

Kansas Department of Agriculture
Division of Water Resources
APPROVAL OF NEW APPLICATION WORKSHEET

1. File No.: 50,662	2. Status Change Date: 4/17/2025	4. Field Office: 02 - Stafford GMD: 02 - Equus Beds Structures File No.: Filing/Priority Date: 10/4/2021				
3. Associated File No(s): Dismiss 43,470 and 47,562						
5a. <input checked="" type="checkbox"/> Applicant <input checked="" type="checkbox"/> Owner <input checked="" type="checkbox"/> WUC Person ID 16879 <input type="checkbox"/> Address Change Add Seq# CITY OF SOUTH HUTCHINSON ATTN: DIRECTOR OF PUBLIC WORKS 2 S MAIN ST SOUTH HUTCHINSON KS 67505 1598	5b. <input type="checkbox"/> Owner <input type="checkbox"/> WUC Person ID <input type="checkbox"/> Address Change Add Seq#					
5c. <input type="checkbox"/> Owner <input type="checkbox"/> WUC Person ID <input type="checkbox"/> Address Change Add Seq#	5d. <input type="checkbox"/> Owner <input type="checkbox"/> WUC Person ID <input type="checkbox"/> Address Change Add Seq#					
6. Change No.: <input type="checkbox"/> PD <input type="checkbox"/> PU <input type="checkbox"/> UMW Base Acres: Year: Min Reasonable Q: Previous UMW: MDS Gauge: Active Admin? <input type="checkbox"/> Completion/Start Date: 12/31/2026 Perfection/Expiration Date: 12/31/2045		7. Use of Water <input checked="" type="checkbox"/> Groundwater <input type="checkbox"/> Surface Water UMW: MUN-Municipal UMW: UMW:				
8. Action Trail						
9. Special Conditions						
10. 5YR Allocation Type: Start Year: 5YR Quantity: Base Acres: Comment:						
11. Sand & Gravel Proj ID: <input type="checkbox"/> Active <input type="checkbox"/> Dredge <input type="checkbox"/> IND Evap <input type="checkbox"/> Jr Evap <input type="checkbox"/> Other Diversion <input type="checkbox"/> Rpt on Sr						
<div style="display: flex; justify-content: space-between;"><div>12. Waiver Rule ID: 80 <input type="checkbox"/> New Date Requested: Applies: GMD No.2 Rule No.: K.A.R. 5-22-2(a)(1) Rule Type: Well Spacing Rule SubType: Non-domestic wells, GW pits and baseflow nodes</div><div>Justification: The proposed well will be located less than the required 1,320ft from a non-domestic well authorized by WR File Nos. 30,164 and 40,536. The wells are under common ownership. SEE WAIVER WORKSHEET</div></div>						
Comments Additional Waiver for K.A.R. 5-22-7 for safe yield		<table border="1" style="width: 100%; border-collapse: collapse;"><tr><td style="width: 50%; padding: 5px;">Processed CLA 4/14/25</td><td style="width: 50%; padding: 5px;">Entered 4/18/2025 KAnderson</td></tr><tr><td style="padding: 5px;">Reviewed KAK 4/17/2025</td><td></td></tr></table>	Processed CLA 4/14/25	Entered 4/18/2025 KAnderson	Reviewed KAK 4/17/2025	
Processed CLA 4/14/25	Entered 4/18/2025 KAnderson					
Reviewed KAK 4/17/2025						

File No. 50,662		13. County: RN-Reno Basin: 33- Arkansas River Stream:																			
Structures File No:		Aquifer Code: 190 Equus Beds										Special Use Area:									
14. Points of Diversion, Rates & Quantities																					
PDIV		Qualifier		S	T	R	ID	'N	'W	Comment (AKA Line)		Qty mg Auth Add		Rate gpm Auth Add		Storage Qty mg Auth Add		Storage Rate Auth/Add		Overlaps	
CHK	8990	NW NW NW		11	24S	6W	4	5250	4764	WELL #4		46.38	46.38	1000	0					*	
15. Limitations NEW Type: Combined Rate Quantity: AF Rate: 1000 gpm combined with file no(s): 30,164 & 40,538																					
NEW Type: Quantity: AF Rate: gpm combined with file no(s):																					
16. Metering <input checked="" type="checkbox"/> Metering Required <input type="checkbox"/> Anti-Reverse Required <input type="checkbox"/> Seal Required Compliance Date: 12/31/2026																					
17. Place of Use																		Total	Owner(s)	Chg?	Overlaps
PUSE S T R ID		NE¼				NW¼				SW¼				SE¼							
		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE				
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CHK 15007 25 23S 6W 1		CITY OF SOUTH HUTCHINSON & IMMEDIATE VICINTY																	5a	<input type="checkbox"/>	+
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18. Point of Diversion and Place of Use Overlaps																					
* 30,164 & 40,538											**										
+ 30,164, 40,536, 40,537 & 40538											++										
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Kansas Department of Agriculture
Division of Water Resources
WAIVER REQUEST & WAIVER RULE WORKSHEET

