

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

1. File Number: <p style="text-align: center;"><b>50773</b></p>	2. Status Change Date: <p style="text-align: center;"><b>2/21/2024</b></p>	3. Field Office: <p style="text-align: center;"><b>02</b></p>	4. GMD: <p style="text-align: center;"><b>05</b></p>
--	---	--	---

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 **68365**  
 Add Seq# 1

**HESS SERVICES INC**  
**PO BOX 843**  
**HAYS, KS 67601-0843**

7b. Landowner(s)  
 New to system                       Person ID **63160**  
 Add Seq# \_\_\_\_\_

**HESS LAND LLC**  
**PO BOX 843**  
**HAYS, KS 67601-0843**

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 **68635**  
 Add Seq# \_\_\_\_\_  
 Overlap File (s) WUC  
 Agree  Yes  No  
 Notarized WUC Form

**HESS SERVICES INC**  
**PO BOX 843**  
**HAYS, KS 67601-0843**

9. Use of Water:    Changing?     Yes     No

Groundwater     Surface Water

IRR             REC             DEW             MUN

STK             SED             DOM             CON

HYD DRG     WTR PWR     ART RECHRG

IND SIC: **3273**                       OTHER: \_\_\_\_\_

10. Completion Date: **12/31/2025**            11. Perfection Date: **12/31/2029**            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: 12/1/23            By: JNE  
 Date Reviewed: 2/7/2024            By: KAK  
 Date Entered: **3/1/2024**            By:  
KAnderson

File No. <b>50773</b>	15. Formation Code: _____ Drainage Basin: <b>ARKANSAS RIVER</b> County: <b>PAWNEE</b> Special Use: _____ Stream: _____																				
16. Points of Diversion										17. Rate and Quantity											
T MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W		Authorized		Additional									
										Rate gpm	Quantity mgy	Rate gpm	Quantity mgy	Overlap PD Files							
<b>MOD</b>	<b>66882</b>	<b>NE NE NE</b>	<b>8</b>	<b>22S</b>	<b>16W</b>	<b>5</b>	<b>4680</b>	<b>246</b>		<b>20</b>	<b>0.978</b>	<b>20</b>	<b>0.978</b>	<b>NONE</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? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No To be installed by <b>12/31/2025</b> Date Acceptable Meter Installed _____																					
21. Place of Use		NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files
T 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				
<b>MOD</b>	<b>70842</b>	<b>8</b>	<b>22S</b>	<b>16W</b>	<b>9</b>	<b>Ready Mix Concrete Plant (E½ NE¼ NE¼)</b>													<b>7b</b>	<b>NO</b>	<b>NONE</b>
Comments: <b>New App (File No. 50773) and Reduction (File No. 26461) need to be processed together as a package.</b>																					

**KANSAS DEPARTMENT OF AGRICULTURE**  
**Division of Water Resources**

**M E M O R A N D U M**

**TO:** Files

**DATE:** June 20, 2023

**FROM:** Jessica Engelbrecht

**RE:** Application, File No. 50,773

Hess Services, Inc., has filed the above referenced application proposing to appropriate 0.9 MGY (3 acre-feet) of groundwater for industrial use at a proposed rate of 20 gallons per minute. The proposed point of diversion is a singled well located in the (NE $\frac{1}{4}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$ ) of Section 8, more particularly described as being near a point 4,680 feet North and 246 feet West of the Southeast corner of said section, in Township 22 South, Range 16 West, Pawnee County, located within the boundaries of the Arkansas River Basin. The has signed the application stating that he has legal access to the point of diversion.

Several possible domestic wells were identified in a half-mile radius of the point of diversion. Nearby notification letters were mailed on March 24, 2023. Four nearby domestic well owners called with questions and concerns about the pending application. The callers did not want to submit their concerns in writing. According to the site map, the nearest domestic well is located approximately 1,330 feet away. According to WRIS, the nearest non-domestic point of diversion (Water Right, File No. 14,407) is located 2,063 feet away from the proposed point of diversion. The proposed point of diversion meets minimum well spacing to all existing wells. Per the requirements in K.A.R. 5-25-5 for all other aquifers, the minimum well spacing should be one-quarter mile to all other non-domestic wells and 660 feet to domestic wells.

The point of diversion is within the boundaries of Big Bend Groundwater Management District No. 5 (GMD 5). A copy of the application was submitted to GMD 5 on March 24, 2023. On March 24, 2023, a recommendation to deny the above-mentioned application was received for failure to meet the requirements of K.A.R 5-25-15d(3) requiring a reduction of an existing well to offset the requested quantity. On June 7, 2023, the applicant supplied a request for reduction for Water Right, File No. 26,461 located 6,145 feet from the proposed point of diversion. The Water Right is owned by the City of Larned and was signed by the mayor. The reduction request offsets the 3 acre-feet requested by the proposed application. In a letter dated June 19, 2023, GMD 5 stated that the inclusion of the reduction as an offset from the City of Larned means the modified application complies with the requirements of K.A.R. 5-25-15(c) and recommended approval of the application.

