

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

1. File Number: <p style="text-align: center; font-size: 1.2em;">50,900</p>	2. Status Change Date: <p style="text-align: center; font-size: 1.2em;">8/1/2024</p>	3. Field Office: <p style="text-align: center; font-size: 1.2em;">03</p>	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) Person ID **22925**
New to system Add Seq# _____

TOLL FARMS INC
ATTN: TOM TOLL
2453 10TH AVE
LINDSBORG KS 67456-5039

7b. Landowner(s) Person ID **22925**
New to system Add Seq# _____

7A

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

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

8. WUR Correspondent Person ID **22925**
New to system Add Seq# _____
Overlap File (s) WUC Notarized WUC Form
Agree Yes No

7A

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: _____ 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: _____

WELL SPACING WAIVER	Date Prepared: 6/17/24 By: DLM Date Reviewed: 6/25/2024 By: KAK Date Entered: 8/2/2024 By: KAnderson
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File No. **50,900** 15. Formation Code: **113** Drainage Basin: **17** County: **MP** Special Use: **N/A** Stream: **N/A**

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
CHK	24404	LOT 2 (W2 NW)	30	17S	4W	2	3860	5180			750	20	0	20	23459

18. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft

19. Limitation: _____ af/yr at **750** gpm (_____ cfs) when combined with file number(s) **23459**
 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____

20. Meter Required? Yes No To be installed by **12/31/2025** Date Acceptable Meter Installed _____

21. Place of Use										NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	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						
CHK	23880	30	17S	4W	2							35	35												70	7A	N 23459		

Comments:

Kansas Department of Agriculture
 Division of Water Resources
WAIVER REQUEST & WAIVER RULE WORKSHEET

File Number: **50,900**

FO: **3**

GMD:

WAIVER REQUEST:

UMW	Date Requested	Rule ID	Applies	Rule Type	Rule Subtype
IRR	4/30/24 10/27/2022	3	Statewide	Well Spacing	Unconfined
Rule Number	Date Granted	Date Denied	Justification:	The proposed well is located 159 feet less than the required spacing distance of 1,320 feet from a non-domestic well authorized by File No. 43,973. The proposed well is authorized by File No. 23,459. A waiver of spacing was previously approved for spacing between these two files under 43,973. The wells have been operating for 22 years with no issues. Also, the requested quantity is only 20 AF and should not create a problem.	
K.A.R. 5-4-4 (c)(1)(C)	8/1/2024				

WAIVER RULE (complete only if a new rule needs to be created):

Rule ID	Applicability	Type	Subtype	Rule Number	Date Active	Date Inactive
				K.A.R.		

Date Prepared **4/30/24** By **DLM**

Date Entered **8/2/2024** By **KAnderson**

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files **DATE:** June 14, 2024
FROM: David Means **RE:** Application, File No. 50,900

Toll Farms Inc. has filed the above referenced application to appropriate 20 acre-feet of groundwater at 750 gpm for irrigation use in the Smoky Hill River basin from an existing well located in McPherson County, Kansas.

The application proposes the irrigation of 70 acres in McPherson County, Kansas. The proposed point of diversion and place of use are currently authorized by water right file no. 23,459. File no. 23,459 is certified for 60 acre-feet on the 70 acres. The requested quantity of 20 AF, in addition to the 60 AF already authorized, will amount to 1.14 AF/AC, which is below the maximum allowable 1.3 AF/AC for irrigation in McPherson County per K.A.R. 5-3-24.

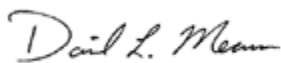
The proposed point of diversion is in an area that is open to new applications. The area of consideration within the 2 mile circle was reduced to include only the area underlain by the Smoky Hill River alluvium. Safe yield analysis shows the 2 mile circle at the proposed point of diversion is over-appropriated by approximately 189 acre-feet. To approve this application, the applicant submitted a voluntary reduction of 20 AF from water right file no. 23,661, which is located approximately 5,670 feet from the proposed point of diversion and within the same area of consideration for safe yield. This would serve as an offset for the approval of the 20 AF requested for this application. The required reduction in quantity under the existing file is covered under separate memorandum for File No. 23,661.

