

Kansas Department of Agriculture  
Division of Water Resources  
**PERMIT OF NEW APPLICATION WORKSHEET**

1. File Number:  <b>50252</b>	2. Status Change Date: <b>12/22/2020</b>	3. Field Office:  <b>02</b>	4. GMD:
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5. Status:  Approved       Denied by DWR/GMD       Dismiss by Request/Failure to Return

6. Enclosures:  Check Valve     N of C Form     Water Tube     Driller Copy     Meter

7a. Applicant(s)  New to system      Person ID **66720**  
Add Seq# \_\_\_\_\_

**TOWANDA LAND COMPANY LLC  
3709 S WEST STREET  
WICHITA, KS 67217**

7b. Landowner(s)  New to system      Person ID \_\_\_\_\_  
Add Seq# \_\_\_\_\_

**7a**

7c. Landowner(s)  New to system      Person ID \_\_\_\_\_  
Add Seq# \_\_\_\_\_

7d. Misc  New to system      Person ID \_\_\_\_\_  
Add Seq# \_\_\_\_\_

8. WUR Correspondent  New to system      Person ID \_\_\_\_\_  
Overlap File (s) WUC Add Seq# \_\_\_\_\_  
Agree  Yes  No Notarized WUC Form

**7a**

9. Use of Water: Changing?  Yes  No

Groundwater       Surface Water

IRR       REC       DEW       MUN

STK       SED       DOM       CON

HYD DRG     WTR PWR     ART RECHR

IND SIC: **1442**       OTHER: \_\_\_\_\_

10. Completion Date: **12/31/2021**      11. Perfection Date: **12/31/2025**      12. Exp Date: \_\_\_\_\_

13. Conservation Plan Required?  Yes  No Date Required: \_\_\_\_\_ Date Approved: \_\_\_\_\_ Date to Comply: \_\_\_\_\_

14. Water Level Measuring Device?  Yes  No Date to Comply: \_\_\_\_\_ Date WLMD Installed: \_\_\_\_\_

Date Prepared: **7/17/20** By: **BMM**  
Date Entered: **12/28/2020** By: **LMoody**

File No. **50252**      15. Formation Code: **100**      Drainage Basin: **Arkansas River**      County: **SG**      Special Use:      Stream:

16. Points of Diversion										17. Rate and Quantity					
MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Authorized		Additional		
											Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
<b>CHK</b>			<b>87532</b>	<b>SW SE SE</b>	<b>21</b>	<b>26S</b>	<b>1E</b>	<b>17</b>	<b>600</b>	<b>1300</b>	<del>Evap</del>	<b>15</b>	<del>NA</del>	<b>NA</b>	<b>NA</b>
											<b>NE</b>	<b>15</b>	<b>NE</b>	<b>15</b>	<b>none</b>
<b>new project id, IND evap?</b>															
<b>TO BE ASSIGNED IN WRIS AS SOON AS IS POSSIBLE</b>															

18. Storage: Rate \_\_\_\_\_ NF      Quantity \_\_\_\_\_ ac/ft      Additional Rate \_\_\_\_\_ NF      Additional Quantity \_\_\_\_\_ ac/ft

19. Limitation: \_\_\_\_\_ af/yr at \_\_\_\_\_ gpm (\_\_\_\_\_ cfs) when combined with file number(s) \_\_\_\_\_  
 Limitation: \_\_\_\_\_ af/yr at \_\_\_\_\_ gpm (\_\_\_\_\_ cfs) when combined with file number(s) \_\_\_\_\_

20. Meter Required?  Yes  No      To be installed by **12/31/2021**      Date Acceptable Meter Installed \_\_\_\_\_

21. Place of Use										NE¼								NW¼				SW¼				SE¼				Total	Owner	Chg? NO	Overlap Files
MOD	DEL	ENT	PUSE	S	T	R	ID	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼										
<b>CHK</b>			<b>69463</b>	<b>21</b>	<b>26S</b>	<b>1E</b>	<b>5</b>	<b>9.5 ac</b>								<del>Groundwater Pit Located in 21-26S-1E</del>				<b>S2 SE</b>					<b>7a</b>	<b>N</b>	<b>NA</b>						

11/20/2020  
KAB



**From:** Lanterman, Jeff [KDA]  
**Sent:** Wed 9/9/2020 10:40 AM  
**To:** Milner, Brandon [KDA]  
**Cc:** Conant, Cameron [KDA]  
**Subject:** RE: New App Review Memo for 50,252

Brandon. I have no objections to approval of this application. If we can get by without the ind term I think we should do it.

