



File No. **51,125**      13. County: **SG-Sedgwick** Basin: **33-Arkansas River** Stream:  
 Structures File No:      Aquifer Code: **113 Main stem alluvium**      Special Use Area:

14. Points of Diversion, Rates & Quantities										Qty <b>mgy</b>		Rate <b>gpm</b>		Storage Qty <b>mgy</b>		Storage Rate	
PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)		Auth	Add	Auth	Add	Auth	Add	Auth/Add	Overlaps
<b>CHK</b>	<b>88366</b>	<b>NW</b>	<b>NE</b>	<b>NE</b>	<b>8</b>	<b>28S</b>	<b>1E</b>	<b>17</b>	<b>4860</b>	<b>944</b>	<b>5.7024</b>	<b>5.7024</b>	<b>99</b>	<b>99</b>			

15. Limitations **NEW** Type:      Quantity:      **AF** Rate:      **gpm** combined with file no(s):  
**NEW** Type:      Quantity:      **AF** Rate:      **gpm** combined with file no(s):

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

17. Place of Use										NE¼		NW¼		SW¼		SE¼		Total	Owner(s)	Chg?	Overlaps				
PUSE	S	T	R	ID	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE					
<b>CHK</b>	<b>70088</b>	<b>8</b>	<b>28S</b>	<b>1E</b>	<b>12</b>	<b>HYDROPONIC SPROUT FACILITY (NW NE NE)</b>																	<b>5a</b>		<input type="checkbox"/>
																									<input type="checkbox"/>

18. Point of Diversion and Place of Use Overlaps

<p>* + # ^</p>	<p>** ++ ## ^^</p>
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# MEMORANDUM TO FILE

Division of Water Resources, Water Appropriation Program

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Date: August 30, 2024

From: Christa Anhold , Environmental Scientist

Re: New Application File No. 51,125 & Voluntary Dismissal File No. 50,428 – Tri Vo

## Summary

Tri Vo filed the above referenced new application proposing to appropriate 5.7 MGY (17.5 AF) of groundwater per calendar year at a rate of 99 GPM from one (1) well for industrial use at a hydroponic bean sprout facility in Sedgwick County. The applicant's senior water right, File No. 50,428, over pumped in the two years following approval and has since been permitted a temporary permit File No. 20230210 to cover the over pumping. The applicant filed the above new application to prevent over pumping in the future. A voluntary dismissal for Water Right File No. 50,428 was received in this office on November 1, 2023, and is contingent upon approval of the new application. Upon approval of the new application there will be no overlapping files. The applicant owns the place of use and point of diversion.

## Reasonable Rate and Quantity

The applicants senior File No. 50,428 was permitted 1 MGY in 2021. In 2022 and 2023 the applicant reported using 4 and 3.76 MGY. Since then, a temporary permit has been permitted to cover over pumping. The requested quantity of 5.7 MGY (17.5 AF) appears reasonable based on past water use. A rate of 99 gallons per minute can still be considered reasonable.

## Source of Supply and Safe Yield

The source of supply under File No. 50,428 is main stem alluvium. Since this application will utilize the same well the source of supply will remain the same. The point of diversion falls in Lower Arkansas Enhanced Recharge area. Based on relevant information in the USGS Scientific Investigation Report 2004 – 2005, "Characterization and Simulation of Flow in the Lower Arkansas River Alluvial Aquifer, South-Central Kansas" the areas precipitation recharge value is 5.4 inches per year with 75% available for appropriation. A safe yield report indicates the source of supply to cover 8,042-acres. Based on potential recharge of 5.4 inches, with 75% available for appropriation, safe yield was determined to be 2,714.34 AF. Existing appropriations total 574.84 AF, leaving 2,139.5 AF available to satisfy the applicants request for 17.5 AF.

## Nearby Water Rights

The applicant did not provide names and addresses for the surrounding area. Due to the dense population the applicant ran a public notice for three (3) consecutive weeks from August 7 to August 21, 2024, in the Derby Informer. No response have been received to date.

From the proposed point of diversion, the closest nondomestic well is (Water Right File No. 47,602) 2,450 feet away, and the nearest domestic well is 260 feet away. The application does not meet spacing requirements for domestic wells defined in K.A.R. 5-4-4(c)(2)(C). **Senior File No. 50,428 required a waiver of K.A.R. 5-4-4(c)(2)(C) for domestic well spacing, which this new application will also require. No nearby responses of any kind have been received and the well has been in operation since 2020 with no complaints. A waiver was created to waive K.A.R. 5-4-4(c)(2)(C) since it is unlikely this application will prejudicially or unreasonably affect the public interest.**

## Recommendations

The application was sent for consideration to Cameron Conant, Assistant Water Commissioner, and Jeff Lanterman, Water Commissioner, of the Stafford Field Office on August 30, 2024, and recommended for approval in an e-mail dated September 5, 2024.