The source of supply is the Smoky Hill river alluvium. K.A.R. 5-4-4 requires a minimum spacing of 1,320 feet from non-domestic wells and 660 feet to domestic wells. Review of the aerial photography and the WWC-5 database indicates that the closest permitted non-domestic well is approximately 1,161 feet away authorized by Water Right File No. 43,973 and owned by the Thomas & Kathryn Toll Rev Trust. There does not appear to be any domestic wells within 660 feet of the proposed point of diversion. A waiver of K.A.R. 5-4-4(c)(1)(C) will be required to approve the application.

Three nearby notification letters were sent on May 28, 2024. As of this date one phone call has been received regarding the application with general questions about the project.

In an email message dated June 17, 2024, Kelly Stewart, Water Commissioner of the Stockton Field Office recommended approval of the application.

Based on the above discussion and the available information, it is recommended that the referenced application be approved provided the waiver is granted for the well spacing and the reduction request for file no. 23,661 is approved.



David Means
Environmental Comp/Reg Spec II
Division of Water Resources

TOWNSHIP 17 SOUTH, RANGE 4 WEST OF THE SIXTH PRINCIPAL MERIDIAN, KAN
DEPENDENT RESURVEY

Subdivision Surveyed by E. Diefendorf
in 1864

Sec. 12

This plat represents the South boundary and a portion of the Subdivisional Lines of the Sixth Principal Meridian designed to restore the original locations according to available evidence. The areas are as shown upon the survey approved February 11, 1864.

The history of the land is set forth in the file.

A portion of the resurveyed concurrent boundary was resurveyed by George K. Arnold in 1858.

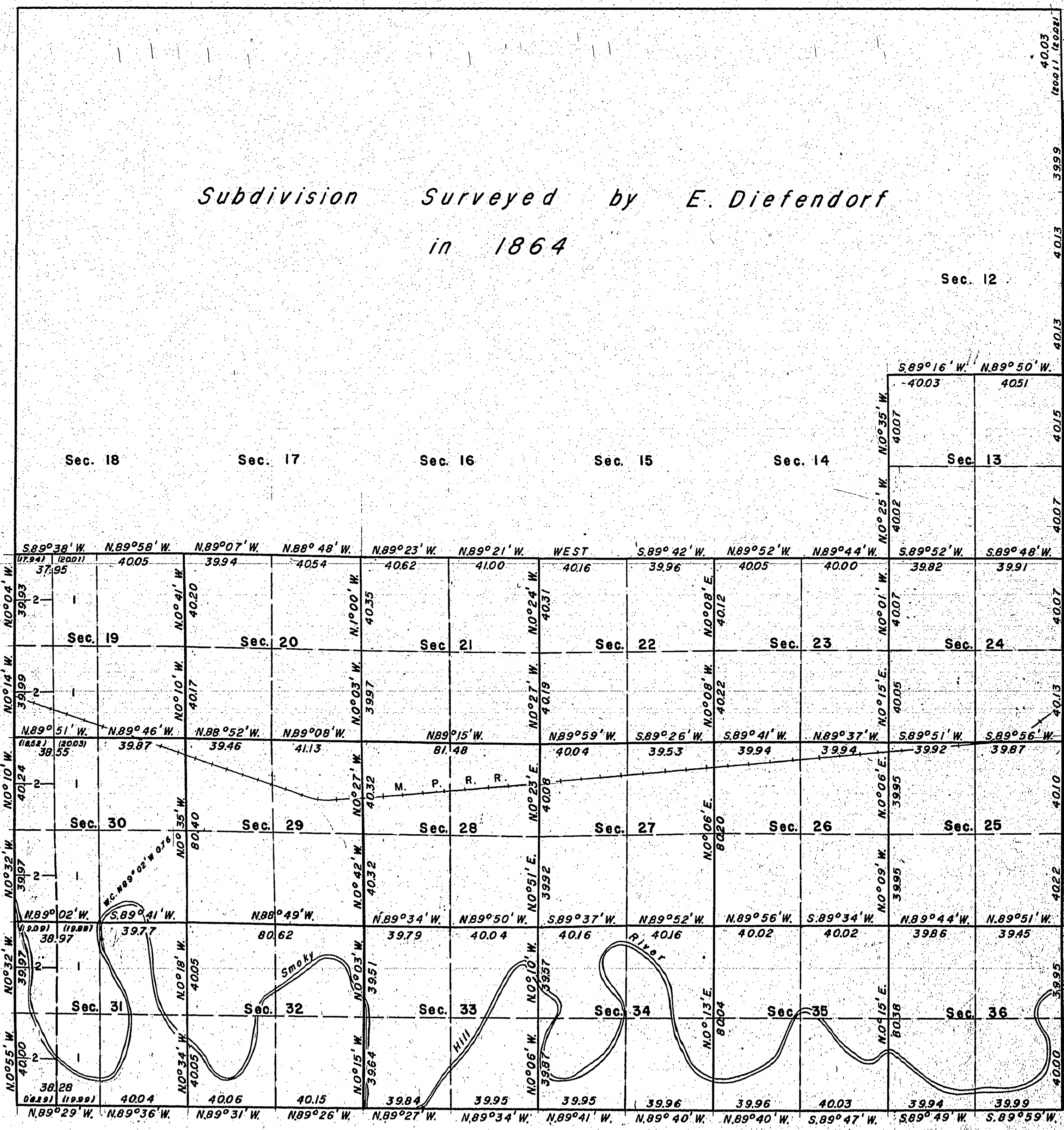
As shown herein and a portion of the lines were resurveyed by George K. Arnold, August 10, 1858, under Special Instructions, 1855, and Special Order, dated September 26, 1855, Kansas.