File Number: **50,662**

FO: **2**

GMD: **2**

WAIVER REQUEST:

UMW	Date Requested	Rule ID	Applies	Rule Type	Rule Subtype
MUN	10/4/2021	NEW 179	GMD 2	Safe Yield	
Rule Number	Date Granted	Date Denied	Justification:	Approval of the new application, combined with dismissal of existing water rights, authorizing no new wells, as an offset, would be safe yield neutral, and a waiver of the calculation contained in K.A.R. 5-22-7 will not prejudicially or unreasonably affect public interest and will not impair any existing water rights.	
K.A.R. 5-22-7	4/17/2025				

WAIVER RULE (complete only if a new rule needs to be created):

Rule ID	Applicability	Type	Subtype	Rule Number	Date Active	Date Inactive
	GMD 2	Safe Yield		K.A.R. 5-22-7		

Date Prepared **4/15/2025** By **CLA**

Date Entered **4/18/2025** By **KAnderson**

Kansas Department of Agriculture
Division of Water Resources
WAIVER REQUEST & WAIVER RULE WORKSHEET

File Number: **50,662**

FO: **2**

GMD: **2**

WAIVER REQUEST:

UMW	Date Requested	Rule ID	Applies	Rule Type	Rule Subtype
MUN	10/4/2021	80	GMD 2	Well Spacing	NON-DOMESTIC WELLS, GW PITS AND BASEFLOW NODES
Rule Number	Date Granted	Date Denied	Justification:	The proposed well under New Application File No. 50,662 will be located less than the required 1,320ft from a non-domestic well authorized by WR File Nos. 30,164 and 40,536. The wells in question are under common ownership.	
K.A.R. 5-22-2(a)(1)	4/17/2025				

WAIVER RULE (complete only if a new rule needs to be created):

Rule ID	Applicability	Type	Subtype	Rule Number	Date Active	Date Inactive
				K.A.R.		

Date Prepared **4/15/2025** By **CLA**

Date Entered **4/18/2025** By **KAnderson**

MEMORANDUM TO FILE

Division of Water Resources, Water Appropriation Program

Date: April 16, 2025

From: Christa Anhold, Environmental Scientist

Re: New Application File No. 50,662

Voluntary Dismissal of Water Right, File Nos. 43,470 and 47,562 – City of South Hutchinson

Summary

The City of South Hutchinson filed the above referenced new application proposing to appropriate an additional 46.38 MGY (142.34 AF) of groundwater per year from one (1) existing well at a rate of 1,000 gpm for municipal use in Reno County. This pending application proposes to overlap the point of diversion with WR File No. 30,164 and 40,538, identified as Well #4. The pending application would overlap the place of use with all municipal Water Rights. The rate of the new application will be limited to 1,000 GPM, with no limit on the quantity. The applicant has legal access to the point of diversion and place of use.

The applicant provided two (2) water rights as offsets in lieu of safe yield. Voluntary dismissal of WR File Nos. 43,470 and 47,562 were received signed and notarized in this office on April 16, 2025. These dismissals are contingent upon approval of the above referenced new application.

Reasonable Rate and Quantity

The application originally requested 99.07 MGY (304.03 AF) of groundwater. The application was sent to the GMD for a recommendation and was recommended for denied for failing to meet reasonable quantity per K.A.R. 5-22-14(f). The applicant agreed to reduce the quantity to 46.38 MGY (142.34 AF), in their appeal to the GMD dated December 9, 2022, to meet K.A.R. 5-22-14(f).

Applicant requests an additional 46.38 MGY (142.34 AF) of groundwater for municipal use in the surrounding area. The applicants' supplemental sheet estimates 154 gallons per capita per day (GPCD). Average 160 GPCD according to Kansas Water Office, Municipal Water Use in Kansas, 2023, report. The applicant does not request an additional rate from the existing well, 1000 GPM can be considered reasonable based on past use.

Source of Supply and Safe Yield

The new application will overlap the place of use with WR File No. 30,164 and 40,538 and will share a source of supply, which is the Equus Beds.

