

**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 Case No. 23AG0003 AG

KANSAS WATER OFFICE
COMMENT PERIOD REQUEST FOR COMMENTING AGENCIES

The Kansas Water Office (KWO) as a commenting agency, by and through its assistant director Matthew C. Unruh, requests the Court allow a comment period for all commenting agencies through October 31, 2023, based on the following:

1. Pursuant to K.S.A. 82a-1501(i), “commenting agencies” are defined as “groundwater management districts and state natural resource and environmental agencies, including but not limited to the Kansas department of health and environment, the Kansas water office, the Kansas water authority, the Kansas department of wildlife, parks and tourism and the division of water resources of the Kansas department of agriculture.”
2. Pursuant to K.S.A. 82a-1501(i), the KWO and Kansas Water Authority (KWA) are a “commenting agency.”
3. Pursuant to K.S.A. 82a-1503(b), the KWO and KWA are meant to receive notice of the hearing process.
4. Pursuant to K.S.A. 74-2622(a), the KWA is established within and as a part of the KWO.
5. The KWO received notice of the hearing, which commenced on July 19, 2023, via another party to this matter.

6. The KWA chairperson and voting members have yet to receive notice of the hearing as described in K.S.A. 82a-1503(b).
7. The KWA is subject to provisions of the Kansas Open Meetings Act as defined in K.S.A. 75-4317 through 75-4320a.
8. A quorum of voting members of the KWA must be present at an open meeting to approve submitting comments on this or any matter.
9. The KWA's next regular meeting scheduled on August 23, 2023, would be the first opportunity for voting members to discuss and review this matter in their capacity as a commenting agency following notice of hearing receipt.
10. The KWA's regular meeting scheduled on October 18, 2023, would be the first opportunity for voting members to approve submitting comments on this matter as a commenting agency following discussion and review at their regular meeting scheduled on August 23, 2023.
11. The KWO or KWA may, after observation of the hearing and review of publicly accessible information on this matter, find reason to provide comment to the Court before issuance of an order by the Presiding Officer/Administrative Law Judge (ALJ).

Respectfully submitted,

/s/ Matthew C. Unruh
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Assistant Director for KWO

CERTIFICATE OF SERVICE

On the 22nd day of July, 2023, I certify that I caused a copy of the above and foregoing to be served on all parties via the Office of Administrative Hearings' electronic filing system.

/s/ Matthew C. Unruh _____
Kansas Water Office