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Washington, D. C.

This plat is the approved field map having been compared with the regulations of the Department and accepted.

FOR THE
E. Diefendorf
Cadastral Engineer

Lat 38° 31' 19" N
Long 97° 42' 11" W



Area resurveyed: 12,128.62 acres

TOWNSHIP 17 SOUTH, RANGE 4 WEST OF THE SIXTH PRINCIPAL MERIDIAN, KANSAS
DEPENDENT RESURVEY

Subdivision Surveyed by E. Diefendorf
in 1864

Sec. 12

This plat represents a resurvey of the South boundary and a portion of the Subdivisional Lines of T. 17 S., R. 4 W. of the Sixth Principal Meridian, Kansas, designed to restore the corners in their original locations according to the best available evidence. The lottings and areas are as shown upon the plat of the survey approved February 11, 1865.

The history of the earlier surveys is set forth in the field note record.

A portion of the West boundary was resurveyed concurrently under this same Group by George K. Holland and the East boundary was resurveyed by Allan E. Arnold in 1955.

As shown hereon, the South boundary and a portion of the Subdivisional Lines were resurveyed by Allan E. Arnold, August 10 to October 10, 1955, under Special Instructions dated April 14, 1955, and Special Supplemental Instructions dated September 28, 1955, for Group 11, Kansas.