A safe yield report provided by GMD No. 2 notes total allowable appropriations total 3,101.00AF and existing appropriation total 4,023.75AF. The area is over appropriated by 922.78AF. The new proposed application fails safe yield per K.A.R. 5-22-7. **The applicant requested K.A.R. 5-22-7 be waived and has provided two (2) water rights within the 2-mile safe yield circle as offsets.**

Nearby Water Rights

The applicant provided names and addresses of four (4) nearby well owners within a half mile of the point of diversion. Nearby notifications were mailed to the four (4) neighbors on January 28, 2022. One written comment was received on February 10, 2022, concerning the availability of groundwater to support the application and drawdown from increased pumping increasing the salt content of the groundwater. No other comments were received.

From the point of diversion, the closest nondomestic well (WR File No. 30,164 and 40,536) is 1,300 ft away and the closest domestic well is 1,570 ft away. The application does not meet well spacing requirements per K.A.R. 5-22-2(a)(1) to their other municipal well under WR File No's. 30,164 and 40,536. **The applicant has requested K.A.R. 5-22-2(a)(1) be waived.**

GMD Recommendations and Appeals

In a letter dated April 14, 2022, Equus Beds GMD No. 2 Manager, Tim Boese, recommended dismissal of File No. 50,662 for failure to meet safe yield regulations per K.A.R. 5-22-7(a), nondomestic well spacing regulation per K.A.R. 5-22-2(a)(1) and maximum reasonable quantity for beneficial use per K.A.R. 5-22-14(f). The applicant was notified of GMD No. 2 recommendation for denial in a letter dated April 19, 2022, with a deadline of May 31, 2022, to provide additional information.

The City Commissioner on behalf of City of South Hutchinson appealed the GMD No. 2 decision in a letter dated May 12, 2022. In a board meeting held by GMD No. 2 the applicant requested a waiver of safe yield and well spacing (K.A.R. 5-22-7(a) and K.A.R.5-22-2(a)(1)). The applicant offered to reduce the requested quantity from 304.93 AF to 142.32AF and provided an offset by dismissing WR File No's. 43,470 and 47,562. The applicant provided their analysis modeling that showed over a 50-year period draw down would be no more than 1.1 ft per year to the nearest neighboring water right. To address the neighbors' concern of water quality the applicant suggested they would increase water quality monitoring.

In response to the applicants suggested accommodations and revisions the GMD still recommended denial. They did not want to set precedent by allowing offsets in return for waving safe yield. GMD No. 2 regulation K.A.R. 5-22-7 does not allow offsets as exceptions or reason to waive safe yield. According to GMD No. 2 approving an application in an area inundated with water use has the potential to exacerbate groundwater declines and negatively impact groundwater quality.

The board decided to bench the decision for a later date to allow the applicant time to discuss other options considering term permits, water quality, data collection and monitoring alternatives. After which time the applicant did not provide any new information and decided against term permits. In a letter dated December 23, 2022, Equus Beds GMD No. 2 Manager, Tim Boese, recommended dismissal of File No. 50,662 for failure to comply with Safe Yield regulation K.A.R. 5-22-7(a). The applicant was notified in a letter dated January 10, 2023.

In a letter dated January 20, 2023, the applicant requested the KDA-DWR not resolve the application until December 31, 2024. The applicant leases the offset water rights, and they don't want to break those leases, which ended in December 2024.

In March 2025 I reached out to the applicant and found they were still interested in pursuing this application. During an internal meeting on April 14, 2025, at KDA-DWR headquarters, it was decided to approve the pending application with a waiver K.A.R. 5-22-2(a)(1) for well spacing and to allow offsets of WR File Nos. 43,470 and 47,562 and to waive K.A.R. 5-22-7(a) for safe yield. Jeff Lanterman, Stafford Field Office Water Commissioner, was in the meeting and gave verbal approval of the application. Therefore this application is recommended for approval.

