



File No. **50,947**      13. County: **SG-Sedgwick** Basin: **33-Arkansas River** Stream:  
 Structures File No:      Aquifer Code: **100 Quaternary**      Special Use Area:

14. Points of Diversion, Rates & Quantities

PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Qty AF		Rate gpm		Storage Qty		Storage Rate		Overlaps	
									Auth	Add	Auth	Add	Auth	Add	Auth/Add	Auth/Add		
<b>CHK</b>	<b>13375</b>	<b>88 SE SE</b>	<b>20</b>	<b>27S</b>	<b>1E</b>	<b>22</b>	<b>980</b>	<b>165</b>	<b>46</b>	<b>23.7</b>	<del><b>0</b></del>	<del><b>0</b></del>					<b>*</b>	
									<b>15 MGY</b>	<b>6.636</b>	<b>150</b>	<b>150</b>						
<b>15MGY</b>																		

15. Limitations Type: **Combined quantity** Quantity: **46 AF** Rate: **150 gpm** combined with file no(s): **36,534**  
 Type:      Quantity:      Rate:      combined with file no(s):

16. Metering     Metering Required     Anti-Reverse Required     Seal Required    Compliance Date: **12/31/2025**

17. Place of Use

PDIV	S	T	R	ID	NE¼				NW¼				SW¼				SE¼				Total	Owner(s)	Chg?	Overlaps		
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE						
																								<input type="checkbox"/>		
																								<input type="checkbox"/>		
																								<input type="checkbox"/>		
																								<input type="checkbox"/>		
<b>CHK</b>	<b>15648</b>	<b>20</b>	<b>27S</b>	<b>1E</b>	<b>15</b>	<b>OPERATION OF HEAT PUMPS 435 BROADWAY (NE SE SE)</b>																	<b>5a</b>		<b>*</b>	
																									<input type="checkbox"/>	

18. Point of Diversion and Place of Use Overlaps  
 \* **36,534**      \*\*  
 +      ++  
 #      ##  
 ^      ^^

# MEMORANDUM TO FILE

Division of Water Resources, Water Appropriation Program

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Date: June 17, 2024

From: Christa Anhold, Environmental Scientist

Re: New Application File No. 50,947 – Klondike Building Company LLC

## Summary

Klondike Building Company LLC has filed the above referenced application proposing to appropriate 46 AF per calendar year of groundwater at a diversion rate of 150 gallons per minute for thermal exchange use in an office building in Sedgwick County. This application would overlap the place of use and point of diversion of Appropriated Water Right File No. 36,534, which has an authorized quantity and rate of 22.3 AF and 150 GPM. File No. 36,534 has reported over pumping in 2017, 2018 and 2019. The applicant indicated they had physical issues with the HVAC system. They were issued a term permit (File No. 20209022) to cover water used from 2018 to 2021 while repairs were occurring. In 2022 File No. 36,534 continued reporting over pumping and as a result the above new application for additional quantity was filed. The applicant owns the place of use and point of diversion.

## Reasonable Rate and Quantity

The new application requests 46 AF of groundwater per year. Appropriated Water Right File No. 36,534 authorizes 22.3 AF; the new application would authorize an additional quantity of 23.7 AF per year.

Appropriated Water Right File No. 36,534 was perfect for a rate of 150 GPM. In the new application no additional rate was requested therefore the requested rate of 150 MGY can be considered reasonable.

## Source of Supply and Safe Yield

Thermal exchange is defined in K.A.R. 5-1-1 (iii) as the use of water for climate control in a nondomestic building and in a manner that is essentially nonconsumptive to the source of supply. The applicant stated they have a permit through the City of Wichita to dispose of water through the city storm sewer that drains into the Arkansas River. The applicant provided a scientific study establishing the groundwater source is hydrologically connected to the Arkansas River. Therefore, the above application is exempt from safe yield evaluation, per K.A.R. 5-3-10 (b)(2).

The existing well was completed in 1983, per the application, and static water level is 16 feet 3 inches below ground surface. An existing well record from 2000, indicates asphalt from surface to 2 feet, hard brown dry clay from 2 feet to 9 feet, sand from 9 feet to 34 feet and very hard grey shale from 34 to 35 feet. Based on this well log, surrounding well logs and "Geohydrology of Sedgwick County, Kansas" Bulletin 176 the source of supply is likely Quaternary.

## Nearby Water Rights

Due to the large number of nearby wells in the area a public notice was run in the Wichita Eagle on Friday May 17, 2024, for three (3) consecutive weeks. No responses have been received to date.