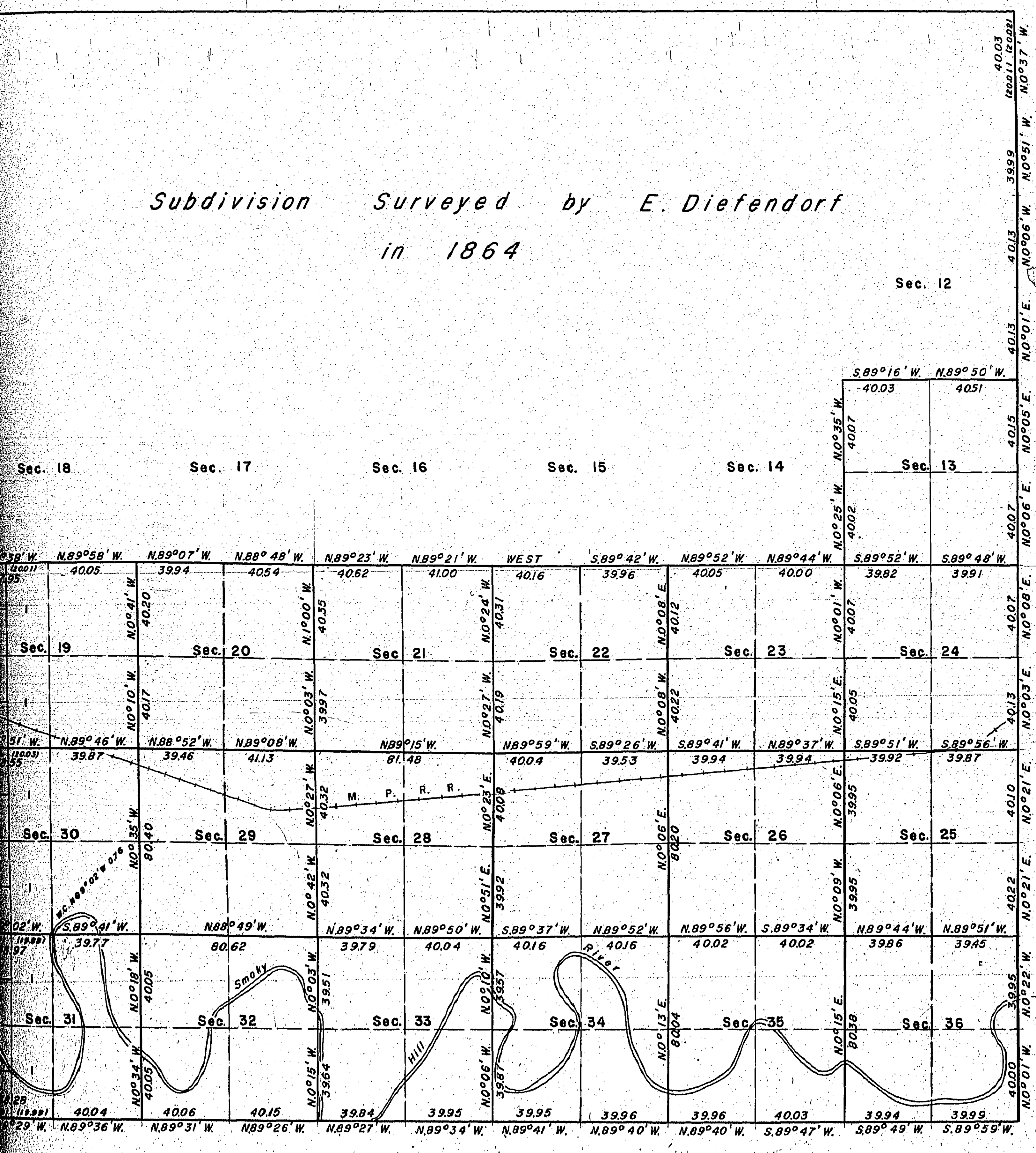
UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Washington, D. C. June 18, 1957

This plat is strictly conformable to the approved field notes, and the survey, having been correctly executed in accordance with the requirements of law and the regulations of this Bureau, is hereby accepted.