Thanks  
Jeff

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**From:** Conant, Cameron [KDA] <Cameron.Conant@ks.gov>  
**Sent:** Wednesday, September 9, 2020 10:25 AM  
**To:** Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>  
**Subject:** FW: New App Review Memo for 50,252

Holler if you have questions. I just can't decide if it needs an industrial term or not to make it right for now? I think it's ok as is, but want you to confirm that in your recommendation to Brandon.

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**From:** Conant, Cameron [KDA]  
**Sent:** Thursday, September 3, 2020 4:35 PM  
**To:** Lanterman, Jeff [KDA] <[Jeff.Lanterman@ks.gov](mailto:Jeff.Lanterman@ks.gov)>  
**Subject:** FW: New App Review Memo for 50,252

See review, looks fine just need to clarify if we are good to move on w/out a term for industrial use...since this is mechanical excavation of the GW pit.

Cam

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**From:** Conant, Cameron [KDA]  
**Sent:** Wednesday, September 2, 2020 9:21 AM  
**To:** Lanterman, Jeff [KDA] <[Jeff.Lanterman@ks.gov](mailto:Jeff.Lanterman@ks.gov)>  
**Subject:** FW: New App Review Memo for 50,252

Jeff, I think they are basically creating a borrow pit for highway construction use. They will expose GW with the digging of the pit. This area is over appropriated, but "open" so we modified the application down to a 15 AF exemption. They plan to expose 9.5 acres of GW and this application will cover the evaporation from the exposed GW. I've attached the application map, they have a p/u cross hatched on the map with the intention of having a 9.5 acre pit once complete within the cross hatching.

They have submitted the notice of intent to open a sand and gravel operation. They intend to begin in 2021 and will end in 2026 with mechanical excavation of the pit.

Does there need to be a term permit associated with this for Industrial Use or does the application as filed suffice? They did list this as a mechanical excavation....not a hydraulic dredge, so maybe a term is not needed in this case.

The FO recommends approval of this GW pit provided the appropriate Industrial Term Permit is also filed if necessary.

-  
Please pass on to Brandon if you agree that this can be approved as a 15 AF exemption.

Cameron

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**From:** Milner, Brandon [KDA] <[Brandon.M.Milner@ks.gov](mailto:Brandon.M.Milner@ks.gov)>  
**Sent:** Wednesday, August 26, 2020 4:48 PM  
**To:** Conant, Cameron [KDA] <[Cameron.Conant@ks.gov](mailto:Cameron.Conant@ks.gov)>  
**Subject:** RE: New App Review Memo for 50,252

Looking over a safeyield of the area, I did not see any.

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**From:** Conant, Cameron [KDA] <[Cameron.Conant@ks.gov](mailto:Cameron.Conant@ks.gov)>  
**Sent:** Wednesday, August 26, 2020 4:35 PM  
**To:** Milner, Brandon [KDA] <[Brandon.M.Milner@ks.gov](mailto:Brandon.M.Milner@ks.gov)>  
**Subject:** RE: New App Review Memo for 50,252

I'll try to get this to you Friday as I'm going out in the field tomorrow.

On the SY, did you make sure there are no other 15 AF exemptions within the 2 mile circle?

Cameron

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**From:** Milner, Brandon [KDA] <[Brandon.M.Milner@ks.gov](mailto:Brandon.M.Milner@ks.gov)>  
**Sent:** Wednesday, August 26, 2020 2:43 PM  
**To:** Conant, Cameron [KDA] <[Cameron.Conant@ks.gov](mailto:Cameron.Conant@ks.gov)>  
**Subject:** RE: New App Review Memo for 50,252

Sorry about that. I was using a template from Doug that had the GMD #2 regulations in it. I have taken out the spacing requirements from GMD 2. Let me know if I need to rework some other parts of the document.