Additionally, there are many remediation and monitoring wells in the immediate area and according to KDHE-BER one active remediation project: Gilbert and Mosley Site. A letter was mailed to the Gilbert and Mosley Site KDHE Project Manager on April 8, 2024, since they would likely not get the public notice. A response was received via email from the KDHE on April 14, 2024, in which they expressed concerns that this application

would spread contaminants and impede remediation efforts at the Wichita Water-Walk. In a phone call with Hillary Wells, Section Chief for Environmental Remediation at KDHE, on July 2, 2024, it was explained that the applicant has been utilizing water since 1983 and the new application is requesting additional water on top of what they already have. After the discussion she no longer had concerns or issues with the application.

Additionally, a response was received via email from the City of Wichita Department of Environmental Health on April 22, 2024, in which they expressed concerns regarding how the applicant intends to discharging water into the Arkansas River and what the application meant by thermal exchange. The proposed new application overlaps an existing appropriating that has been actively using groundwater for non-contact cooling since 1983. According to KDHE-BER, since 2006 contamination levels have declined at the Wichita Water-Walk, during which time the senior file was actively utilizing groundwater. The applicant has been pumping groundwater at the proposed rate for years and has stated they have the appropriate permits through the city to discharge water into the storm sewer drains. It appears that this application is not likely to prejudicially or unreasonably affected the public.

## Recommendations

The application was sent for consideration to Cameron Conant, Assistant Water Commissioner, and Jeff Lanterman, Water Commissioner, of the Stafford Field Office on June 18, 2024, and recommended for approval on July 12, 2024.

The application complies with all regulations concerning reasonable quantity, safe yield, and minimum spacing requirements. Approval of the application will not impair senior water rights nor prejudicially or unreasonably affect the public interest. Therefore, it is recommended that the referenced application be approved.



Christa Anhold  
Environmental Scientist  
Water Appropriation Program

**From:** Letourneau, Lane [KDA]  
**Sent:** Fri 7/12/2024 3:30 PM  
**To:** Anhold, Christa [KDA]; Lanterman, Jeff [KDA]; Kopp, Kenneth [KDA]; Conant, Cameron [KDA]; Baum, Kristen [KDA]  
**Subject:** RE: 50,947 Recommendation Request

This looks good to move forward.

Thanks

Lane

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

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**From:** Anhold, Christa [KDA] <Christa.Anhold@ks.gov>  
**Sent:** Thursday, July 11, 2024 8:32 AM  
**To:** Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>; Letourneau, Lane [KDA] <Lane.Letourneau@ks.gov>; Kopp, Kenneth [KDA] <Kenneth.Kopp@ks.gov>; Conant, Cameron [KDA] <Cameron.Conant@ks.gov>; Baum, Kristen [KDA] <Kristen.Baum@ks.gov>  
**Subject:** RE: 50,947 Recommendation Request

Are we still thinking about this one or am I good to move forward?

Christa Anhold  
(785)564-6644

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**From:** Anhold, Christa [KDA]  
**Sent:** Monday, July 8, 2024 12:57 PM  
**To:** Lanterman, Jeff [KDA] <[Jeff.Lanterman@ks.gov](mailto:Jeff.Lanterman@ks.gov)>; Letourneau, Lane [KDA] <[Lane.Letourneau@ks.gov](mailto:Lane.Letourneau@ks.gov)>; Kopp, Kenneth [KDA] <[Kenneth.Kopp@ks.gov](mailto:Kenneth.Kopp@ks.gov)>; Conant, Cameron [KDA] <[Cameron.Conant@ks.gov](mailto:Cameron.Conant@ks.gov)>; Baum, Kristen [KDA] <[Kristen.Baum@ks.gov](mailto:Kristen.Baum@ks.gov)>  
**Subject:** RE: 50,947 Recommendation Request

I will add that to my memo. I did send the city a courtesy letter in June but haven't heard anything since the April emails.

Christa Anhold  
(785)564-6644

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**From:** Lanterman, Jeff [KDA] <[Jeff.Lanterman@ks.gov](mailto:Jeff.Lanterman@ks.gov)>  
**Sent:** Monday, July 8, 2024 12:13 PM  
**To:** Anhold, Christa [KDA] <[Christa.Anhold@ks.gov](mailto:Christa.Anhold@ks.gov)>; Letourneau, Lane [KDA] <[Lane.Letourneau@ks.gov](mailto:Lane.Letourneau@ks.gov)>; Kopp, Kenneth [KDA] <[Kenneth.Kopp@ks.gov](mailto:Kenneth.Kopp@ks.gov)>; Conant, Cameron [KDA] <[Cameron.Conant@ks.gov](mailto:Cameron.Conant@ks.gov)>; Baum, Kristen [KDA] <[Kristen.Baum@ks.gov](mailto:Kristen.Baum@ks.gov)>  
**Subject:** RE: 50,947 Recommendation Request

Ya. If KDHE doesn't have a problem with this then we shouldn't. Might add that information to your memo.