The proposed application is subject to minimum desirable streamflow requirements. The applicant signed, notarized, and returned the required form to our office on May 27, 2022.

In accordance with K.S.A. 82a-706c, the Chief Engineer retains full authority to require any water user to install meters, gages, or other measuring devices, which devices he or she or his or her agents may read at any time. Water flowmeter requirements are further described in K.A.R. 5-1-4 through K.A.R. 5-1-12. If any chemical or foreign substance is injected into the water pumped under this permit, a check valve will also need to be installed. A water level measurement tube is required because this is a proposed new well exceeding 100 gpm.

Jeff Lanterman, Water Commissioner, Stafford Field Office, recommended approval of the referenced application on December 1, 2023. Based on the above discussion, well spacing and safe yield criteria are met, and approval of the application will not impair senior water rights nor prejudicially or unreasonably affect the public interest, it is recommended that the referenced application be approved.

# Property Details for PID: 0731330800000002000

---

Shareable link to Property Information :	<a href="https://www.kansasgis.org/orka/permalinkprop.cfm?parcelid=0731330800000002000">https://www.kansasgis.org/orka/permalinkprop.cfm?parcelid=0731330800000002000</a>
--	---

---

Shareable link to Map:	<a href="https://www.kansasgis.org/orka/permalink.cfm?parcelld=0731330800000002000">https://www.kansasgis.org/orka/permalink.cfm?parcelld=0731330800000002000</a>
------------------------	---

---

QuickRef ID :	R4713
---------------	-------

---

Owner Name :	HESS LAND LLC
--------------	---------------

---

Location:	1184 K19 HWY S, LARNED, KS 67550
-----------	----------------------------------

---

Abbreviated Boundary Description:	S08, T22, R16, ACRES 4.47, BEG 410.43S NEC TH W507.67 SELY469.71 E432 N463.57 POB LESS ROW
-----------------------------------	--

---

## Owner Information:

---

Owner	HESS LAND LLC
-------	---------------

---

Mailing Address	PO BOX 843 HAYS, KS 67601-0843
-----------------	--------------------------------

---

## Property Information:

---

Type	Commercial & Industrial
------	-------------------------

---

Status	Active
--------	--------

---

Taxing Unit	75 PLEASANT GROVE TWP
-------------	-----------------------

---

Neighborhood Code	501
-------------------	-----

---

**No Secondary Address Details found**

---

## Market Land Details:

---

## Engelbrecht, Jessica [KDA]

---

**From:** Lanterman, Jeff [KDA]  
**Sent:** Thursday, November 30, 2023 2:28 PM  
**To:** Baum, Kristen [KDA]; Engelbrecht, Jessica [KDA]  
**Cc:** Conant, Cameron [KDA]  
**Subject:** RE: 50773 Memo

**Importance:** High

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

I'm good with approving it if you all don't have any problems with it.

Anything to make their offset rule a little more user friendly.

Jessica consider that a recommendation.

Jeff

---

**From:** Baum, Kristen [KDA] <Kristen.Baum@ks.gov>  
**Sent:** Thursday, November 30, 2023 2:23 PM  
**To:** Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>; Engelbrecht, Jessica [KDA] <Jessica.Engelbrecht@ks.gov>  
**Cc:** Conant, Cameron [KDA] <Cameron.Conant@ks.gov>  
**Subject:** RE: 50773 Memo

Generally, I think offsets should come from perfected water. In my opinion, our sand and gravel regs seem pretty explicit in requiring it even though I know we have at least a couple that weren't. I think the GMD reg might be a little less specific but it was probably the intent. That said, Ken pointed out that it technically may not need a waiver because our definition of water right (in statute) says any vested right or appropriation right under which a person may lawfully divert and use water.

I would be comfortable with this one because outside the GMD, they would qualify for 5AF without any offset. There probably isn't a whole lot of water left in GMD5 that isn't certified (or already a small use exemption itself) so allowing it without being certified is hopefully not very risky.

Thus, I wouldn't worry about getting 26461 certified before reducing it.

What do you think?

Kristen Baum, Environmental Scientist  
DWR – Water Appropriations

---

**From:** Lanterman, Jeff [KDA] <[Jeff.Lanterman@ks.gov](mailto:Jeff.Lanterman@ks.gov)>  
**Sent:** Monday, November 27, 2023 3:06 PM  
**To:** Engelbrecht, Jessica [KDA] <[Jessica.Engelbrecht@ks.gov](mailto:Jessica.Engelbrecht@ks.gov)>  
**Cc:** Baum, Kristen [KDA] <[Kristen.Baum@ks.gov](mailto:Kristen.Baum@ks.gov)>; Conant, Cameron [KDA] <[Cameron.Conant@ks.gov](mailto:Cameron.Conant@ks.gov)>  
**Subject:** RE: 50773 Memo

Jessica,

I am pretty OK with the approval of this file with the corresponding reduction of 26461.