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**From:** Conant, Cameron [KDA] <[Cameron.Conant@ks.gov](mailto:Cameron.Conant@ks.gov)>  
**Sent:** Wednesday, August 26, 2020 12:40 PM  
**To:** Milner, Brandon [KDA] <[Brandon.M.Milner@ks.gov](mailto:Brandon.M.Milner@ks.gov)>  
**Subject:** RE: New App Review Memo for 50,252

Hello Brandon, can you revise the memo a bit? It is referencing GMD regs but this is outside the GMD's. I haven't reviewed it more than that at this time. I'll keep reviewing if you work on the memo a bit more.

Cameron

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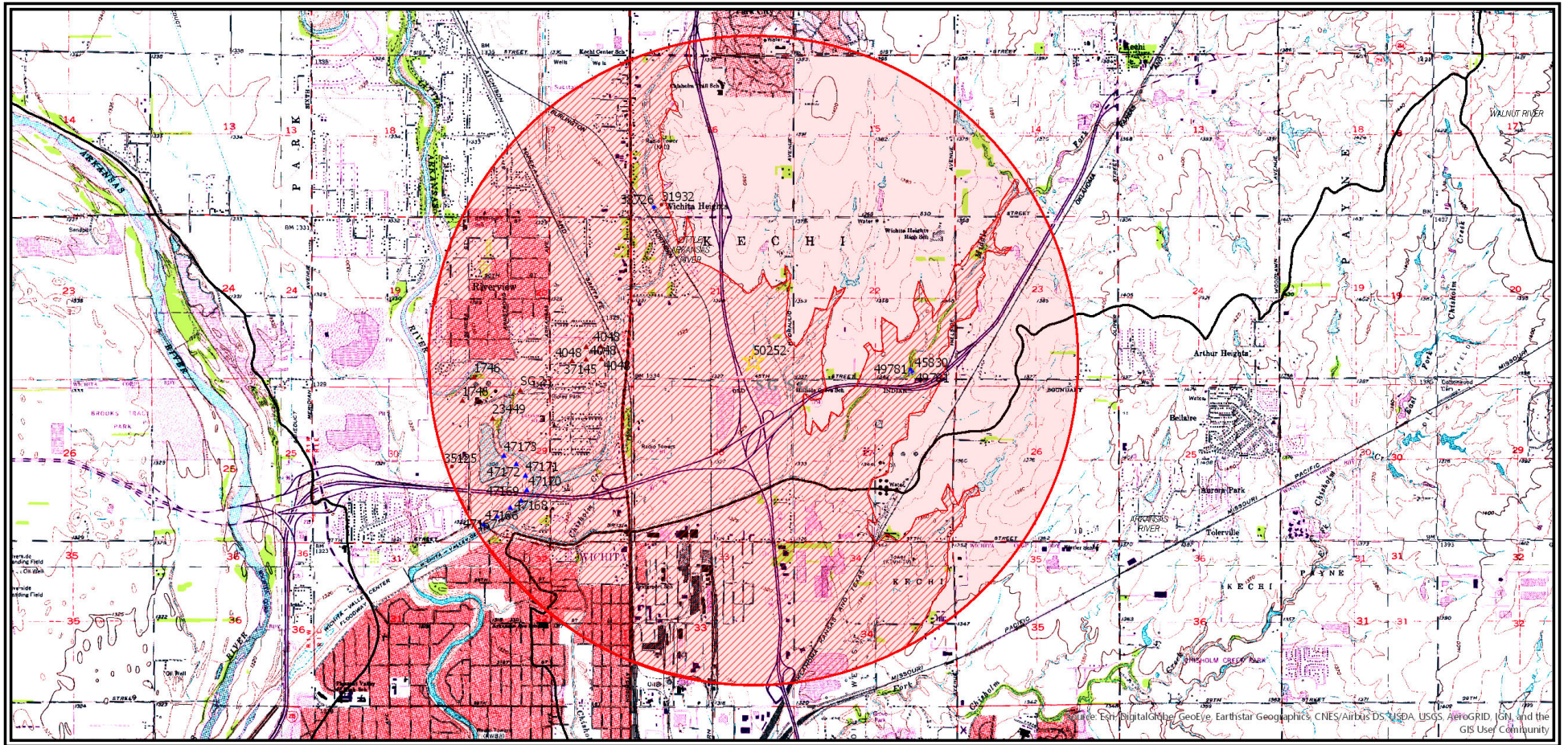
**From:** Milner, Brandon [KDA] <[Brandon.M.Milner@ks.gov](mailto:Brandon.M.Milner@ks.gov)>  
**Sent:** Thursday, August 20, 2020 2:01 PM  
**To:** Lanterman, Jeff [KDA] <[Jeff.Lanterman@ks.gov](mailto:Jeff.Lanterman@ks.gov)>; Conant, Cameron [KDA] <[Cameron.Conant@ks.gov](mailto:Cameron.Conant@ks.gov)>  
**Subject:** New App Review Memo for 50,252

