

File No. **50,182** 13. County: **BU-Butler** Basin: **Walnut River** Stream: **Little Walnut River (Walnut River)**
 Structures File No: **LBU-0126** Aquifer Code: Special Use Area:

14. Points of Diversion, Rates & Quantities										Qty		Rate		Storage Qty		Storage Rate	
PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)		Auth	Add	Auth	Add	Auth	Add	Auth/Add	Overlaps
CHK	5077	NW SE NE	25	28S	4E	1	3537	794		106.8	106.8	800	800				+
																	+
																	#
																	^
																	**
																	++

15. Limitations Type: Quantity: Rate: combined with file no(s):
 Type: Quantity: Rate: combined with file no(s):

16. Metering Metering Required Anti-Reverse Required Seal Required Compliance Date: **12/31/2026**

17. Place of Use						NE¼				NW¼				SW¼				SE¼				Total	Owner(s)	Chg?	Overlaps	
PDIV	S	T	R	ID		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE					
CHK	55423	19	28	5E	1											Lot 4	30.5	29.5					60	5A	<input type="checkbox"/>	+
CHK	55424	30	28S	5E	1					1	Lot 1	28										29	5A	<input type="checkbox"/>	+	
																									<input type="checkbox"/>	#
																									<input type="checkbox"/>	^
																									<input type="checkbox"/>	**
																									<input type="checkbox"/>	++

18. Point of Diversion and Place of Use Overlaps

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KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: January 27, 2025

FROM: Brandon Milner

RE: Application, File Nos. 45,372 & 50,182

The McClure Brothers Farms LLC has filed the above referenced application (50,182) proposing to appropriate 106.8 acre-feet of surface water per calendar year at a maximum rate of 800 gallon per minute for irrigation use. This application is effectively replacing Water Right No. 45,372 which will be dismissed as the applicant added additional acreage to the place of use without authorization.

The point of the diversion is a pumpsite located in the Northeast Quarter of Section 25, Township 28 South, Range 4 East in Butler County previously authorized by Water Right nos. 41,060 & 45,372. Eleven notification letters were sent to to all landowner one ½ mile upstream and downstream from the pumpsite, a few phone calls were taken but no comments were received.

The applicant has submitted a signed Minimum Desirable Streamflow (MDS) statement, which has been notarized. By completing this statement, the applicant affirms his knowledge that there could be times when the diversion of water may not be allowed under this permit. Additionally, the permit is conditioned as follows: That in order to implement the provisions of K.A.R. 5-3-11(d)(6), no water shall be diverted unless the written permission of the Chief Engineer, or an authorized representative of the Chief Engineer, is obtained each time the applicant desires to divert water. The approval of this permit is not an indication that surface water will be available from this source of supply, or that written permission will be granted to divert water.

A correction to the original application changed the requested quantity from 116.4 acre-feet to 106.8 acre-feet as the original quantity would have been provided more than a reasonable amount of water for irrigation in Butler County. The adjusted value 106.8 acre-feet of water for 89 acres which is equal than the maximum allowable of 1.2 acre-feet of water per acre in Butler County.

This application has been no processed as an alternate source of water was needed as by K.A.R. 5-3-15 (5). The applicant had completed an alternative source of water which in this case is an offsite pond with a storage volume of 21.5-acre feet. A rule of thumb for adequate for having an adequate alternative source of water available for use between July 1 and September 30 each year is calculated as follows: (40% of the 50% NIR X acres being irrigated. (0.40 X 0.77) X 89 acres=27.1-acre feet. Offsite storage volume in this application would account for 21.5-acre feet which is relatively close to the 40% of the 50% NIR for offsite storage.

A floodplain fill was required for the offsite storage reservoir for this application and has been permitted by LBU-0126.

A voluntary dismissal for Water Right No. 45,372 was received by DWR on December 12, 2019, and is contingent on the approval of this application which would overlap in place of use and point of diversion.

In accordance with K.S.A. 82a-706c, the Chief Engineer retains full authority to require any water user to install meters, gages, or other measuring devices, which devices he or she or his or her agents may read at any time. Water flowmeter requirements are further described in K.A.R. 5-1-4 through K.A.R 5-1- 12. If any chemical or foreign substance is injected into the water pumped under this permit, a check valve will also need to be installed.

The priority date for application no. 50,182 received in Manhattan Headquarters is December 18, 2018. The application was sent to the Stafford Field Office for recommendation on December 23, 2024 and was recommended for approval on January 23, 2025.

