

File No. **50920** 15. Formation Code: Drainage Basin: Arkansas River County: MP Special Use: Stream:

vc16. Points of Diversion

T MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W
DEL	51955	NW NE NW	2	31S	4W	5	5120	3820

17. Rate and Quantity

Authorized		Additional		
Rate gpm	Quantity af	Rate gpm	Quantity mgy	Overlap PD Files

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 _____ Date Acceptable Meter Installed _____

21. Place of Use

T MOD DEL ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files
						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				
DEL	21248	2	21S	4W	3					37.5	37.5	37.5	37.5									150			

Comments:

MEMORANDUM TO FILE

Division of Water Resources, Water Appropriation Program

Date: April 19, 2024

From: Colin Barclay, Environmental Scientist

Re: New Application File No. 50,920 – Justin Noland

Summary

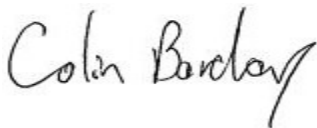
Justin Noland filed the above referenced application to appropriate an additional 42 acre-feet of groundwater for a new combined authorized quantity of 195 acre-feet limited by file no. 34,887 at a rate of 900 gallons per minute. The overlapping point of diversion would be an existing well located near Conway Springs Kansas in the Chikaskia River basin in Sedgwick County, Kansas. The applicant signed the application form affirming legal access to the point of diversion. The proposed place of use is 150 acres of farm ground with a complete place of use overlap with file no. 34,887. The application exists within Designated Unit Area 31 otherwise known as Ark 31.

Source of Supply and Safe Yield

Per the requirements in K.A.R. 5-3-11(4) South-Central Kansas Designated Unit Areas, evaluation of the area of consideration was determined to fall within Designated Unit Area 31 or Ark 31 which has been fully appropriated. Ark 31 is closed to further appropriations; therefore, **the above referenced application fails to meet safe yield**. However, there is area within the applicant's property that is outside of the Designated Unit Area. A safe yield calculation was made for this area of ground outside of the DUA. Per the requirements in K.A.R. 5-3-11, safe yield is determined by the extent of the unconfined aquifer within a two-mile circle radius of the point of diversion, which establishes the area of consideration. Evaluation of the area of consideration included the extent of the unconfined aquifer, which provided an area of consideration of 6,769 acres. With a potential annual recharge of 2.2 inches, and 50% of recharge available for appropriation, safe yield was determined to be 620.50 acre-feet. Existing water rights have appropriated 1,640.50 acre-feet, providing a difference of -1,020 acre-feet available for appropriation. **The application fails safe yield for an additional 42 acre-feet outside of the Designated Unit Area.**

Recommendations

A letter was mailed to the applicant on March 21, 2024, informing them that they failed to meet safe yield. On April 2, 2024, the applicant reached out to Kris Neuhauser inquiring about the safe yield letter. After a brief discussion about the steps taken to evaluate safe yield and what a closed DUA is, the applicant was given John Munson's contact information in case they wanted to learn more about the process of DUA's and how they are determined to be closed. For the reason of failure to meet safe yield requirements as set forth in K.A.R. 5-3-11, I recommend that application 50920 be dismissed.



Colin Barclay

Environmental Scientist

Water Appropriation Program

From: Barclay, Colin [KDA]
Sent: Thu 5/2/2024 10:07 AM
To: Kopp, Kenneth [KDA]
Subject: Fw: File No 50920

From: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Sent: Tuesday, April 30, 2024 9:46 AM
To: Baum, Kristen [KDA] <Kristen.Baum@ks.gov>; Barclay, Colin [KDA] <Colin.Barcly@ks.gov>
Subject: FW: File No 50920

Few more questions from Justin. Is it worth deep diving into these?

From: Justin Noland <jjnoland1@gmail.com>
Sent: Tuesday, April 30, 2024 9:22 AM
To: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Subject: Re: File No 50920

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.

Well, that's not ideal. Couple questions:

Are there any wells in the area currently being perfected that might allow some additional water if not fully perfected to their maximum amount at the end of their perfection period?

Is there any way to be able to use "unclaimed" water from the area i.e. if actual reported use for wells within the area falls below the allocated maximum?