Good afternoon guys,

Attached is a memo, letter of concern and response letter for application No. 50,252. This is a proposed new groundwater pit for a road construction project in Sedgwick county. This application did not initially meet safe-yield requirements but it does meet a 15 AF exception rule. Could you please provide a recommendation? If there is anything needed on the response letter, please let me know. Thanks!

Brandon

**Safe Yield Report Sheet**  
**Water Right- A5025200**  
**Point of Diversion in 21-26S-01E**  
**Footages from SE corner- 600 feet North 1,300 feet West**



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

## Analysis Results

The selected PD is in an area OPEN to new appropriations.

The safe yield based on the variables listed below is 1,680.52 AF.

Total prior appropriations in the circle is 2,578.68 AF.

Total quantity of water available for appropriation is 0.00 AF.

## Safe Yield Variables

The area used for the analysis is set at 4,979 acres.

The potential annual recharge at the circle center is estimated to be 5.4 inches.

The percent of recharge available for appropriation is 75%.

Authorized Quantity values are as of 13-NOV-2019 and are based on Appropriated and Vested ground water right and possible stream nodes for GMD #2. Domestic, Term and Temporary water rights have been excluded.

There are 8 water rights and 12 points of diversion within the circle.

File Number	Use	ST	SR	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Qind	Auth Quant	Add Quant	Tot Acres	Net Acres
A 1746 00	MUN	NK	G		SE	NE	NE	4616	218	30	26	01E	1	WR	1,936.47	511.09		
Same	MUN	NK	G		SW	SW	SW	47	5143	20	26	01E	6	WR				
A 4048 00	MUN	NK	G	NC	W2	SE	SE	654	980	20	26	01E	4	PD	95.32	95.32		
Same	MUN	NK	G		NW	SE	SE	1075	1000	20	26	01E	9	PD	68.65	68.65		
Same	MUN	NK	G		SE	SW	SE	640	1475	20	26	01E	11	PD	65.40	65.40		
Same	MUN	NK	G		NE	SW	SE	1040	1475	20	26	01E	10	PD	95.96	95.96		
A 23449 00	MUN	NK	G		SE	NW	NW	4020	4474	29	26	01E	5	WR	728.95	0.00		
A 31932 00	IRR	NK	G		SE	SW	SW	400	4300	16	26	01E	2	WR	20.00	20.00	80.00	80.00
A 35125 00	IRR	NK	G		NE	NE	SE	2455	552	30	26	01E	2	WR	9.20	9.20	6.10	6.10
A 37145 00	MUN	NK	G		NC	SW	SE	580	1931	20	26	01E	7	WR	150.01	150.01		
V SG 23 00	MUN	AA	G		NW	NE	NW	4949	3558	29	26	01E	9	WR	1,531.38	1,531.38		
A 50252 00	REC	AY	G		SW	SE	SE	600	1300	21	26	01E	17	WR	31.67	31.67		

## Limitations

File Number	Seq Num	Limitations
A 1746 00	1	665.54MGY COM/W #SG 23
A 4048 00	2	764GPM WHEN OPERATED SIMULTANEOUSLY
A 23449 00	2	665.54MGY @ 2790GPM COM/W #SG 23 & 1746

**KANSAS DEPARTMENT OF AGRICULTURE**  
**Division of Water Resources**  
**M E M O R A N D U M**

**TO:** Files

**DATE:** August 20, 2020

**FROM:** Brandon Milner

**RE:** Application, File No. 50,252

The above referenced application has been filed by Towanda Land Company to appropriate 15 acre-feet groundwater for industrial use, to cover natural evaporative loss from the surface of a groundwater pit with a projected exposed surface area size of 9.5 acres. The project is to be used for industrial use for a nearby highway project. The pit is located in the Southeast Quarter of Section 21, Township 26 South, Range 1 East, Sedgwick County, Kansas. The geographic center of the pit is represented by a point 600 feet north and 1,300 feet west of the Southeast corner of Section 21. The pit is located within the Arkansas River basin. The applicant has signed the application form stating he has legal access to the point of diversion.