BUT that regulation says that a water right shall be used for the offset. Meaning I think it should probably have been certified and 26461 is not yet certified. Its perfection period ends this year and we have been extending it in GMD #5 beyond 40 years.

Kristen do you agree that the offset should be a certified water right?

I kind of assume that they may ask for another extension to the perfection period and I have a hard time saying no in a closed area. But I don't think Larned will ever grow into their authorized quantity for a long time.

If we think it needs to be certified I would be OK with the reduction to water appropriation 26461 to get this approved. I guess my question is does this take a waiver? GMD recommended approval so we are over that hump.

Thanks

Jeff

---

**From:** Engelbrecht, Jessica [KDA] <[Jessica.Engelbrecht@ks.gov](mailto:Jessica.Engelbrecht@ks.gov)>

**Sent:** Monday, November 27, 2023 2:16 PM

**To:** Lanterman, Jeff [KDA] <[Jeff.Lanterman@ks.gov](mailto:Jeff.Lanterman@ks.gov)>

**Subject:** 50773 Memo

**Importance:** High

Mark Hess is checking on Application File No. 50,773. I believe it is in your office. It's a small one (3 AF) for industrial use in Pawnee County. GMD 5 initially denied but after the offset was provided, recommended approval. The City of Larned worked with the applicant to provide the offset. The city is waiting on the approval of the application to do some concrete work with Mark.

He just emailed me again asking for your contact information.

If the number 785-625-9295 shows up on your caller ID, that's who it is.

*Jessica*

---

**From:** Mark Hess <[markhess@hess-services.com](mailto:markhess@hess-services.com)>

**Sent:** Monday, November 27, 2023 1:47 PM

**To:** Engelbrecht, Jessica [KDA] <[Jessica.Engelbrecht@ks.gov](mailto:Jessica.Engelbrecht@ks.gov)>

**Subject:** RE: Offset of Water Rights

**EXTERNAL:** This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Good Afternoon Jessica. I wanted to check on the Status of this permit. Its been a while. I wasn't sure if it was mailed and I didn't see a copy of it yet.

Regards,  
Mark Hess  
Hess Services  
Hays, KS 67601

---

**From:** Mark Hess

**Sent:** Monday, June 19, 2023 4:20 PM

**To:** Engelbrecht, Jessica [KDA] <[Jessica.Engelbrecht@ks.gov](mailto:Jessica.Engelbrecht@ks.gov)>

**Subject:** RE: Offset of Water Rights

Not currently. We'll get a water well driller to rework/drill old well and provide their data. Thanks.

---

**From:** Engelbrecht, Jessica [KDA] <[Jessica.Engelbrecht@ks.gov](mailto:Jessica.Engelbrecht@ks.gov)>  
**Sent:** Monday, June 19, 2023 4:11 PM  
**To:** Mark Hess <[markhess@hess-services.com](mailto:markhess@hess-services.com)>  
**Subject:** RE: Offset of Water Rights

**CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Mark,

I received a recommendation from GMD 5 today to approve the application. I'm working on writing up the closing documents and noticed there was not a test log submitted with the application. Are you able to provide a test log or well log?

Thank you,

*Jessica Engelbrecht*

Environmental Scientist  
New Applications  
KDA Division of Water Resources  
Stafford Field Office  
(620) 234-5311 Office  
[www.agriculture.ks.gov](http://www.agriculture.ks.gov)

---

**From:** Mark Hess <[markhess@hess-services.com](mailto:markhess@hess-services.com)>  
**Sent:** Monday, June 19, 2023 9:40 AM  
**To:** Engelbrecht, Jessica [KDA] <[Jessica.Engelbrecht@ks.gov](mailto:Jessica.Engelbrecht@ks.gov)>  
**Cc:** Big Bend Groundwater Management District 5 No. Orin Feril <[gmd5@gmd5.org](mailto:gmd5@gmd5.org)>  
**Subject:** RE: Offset of Water Rights

**EXTERNAL:** This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Good Morning Jessica and Orin. I wanted to check on the status of the water permit to check on when it would be issued. Please let me know if you have any questions.