The application complies with all regulations concerning reasonable quantity, safe yield, and minimum spacing requirements. It does not appear that approval of the application will 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  
Manhattan Headquarters

**From:** Conant, Cameron [KDA]  
**Sent:** Thu 9/5/2024 2:18 PM  
**To:** Lanterman, Jeff [KDA]; Anhold, Christa [KDA]  
**Subject:** RE: 51125 and 50428 recommendation request

If you want them measured, ask Don to get them on the list as "Fringe Wells". They would be measured tri-annually then. Don is working right now to update a bunch of well monitoring stuff, so now is a great time if you want them added.

*Cameron*

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**From:** Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>  
**Sent:** Thursday, September 5, 2024 2:16 PM  
**To:** Conant, Cameron [KDA] <Cameron.Conant@ks.gov>; Anhold, Christa [KDA] <Christa.Anhold@ks.gov>  
**Subject:** RE: 51125 and 50428 recommendation request

I am so glad that this is getting addressed.

I recommend approval with the waivers of spacing that Cameron noted and dismissal of the senior file.

Looks like those hydrographs were measurements that Mike Dealy picked up after he left GMD 2 and went to work for KGS at the well library in Wichita. Wonder if they would be worthwhile for us to pick them for annual measurements. Looks like all that stopped when he left KGS.

Jeff

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**From:** Conant, Cameron [KDA] <Cameron.Conant@ks.gov>  
**Sent:** Thursday, September 5, 2024 1:33 PM  
**To:** Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>  
**Subject:** FW: 51125 and 50428 recommendation request

Jeff, this is a replacement application for a bean sprout facility that has been in operation for 5+ years, for a couple years they operated with a temporary permit and then got approval for a regular permit and they are consistently over pumping it the last 2 years. In 2022 they pumped 12.4 AF and in 2023 they pumped 11.1 AF. They had a \$5,000 penalty for the OP in 2022. After that, they got in touch with us, filed a permanent new application for more quantity and so we allowed a temporary permit in 2023 which covered the overage in that year.

This new application is a complete replacement of the current one, the current app (50428) will be voluntarily dismissed and this one will take its place and authorize an increased, and what appears to be a more reasonable quantity based on what they have been using. This new application has requested 17.5 AF.

There is plenty of SY available. Spacing is an issue and we waived spacing to at least a couple domestic wells for the senior file and I think we should do that again. This has been in operation for multiple years and no issues are cropping up due to its ongoing operation.

I think the FO can recommend approval of the new app with spacing waivers and dismissal of the old file 50428 is a good thing. This needed a fresh start. Please pass on to Christa if you agree.

*Cameron*

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**From:** Anhold, Christa [KDA] <Christa.Anhold@ks.gov>  
**Sent:** Friday, August 30, 2024 7:44 AM  
**To:** Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>; Conant, Cameron [KDA] <Cameron.Conant@ks.gov>  
**Subject:** 51125 and 50428 recommendation request

Good morning,

Attached is a draft memo for new application 51,125 and dismissal of water right 50,428, for your review and recommendation. A public notice was run from August 7 to August 21, 2024. No comments have been received to date.

Here are links to WIZARD wells within a 2-mile radius around the proposed PD.

.5mi

[https://geohydro.kgs.ku.edu/geohydro/wizard/wizardwelldetail.cfm?usgs\\_id=372042097382601](https://geohydro.kgs.ku.edu/geohydro/wizard/wizardwelldetail.cfm?usgs_id=372042097382601)

