

**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 Presiding Officer/Administrative Law Judge (ALJ) hereby issues this *Prehearing Order* following the issuance of an *Amended Notice of Public Comment Hearing* in the above captioned case.

1. On May 22, 2023, the Cities of Hays, Kansas and Russell, Kansas (collectively, the Applicants) filed a motion asking the ALJ to amend the notice of the public comment hearing to be held on June 20, 2023 in Hays, Kansas. The motion reported the Applicants had attempted to reach all other parties and received no objections, but that counsel for Applicants had been unsuccessful in attempts to confer with counsel for Edwards County.
2. The motion is granted, and an amended notice will be issued. To facilitate written public comments, pursuant to the amended notice, any written public comments must be submitted to the Water Transfer Hearing Panel, c/o Chief Engineer – Division of Water Resources, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, KS, 66502 so that they are received no later than Monday, June 26, 2023.
3. The Kansas Department of Agriculture (KDA) is a commenting agency in the above captioned proceeding pursuant to K.S.A. 82a-1501(i).
4. KDA is hereby directed to submit a filing with the Office of Administrative Hearings no later than Friday, June 30, 2023 of any written public comments received by KDA in accordance with amended notice.¹ The filing should include a verification either from KDA's attorney or a staff person with KDA that a certain number of pages of attachments represent the public comments in this matter submitted to the Water Transfer Hearing Panel in the care of the Chief Engineer by June 26, 2023.

¹ The amended notice requires any written comment be legible and to identify that it is a public comment for the Hays/Russell Water Transfer Application, OAH No. 23AG0003 and that the comment include the name and address of the individual submitting the comment.

5. Any request to extend the deadline for filing copies of any written public comments must be filed no later than June 29, 2023.
6. This order shall govern these proceedings until such time as any provision of this order is replaced by a subsequent order. No agreement of the parties alone can modify this order.

IT IS SO ORDERED.



Matthew A. Spurgin
Administrative Law Judge/Presiding Officer
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:

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

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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:

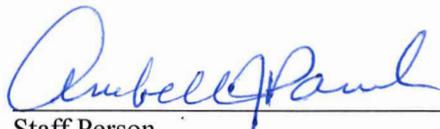
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