

**Public Comment for the Hays/Russell Water Transfer Application, OAH No. 23AG0023
AG**

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

This is a written public comment to be included in the record of the Public Comment Hearing for the Hays/Russell Water Transfer Application, OAH No. 23AG0023 AG.

This is written in support of the approval of the water transfer application submitted by the cities of Hays and Russell, Kansas, in 2015.

Hays bought the R9 ranch in 1994, with the city of Russell buying an 18% share the following year. This, however, wasn't the beginning of the search for water. That search began back in the 1970s and 1980s. It has, however, culminated in the R9 Ranch being deemed the most feasible and sustainable source of water for the two communities.

The cities of Russell and Hays represent over \$3 billion in economic activity. Take a moment and imagine what the loss of that would do to the state of Kansas as a whole and the 35,000 people in this area that rely on that economy. The loss of the use of the R9 ranch by both cities would have a devastating impact on the people of this area and the economy. Those effects would ripple through the entire state.

The average water use for one person in our region of the country is 172 gallons per day. The average water use for one person in the state of Kansas is 130 gallons per day. The cities of Russell and Hays are leading the way both in the state and in our region of the country in water conservation. Again, think about the fact that we are using 52% less water than the average user in this region and 36% less than the average Kansan. That sort of water conservation is mind-blowing to me.

Imagine if everyone else in the state of Kansas cut their water usage by 36%. What would that do to help water levels in the state? Imagine what that would do if just those in and around Edwards County, GMD 5, and WaterPACK members reduced their water usage by 36%. Actually, we don't need to imagine; we know what that would do. GMD 5 and WaterPACK have been fighting with the U.S. Fish and Wildlife Service over the Quivira NWR impairment complaint, Water Right File No. 7571, for years. In that complaint, the chief engineer at the time, David Barfield, contended that significant reductions in streamflow from junior pumping, mainly farmers, have led to the regular and significant impairment of Quivira's senior water rights. KDA's chief engineer said a 30% reduction in pumping is required to alleviate the impairment.

Take a moment and read that again. A reduction of 30% would have solved the impairment issues at Quivira. However, GWD 5 and WaterPACK refused to reduce their water consumption. Instead, they want to solve the problem through augmentation. Or, to put it another way, by taking water from somewhere else (potentially hurting others) and bringing it to them to fix their issue of using too much. Just imagine if they took water conservation as seriously as Russell and Hays and reduced their usage by 36%.

The R9 ranch was bought on the open market in 1994. The purchase of the ranch included the rights to 7,647 acre-feet of water for agricultural use. The land and water rights were not condemned or taken from anyone else. They were bought fair and square. After the application of the consumptive use calculation to convert from agricultural to municipal usage, the rights were lowered by 11.65% to 6,756 acre-feet. Because the cities of Russell and Hays truly believe in water conservation and being good stewards of our water, they voluntarily agreed to limit their water usage to 4,800 acre-feet based on a 10-year rolling average. That represents a further 28.9% reduction from consumptive use and a 37.23% reduction overall. However, according to GMD 5 and WaterPACK, the cities should further reduce the 4,800 acre-feet by an additional 16.66% to 4,000 acre-feet. That would represent a 40.79% reduction in consumptive use and a 47.69% reduction overall. Think about that for a minute: GMD 5 and WaterPACK want the cities of Russell and Hays to reduce the amount of water they legally have a right to for municipal use by an additional 16.66% over what they have already voluntarily reduced. Yet when they are told that they need to reduce their water usage by 30% to alleviate the Quivira NWR impairment, they believe they shouldn't have to reduce their usage at all! That is an interesting and troubling double standard that is being set by GMD 5 and WaterPACK.

The survivability, sustainability, and prosperity of the cities of Russell, Hays, and surrounding areas are dependent on the approval of the transfer of water from R9 to Russell and Hays. The Transfer Panel has the opportunity to recognize the outstanding water conservation and forward thinking of Russell and Hays. A model that the entire state of Kansas could use going forward. Approval of the application means the cities and our area can once again grow and prosper economically. This growth and prosperity will not be limited to just Russell and Hays but will benefit surrounding communities and the state as a whole. Approval of this transfer will also lead to the creation of the second largest walk-in hunting area in the state, creating additional economic opportunities in Edwards County and the surrounding area.

I urge you to approve the transfer application without delay and without restrictions.

Sincerely,



Dustin Madden
June 21, 2023