Based on all information listed above, it is recommended that the referenced application be approved in concurrence with Water Appropriation # 45,372 subsequently being dismissed.

Brandon Milner
Environmental Scientist
Permits Unit

From: "Lanterman, Jeff [KDA]"
Sent: Thu 1/23/2025 2:28 PM
To: "Conant, Cameron" <Cameron.Conant@ks.gov>; "Milner, Brandon [KDA]" <Brandon.M.Milner@ks.gov>
Subject: RE: Update on 50,182 (45372 dismissal)
Attachments: FW: Letter for LBU-0126, Water Appropriation File Nos. 45,372 and 50,182

I think I can recommend approval of this one. I really didn't like giving (especially McClure) an inch on the offsite storage and lets not make that a habit lol. What made my mind up on this one is that it is way better than the 45372 that they are voluntarily dismissing.

So I recommend approval on this one contingent upon the dismissal of 45372.

Its not sufficient and he is going to ask for permissions right in the middle of MDS. But like I said its better than the senior.

I recommend approval.

Thanks
Jeff

From: Conant, Cameron <Cameron.Conant@ks.gov>
Sent: Friday, December 27, 2024 2:09 PM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Subject: FW: Update on 50,182 (45372 dismissal)

Jeff this is a long-pending surface water application that was filed in December of 2018 by John McClure. It was one of the first ones we held processing on while we worked through the requirements of 5-3-15, specifically how to come to terms with adequate off-site storage. Ultimately we settled on 40% 50% NIR being a "reasonable" amount of off-site storage to move forward with a direct pull of SW. Based on Kristens email below, that is a guideline that should be implemented state-wide on new projects.

This one is a bit different because they don't meet the 40% 50% NIR threshold. The constructed their off-site storage years ago w/out approval (shocking) after they filed the new application. One of those things we or HQ discussed with Danler and McClure and they ultimately just ended up doing it. So what they have constructed only stores 21 AF and 27 AF storage is required to meet the guideline noted above. They have structures approval on the flood plain fill for their off-site storage pond. I'm not bothered by the fact they are lower than adequate on their storage b/c it is already constructed and has been for a while now. If this new one is approved they have voluntarily dismissed an older surface water right no. 45372.

I think this looks fine and think we can recommend approval of this with all the normal slate of surface water conditions and permissions that we are doing now. I don't know what they all are and don't really care as long as we are consistent with those conditions now (FYI dismissal of 45372 is getting rid of one set of the odd pumping condition requirements that we don't like). Pass on to Brandon if you agree.

Cameron

From: Baum, Kristen [KDA] <Kristen.Baum@ks.gov>
Sent: Friday, December 27, 2024 1:25 PM
To: Milner, Brandon [KDA] <Brandon.M.Milner@ks.gov>; Conant, Cameron <Cameron.Conant@ks.gov>
Subject: RE: Update on 50,182

On a new project, we're holding to the 40% of 50% NIR, but since this is an existing project, I think we can use some discretion about it. Even though the storage isn't as much as we'd like to see, its still improving the situation.

I don't think we are obligated to make his illegal acres legal, but the permission to pump permit conditions on the senior file aren't right. If we replace it with the new application, that gives us an opportunity to fix it.

Kristen Baum, Environmental Scientist
DWR – Water Appropriations

From: Milner, Brandon [KDA] <Brandon.M.Milner@ks.gov>
Sent: Friday, December 27, 2024 1:12 PM
To: Conant, Cameron <Cameron.Conant@ks.gov>
Cc: Baum, Kristen [KDA] <Kristen.Baum@ks.gov>
Subject: RE: Update on 50,182

Hey Cameron,

Sorry I meant to respond earlier to you on this file. Ken, Kristen and I met last week about this file since the offsite storage does not meet the 40% of the 50% NIR for Butler County. Basically it was discussed that since this file was one of the first ones that DWR looked at with the offsite storage variable, and that we are within 6 acre feet of meeting the 40% of the 50% NIR that this one could potentially move forward with approving this one and dismissing 45,372. I think that moving forward we will be more strict with the 40% offsite storage with surface water pumping. I am open to any suggestions you have on this one since it's been hanging around for a while.

Did I miss anything Kristen?

Brandon

From: Conant, Cameron <Cameron.Conant@ks.gov>
Sent: Friday, December 27, 2024 7:53 AM
To: Milner, Brandon [KDA] <Brandon.M.Milner@ks.gov>
Subject: FW: Update on 50,182

Hey Brandon, I haven't looked closely at your recent recommendation request on this application. Did anyone ever respond to my question last time we were talking about it?