Christa Anhold
Environmental Scientist
Manhattan Headquarters

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

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

WAIVER OF REGULATIONS K.A.R. 5-22-7

Date: April 17, 2025

RE: Application, File No. 50,662

1. K.A.R. 5-3-9 states that it shall be considered to be in the public interest that only the safe yield of any source of water supply, including hydraulically connected sources of water supply shall be appropriated, and K.A.R. 5-22-7 outlines the methodology for calculating safe yield within the boundaries of Equus Beds GMD No. 2.
2. That the calculation contained in K.A.R. 5-22-7 indicates that the area of the referenced application is fully appropriated based on safe yield.
3. The applicant has requested consideration of the dismissal of existing Water Right, File Nos. 43,470 and 47,562 (totaling 180.6 acre-feet and a combined rate of 620 gallons per minute for irrigation) as potential offsets in favor of approval of 50,662.
4. That the above referenced application is requesting a reduced quantity of 142.34 acre-feet of groundwater from an existing municipal well for municipal use within the City of South Hutchinson.
5. That approval of the new application, combined with dismissal of File Nos. 43,470 and 47,562, would not authorize a new additional well and the rate of diversion would be limited to that currently authorized by the overlapping municipal water rights.
6. That Stafford Field office recommends approval of the application with a waiver of the calculation contained in K.A.R. 5-22-7.
7. That approval of the new application, combined with dismissal of existing water rights, authorizing no new wells, would be safe yield neutral, and a waiver of the calculation contained in K.A.R. 5-22-7 will not prejudicially or unreasonably affect public interest and will not impair any existing water rights.

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

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

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

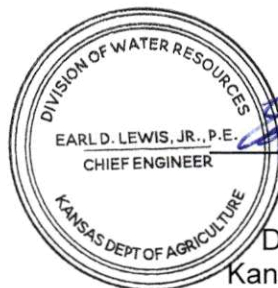
WAIVER OF REGULATIONS K.A.R. 5-22-2(a)(1)


Date: April 17, 2025

RE: Application, File No. 50,662

1. K.A.R. 5-22-2(a)(1) states: "the minimum spacing of all non-domestic and non-temporary wells described in an application for permit to appropriate water for beneficial use, an application for a term permit, or application to change the point of diversion shall be the following: 1,320 feet from all nondomestic wells, groundwater pits, and baseflow nodes."
2. That the proposed point of diversion overlaps with an existing water right, but would located less than the required distance of 1,320 feet from an existing non-domestic well, at approximately 1,300 feet away.
3. That the wells in question are under common ownership.
4. That no new wells would be authorized with approval of this well spacing waiver.
5. That Stafford Field office recommends approval of the application with a waiver of Equus Beds Groundwater Management No. 2 well spacing regulation for nondomestic well K.A.R. 5-22-2(a)(1).
6. Application, File No. 50,662 should be approved with a waiver of K.A.R. 5-22-2(a)(1).
7. A waiver of K.A.R. 5-22-2(a)(1), will not prejudicially or unreasonably affect public interest and will not impair any existing water rights.

Comments:




Earl D. Lewis Jr., P.E.
Chief Engineer
Division of Water Resources
Kansas Department of Agriculture

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. 50,662** of the applicant

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

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 **October 4, 2021**.
2. That the water sought to be appropriated shall be used for municipal use within the City of South Hutchinson, Kansas, and immediate vicinity.
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 the Northwest Quarter of the Northwest Quarter of the Northwest Quarter (NW¼ NW¼ NW¼) of Section 11, more particularly described as being near a point 5,250 feet North and 4,764 feet West of the Southeast corner of said section, in Township 24 South, Range 6 West, Reno 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 **1,000 gallons per minute (2.23 c.f.s.)** and to a quantity not to exceed **46.38 million gallons 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, 2045**, 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 all wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this permit shall have a tube or other device installed in a manner acceptable to, and in accordance with specifications adopted by, the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in a condition satisfactory to the Chief Engineer.

13. 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 required 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).

14. 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.

15. That no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.

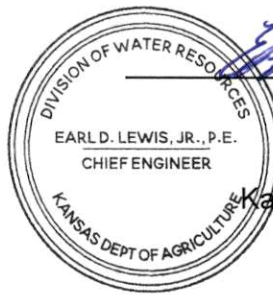
16. That the applicant must submit a progress report to the office of the Chief Engineer by March 1 after the tenth year from the date of the approval of this application and permit to proceed. The progress report is to contain sufficient details to explain the extent of development (perfection) of the water right during the previous ten (10) years, the extent of population being served by the water right and how the water right, in association with any other water right(s) meets the demonstrated municipal use need.

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 the rate of diversion approved under this permit is further limited to the rate which combined with Water Right, File Nos. 30,164, and Appropriation of Water, File No. 40,538, will provide a maximum diversion rate not in excess of **1,000 gallons per minute (2.23 c.f.s.)** from the well described herein.

19. 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 17th day of April, 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 17th day of April, 2025, by Earl D. Lewis Jr., P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

[Signature]

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.

CITY OF SOUTH HUTCHINSON
File Nos. 43,470, 47,562 and 50,662
Page 2 of 2

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,

A handwritten signature in blue ink that reads "Kristen A. Baum". The signature is fluid and cursive, with the first name "Kristen" being more prominent than the last name "Baum".

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