The initial application had requested 31.67 acre-feet of water. The application was returned to the applicant on June 24, 2020, with a letter discussing that the maximum annual quantity of water considered reasonable for such use is one year of net evaporation. After subsequent review, it was concluded that the area of consideration is fully appropriated, and the requested quantity of water is not available. However, it was determined that a 15 Acre-feet rule would be satisfied in this situation as there are no other 15 Acre-feet exceptions in the area. The application was revised to reflect an allowable 15 acre-feet exemption to safe yield. The applicant submitted an email on July 1, 2020 stating that if the requested 31.67 acre-feet could not be approved, that the application should be modified to request 15 acre-feet. With a maximum volume of 15 Acre-feet per year, the maximum surface area of this pit will be 9.5 acres.

The applicant identified multiple wells and a groundwater pit located within one-half mile of the center of the proposed groundwater pit. The closest domestic well was more than 1000' feet away from the geographical center of the pit while the closest non-domestic well is 5,000' from the geographical-center of the pit. Nearby notification letters were sent out on July 17, 2020. A written letter was received from a domestic well owner. The well owner was concerned about water being diverted from their domestic well. A couple of telephone calls were received with general questions about the application, but no specific concerns were related.

In an e-mail on September 9, 2020, Jeff Lanterman, Water Commissioner of the Stafford Field Office, indicated he did not object to the approval of the referenced application. Based on the above discussion, the area is open to new appropriations, the application complies with minimum well spacing criteria, and there is no indication that senior water rights will be impaired, it is recommended that the referenced application be approved.

Brandon Milner  
Environmental Scientist  
Water Appropriation Program



THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE  
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES  
Earl D. Lewis Jr., Chief Engineer

**APPROVAL OF APPLICATION  
and  
PERMIT TO PROCEED**

(This is not a Certificate of Appropriation)

This is to certify that I have examined Application, **File No. 50,252** of the applicant

**TOWANDA LAND COMPANY LLC  
3709 S WEST STREET  
WICHITA, KS 67217**

for a permit to appropriate water for beneficial use, together with the maps, plans and other submitted data, and that the application is hereby approved and the applicant is hereby authorized, subject to vested rights and prior appropriations, to proceed with the construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a, as amended), and to proceed with all steps necessary for the application of the water to the approved and proposed beneficial use and otherwise perfect the proposed appropriation subject to the following terms, conditions and limitations:

1. That the priority date assigned to such application is **May 9, 2019**
2. That the water sought to be appropriated shall be used for industrial use for evaporative loss from a groundwater pit with a projected maximum surface area of 9.5 acres located in the South Half of the Southeast Quarter (S $\frac{1}{2}$  SE $\frac{1}{4}$ ) of Section 21, in Township 26 South, Range 1 East, Sedgwick County, Kansas.
3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of a groundwater pit with a projected geographic center located in the Southwest Quarter of the Southeast Quarter of the Southeast Quarter (SW $\frac{1}{4}$  SE $\frac{1}{4}$  SE $\frac{1}{4}$ ) of Section 21, more particularly described as being near a point 600 feet North and 1300 feet West of the Southeast corner of said section, in Township 26 South, Range 1 East, Sedgwick County, Kansas, located substantially as shown on the topographic map accompanying the application.
4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **natural evaporation** and to a quantity not to exceed **15 acre-feet** of water for any calendar year.
5. That installation of works for diversion of water shall be completed on or before **December 31, 2021**, or within any authorized extension thereof. The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee, which is currently \$400.00, when construction of the works has been completed. Failure to timely submit the notice and the fee will result in revocation of the permit. Any request for an extension of time shall be accompanied by the required statutory fee, which is currently \$100.00.
6. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before **December 31, 2025**, or any authorized extension thereof. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee, which is currently \$100.00.