Is there anything else I'm missing that could affect the outcome of this application?

As you can tell this is of the utmost importance, so I am just attempting to make sure no stone is left unturned. I appreciate your patience as I am learning this process as we go.

Thanks,
Justin

On Tue, Apr 30, 2024 at 8:32 AM Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov> wrote:

Morning Justin,

Just wanted to follow up with you. Colin, who is working the app, worked with John Munson after your phone conversation with him. He tried to pinpoint a spot that would fall outside the DUA, and also pass our safe yield. No dice. There's just nowhere we can put a well that would pass safe yield.

So sorry to start the day with bad news. Just wanted to inform you before Colin pressed along with a denial.

Kris Neuhauser
New Applications Lead
Kansas Department of Agriculture, Division of Water Resources
Phone: 785-564-6643

From: Justin Noland <jjnoland1@gmail.com>
Sent: Tuesday, April 16, 2024 9:58 AM
To: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>

Cc: Barclay, Colin [KDA] <Colin.Barclay@ks.gov>

Subject: Re: File No 50920

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.

Ok I'll call him directly sometime today to visit a out it. Thx.

On Tue, Apr 16, 2024, 9:48 AM Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov> wrote:

Hey Justin,

I talked with John directly, there is no possible way we can get 50920 approved since it's in a closed DUA now unfortunately. Sometimes there are circumstances where we can approve an application with a waiver of a rule/regulation. This is not one of those times.

Kris Neuhauser

New Applications Lead

Kansas Department of Agriculture, Division of Water Resources

Phone: 785-564-6643

From: Neuhauser, Kris [KDA]

Sent: Wednesday, April 10, 2024 10:37 AM

To: Justin Noland <jjnoland1@gmail.com>

Subject: RE: File No 50920

Justin,

I passed our email string along to John and my supervisor. Since it is a closed DUA, I'm not sure how much we can do to get an approval recommendation. However, here is John's contact information if you'd like to speak with him further:

John.Munson@ks.gov

785-564-6675

Kris Neuhauser

New Applications Lead

Kansas Department of Agriculture, Division of Water Resources

Phone: 785-564-6643

From: Justin Noland <jjnoland1@gmail.com>

Sent: Friday, April 5, 2024 10:11 AM

To: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>

Subject: Re: File No 50920

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.

Yes, I definitely want to explore all options. That is one of my better wells, even through the last 2 years, it hasn't dropped at all and that amount of allocation is not economically viable. I am open to any all options. I will hire someone to produce a hydrologic report or whatever we can do there. Over the last 2 years that extra 40 acre feet has been very significant. I am on the 5-year flex plan. And I think could demonstrate that using a more typical allocation didn't affect anything.

On Fri, Apr 5, 2024, 9:08 AM Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov> wrote:

Hi Justin,

I was out of the office part of last week; apologize for getting back late. We have a couple new hires here we've been training. They've hit the ground running, working new applications. However, any letter they send has my signature block on it. So I've been talking with a ton of people lately. Colin Barclay is working 50920, so I went ahead and checked with him to see why you received the denial letter. It looks like your application is located in a designated use area that is now fully appropriated. No water is available, so the area is now closed.

If you'd like some more detail on how designated use areas work, John Munson is a coworker of mine that handles them. I can provide his contact info if you'd like, just let me know. Thank you!

Kris Neuhauser

New Applications Lead

Kansas Department of Agriculture, Division of Water Resources

Phone: 785-564-6643

From: Justin Noland <jjnoland1@gmail.com>

Sent: Tuesday, April 2, 2024 9:42 AM

To: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>

Subject: File No 50920

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.

Kris,

I would like to discuss this file with you before you close it to see what options there are. I left you a message last week upon receiving the letter but haven't heard from you. Please give me a call or respond to this email so I know you've received it and won't close the file until we can discuss it.