Looks like you just ended up going with the storage they had even though it is less than the 40% 50% NIR, is that right?

Cameron

From: Conant, Cameron [KDA]
Sent: Wednesday, December 11, 2024 9:16 AM
To: Milner, Brandon [KDA] <Brandon.M.Milner@ks.gov>; Fitch, Elizabeth [KDA] <Elizabeth.Fitch@ks.gov>
Cc: Kopp, Kenneth [KDA] <Kenneth.Kopp@ks.gov>; Baum, Kristen [KDA] <Kristen.Baum@ks.gov>; Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Subject: RE: Update on 50,182

Thank you Brandon. Are all the FO's applying the 40% 50% NIR procedural guidelines in a consistent manner to all direct diversion new applications? I guess I'm asking if everyone is doing this and holding applications to the same standard. If they aren't, and we are only lacking 6 AF of storage in this case to meet the 40% 50% threshold, then that might well factor in to our decision with this one.

Cameron

From: Milner, Brandon [KDA] <Brandon.M.Milner@ks.gov>
Sent: Wednesday, December 11, 2024 8:31 AM
To: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>; Fitch, Elizabeth [KDA] <Elizabeth.Fitch@ks.gov>
Cc: Kopp, Kenneth [KDA] <Kenneth.Kopp@ks.gov>; Baum, Kristen [KDA] <Kristen.Baum@ks.gov>; Lanterman, Jeff

[KDA] <Jeff.Lanterman@ks.gov>

Subject: RE: Update on 50,182

That calculation looks correct on my end Cameron.

From: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>

Sent: Wednesday, December 11, 2024 7:54 AM

To: Fitch, Elizabeth [KDA] <Elizabeth.Fitch@ks.gov>; Milner, Brandon [KDA] <Brandon.M.Milner@ks.gov>

Cc: Kopp, Kenneth [KDA] <Kenneth.Kopp@ks.gov>; Baum, Kristen [KDA] <Kristen.Baum@ks.gov>; Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>

Subject: RE: Update on 50,182

Thanks for the review and the input. Here is the calculation, does this look correct? Butler Co: $0.77 \times 0.4 = 0.308 \times 89$ acres = 27.4 AF of storage needed to do what 50182 is wanting. They have a storage pit of 21.5 AF of storage already done and built?

Are all field offices and new apps applying the new 40% 50% NIR procedural guidelines in a consistent manner to determine if off-site storage is adequate on these applications?

Cameron

From: Fitch, Elizabeth [KDA] <Elizabeth.Fitch@ks.gov>

Sent: Tuesday, December 10, 2024 1:21 PM

To: Milner, Brandon [KDA] <Brandon.M.Milner@ks.gov>; Conant, Cameron [KDA] <Cameron.Conant@ks.gov>

Cc: Kopp, Kenneth [KDA] <Kenneth.Kopp@ks.gov>; Baum, Kristen [KDA] <Kristen.Baum@ks.gov>

Subject: RE: Update on 50,182

Thanks for the update, Brandon. Here is just a bit of history that I feel is important for understanding these files: the whole purpose of the new application was to cover unauthorized acres being irrigated by File No. 45372 as we had already maxed out the 10 percent increase on acres under 45372. To decrease the proposed acres should not be considered as an option due to the compliance issues. The plan from the start was to dismiss 45372 upon approval of the new app because it was developed at such a low quantity and because of the odd permissions language.

If there are any concerns with moving forward with leaving 50182 as proposed and dismissing 45372, please let me know. If we keep 45372 for any reason, I can work with the applicant on a change application to bring the acres up to 89.

Elizabeth K Fitch
Division of Water Resources

From: Milner, Brandon [KDA] <Brandon.M.Milner@ks.gov>

Sent: Tuesday, December 10, 2024 1:05 PM

To: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>; Fitch, Elizabeth [KDA] <Elizabeth.Fitch@ks.gov>

Cc: Kopp, Kenneth [KDA] <Kenneth.Kopp@ks.gov>; Baum, Kristen [KDA] <Kristen.Baum@ks.gov>

Subject: Update on 50,182

Good afternoon,

I met with Kristen and Ken yesterday to discuss application no. 50,182 which does overlap 45,372 in Butler County.