That leaves the city, did they have no further concerns after your 4/24/24 round of emails to them?

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

**Sent:** Monday, July 8, 2024 11:38 AM

**To:** Lanterman, Jeff [KDA] <[Jeff.Lanterman@ks.gov](mailto:Jeff.Lanterman@ks.gov)>; Letourneau, Lane [KDA] <[Lane.Letourneau@ks.gov](mailto:Lane.Letourneau@ks.gov)>; Kopp, Kenneth [KDA] <[Kenneth.Kopp@ks.gov](mailto:Kenneth.Kopp@ks.gov)>; Conant, Cameron [KDA] <[Cameron.Conant@ks.gov](mailto:Cameron.Conant@ks.gov)>; Baum, Kristen [KDA] <[Kristen.Baum@ks.gov](mailto:Kristen.Baum@ks.gov)>

**Subject:** RE: 50,947 Recommendation Request

I talked with Tiffany Wells, Section Chief for Environmental Remediation at KDHE, last week. I explained to her that this is not a new project, and the applicant has been pumping water and discharging it into the city storm sewer drains for years and this application is only for additional water at no additional rate. She didn't have any concern or issue with the application after our discussion.

The environmental study performed by the applicant was included in the senior apps file (File No. 36,534) and I have included it in this email.

Christa Anhold  
(785)564-6644

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

**Sent:** Monday, July 8, 2024 11:10 AM

**To:** Letourneau, Lane [KDA] <[Lane.Letourneau@ks.gov](mailto:Lane.Letourneau@ks.gov)>; Kopp, Kenneth [KDA] <[Kenneth.Kopp@ks.gov](mailto:Kenneth.Kopp@ks.gov)>; Conant, Cameron [KDA] <[Cameron.Conant@ks.gov](mailto:Cameron.Conant@ks.gov)>; Baum, Kristen [KDA] <[Kristen.Baum@ks.gov](mailto:Kristen.Baum@ks.gov)>; Anhold, Christa [KDA] <[Christa.Anhold@ks.gov](mailto:Christa.Anhold@ks.gov)>

**Subject:** FW: 50,947 Recommendation Request

**Importance:** High

We have this application for additional water THX type of use and there is a lot going on. They have been overpumping the senior quantity on the reg so this app was to fix that.

1. This is in the area of the Gilbert Mosely contamination remediation site. KDHE and the City of Wichita have expressed concerns that additional appropriation will change groundwater flow direction and mess with their remediation wells. They were just general concerns and no actual science to show it WILL impact their remediation.
2. This is pump and dump so technically is not real THX it is ind.
  - a. We have allowed some files to do this without injection wells along the river pumping into the storm sewers... IF they prove to us the hydraulic connection with the Ark river alluvium. It is noted in the MEMO that they have supplied this information, but it isn't in docuware. We have done this to avoid safe yield.
  - b. Additionally, other issues we hear from the public is the cost of an injection well as well as they don't have any location to put an injection well.
  - c. The senior right was administratively changed in 2001 to THX from IND. Even though it was operationally a pump and dump. Several were done like that. So they are not figured in the local SY.

**Anyway do we need to do anything special with the City and KDHE's concern letters?** Would requiring an injection well solve their concerns? These concerns seem more significant than other surrounding well letters. If not I am good to go on approval of this thing. I'm not too concerned and it fixes a problem.

We could ask KDHE and the City for additional information that they may have, or model runs which would show a problem with the application and their remediation work. I doubt if we would get anything. I wonder if they did intercept the plume if we would be pumping that straight into the river.

Thanks  
Jeff

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

**Sent:** Monday, July 8, 2024 9:55 AM

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

**Subject:** FW: 50,947 Recommendation Request

I don't know about this one Jeff. We have a letter of concern from KDHE and from City of Wichita because this application is in/near what I think they call the Gilbert Mosely Con/Rem site which is a site they are actively monitoring and remediating.

This is a new app on top of an existing app for Thermal Exchange, File No. 36534, the new app states the water will be used for heating and cooling system for commercial building. Christa noted in her memo that the applicant said they have the appropriate permits to discharge water to the city storm sewer drains and into the Ark River.

