



October 27, 2023

Re: Kansas Water Authority Comments on 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)

To whom it may concern:

The Kansas Water Authority (KWA) appreciates the opportunity provide comments as a recognized commenting agency 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). Established in 1981 by the Kansas Legislature, the KWA is responsible for advising the Governor, Legislature and Director of the Kansas Water Office on water policy issues and for approving the Kansas Water Plan, federal contracts, administration regulations and proposed legislation.

Local input from stakeholders across Kansas is a fundamental component of comprehensive state water planning for the management, conservation and development of the water resources of the Kansas. Regional Advisory Committees (RAC) provide this local voice in the state water planning process as they advise the Kansas Water Office (KWO) and KWA on local water-related issues and serve as a link to the public and water management entities within their respective regions. The Great Bend Prairie and Smoky Hill-Saline RACs serve as that local voice for the KWA in both the basin of origin (Great Bend Prairie) and the basin of use (Smoky Hill-Saline). The KWA requested input from both of these RACs in association prior to submission of comments as a commenting agency. Feedback provided to the KWA from both of these RACs at their October 2, 2023, meetings is noted as follows:

Great Bend Prairie RAC Feedback to KWA:

- The RAC recommends that the hearing panel would hear all parties out and give due consideration before making a final decision.
- The RAC acknowledges the conservation effort that the cities of Hays and Russell have implemented.
- The RAC would like to ensure that the decision to transfer water is a sound choice.
- The RAC would like to challenge experts to define “What is Sustainability”.

Smoky Hill – Saline RAC Feedback to KWA:

- The RAC recognizes the commitments, both financially and over time, that the cities of Hays and Russell have put forth towards this process.
- The RAC desires to ensure that the allocation numbers and data are accurate to ensure sustainability into the future.
- The RAC encourages all parties to continue open discussions.
- The RAC would like to acknowledge that all parties involved are willing participants and eminent domain was not used for the purchase of the land and associated water rights of the R9 Ranch.

The full KWA met on October 18, 2023, to review the feedback provided by both of these RACs and consider comments to provide as a commenting agency on this matter. KWA comments provided during this meeting are as follows:

- Kansas Water Authority endorses the recommendations of the Great Bend Prairie and Smoky Hill-Saline RACs, but recognizes the definition of sustainability is not part of the criteria on which the hearing officer's decision is founded.
- The Kansas Water Authority would like to note that, if approved, this transfer should not be regarded as a precedent for future interbasin transfers.
- The Kansas Water Authority encourages the hearing officer to honor the process of compiling data and analytical review for evidence-based decisions.

The Kansas Water Authority appreciates this opportunity to provide comment. Please feel free to contact me at Dawn.BuehlerKWA@kwo.ks.gov should any additional follow up be necessary on these comments provided on behalf of the Kansas Water Authority.

Sincerely,



Dawn Buehler
Chair, Kansas Water Authority