7. That the applicant shall not be deemed to have acquired a water appropriation for a quantity in excess of the amount approved herein nor in excess of the amount found by the Chief Engineer to have been actually used for the approved purpose during one calendar year subsequent to approval of the application and within the time specified for perfection or any authorized extension thereof.

8. That the use of water herein authorized shall not be made so as to impair any use under existing water rights nor prejudicially and unreasonably affect the public interest.

9. That the right of the appropriator shall relate to a specific quantity of water and such right must allow for a reasonable raising or lowering of the static water level and for the reasonable increase or decrease of the streamflow at the appropriator's point of diversion.

10. That this permit does not constitute authority under K.S.A. 82a-301 through 305a to construct any dam or other obstruction; nor does it grant any right-of-way, or authorize entry upon or injury to, public or private property.

11. That the applicant shall maintain accurate and complete records from which the quantity of water diverted during each calendar year may be readily determined and the applicant shall file an annual water use report with the Chief Engineer by March 1 following the end of each calendar year. Failure to file the annual water use report by the due date shall cause the applicant to be subject to a civil penalty.

12. That no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.

13. That failure without cause to comply with provisions of the permit and its terms, conditions and limitations will result in the forfeiture of the priority date, revocation of the permit and dismissal of the application.

14. That the right to appropriate water under authority of this permit is subject to any minimum desirable streamflow requirements identified and established pursuant to K.S.A. 82a-703c for the source of supply to which this water right applies.

15. That the area around the groundwater pit shall be bermed or graded, and maintained to prohibit any surface drainage or storm water runoff from entering the aquifer through the excavated pit.

Ordered this 22 day of December, 2020, in Manhattan, Riley County, Kansas.

Lane P. Letourneau

Lane P. Letourneau, P.G.  
Water Appropriation Program Manager  
Division of Water Resources  
Kansas Department of Agriculture

State of Kansas )  
County of Riley ) SS

The foregoing instrument was acknowledged before me this 22 day of December, 2020, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture



Ashlee Freeman  
Notary Public

1320 Research Park Drive  
Manhattan, KS 66502  
785-564-6700  
www. agriculture.ks.gov



900 SW Jackson, Room 456  
Topeka, KS 66612  
785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

December 29, 2020

SORRINA GONZALEZ  
4901 N SHADOW  
PARK CITY, KS 67219

RE: Application, File No. 50,252

Dear Ms. Gonzalez

The Division of Water Resources received your email dated July 22, 2020 in which you expressed objections to the proposed appropriation of groundwater under the above referenced application. The application is proposing to appropriate groundwater for industrial use. The Chief Engineer is required to approve applications for water appropriation unless the proposed appropriation will impair existing water rights or prejudicially and unreasonably affect the public interest.

While the Kansas Water Appropriation Act protects prior water rights, the law also recognizes that some reasonable fluctuations in groundwater levels are allowable, provided senior water right holders can continue their beneficial use of water. When processing an application, the law requires that we take into consideration the area, safe yield and recharge rate of the water supply, spacing to existing wells, and the priority and authorized quantity of existing water rights. Our evaluation includes a review of area well logs and relevant hydrographs. In some instances, we obtain additional hydrologic analysis in order to ensure that impairment is unlikely. If an application meets the rules and regulations, the Chief Engineer is obligated by law to approve it unless impairment is indicated.

In the event that an application is approved by the Chief Engineer and you believe the diversion of water is impairing a senior water right, you should notify your local Stafford Field Office at 620-234-5311. The Chief Engineer is required to investigate any complaint that a prior right to the use of water is being impaired. If such impairment is found, the Chief Engineer must secure water to satisfy prior water rights.