For the Director

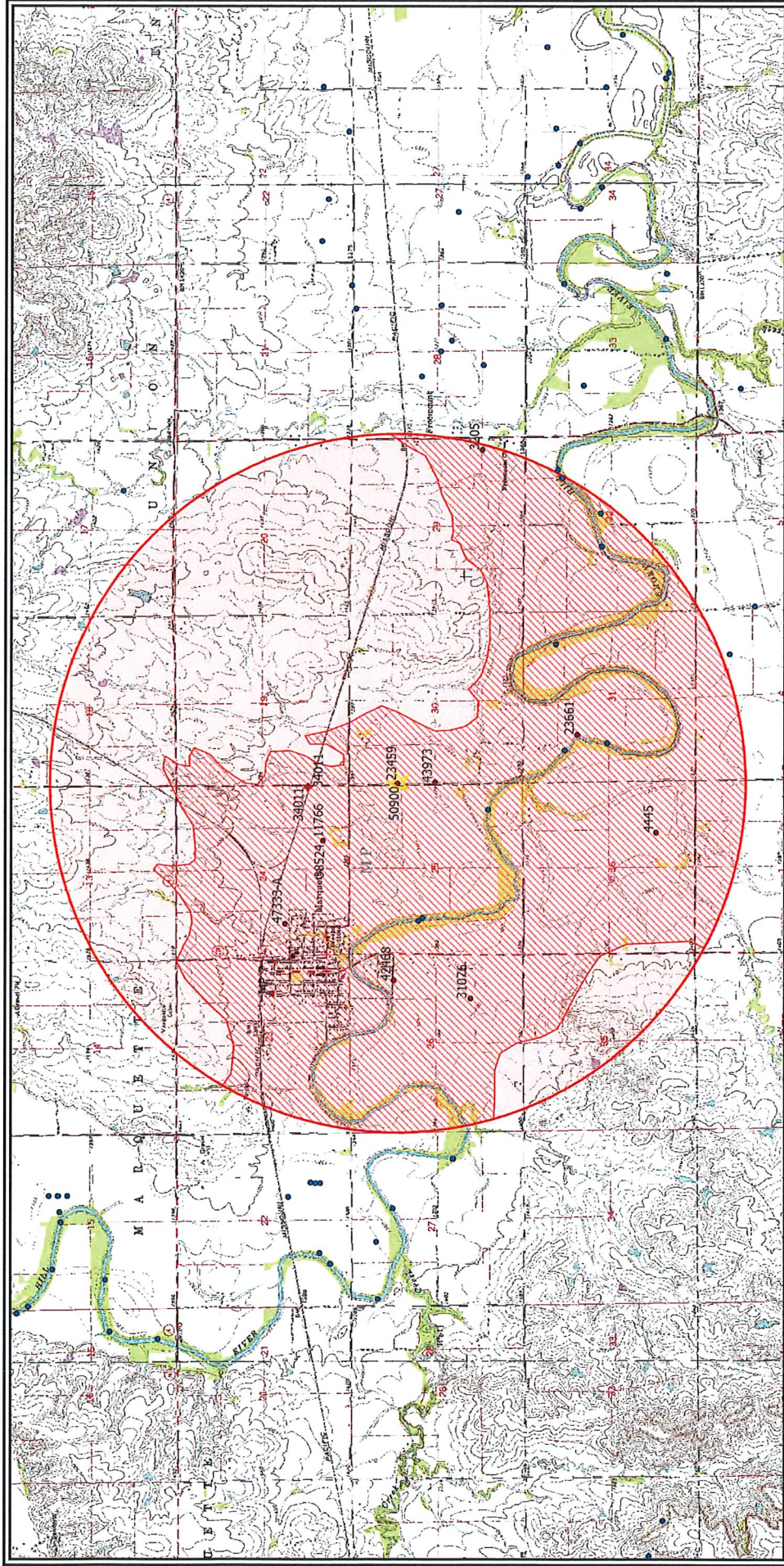
Earl G. Harrington
Cadastral Engineering Staff Officer

Lat 38°31'19" N,
Long. 97°42'11" W.



0 10 20 40 80
CHAINS
Area resurveyed: 12,126.62 acres

Safe Yield Report Sheet
Water Right- Proposed Point of Diversion
Point of Diversion in 30-17S-04W
Footages from SE corner- 3,860 feet North 5,180 feet West



Analysis Results

The selected PD is in an area OPEN to new appropriations.
 The safe yield based on the variables listed below is 697.21 AF.
 Total prior appropriations in the circle is 906.21-AF. **886.21 AF**
 Total quantity of water available for appropriation is 0.00 AF. **Using an offset from 23661 for approval.**

Safe Yield Variables

The area used for the analysis is set at 4,850 acres.
 The potential annual recharge at the circle center is estimated to be 2.3 inches.
 The percent of recharge available for appropriation is 75%.

