

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

1. File No.: 51218		2. Status Change Date: 3/13/2025		4. Field Office: 02 - Stafford GMD: Structures File No.: Filing/Priority Date: 4/1/24 Application Complete Date: 3/11/25	
3. Package File No(s):					
5a. <input checked="" type="checkbox"/> Applicant <input checked="" type="checkbox"/> Owner <input checked="" type="checkbox"/> WUC <input checked="" type="checkbox"/> Address Change ARLIN UNRUH 2834 APACHE RD HESSTON, KS 67062			5b. <input checked="" type="checkbox"/> Owner <input checked="" type="checkbox"/> WUC <input checked="" type="checkbox"/> Address Change Person ID Add Seq#		
5c. <input type="checkbox"/> Owner <input type="checkbox"/> WUC <input type="checkbox"/> Address Change Person ID Add Seq#			5d. <input type="checkbox"/> Owner <input type="checkbox"/> WUC <input type="checkbox"/> Address Change Person ID 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: Not changing MDS Gauge: Active Admin? <input type="checkbox"/> Completion/Start Date: 12/31/26 Perfection/Expiration Date: 12/31/2030				7. Use of Water <input checked="" type="checkbox"/> Groundwater <input type="checkbox"/> Surface Water UMW: IND-Industrial SIC: 5144 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					
12. Waiver Rule ID: <input type="checkbox"/> New Date Requested: Applies: Rule No.: Justification: Rule Type: Rule SubType:					
Comments				Processed 3/11/25 Reviewed KAK 3/12/2025	
				Entered 3/14/2025 KAnderson	

File No. 51218		13. County: MP-McPherson Basin: Litle Arkansas River Stream:																					
Structures File No:		Aquifer Code: 533-Wellington										Special Use Area:											
14. Points of Diversion, Rates & Quantities																							
PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Oty Auth	Add	Rate Auth	Add	Storage Qty Auth	Add	Storage Rate Auth/Add	Overlaps							
MOD	91590	NW	SE	SW	35	21S	1W	500	3630	BATT 1 of 2							+						
MOD	91591	NW	SE	SW	35	21S	1W	440	3630	BATT 1 of 2							+						
MOD	90837	NW	SE	SW	35	21S	1W	470	3630	Geo-Center		0.657	0.657	99	99		#						
BATT ID 2439																^							
																**							
																++							
15. Limitations																							
Type:		Quantity:		Rate:		combined with file no(s):																	
Type:		Quantity:		Rate:		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		
PDIV	S	T	R	ID	NE¼				NW¼				SW¼				SE¼						
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
																						5A	<input type="checkbox"/> +
																							<input type="checkbox"/> +
																							<input type="checkbox"/> #
																							<input type="checkbox"/> ^
MOD	71699	35	21S	1W	2	Chicken/Egg Facility (SW¼ SE¼)													<input type="checkbox"/> **				
						SE SW													<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: March 10, 2025

FROM: Brandon Milner

RE: New Application,
File No. 51,218

Arlin Unruh has filed an application to appropriate groundwater for industrial use, requesting a battery of two wells (2) for a quantity of 657,000 gallons at a diversion rate of 99 gallons per minute. The proposed point of diversion will be a battery of two wells with a geographical center located in the Southwest Quarter of Section 35 more specifically described as being near a point at 470 North and 3630 West of the Southeast corner of said section, in Township 21 South, Range 1 West in McPherson County. The entire place of use is owned by the applicant, who has signed the application form stating that he has legal access to the point of diversion.

This application does not overlap with any other water rights. The proposed quantity of water is 657,000 per year would be used for industrial use for approximately 20,000 chickens (layers). This would provide 9 gallons per 100 layers per day which equal to the maximum allowable.

The source of water based on well logs submitted with the application is the Wellington Formation. Per the requirements in K.A.R. 5-3-11, safe yield is determined by the extent of the unconfined aquifer within a two-mile radius of the point of diversion, which establishes the area of consideration. Evaluation of the area of consideration included the extent of the unconfined aquifer, provided an area of consideration of 8,042 acres. With a potential annual recharge of 3.5 inches, and 75% of recharge available for appropriation, safe yield was determined to be 1759.29 acre-feet. Other water rights in the area have allotted 301.5 acre feet which would leave 1457.79 acre feet so this application does comply with safeyield.