Additional information may be found on our website at [agriculture.ks.gov/divisions-programs/dwr](http://agriculture.ks.gov/divisions-programs/dwr). If you have any questions, please contact me at 785-564-6640 or [Kristen.Baum@ks.gov](mailto:Kristen.Baum@ks.gov). If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Kristen A. Baum  
New Application Unit Supervisor  
Division of Water Resources

KAB: kab  
pc: StaffordField Office

1320 Research Park Drive  
Manhattan, KS 66502  
785-564-6700  
www. agriculture.ks.gov



900 SW Jackson, Room 456  
Topeka, KS 66612  
785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

December 29, 2020

TOWANDA LAND COMPANY LLC  
3709 S WEST STREET  
WICHITA, KS 67217

RE: Appropriation of Water, File No. 50,252

Dear Sir or Madam:

Enclosed is a permit authorizing you to proceed with construction of the proposed diversion works and to appropriate water for beneficial use as set forth in the permit. Your attention is directed to the enclosures and to the terms, conditions, limitations, and requirements specified in this permit.

Notice must be filed on the enclosed form once the diversion works have been completed. Failure to complete the diversion works within the time allowed, or within any authorized extension of time thereof, will result in dismissal of this permit. If you need an extension of time, you must request it before the deadline for completion set forth in the permit. Any request for an extension of time must be accompanied by the statutorily required fee, which is currently \$100.00.

An annual water use report must be filed with the Chief Engineer by March 1, following the end of each calendar year. If a complete annual water use report is not received by the deadline, then a fine may be assessed and all water use under such permit or right may be suspended. Reports submitted in paper form will be assessed a \$20 per file number paper filing fee. In order to avoid this filing fee, you may submit your report online at [www.kswaterusereport.org](http://www.kswaterusereport.org).

The approval of your application constitutes a permit to appropriate water. It does not give authority to construct any dam or other stream obstruction regulated by K.S.A. 82a-301 through 305a. It does not give authority to access any right-of-way or authorize trespassing upon or injury to public or private property. It may also be necessary for you to comply with other local, state or federal requirements.

Enclosed is an informational sheet that sets forth the procedure to obtain a Certificate of Appropriation which will establish the extent of your perfected water right. Additional information and applicable forms may be found on our website at [agriculture.ks.gov/divisions-programs/dwr](http://agriculture.ks.gov/divisions-programs/dwr). If you have any questions or need assistance with any of these requirements, please contact our office at 785-564-6640 or your local Stafford Field Office at 620-234-531. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Kristen A. Baum  
New Application Unit Supervisor  
Division of Water Resources

KAB:bmm  
Enclosure(s)  
pc: StaffordField Office

## RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

If you are aggrieved by this Order, then pursuant to K.S.A. 82a-1901, you may:

- 1) request an evidentiary hearing before the Chief Engineer, or
- 2) request administrative review by the Secretary of Agriculture.

Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (**i.e., within a total of 18 days after this Order was mailed to you**), with: Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, Kansas 66502, FAX (785) 564-6777.

If you do not file a request for an evidentiary hearing before the Chief Engineer, you may petition for administrative review of the Order by the Secretary of Agriculture. A petition for review shall be in writing and state the basis for requesting administrative review. The request for hearing may be denied if the request fails to clearly establish factual or legal issues for review. See K.S.A. 77-527. The petition must be filed within 30 days after service of this Order as provided in K.S.A. 77-531 (**i.e., within a total of 33 days after this Order was mailed to you**), and be filed with: Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, FAX (785) 564-6777.

If neither a request for an evidentiary hearing nor a petition for administrative review is filed as set forth above, then this Order shall be effective and become a final agency action as defined in K.S.A. 77-607(b). Failure to timely request either an evidentiary hearing or administrative review may preclude further judicial review under the Kansas Judicial Review Act

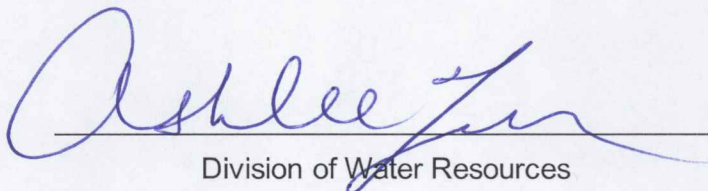
## CERTIFICATE OF SERVICE

On this 29 day of December, 2020, I hereby certify that the foregoing Approval of Application, File No. 50,252, dated 29 December, 2020, was mailed postage prepaid, first class, US mail to the following:

TOWANDA LAND COMPANY LLC  
3709 S WEST STREET  
WICHITA, KS 67217

With photocopies to:

Stafford Field Office

  
Division of Water Resources