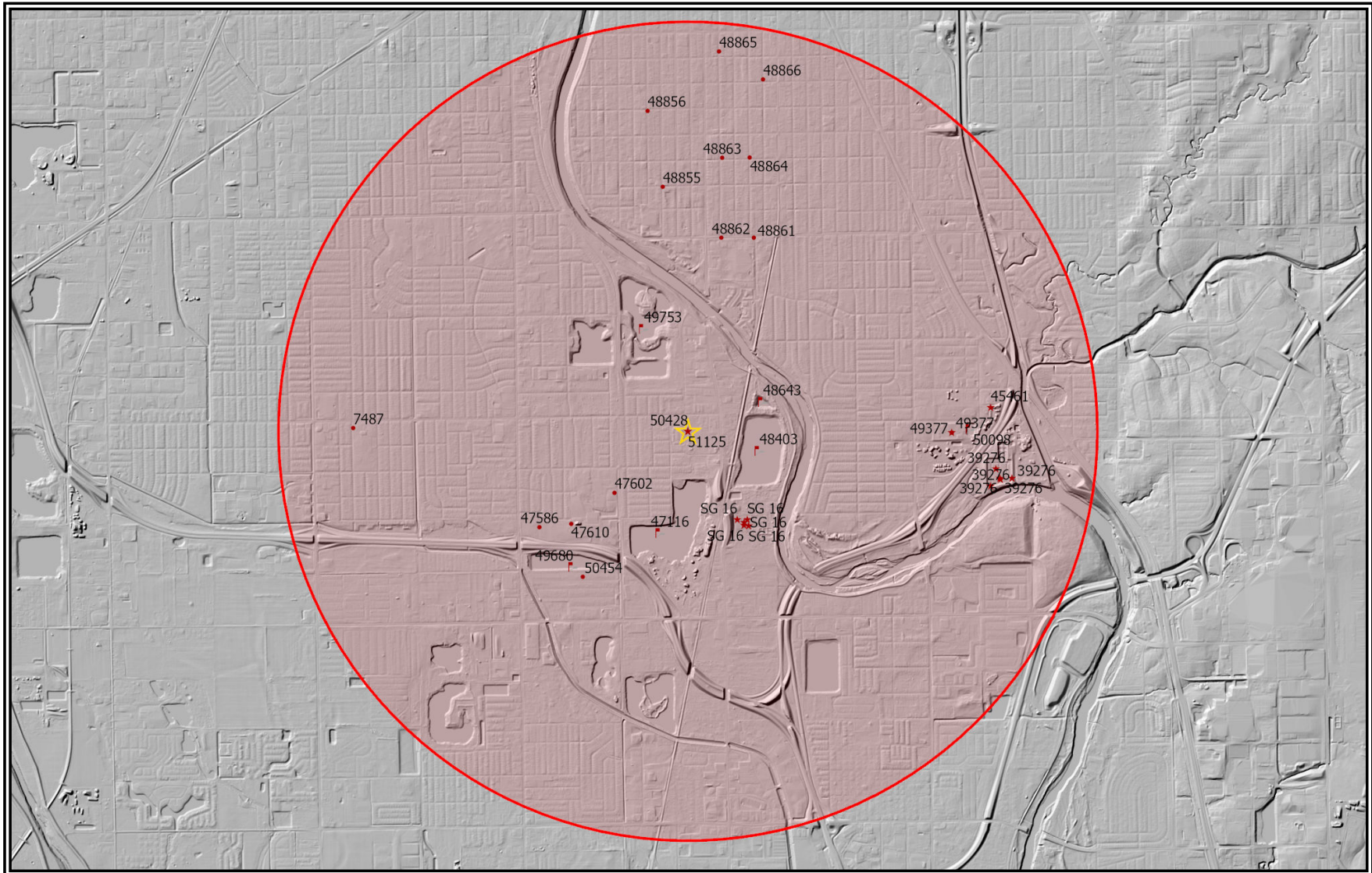
.6mi

[https://geohydro.kgs.ku.edu/geohydro/wizard/wizardwelldetail.cfm?usgs\\_id=373842097204901](https://geohydro.kgs.ku.edu/geohydro/wizard/wizardwelldetail.cfm?usgs_id=373842097204901)

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)

**Safe Yield Report Sheet**  
**Water Right- A5112500**  
**Point of Diversion in 08-28S-01E**  
**Footages from SE corner- 4,860 feet North 944 feet West**





**\*passes safe yield\***

## Analysis Results

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

The safe yield based on the variables listed below is 2,714.34 AF.

Total prior appropriations in the circle is **592.34 AF. -17.5 = 574.84 AF**

Total quantity of water available for appropriation is ~~2,121.99 AF.~~ **2714.34 – 574.84 = 2139.5 AF**

## Safe Yield Variables

The area used for the analysis is set at 8,042 acres.

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

The percent of recharge available for appropriation is 75%.

