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

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WATER RESOURCES
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JUN 23 2023

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

KS DEPT OF AGRICULTURE

This is 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 nearly 8 years ago.

Hays, and subsequently Russell, had the foresight nearly 3 decades ago to search and secure additional water resources. They did not do so with disregard for their neighbors or their taxpayers, but in an organized, methodical manner. Hundreds of water studies were conducted and evaluated before landing on the R9 as the best possible long-term solution to their water needs.

I was a part of the Hays City Commission when the applications were first submitted in 2015. It was clear then that the R9 was our best opportunity at long term growth, and it remains so today.

The highest use of this resource for the state, for taxpayers, for the region and for the specific communities is to approve this transfer. Hays and Russell represent a \$3 billion economic driver in a key region of the state. Because the communities have been so extraordinarily successful in changing their culture to conserve and stretch resources, they have continued to grow their economies. However, they are quickly approaching, if they have not already met, the limits of conservation and thus this economic engine will be throttled moving forward.

Through the change of use process the cities voluntarily agreed to limit their use of the R9 to an average of 4,800 acre-feet per year. This was no small concession as we were legally entitled to a much larger annual usage. However, this was an easy decision for the governing body. Hays as a community has a culture of extraordinary water management. The thought of expending millions of taxpayer dollars to quickly deplete the R9 over just a few decades was not in the interests of anyone.

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In retrospect however, this relatively quick and easy decision by community leaders has not been fully appreciated or recognized by our neighbors, agricultural leaders or state authorities. Hays and Russell are leaders in water conservation and management, not just in Kansas, but across the nation. The decision by Hays and Russell to voluntarily limit themselves should have been celebrated and serve as the final piece of evidence that the communities intend to utilize the R9 in the best way possible for the benefit of everyone. Instead, the cities were subjected to years of litigation.

The Transfer Panel has the opportunity to recognize the outstanding culture the communities have developed over the past 3 decades. Cities like Wichita are just now beginning to realize their water resources are not infinite. Hays and Russell may be the first transfer applicants, but they will not be the last. If Hays and Russell cannot gain approval, then who can?

Denial of the transfer means limiting a \$3 billion economic engine and the future growth of these communities. Denial means surrounding communities will also be forever limited in population and economic growth. Denial means reduced future revenue to the state.

Currently the R9 is pumping no water at all. Denial of the transfer means the cities will need to ask themselves if no water utilization is the best use of the R9. Denial could potentially mean more water being used at the R9 in an agricultural use than would ever be used in a municipal use.

Approval of the application means the cities and region can once again grow in population and economic drivers. Surrounding communities can benefit from that growth or even potentially partake of the R9 water themselves. Approval means more revenue to the state. Approval means the creation of the second largest walk-in hunting area in the state, creating additional economic drivers in the Edwards County region. And all done in a sustainable manner with no negative impacts to surrounding land or communities.

Finally, approval means setting a precedent of opportunity and a culture of conservation for future communities who utilize the Water Transfer Act.

I can think of no scenario where denial of the application results in better outcomes. However, approval of the application will result in multiple beneficial outcomes for the cities, for the state and future potential applicants.

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

Sincerely,



Shaun Musil
Mayor