Application no. 501,82 is requesting 106.8 acre feet to irrigate 89 acres and senior overlap water right. 45,372 which has been certified 17 acre feet to irrigate 82.5 acres. With K.A.R. 5-3-15 coming into play, the capacity of the offsite reservoir was found to be 21.5 acre feet. However, due to the wording of permissions to pump on the senior file 45,372, a new proposal has been brought forward on how to move forward with 50,182.

Since a voluntary dismissal has been received on 45,372, it may be best to dismiss this file in connection with approving 50,182. However, we could move forward to approve 50,182 with a cutting back the volume and irrigated acres from 89 acres to 82.5 which was certified on 45,372 while reducing the volume to match the maximum volume on 82.5 acres X 1.2 af/acre to get 99 acre feet. Offsite storage of 21.5 acre feet would not quite meet the 40% of the 50% NIR calculation of 25.4 acre feet but it is pretty close. I have not talked to the applicant about this proposal as of yet but I wanted to see if there were any comments or concerns with this proposal. Any thoughts or concerns?

Brandon Milner
Environmental Scientist
Water Appropriation Program

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. 50,182** of the applicant

MCCLURE BROTHERS FARMS LLC
5175 SW 15 TER
DOUGLASS, KS 67039

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 **December 12, 2018**.
2. That the water sought to be appropriated shall be used for irrigation use on land described in the application, as follows:

Sec. Twp. Range	NE¼				NW¼				SW¼				SE¼				TOTAL
	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
19 - 28S - 5E											Lot 4 30.5	29.5					60.0
30 - 28S - 5E					1.0	Lot 1 28.0											29.0

3. That the authorized source from which the appropriation shall be made is surface water, from the Little Walnut River, to be diverted at a pumpsite located in the Northwest Quarter of the Southeast Quarter of the Northeast Quarter (NW¼ SE¼ NE¼) of Section 25, more particularly described as being near a point 3,537 feet North and 794 feet West of the Southeast corner of said section, in Township 28 South, Range 4 East, Butler 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 **800 gallons per minute (1.78 c.f.s.)** and to a quantity not to exceed **106.8 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, 2026**, 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, 2030**, 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 stream flow shall not be stopped at the first riffle below the point of diversion while diversion is taking place under the authority of this water right or permit.

16. That diversion of natural flows shall not take place unless there is water available to satisfy all demands by senior water rights and permits.


17. 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.

18. That during the period July 1, through September 30, of each calendar year, no direct diversions of surface water shall occur unless written permission is obtained from the Chief Engineer, or the Chief Engineer's authorized representative.

19. That during the period October 1, through June 30, the verbal or written permission of the Chief Engineer, or an authorized representative of the Chief Engineer, shall be obtained in order to divert water each time the applicant desires to divert water.

20. 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 *3rd* day of *February*, 2025, 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 *3rd* day of *February*, 2025, by Earl D. Lewis Jr., P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

[Signature]

 Notary Public



SHAWNA NOVAK
 My Appointment Expires
August 23, 2028

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

February 6, 2025

JOHN MCCLURE
MCCLURE BROTHERS FARMS LLC
5175 SW 15TH TER
DOUGLASS, KS 67039

RE: Appropriation of Water
File No. 50,182

Dismissal of Water Right
File No. 45,372

Dear Mr. McClure:

Enclosed is a permit authorizing you to proceed with construction of the proposed diversion works and to appropriate water for beneficial use. Your attention is directed to the enclosures and to the terms, conditions, limitations, and requirements specified in the permit, **with specific reference to Paragraph Nos. 15 through 19**. Also enclosed is an Order of the Chief Engineer dismissing Water Right, File No. 45,372, as requested in your form letter dated December 12, 2018.

For your 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.

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.

Since the dismissal order modifies the Certificate of Appropriation for the above referenced water right, it should be recorded with the Register of Deeds as other instruments affecting real estate.

JOHN MCCLURE
File Nos. 45,372 and 50,182
Page 2 of 2

Also included with your permit 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:bmm
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.

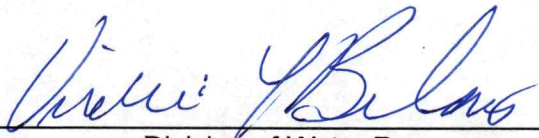
CERTIFICATE OF SERVICE

On this *6th* day of *February*, 2025, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,182 and Dismissal of Water Right No. 45,372 dated *February 3*, 2025, was mailed postage prepaid, first class, US mail to the following:

MCCLURE BROTHERS FARMS LLC
5175 SW 15TH TER
DOUGLASS KS 67039

With photocopies to:

KDA-DWR Stafford Field Office



Division of Water Resources