Authorized Quantity values are as of 02-JUL-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 25 water rights and 32 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 7487 00	IRR	NK	G		NE	NW	NW	5080	4310	07	28	01E	1	WR	30.00	30.00	20.00	20.00	
A 39276 00	IND	NK	G		SE	NE	NW	4092	3085	10	28	01E	7	WR	12.28	12.28			
Same	IND	NK	G		SE	NE	NW	4060	2773	10	28	01E	10	WR					
Same	IND	NK	G		NW	SE	NW	3910	3323	10	28	01E	12	WR					
Same	IND	NK	G		SE	NE	NW	4340	3173	10	28	01E	8	WR					
Same	IND	NK	G		SE	NE	NW	4060	3073	10	28	01E	9	WR					
V SG 16 00	IND	AA	G					2546	4713	09	28	01E	2	WR	8.82	8.82			
Same	IND	AA	G					2546	4971	09	28	01E	4	WR					
Same	IND	AA	G					2380	4675	09	28	01E	5	WR					
Same	IND	AA	G					2400	4800	09	28	01E	6	WR					
Same	IND	AA	G					2468	4790	09	28	01E	7	WR					
A 45461 00	IND	NK	G		SW	SE	SW	852	3280	03	28	01E	2	WR	15.74	15.74			
A 47116 00	REC	NK	G		NE	NW	SE	2388	1448	08	28	01E	9	WR	85.00	85.00			
A 47586 00	IRR	NK	G		NW	NW	SW	2421	4813	08	28	01E	11	WR	2.00	2.00	4.00	4.00	
A 47602 00	IRR	NK	G		SE	SE	NW	3291	2861	08	28	01E	12	WR	2.00	2.00	3.00	3.00	
A 47610 00	IRR	NK	G		NE	NW	SW	2497	3994	08	28	01E	13	WR	9.30	9.30	4.00	4.00	
A 48403 00	REC	NK	G					4317	4373	09	28	01E	3	WR	65.00	65.00			
A 48643 00	REC	NK	G					1086	3892	04	28	01E	6	WR	1.35	1.35			
A 48855 00	IRR	KE	G		NW	SE	SE	1300	1102	32	27	01E	2	WR	161.30	161.30	74.00	74.00	
A 48856 00	IRR	KE	G		SE	SW	NE	3280	1475	32	27	01E	3	WR	161.30	23.70	+0	74.00	0.00
A 48861 00	IRR	KE	G					5350	4085	04	28	01E	7	WR	161.30	0.00	+0	74.00	0.00

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 48862 00	IRR	KE	G					5350	4930	04	28	01E	8	WR	161.30	0.00	+0	74.00	0.00
A 48863 00	IRR	KE	G		SW	NW	SW	1970	4890	33	27	01E	6	WR	161.30	0.00	+0	74.00	0.00
A 48864 00	IRR	KE	G		SE	NW	SW	1970	4170	33	27	01E	7	WR	161.30	0.00	+0	74.00	0.00
A 48865 00	IRR	KE	G		NW	NW	NW	4720	4940	33	27	01E	9	WR	161.30	0.00	+0	74.00	0.00
A 48866 00	IRR	KE	G		SW	NE	NW	3990	3810	33	27	01E	8	WR	185.00	0.00	+0	74.00	0.00
A 49377 00	IND	KE	G		SE	SW	SW	215	4295	03	28	01E	11	WRF	34.43	34.43			
A 49377 00	IRR	KE	G		SE	SW	SW	215	4295	03	28	01E	11	WRF	9.84	9.84		3.00	3.00
A 49680 00	REC	LO	G		SW	NE	SW	1370	3950	08	28	01E	14	WR	35.90	35.90			
A 49753 00	REC	KE	G		NW	NW	SE	2230	2000	05	28	01E	3	WR	66.70	66.70			
A 50098 00	REC	KE	G		SW	SE	SW	291	3809	03	28	01E	13	WR	2.50	2.50			
A 50428 00	IND	KE	G		NW	NE	NE	4860	944	08	28	01E	17	WR	3.07	3.07			
A 50454 00	IRR	HK	G		NW	SE	SW	1115	3700	08	28	01E	18	WR	5.92	5.92		5.00	5.00
A 51125 00	IND	AY	G		NW	NE	NE	4860	944	08	28	01E	17	WR	17.50	17.50	-17.5		

## Limitations

File Number	Seq Num	Limitations
A 48856 00	1	185 AF/YR COM/W #48855
A 48861 00	1	185 AF/YR COM/W #48855, 48856, 48858 & 48859-A
A 48862 00	1	185 AF/YR COM/W #48855 ETAL (SEE FILE FOR DETAILS)
A 48863 00	1	185 AF/YR COM/W #48855 ETAL (SEE FILE FOR DETAILS)
A 48864 00	1	185 AF/YR COM/W #48855 ETAL (SEE FILE FOR DETAILS)
A 48865 00	1	185 AF/YR COM/W #48855 ETAL (SEE FILE FOR DETAILS)
A 48866 00	1	185 AF/YR COM/W #48855 ETAL (SEE FILE FOR DETAILS)