Authorized Quantity values are as of 02-NOV-2023 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 13 water rights and 11 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 3205 00	IRR	NK	G	SE	NE	SE	SE	1340	360	29	17	04W	1	WR	113.00	113.00	279.00	279.00
A 4445 00	IRR	NK	G	NE	SW	SE	SE	0	0	36	17	05W	1	WR	240.00	240.00	160.00	160.00
A 11766 00	IRR	NK	G	NE	SW	SE	SE	835	1727	24	17	05W	1	WR	110.00	110.00	120.00	120.00
A 23459 00	IRR	NK	G	NW	SE	NW	SE	3860	5180	30	17	04W	2	WR	60.00	60.00	70.00	70.00
A 23661 00	IRR	NK	G	NW	SE	NW	SE	3675	3690	31	17	04W	8	WR	120.00	71.00	182.00	0.00
A 31076 00	IRR	NK	G	S2	N2	SE	SE	1670	1320	26	17	05W	4	WR	60.00	60.00	155.00	155.00
A 34011 00	IND	NK	G	SE	NE	SE	SE	1360	60	24	17	05W	2	WRF	8.38	8.38		
A 34011 00	STK	NK	G	SE	NE	SE	SE	1360	60	24	17	05W	2	WRF	102.19	102.19		
A 38524 00	IRR	NK	G	NE	SW	SE	SE	835	1727	24	17	05W	1	WR	50.00	50.00	120.00	0.00
A 42468 00	IRR	NK	G	SW	NE	NE	NE	4050	775	26	17	05W	3	WR	8.00	8.00	24.44	24.44
VMP 7 00	MUN	AA	G					2385	1190	23	17	05W	3	WR	46.03	46.03		
A 43973 00	IRR	NK	G	SW	SW	NW	NW	2705	5159	30	17	04W	3	WR	15.00	15.00	18.00	18.00
A 47333 A	IRR	NK	G	SE	NW	SW	SW	1971	4172	24	17	05W	4	WR	2.60	2.60	2.00	2.00
A 50900.00	IRR	AY	G	W2	NW	NW	NW	3860	5180	30	17	04W	2	WR	20.00	20.00	70.00	0.00

Limitations

File Number	Seq Num	Limitations
A 23661 00	1	261AF/YR @1918GPM COM/W #9938
A 34011 00	1	COMMENT-75GPM UNDER FILE # 34011 ST
Same	2	75GPM UNDER FILE #34011 ST

From: Stewart, Kelly [KDA]
Sent: Mon 6/17/2024 1:03 PM
To: Means, David [KDA]
Cc: Hageman, Nancy [KDA]
Subject: RE: New Application File No. 50900 Recommendation

David,

I recommend approval of this application along with the waiver and reduction of the senior file.

Kelly

From: Means, David [KDA] <David.Means@ks.gov>
Sent: Friday, June 14, 2024 2:24 PM
To: Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>
Subject: New Application File No. 50900 Recommendation

Kelly,
Attached is the memo for 50,900. Please provide your recommendation and/or comments.

Thanks,

David

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. 50,900** of the applicant

TOLL FARMS INC
2453 10TH AVE
LINDSBORG KS 67456-5039

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:

- That the priority date assigned to such application is **October 27, 2022**.
- That the water sought to be appropriated shall be used for irrigation use on land described in the application, as follows:

Sec. Twp. Range	NE¼				NW¼				SW¼				SE¼				TOTAL
	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
30 - 17S - 4W						Lot 2 35	Lot 2 35										70

- That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of one (1) well located in Lot 2 (W½ NW¼) of Section 30, more particularly described as being near a point 3,860 feet North and 5,180 feet West of the Southeast corner of said section, in Township 17 South, Range 4 West, McPherson County, Kansas, located substantially as shown on the topographic map accompanying the application.
- That the appropriation sought shall be limited to a maximum diversion rate not in excess of **750 gallons per minute (1.67 c.f.s.)** and to a quantity not to exceed **20 acre-feet** of water for any calendar year.
- 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 all wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this permit shall have a tube or other device installed in a manner acceptable to, and in accordance with specifications adopted by, the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in a condition satisfactory to the Chief Engineer.