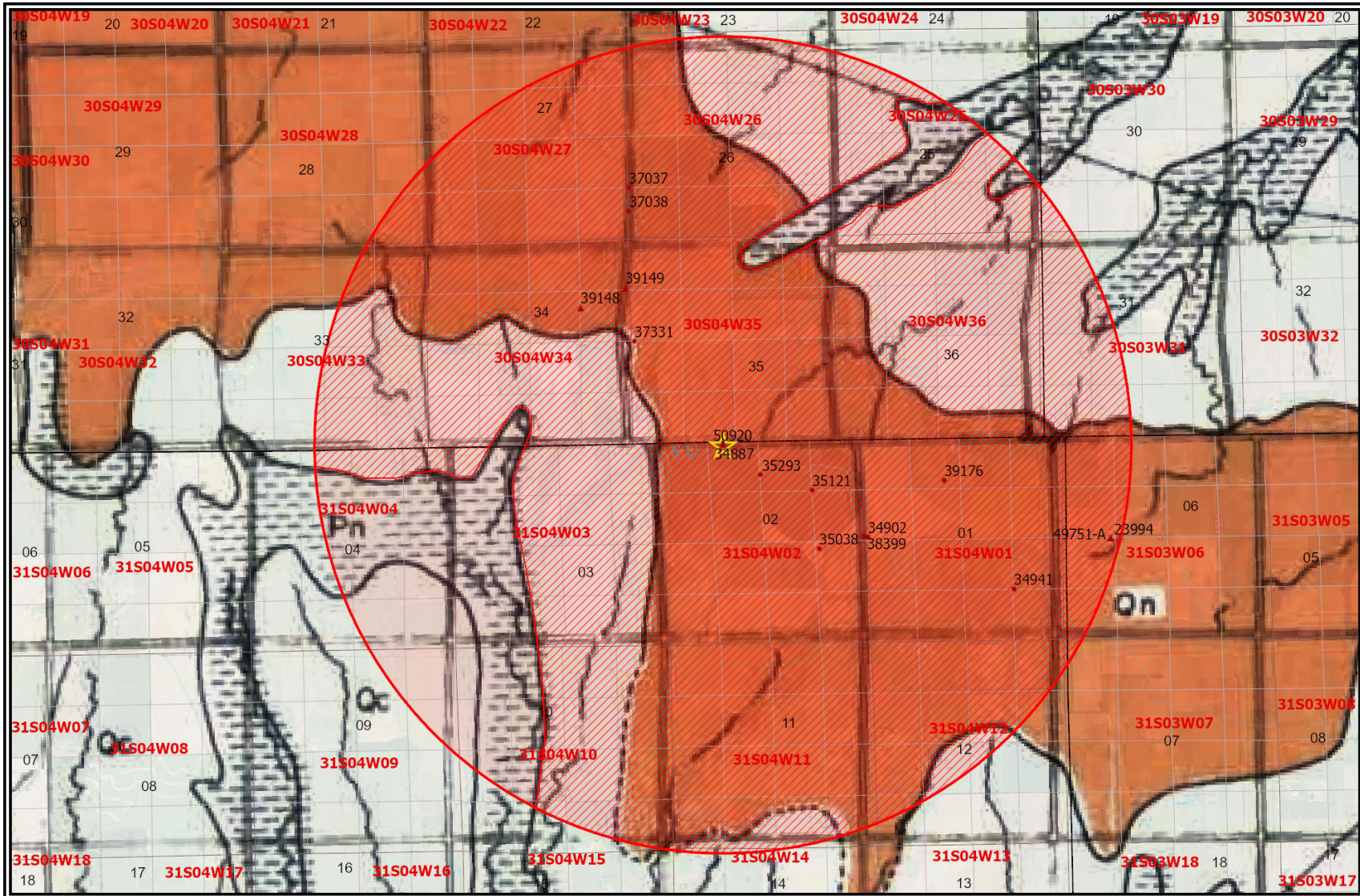
Thanks,

Justin Noland

316-617-2405

Unit Area Map Label	Date of review for Appropriated Quantity in Unit Area (M/D/Y)	Quantity Available (negative means not available) (Ac-ft)	Pending Application Quantity (Ac-ft)	Date of filing Pending Application (M/D/Y)	Pending Application (File No.)	Unit Area Open or Closed
CHK 5*	3/1/2024	3072	150	9/13/2022	50,858	Open
CHK 8	3/1/2024	4683	161	7/26/2021	50,617	Open
			152	7/26/2021	50,618	Open
			161	7/26/2021	50,619	Open
			117	8/26/2021	50,620	Open
			81	7/26/2021	50,621	Open
			224	10/24/2022	50,896	Open
			169	4/24/2023	51,020	Open
CHK 14*	3/1/2024	596	224	10/21/2019	50,305	Open
			165	12/4/2020	50,482	Open
			206.64	2/3/2022	50,712	Open
			210	11/18/2022	50,913	
			12.47	4/14/2023	51,011	
			12.47	4/14/2023	51,012	
SNI 25*	3/1/2024	-542				Closed
SNI 29*	3/1/2024	7203	224	12/14/22	50,924	Open
			41.25	4/19/23	51,016	Open
NIN 30	3/1/2024	2538	224	4/11/22	50,760	Open
			224	9/1/22	50,852	Open
ARK 31	3/1/2024	-345	195	12/1/2022	50,920	Closed
CIM 75	3/1/2024	3515	256	8/1/2022	50,837	Open
			63	6/5/2023	51,050	Open

Safe Yield Report Sheet
Water Right- A5092000
Point of Diversion in 02-31S-04W
Footages from SE corner- 5,120 feet North 3,820 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 1,351.24 AF.

Total prior appropriations in the circle is 1,389.50 AF.

Total quantity of water available for appropriation is 0.00 AF.

Safe Yield Variables

The area used for the analysis is set at 7,050 acres.

The potential annual recharge at the circle center is estimated to be 2.3 inches.

The percent of recharge available for appropriation is 100%.

Authorized Quantity values are as of 01-MAY-2024 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 16 water rights and 14 points of diversion within the circle.

