public, the presiding officer, and the parties to the case.

WRITTEN PUBLIC COMMENTS: Members of the public may also submit written comments by mail and **received** by June 26, 2023. If comments are handwritten, the writing should be legible. Written comments must be identified as a **Public Comment for the Hays/Russell Water Transfer Application, OAH No. 23AG0023 AG** to identify the correspondence as a public comment. All comments must include the name and mailing address of the person submitting the comment.

Written public comments may be mailed to:

Water Transfer Hearing Panel
c/o Chief Engineer - Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Dr.
Manhattan, KS 66502

Comments received no later than June 26, 2023 will be provided to the Presiding Officer and the parties in this matter and may become part of the record. Anonymous comments are not permitted. Comments submitted which do not comply with the above requirements may not be provided to the Presiding Officer or the parties in this matter.

IT IS SO ORDERED.



Matthew A. Spurgin
Presiding Officer/Administrative Law Judge
Office of Administrative Hearings

Certificate of Service

On May 30th, 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
PO Box 490
Hays, KS 67601

Mark Frame, Attorney at Law
PO Box 37
Kinsley, KS 67547
Attorney for Edwards County

City of Russell
c/o John Quinday, City Manager
133 W. 8th Street
Russell, KS 67665

Lynn D. Preheim / Christina J. Hansen
Stinson LLP
1625 Waterfront Pkwy, Ste. 300
Wichita, KS 67206
Attorneys for GMD5

Melvin Sauer Jr. / Donald Hoffman
Dreiling, Bieker & Hoffman LLP
PO Box 579
Hays, KS 67601-0579
Attorneys for City of Hays

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

Stephanie Kramer, Interim Chief Counsel
Kate Langworthy, Staff Attorney
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, KS 66502

Daniel Buller
Foulston Siefkin LLP
7500 College Blvd. Ste. 1400
Overland Park, KS 66210
Attorney for City of Hays

Charles D. Lee, Myndee M. Lee,
Micah Schwalb,
Lee Schwalb LLC
PO Box 26054
Overland Park, KS 66225
Attorneys for Water PACK

David M. Traster
Foulston Siefkin
1551 N. Waterfront Pkwy, Ste. 100
Wichita, KS 67601
Attorney for City of Hays

Kenneth L. Cole
PO Box 431
Russell, KS 67665
Attorney for the City of Russell

Staff Person
Office of Administrative Hearings
1020 S. Kansas Avenue
Topeka, KS 66612
(785) 296-2433/(785)296-4848 (fax)