13. That an acceptable water flow meter shall be installed and maintained on the diversion works authorized by this permit in accordance with Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. The required 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).

14. 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.

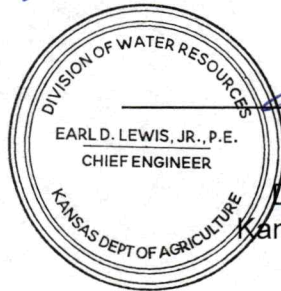
15. That no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.

16. 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.

17. That the rate of diversion of water approved under this permit is further limited to the rate which combined with Water Right, File No. 23,459, will provide a maximum diversion rate not in excess of **750 gallons per minute**, from the well at the location described herein.

18. That failure without cause to comply with the provisions of this 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 1st day of August, 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 this 1st day of August, 2024, by Earl D. Lewis Jr., P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

Melinda Jennings
Notary Public



THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

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


WAIVER OF REGULATION
K.A.R. 5-4-4 Well Spacing

Date: August 1, 2024.

Re: Application, File No. 50,900

1. The existing well proposed by the above referenced application does not meet minimum well spacing criteria as required by K.A.R. 5-4-4(c)(1)(C), because it is located approximately 1,161 feet from another non-domestic well (Authorized by File No. 43,973).
2. K.A.R. 5-4-4(c)(1)(C) requires a minimum well spacing of 1,320 feet between non-domestic wells whose common source of supply is an alluvial aquifer system.
3. The well is close to meeting spacing to File No. 43,973 (159 feet short) which is the only well it fails to meet spacing criteria to.
4. The wells in question have been operating for close to 22 years and there have been no reported impairment concerns.
5. A waiver of K.A.R. 5-4-4(c)(1)(C) was previously approved for File No. 43,973 for the spacing deficiency between the wells in question.
6. The requested quantity of 20 AF is relatively small for irrigation and should not cause any additional impairment concerns.
7. The waiver will not prejudicially or unreasonably affect the public interest, and no senior rights will be impaired by the proposed use.

Comments:



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

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

August 2, 2024

TOM TOLL
TOLL FARMS INC
2453 10TH AVE
LINDSBORG KS 67456-5039

RE: Appropriation of Water
File No. 50,900

Water Right
File Nos. 9938 and 23,661

Dear Mr. Toll:

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 the permit.

Also enclosed is a Correctional Order for Water Right, File No. 9938, and a Finding and Order for Water, File No. 23,661, which set forth the correct authorized place of use and the reduced combined quantity authorized under those file numbers. Since the enclosed orders affect the water rights attached to your land, it is important that the information be recorded in the Register of Deeds for the county where the place of use is located.

For the new permit, a 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.

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.

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.

TOLL FARMS INC
File Nos. 9938, 23,661 and 50,900
Page 2 of 2

Also included 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. If you have any questions or need assistance with any of these requirements, please contact our office at 785-564-6640, or your local Stockton Field Office at 785-425-6787. 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:dlm

Enclosures

pc: Stockton Field Office
Matthew Toll

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

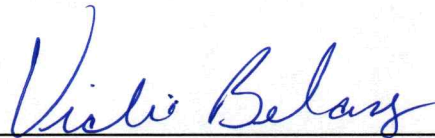
On this 2 day of August, 2024, I hereby certify that the foregoing Orders, File Nos. 9938, 23,661 and 50,900, dated August 1, 2024, were mailed postage prepaid, first class, US mail to the following:

TOLL FARMS INC
2453 10TH AVE
LINDSBORG KS 67456-5039

With photocopies to:

KDA-DWR Stockton Field Office

MATTHEW TOLL
PO BOX 45
LINDSBORG KS 67456



Division of Water Resources