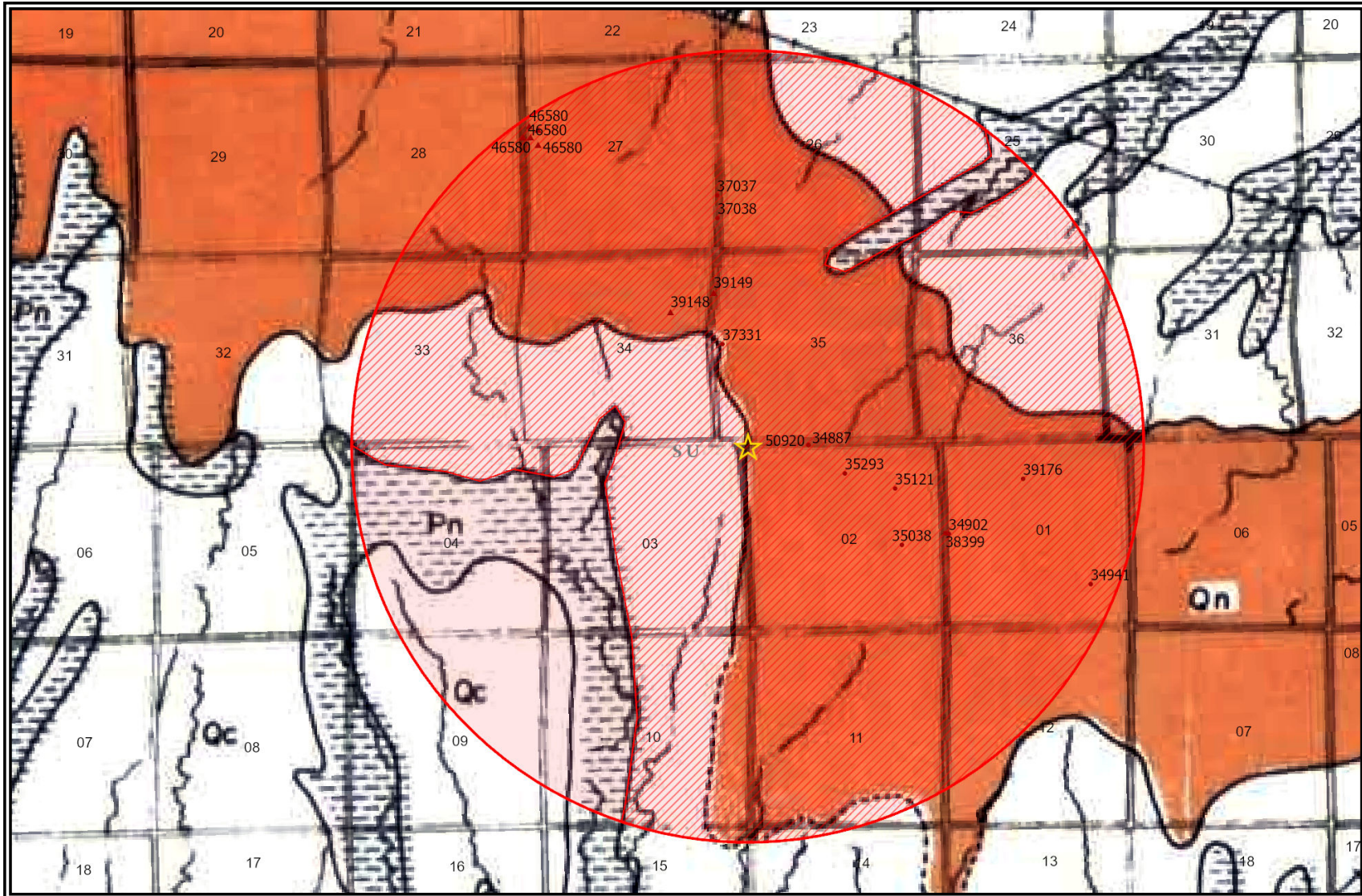
File Number	Use	ST	SR	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Qind	Auth Quant	Add Quant	Tot Acres	Net Acres
A 23994 00	MUN	NK	G					2605	4206	06	31	03W	3	PD	59.85	55.00		
A 34887 00	IRR	NK	G		NW	NE	NW	5120	3820	02	31	04W	5	WR	153.00	153.00	150.00	150.00
A 34902 00	IRR	NK	G		SW	SW	NW	2760	5000	01	31	04W	1	WR	105.00	105.00	77.00	77.00
A 34941 00	IRR	NK	G		SW	NE	SE	1300	1275	01	31	04W	2	WR	185.00	185.00	150.00	150.00
A 35038 00	IRR	NK	G		NW	NE	SE	2460	1290	02	31	04W	7	WR	157.00	157.00	134.00	134.00
A 35121 00	IRR	NK	G			NC	NE	3990	1315	02	31	04W	8	WR	199.00	199.00	150.00	150.00
A 35293 00	IRR	NK	G		SW	NW	NE	4358	2877	02	31	04W	9	WR	176.00	176.00	150.00	150.00
A 37037 00	IRR	NK	G		NW	SW	SW	1276	5282	26	30	04W	1	WR	85.00	85.00	134.00	134.00
A 37038 00	IRR	NK	G		NW	SW	SW	672	5277	26	30	04W	2	WR	85.00	85.00	134.00	0.00
A 37331 00	IRR	NK	G		NW	NW	SW	2597	5264	35	30	04W	1	WR	173.00	173.00	134.00	134.00
A 38399 00	IRR	NK	G		SW	SW	NW	2960	5250	01	31	04W	3	WR	7.50	7.50	12.00	5.00