There are no groundwater rights within one half mile of this application but there are four domestic wells with the closet being 300' away. The domestic well that is 300' away from the proposed geo-center is owned by the applicant and therefore a waiver of spacing will not be required. Otherwise, this application meets the standard spacing of 1,320' for nearby water rights/appropriations and 660' for nearby domestic wells from of the point of the diversion as per the requirements in K.A.R. 5-4-4. Nearby letters were sent on October 19, 2021. One letter of concern was received on February 26, 2025, with regards to the possibility of his domestic well being affected by the approval of this application.

Application No. 51,218

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.

This application was sent to the Stafford Field Office on March 11, 2025, and was recommended for approval on the same date.

Based on the above discussion, the area is open to new appropriations, the application complies with safe yield and well spacing criteria, approval of the application will not impair senior water rights nor prejudicially or unreasonably affect the public interest. It is recommended that the referenced new application be approved.

Brandon Milner
Environmental Scientist
Manhattan Headquarters

From: "Lanterman, Jeff [KDA]"
Sent: Tue 3/11/2025 11:15 AM
To: "Milner, Brandon [KDA]" <Brandon.M.Milner@ks.gov>; "Baum, Kristen [KDA]" <Kristen.Baum@ks.gov>; "Kopp, Kenneth [KDA]" <Kenneth.Kopp@ks.gov>
CC: "Conant, Cameron [KDA]" <Cameron.Conant@ks.gov>
Subject: RE: Memo for 51218

Brandon; I recommend approval on this one.

I have a meeting set up Thursday with Jon Kinsey McPherson County zoning to discuss these chicken barns. He does zoning permitting to allow these things.

I think he wants to wait until the water rights permitting is done before he issues the zoning permitting. He calls it an ag exemption.

He does have a bit of a legit gripe in areas of McP where there is little to no aquifer, he is getting complaints from neighbors regarding concern about the water use at the barn. So Ill probably talk to him about impairment investigation as well.

Such a tiny dab of water in the grand scheme though.

Jeff

From: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Sent: Tuesday, March 11, 2025 11:09 AM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Subject: FW: Memo for 51218

Jeff, I filled this application out for Arlen. During that process we had lots of back and forth about the necessity for a permit or not between us, the driller, and McPherson County and at this time I believe we are all on the same page now with these needing industrial rights to cover the poultry operation. I confirmed this is a "dry" barn with Arlen last week and he said the requested quantity is adequate for his operation. Arlen also said the barns are complete and he is ready for chickens to be delivered this week. This app started as a single well but was modified to a battery of two wells and a geo-center after test drilling. The proposed battery doesn't meet spacing to Arlens house well, but ok on spacing otherwise.

There are no representative hydrographs, this is an area with limited development. We have recently reviewed and approved Irrigation File Nos 50166 & 50666 that are about 2 miles NW of this location. Those have better logs than these, but they are in locations where the aquifer is pretty limited on what can be pumped, this is just a fringe area.

I've attached the well logs supplied by Alren for his poultry barn proposal and they look bleak, I have concern for the project based on those logs and their estimated output, but that is up to him not us. These logs project a total of ~5 GPM, I hope Arlen has a good bead on how the wells will perform to adequately supply the chicken operation. Brandon called this Equus Beds, but this should fall under a different source since it appears to be all shale.