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. 51,125** of the applicant

**TRI VO  
2705 W 43RD ST S  
WICHITA, KS 67217**

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

1. That the priority date assigned to such application is **November 1, 2023**.
2. That the water sought to be appropriated shall be used for industrial use in the Northwest Quarter of the Northeast Quarter of the Northeast Quarter (NW $\frac{1}{4}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$ ) of Section 8, Township 28 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 a one (1) well located in the Northwest Quarter of the Northeast Quarter of the Northeast Quarter (NW $\frac{1}{4}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$ ) of Section 8, more particularly described as being near a point 4,860 feet North and 944 feet West of the Southeast corner of said section, in Township 28 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 **99 gallons per minute (0.22 c.f.s.)** and to a quantity not to exceed **5.7024 million gallons of water (17.5 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 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).

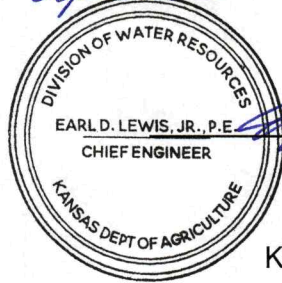
13. That the applicant shall maintain accurate and complete records from which the quantity of water diverted during each calendar year may be readily determined and the applicant shall file an annual water use report with the Chief Engineer by March 1 following the end of each calendar year. Failure 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 6<sup>th</sup> day of September, 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 6<sup>th</sup> day of September, 2024, by Earl D. Lewis Jr., P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

*Shawna Novak*  
\_\_\_\_\_  
Notary Public





THE STATE OF KANSAS



**KANSAS DEPARTMENT OF AGRICULTURE**  
Mike Beam, Acting Secretary of Agriculture

**DIVISION OF WATER RESOURCES**  
David W. Barfield, Chief Engineer

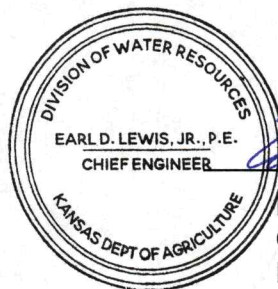
**WAIVER OF REGULATION**  
K.A.R. 5-4-4 (c)(2)(C) Well Spacing

Date: September 6, 2024

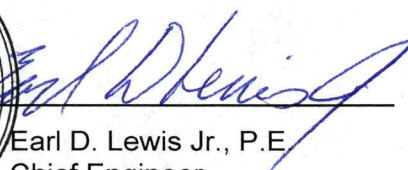
Re: Application, File No. 51,125

1. For the source of supply pertaining to the above referenced application, K.A.R. 5-4-4(c)(2)(C) states that the minimum distance from a well which is the subject of an application to all domestic wells, except where the domestic well owner has given the applicant written permission to reduce the spacing interval, shall be 660 feet.
2. Several domestic wells are noted within a 660-foot radius from the well requested under Application, File No. 51,125.
3. Application, File No. 51,125, would replace an existing permit for a well that has been operating for two years under Appropriation of Water, File No. 50,428, and had previously been authorized under a series of temporary permits, with no reported adverse impacts.
4. A public notice describing the application and the proposed use of water was published in the Derby Informer once a week for three consecutive weeks, during August 2024, with no responses of any kind.
5. The well which is the subject of the application is a relatively low capacity well with a proposed rate of diversion of less than 100 gallons per minute and a quantity of 17.5 acre-feet.
6. A waiver of K.A.R. 5-4-4(c)(2)(C) will not prejudicially or unreasonably affect the public interest.

Comments:



EARL D. LEWIS, JR., P.E.  
CHIEF ENGINEER

  
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

September 10, 2024

TRI VO  
2705 W 43RD ST S  
WICHITA KS 67217

RE: Appropriation of Water  
File No. 51,125

Voluntary Dismissal of Appropriation of Water  
File No. 50,428

Dear Mr. Vo:

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. Also enclosed is an Order by the Chief Engineer, dismissing Appropriation of Water, File No. 50,428, as requested in your voluntary dismissal form received on November 1, 2023.

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 \$100.00.

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 and Changes 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 10 day of September, 2024, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 51,125, dated September 6, 2024, was mailed postage prepaid, first class, US mail to the following:

Original to:

TRI VO  
2705 W 43RD ST S  
WICHITA KS 67217

With photocopies to:

KDA-DWR Stafford Field Office

  
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Division of Water Resources