A 39148 00	MUN	NK	G		NE	SW	NE	3535	1340	34	30	04W	7	WR	100.02	0.00		
A 39149 00	MUN	NK	G		SE	NE	NE	4015	135	34	30	04W	9	WR	100.02	0.00		
A 39176 00	IRR	NK	G		SE	NE	NW	4140	3070	01	31	04W	4	WR	9.00	9.00	79.00	79.00
A 49751 A	MUN	KE	G					2605	4206	06	31	03W	3	WR	59.85	0.00		
A 50920 00	IRR	AY	G		NW	NE	NW	5120	3820	02	31	04W	5	WR	195.00	0.00	150.00	0.00

Limitations

File Number	Seq Num	Limitations
A 23994 00	2	76.903MGY COM/W #8670
Same	3	MULTI YR LIMIT 47.58MGY TOTAL QUANTITY
A 35293 00	1	REFER TO PAR. 13 & 14 IN APP.
A 39148 00	2	93.418MGY COM/W #8670, 23,994, & 36,964
A 39149 00	2	93.418MGY COM/W #8670, 23,994, 36,964 & 39,148

File Number	Seq Num	Limitations
A 49751 A	1	19.503 MGY @ 175 GPM COM/W #23994 (ID 3)
Same	2	93.418 MGY COM/W #8670, #23994, #36964, #39148 & #39149

Safe Yield Report Sheet
Water Right- Proposed Point of Diversion
Point of Diversion in 02-31S-4W
Footages from SE corner- 5,095 feet North 5,472 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 620.50 AF.