Regards,  
Mark

---

**From:** Mark Hess  
**Sent:** Wednesday, June 7, 2023 8:41 AM  
**To:** Engelbrecht, Jessica [KDA] <[Jessica.Engelbrecht@ks.gov](mailto:Jessica.Engelbrecht@ks.gov)>  
**Cc:** Big Bend Groundwater Management District 5 No. Orin Feril <[gmd5@gmd5.org](mailto:gmd5@gmd5.org)>  
**Subject:** FW: Offset of Water Rights

Good Morning Jessica. Attached are approved signed and notarized documents from the City of Larned for the water rights offset. It was approved in City Council meeting this week.

Regards,  
Mark

---

**From:** Brad Eilts <[beilts@cityoflarned.com](mailto:beilts@cityoflarned.com)>  
**Sent:** Tuesday, June 6, 2023 4:53 PM  
**To:** Mark Hess <[markhess@hess-services.com](mailto:markhess@hess-services.com)>

Cc: 'Allen Taylor' <[ataylor@cityoflarned.com](mailto:ataylor@cityoflarned.com)>

Subject: Offset of Water Rights

**CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Mr. Hess – I have attached the signed and scanned documents related to the Offset.

Bradley Eilts, City Manager  
City of Larned  
620.285.8500

**A LABOR OF LOVE**

Community improvement project brought to you by

**Larned** 





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. 50,773** of the applicant

**HESS SERVICES INC  
PO BOX 843  
HAYS KS 67601-0843**

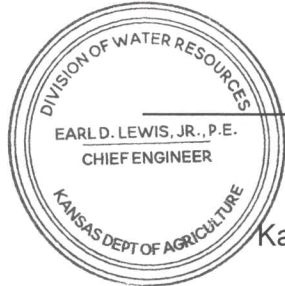
for a permit to appropriate water for beneficial use, together with the maps, plans and other submitted data, and that the application is hereby approved and the applicant is hereby authorized, subject to vested rights and prior appropriations, to proceed with the construction of the proposed diversion 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 **April 25, 2022**.
2. That the water sought to be appropriated shall be used for industrial use in the East Half of the Northeast Quarter of the Northeast Quarter (E $\frac{1}{2}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$ ) of Section 8, Township 22 South, Range 16 West, Pawnee County, Kansas.
3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of one (1) well located in the Northeast Quarter of the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$ ) of Section 8, more particularly described as being near a point 4,680 feet North and 246 feet West of the Southeast corner of said section, in Township 22 South, Range 16 West, Pawnee 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 **20 gallons per minute** and to a quantity not to exceed **977,553 gallons of water (3 acre-feet)** for any calendar year.
5. That installation of works for diversion of water shall be completed on or before **December 31, 2025**, or within any authorized extension thereof. The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$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 submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$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, 2029**, 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 of \$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 all diversion works constructed under the authority of this permit into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic quick-closing, check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.
12. That an acceptable water flow meter shall be installed and maintained on the diversion works authorized by this permit in accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. This water flow meter shall be used to provide an accurate quantity of water diverted as required for the annual water use report (including the meter reading at the beginning and end of the report year).
13. 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.
14. That no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.
15. 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.

- 16. 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.

ORDERED this *21<sup>st</sup>* day of *February*, 2024, in Manhattan, Riley County, Kansas.

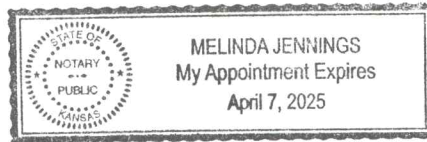


*Earl D. Lewis Jr.*  
 \_\_\_\_\_  
 Earl D. Lewis Jr., P.E.  
 Chief Engineer  
 Division of Water Resources  
 Kansas Department of Agriculture

State of Kansas        )  
                                   ) SS  
 County of Riley        )

The foregoing instrument was acknowledged before me *21* day of *February*, 2024, by Earl D. Lewis Jr., P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

*Melinda Jennings*  
 \_\_\_\_\_  
 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

March 4, 2024

MARK HESS  
HESS SERVICES INC  
PO BOX 843  
HAYS KS 67601-0843

RE: Appropriation of Water  
File No. 50,773

Dear Mr. Hess:

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/dwr](http://agriculture.ks.gov/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 620-234-5311. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Kristen A. Baum  
New Applications and Changes Supervisor  
Division of Water Resources

KAB:kak  
Enclosure(s)

pc: Stafford Field Office  
Big Bend GMD No. 5  
City of Larned

## 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 request an evidentiary hearing before the Chief Engineer or 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 Division, 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 review 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 4 day of March, 2024, I hereby certify that the attached Approval of Application and Permit to Proceed, File No. 50,773, dated February 21, 2024, was mailed postage prepaid, first class, U.S. Mail to the following:

Original to:

HESS SERVICES INC  
PO BOX 843  
HAYS KS 67601-0843

Photocopy to:

KDA-DWR Stafford Field Office

Big Bend GMD No. 5

CITY OF LARNED  
417 BROADWAY  
LARNED KS 67550

  
DWR Staff