The last 2 years they have OP the water right, we pulled it off the list this year because there was a pending permit to cover the overage. The old app is for 23 AF, the new one is for 46 AF limited and 150 GPM which is the same as the old app. We began messing with this in 2020 due to overage in 2017, 2018, 2019 and at that time they were "fixing" some operational issues, got a term to cover the overage, and were in process of determining if they needed additional water rights.

I don't know how we need to review this due to the possible contamination issues that could come into play. I've attached the KDHE email of concern to us. You can look Docuware to see the emails from City of Wichita outlining their concerns. I don't know what to do here to ensure that approval of this application for twice as much water won't impede the con/rem efforts going on in the area.

*Cameron*

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

**Sent:** Tuesday, June 18, 2024 3:40 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:** 50,947 Recommendation Request

Good afternoon,

Attached is the draft memo for 50,947 for your review and recommendation. One nearby notification was mailed on April 8, 2024, and a public notice was run for 3 consecutive weeks starting on May 17, 2024. Two written responses were received and are cataloged in DW.

Here is a link to the single hydrograph within a 2-mile radius as well as the distances from the proposed point of diversion.

[https://geohydro.kgs.ku.edu/geohydro/wizard/wizardwelldetail.cfm?usgs\\_id=374141097200101](https://geohydro.kgs.ku.edu/geohydro/wizard/wizardwelldetail.cfm?usgs_id=374141097200101)  
0.93miles

Please let me know if you need anything else.

Christa Anhold  
Environmental Scientist  
Department of Water Resources  
(785)-564-6644  
[Christa.anhold@ks.gov](mailto:Christa.anhold@ks.gov)



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. 50,947** of the applicant

**KLONDIKE BUILDING COMPANY LLC  
435 S BROADWAY  
WICHITA, KS 67202**

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 **January 25, 2023**.
2. That the water sought to be appropriated shall be used for thermal exchange use in a building located at 435 South Broadway Avenue, in Wichita, in the Northeast Quarter of the Southeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$  SE $\frac{1}{4}$  SE $\frac{1}{4}$ ) of Section 20, Township 27 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 one (1) well located in Lot 88 of Herrington's Reserve, Greiffensteins 3rd Addition to the City of Wichita, in the Northeast Quarter of the Southeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$  SE $\frac{1}{4}$  SE $\frac{1}{4}$ ) of Section 20, more particularly described as being near a point 980 feet North and 165 feet West of the Southeast corner of said section, in Township 27 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 **150 gallons per minute (0.33 c.f.s.)** and to a quantity not to exceed **15 million gallons (46 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, 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 Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. This water flow meters 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 all discharged water must be controlled and managed by the applicant to prevent flooding, waste, damage, hazards, or public nuisance.

17. That the quantity of water and rate of diversion approved under this application is further limited to the quantity and rate which combined with Water Right, File No. 36,534, will provide a total not to exceed **15 million gallons of water (46 acre-feet)** per calendar year to be diverted at a maximum diversion rate not in excess of **150 gallons per minute** for thermal exchange at the place of use 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 25<sup>th</sup> day of July, 2024, in Manhattan, Riley County, Kansas.

*Lane P. Letourneau*

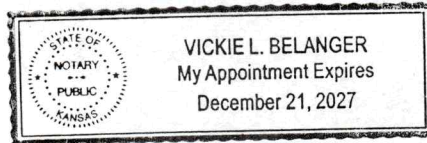
Lane P. Letourneau, P.G.  
Water Appropriation Program Manager  
Division of Water Resources  
Kansas Department of Agriculture

State of Kansas )  
                          ) SS  
County of Riley )

The foregoing instrument was acknowledged before me this 25<sup>th</sup> day of July, 2024, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.

*Vickie L. Belanger*

Notary Public



VICKIE L. BELANGER  
NOTARY PUBLIC  
December 21, 2027



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

July 31, 2024

STEVEN J MARTENS  
KLONDIKE BUILDING COMPANY LLC  
435 S BROADWAY  
WICHITA KS 67202

RE: Appropriation of Water  
File No. 50,947

Dear Mr. Martens:

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.

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](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 Unit Supervisor  
Division of Water Resources

KAB:kak:cla  
Enclosure(s)  
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 31<sup>st</sup> day of July, 2024, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,947, dated July 25, 2024, was mailed postage prepaid, first class, US mail to the following:

Original to:

KLONDIKE BUILDING COMPANY LLC  
435 S BROADWAY  
WICHITA KS 67202

With photocopies to:

KDA-DWR Stafford Field Office



Division of Water Resources