Total prior appropriations in the circle is 1,640.50 AF.

Total quantity of water available for appropriation is 0.00 AF.

Safe Yield Variables

The area used for the analysis is set at 6,769 acres.

The potential annual recharge at the circle center is estimated to be 2.2 inches.

The percent of recharge available for appropriation is 50%.

Authorized Quantity values are as of 18-APR-2024 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 15 water rights and 18 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 34887 00	IRR	NK	G		NW	NE	NW	5120	3820	02	31	04W	5	WR	153.00	153.00	150.00	150.00
A 34902 00	IRR	NK	G		SW	SW	NW	2760	5000	01	31	04W	1	WR	105.00	105.00	77.00	77.00
A 34941 00	IRR	NK	G		SW	NE	SE	1300	1275	01	31	04W	2	WR	185.00	185.00	150.00	150.00
A 35038 00	IRR	NK	G		NW	NE	SE	2460	1290	02	31	04W	7	WR	157.00	157.00	134.00	134.00
A 35121 00	IRR	NK	G			NC	NE	3990	1315	02	31	04W	8	WR	199.00	199.00	150.00	150.00
A 35293 00	IRR	NK	G		SW	NW	NE	4358	2877	02	31	04W	9	WR	176.00	176.00	150.00	150.00
A 37037 00	IRR	NK	G		NW	SW	SW	1276	5282	26	30	04W	1	WR	85.00	85.00	134.00	134.00
A 37038 00	IRR	NK	G		NW	SW	SW	672	5277	26	30	04W	2	WR	85.00	85.00	134.00	0.00
A 37331 00	IRR	NK	G		NW	NW	SW	2597	5264	35	30	04W	1	WR	173.00	173.00	134.00	134.00
A 38399 00	IRR	NK	G		SW	SW	NW	2960	5250	01	31	04W	3	WR	7.50	7.50	12.00	5.00
A 39148 00	MUN	NK	G		NE	SW	NE	3535	1340	34	30	04W	7	WR	100.02	0.00		
A 39149 00	MUN	NK	G		SE	NE	NE	4015	135	34	30	04W	9	WR	100.02	0.00		
A 39176 00	IRR	NK	G		SE	NE	NW	4140	3070	01	31	04W	4	WR	9.00	9.00	79.00	79.00
A 46580 00	MUN	LO	G		SW	SW	NW	2940	5180	27	30	04W	2	WR	306.00	306.00		
Same	MUN	LO	G		SW	SW	NW	3140	5180	27	30	04W	3	WR				
Same	MUN	LO	G		SW	SW	NW	3140	4780	27	30	04W	4	WR				
Same	MUN	LO	G		SW	SW	NW	2740	4780	27	30	04W	5	WR				
Same	MUN	LO	G		SW	SW	NW	2940	4980	27	30	04W	6	WR				
A 50920 00	IRR	AY	G		NW	NE	NW	5120	3820	02	31	04W	5	WR	195.00	0.00	150.00	0.00

Limitations

File Number	Seq Num	Limitations
A 35293 00	1	REFER TO PAR. 13 & 14 IN APP.
A 39148 00	2	93.418MGY COM/W #8670, 23,994, & 36,964

File Number	Seq Num	Limitations
A 39149 00	2	93.418MGY COM/W #8670, 23,994, 36,964 & 39,148

THE STATE  OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

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

**FINDINGS AND ORDER
IN THE MATTER OF THE
DISMISSAL OF APPLICATION TO APPROPRIATE WATER
FILE NO. 50,920**

After due consideration, the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture (hereinafter referred to as the "Chief Engineer"), makes the following findings and order:

