

**Summary of DWR contingent approval of
Hays/Russell change applications regarding R9 Ranch Project**

March 28, 2019

- On March 27, 2019, the Chief Engineer contingently approved change applications submitted by the cities of Hays and Russell to convert the irrigation rights of the R9 Ranch in Edwards County to municipal use for the cities.
- Due to the quantity of water and the distance that the Cities propose to transport the water under the R9 Ranch Project, the Cities' request to transfer water requires approval by the Water Transfer Panel under the state's Water Transfer Act, K.S.A. 82a-1501 et seq. Accordingly, the approved change applications are contingent on the water transfer panel's approval of the Cities' transfer application.
- The documents approving the water right changes include a 53-page master order as well as 32 individual change approvals and other attachments and exhibits. The master order includes the Chief Engineer's summary and review of the pertinent public input received regarding the change application decision.
- The irrigation rights of the R9 Ranch include 32 water rights covering 56 points of diversion with a total authorized quantity of 7647 acre-feet/year for irrigation. Because only the consumptive use portion of the water rights can be changed from irrigation use to municipal use, the total authorized quantity is being contingently reduced to a maximum of 6,756.8 acre-feet/year.
- In addition, the Chief Engineer has imposed a 10-year rolling aggregate limitation of 48,000 acre-feet (an average of 4,800 acre-feet /year), based on the reasonable long-term yield of the R9 Ranch water rights. The master order includes prescribed reporting and monitoring requirements and also includes a delayed effective date, among other conditions.
- Due to the significance of the Cities' proposed changes, the Chief Engineer afforded an expanded public review process, including the May 2018 posting of detailed, draft proposed approval documents for public review; a June 2018 public informational meeting; and an extended public comment period.
- As a result of the public process, the following key revisions to the initial proposed approval documents were made by the Chief Engineer and incorporated into the issued Master Order.
 - Provisions that would have allowed the 10-year rolling aggregate limitation potentially to be dropped in the future were removed.
 - A provision was added that requires a public hearing prior to any increase of the 10-year rolling aggregate limitation.
 - A water quality component was added to the Cities' monitoring plan.
 - A minor error in the cities' groundwater modeling was identified and corrected.
- The next step is to initiate the water transfer proceedings under the Water Transfer Act. The water transfer panel will consist of the Chief Engineer, the Director of the Kansas Water Office, and the Secretary of the Kansas Department of Health and Environment or the Director of the Division of Environment. A hearing officer will be appointed who will hear testimony. At issue at the hearing will be whether it is in the state's overall best interest to allow the Cities' requested transfer of the water. The process of the water transfer proceedings is anticipated to take 1-2 years.
- KDA-DWR is maintaining the following website with information regarding agency proceedings concerning the R9 Ranch Project: www.agriculture.ks.gov/HaysR9.