

**Kansas Department of Agriculture
Division of Water Resources**

~~FINDINGS AND ORDER WORKSHEET~~

1a. File No.: <p align="center">43,470</p>	1b. Document Date: <p align="center">4/17/2025</p>	1c. Field Office: <p align="center">2</p>	1d. GMD: <p align="center">2</p>
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2a. Name & Address Person ID 16879 CITY OF SOUTH HUTCHINSON Attn: DIRECTOR OF PUBLIC WORKS 2 S MAIN ST SOUTH HUTCHINSON KS 67505 1598	2b. Name & Address Person ID _____ _____ _____ _____
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2c. Name & Address Person ID _____ _____ _____ _____	2d. Person ID _____ _____ _____ _____
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2e. WUR Correspondent Person ID 60457-1 JARED C & YOLANDA M OATNEY 11215 W LONGVIEW RD PARTRIDGE KS 67566	3. Use of Water <input checked="" type="checkbox"/> Groundwater <input type="checkbox"/> Surface Water <input checked="" type="checkbox"/> IRR <input type="checkbox"/> REC <input type="checkbox"/> DEW <input type="checkbox"/> MUN <input type="checkbox"/> STK <input type="checkbox"/> SED <input type="checkbox"/> DOM <input type="checkbox"/> CON <input type="checkbox"/> HYD DRG <input type="checkbox"/> WTR PWR <input type="checkbox"/> ART RECHRG <input type="checkbox"/> IND SIC: _____ <input type="checkbox"/> OTHER: _____
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4a. PD <input type="checkbox"/> Correct _____ <input type="checkbox"/> Delete _____ <input type="checkbox"/> Add _____ <input type="checkbox"/> Reduce _____	4b. PU <input type="checkbox"/> Correct _____ <input type="checkbox"/> Delete _____ <input type="checkbox"/> Add _____ <input type="checkbox"/> Reduce _____	4c. LIMITATIONS <input type="checkbox"/> Correct _____ <input type="checkbox"/> Delete _____ <input type="checkbox"/> Add _____ <input type="checkbox"/> Reduce _____	4d. RATE <input type="checkbox"/> Correct _____ <input type="checkbox"/> Delete _____ <input type="checkbox"/> Add _____ <input type="checkbox"/> Reduce _____	4e. QUANTITY <input type="checkbox"/> Correct _____ <input type="checkbox"/> Delete _____ <input type="checkbox"/> Add _____ <input type="checkbox"/> Reduce _____
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5. Old Information to be Changed (New Information to be written in 7, 8 & 11)
DISMISSAL OF APPROPRIATION OF WATER RIGHT

6. Previous Modifications and Amendments

Document Type

7. Point of Diversion

Groundwater to be withdrawn by means of (_____ well(s)) (_____) (_____ pit(s))
Surface water in the _____ to be diverted (at a point)
(at _____ points) (_____ pit(s)) (_____ dam(s))

Date Prepared 4/15/25 Date Reviewed: 4/17/2025 Date Entered 4/18/2025 KAnderson	By CLA By: KAK By
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File No. **43,470** Priority Date: **7/31/1998** County: **RN** Basin: **ARKANSAS RIVER** Stream: Formation Code: **190**

8. Points of Diversion										Rate and Quantity				
										Authorized		Additional		
T														
MOD														
DEL	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment	Rate	Quantity	Rate	Quantity	Overlap PD Files
ENT										gpm	af	gpm	af	
DEL	62444	SE SE SE	34	23S	6W	1	167	97		620	116	620	116	47,562

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

10. Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____
 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____

11. Place of Use										NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files
T																													
MOD																													
DEL	PUSE	S	T	R	ID	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE								
ENT						¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼							
DEL	51985	34	23S	6W	1													32.25	32.25	32.25	32.25	129	2a		47,562 & 20118929-DT				

12. Comments:

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

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

**IN THE MATTER OF THE
DISMISSAL OF WATER RIGHT
FILE NO. 43,470**

This is to certify that on April 16, 2025, a voluntary request to dismiss Water Right, File No. 43,470, was filed with the office of the Chief Engineer by the following appropriation right owner:

**CITY OF SOUTH HUTCHINSON
2 S MAIN ST
SOUTH HUTCHINSON KS 67505 1598**

Per this request, those above have agreed to waive any and all rights that they might have to a hearing pursuant to K.S.A. 82a-718 or any other applicable statute.

ORDER


The Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture, acknowledges this request, and so orders the dismissal of Water Right, File No. 43,470, and forfeiture of its priority. The dismissed file pertains to the point of diversion and place of use described as follows:

one (1) well located in the Southeast Quarter of the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 34, more particularly described as being near a point 167 feet North and 97 feet West of the Southeast corner of said section, in Township 23 South, Range 6 West, Reno County, Kansas, for irrigation use on the following described property:

Sec. Twp. Range	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Total				
	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$					
34 - 23S - 6W																	32.25	32.25	32.25	32.25	129.00

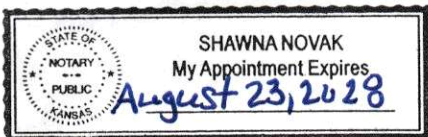
Any further diversion of water pursuant to the conditions and terms of the dismissed file shall be unlawful and subject to the penalties of K.S.A. 82a-728 and K.S.A. 82a-737.

Ordered this 17th day of April, 2025, in Manhattan, Riley County, Kansas.


 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 17th day of April, 2025, by Earl D. Lewis Jr., P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.


 SHAWNA NOVAK
 My Appointment Expires
August 23, 2028


 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

April 23, 2025

JEFF SCHENK
CITY OF SOUTH HUTCHINSON
2 S MAIN ST
SOUTH HUTCHINSON KS 67505 1598

RE: Appropriation of Water
File No. 50,662

Dismissal of Water Right
File Nos. 43,470 and 47,562

Dear Mr. Schenk:

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, with special reference to Paragraph No. 18 in the Approval of Application and Permit to Proceed.

Also enclosed is an Order by the Chief Engineer, dismissing Appropriation of Water, File Nos. 43,470 and 47,562, as requested in your voluntary dismissal forms received on April 16, 2025. Since these orders modify the Certificates of Appropriation under the above referenced water rights, they should be recorded with the Register of Deeds as other instruments affecting real estate. Abandoned wells must be plugged in accordance with the requirements of Article 30 of the Rules and Regulations adopted by the Kansas Department of Health and Environment.

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 kswaterusereport.org.

The approval of your new 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 with your approval documents 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 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
Equus Beds GMD No. 2

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 23 day of April, 2025, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,662, and Dismissal of Water Right, File Nos. 43,470 and 47,562 dated April 17, 2025, were mailed postage prepaid, first class, US mail to the following:

CITY OF SOUTH HUTCHINSON
2 S MAIN ST
SOUTH HUTCHINSON KS 67505 1598

With photocopies to:

KDA-DWR Stafford Field Office

Equus Beds GMD No. 2



Division of Water Resources