FINDINGS

1. That on December 1, 2022, the Chief Engineer received an application from Justin Noland, for a permit to appropriate groundwater for beneficial use, assigned File No. 50,920, proposing the appropriation of 195 acre-feet of water, at a maximum requested diversion rate of 900 gallons per minute, for irrigation use, from one (1) well located in the Northwest Quarter of the Northeast Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 2, Township 31 South, Range 4 West, Sumner County, Kansas.
2. That the Kansas Water Appropriation Act, in K.S.A. 82a-711, requires the Chief Engineer to consider whether a proposed use will prejudicially and unreasonably affect the public interest, and shall take into consideration established minimum desirable streamflow requirements, the area, safe yield, and recharge rate of the appropriate water supply, the priority of existing claims of all persons to use the water of the appropriate water supply, the amount of each claim to use water from the appropriate water supply, and all other matters pertaining to such question.
3. That K.A.R. 5-3-9 states that it shall be considered to be in the public interest that only the safe yield of any source of water supply, including hydraulically connected sources of water supply, shall be appropriated, and K.A.R. 5-3-10 and K.A.R. 5-3-11 set forth the methodology for determining safe yield.
4. That K.A.R. 5-1-1(vvv) defines "safe yield" as the long-term sustainable yield of the source of supply, including hydraulically connected surface water or groundwater.
5. That on March 21, 2024, a letter was mailed to the applicant, stating that the application failed to comply with the safe yield requirements, that the application would be submitted to the Chief Engineer with a recommendation for denial, and that the applicant had an opportunity to submit additional information to be considered, which must be submitted by April 5, 2024, or within any authorized extension of time.

- 6. That on or about April 5, 2024, the applicant contacted the office of the Chief Engineer to request that the application be held to explore options that could bring the application into compliance with the safe yield requirements, that the application was held for an additional period of time to evaluate potential options, but that no location could be found on the applicant's land described in the application that would comply with the statutory and regulatory requirements stated in these findings.
- 7. That the applicant shall bear the burden of proving by a preponderance of the evidence that the application should be approved, but no information has been submitted to show that the application meets the statutory and regulatory requirements, or that the application could be modified in such a way to do so.
- 8. That Application, File No. 50,920, should be denied and dismissed and its priority forfeited as provided by K.S.A. 82a-711, K.A.R. 5-3-9, K.A.R. 5-3-10 and K.A.R. 5-3-11.

ORDER

NOW, THEREFORE, It is the decision and order of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, that effective the date of this order, in accordance with the law, Application, File No. 50,920, is herewith dismissed and the priority assigned to it is considered to be forfeited.

It is so ordered this 2 day of May, 2024, in Manhattan, Riley County, Kansas.

Lane P. Letourneau

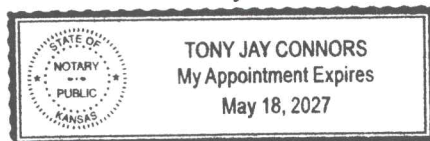
Lane P. Letourneau, P.G.
Water Appropriation Program Manager
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 2 day of May, 2024, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.

Tony Jay Connors

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

May 14, 2024

JUSTIN NOLAND
12728 W 95TH ST SOUTH
CLEARWATER KS 67026-9018

Re: Dismissal of Application
File No. 50,920

Dear Mr. Noland:

Enclosed is a Findings and Order by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, dismissing the above referenced application to appropriate water for failure to meet safe yield, as originally described in our letter to you, dated March 21, 2024.

We evaluated the information contained in your electronic correspondence dated April 5, 2024, and April 30, 2024, but we found no further modifications that could be made to the present application that would cause it to meet our statutory and regulatory requirements.

Please feel free to contact this office should you have any questions. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

A handwritten signature in blue ink that reads "Kristen A. Baum". The signature is written in a cursive style.

Kristen A. Baum
New Application Unit Supervisor
Water Appropriation Program

KAB:kak:ccb
Enclosure
pc: Stafford Field 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 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 14 day of May, 2024, I hereby certify that the foregoing Dismissal of Application, File No. 50,920 dated May 2, 2024, was mailed postage prepaid, first class, U.S. mail to the following:

JUSTIN NOLAND
12728 W 95TH ST SOUTH
CLEARWATER KS 67026-9018

With photocopies to:

KDA-DWR Stafford Field Office



Division of Water Resources