Cameron

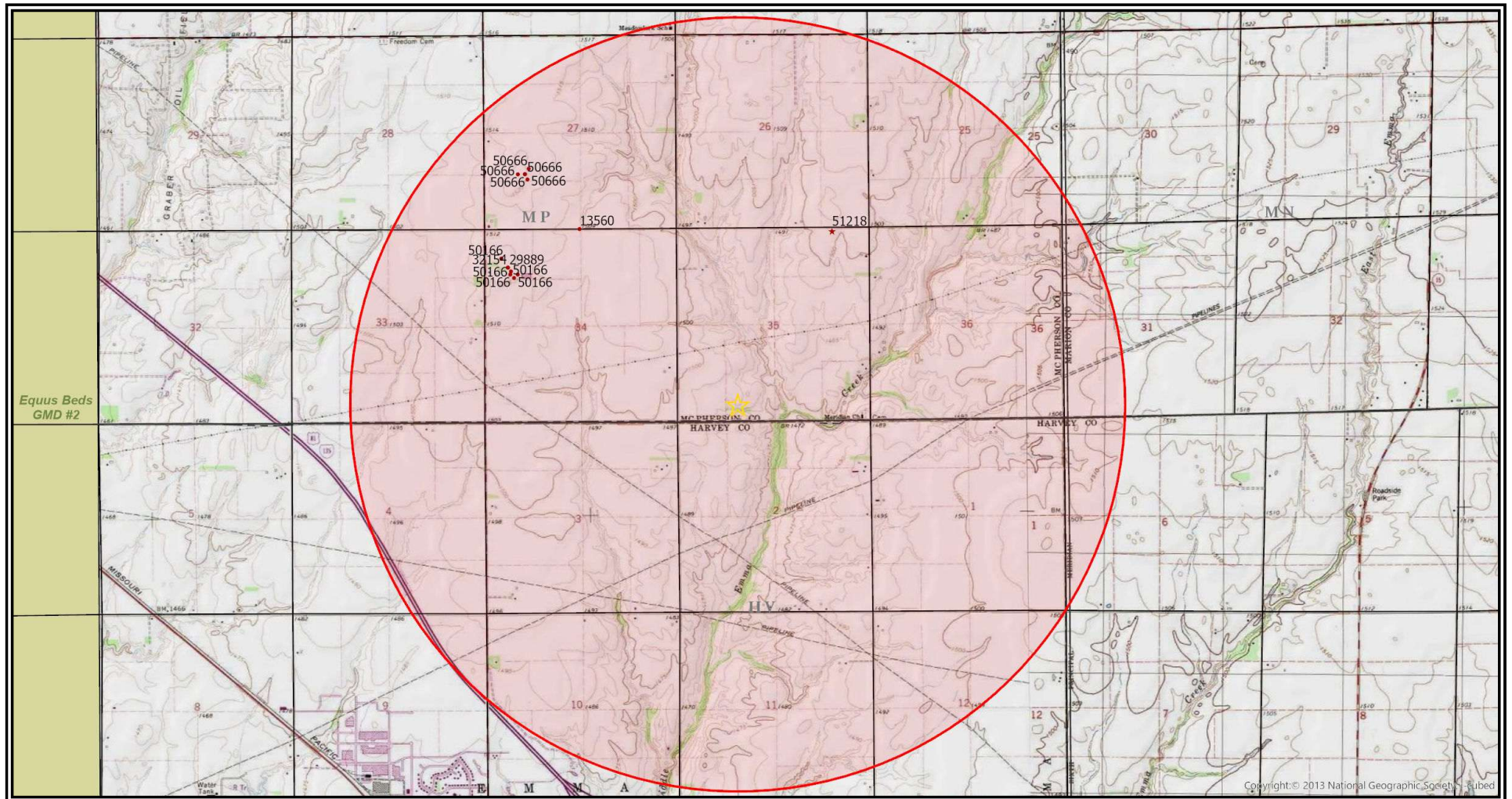
From: Milner, Brandon [KDA] <Brandon.M.Milner@ks.gov>
Sent: Tuesday, March 11, 2025 10:38 AM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>; Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Subject: Memo for 51218

Good morning guys,

I've attached the memo for application no. 51,218. Everything looks to be in order but I did notice that spacing from the applicant's domestic well to the proposed geo-center is only 300'. I don't think that the applicant would be opposed to this nor would a waiver be needed in this case. Please correct me if I'm wrong in this case. Could you provide a recommendation?

Brandon Milner
Environmental Scientist
Water Appropriation Program

Safe Yield Report Sheet
Water Right- Proposed Point of Diversion
Point of Diversion in 35-21S-01W
Footages from SE corner- 470 feet North 3,630 feet West



Analysis Results

The selected PD is in an area OPEN to new appropriations.
The safe yield based on the variables listed below is 1,759.29 AF.
Total prior appropriations in the circle is 302.16 AF.
Total quantity of water available for appropriation is 1,457.13 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 3.5 inches.
The percent of recharge available for appropriation is 75%.

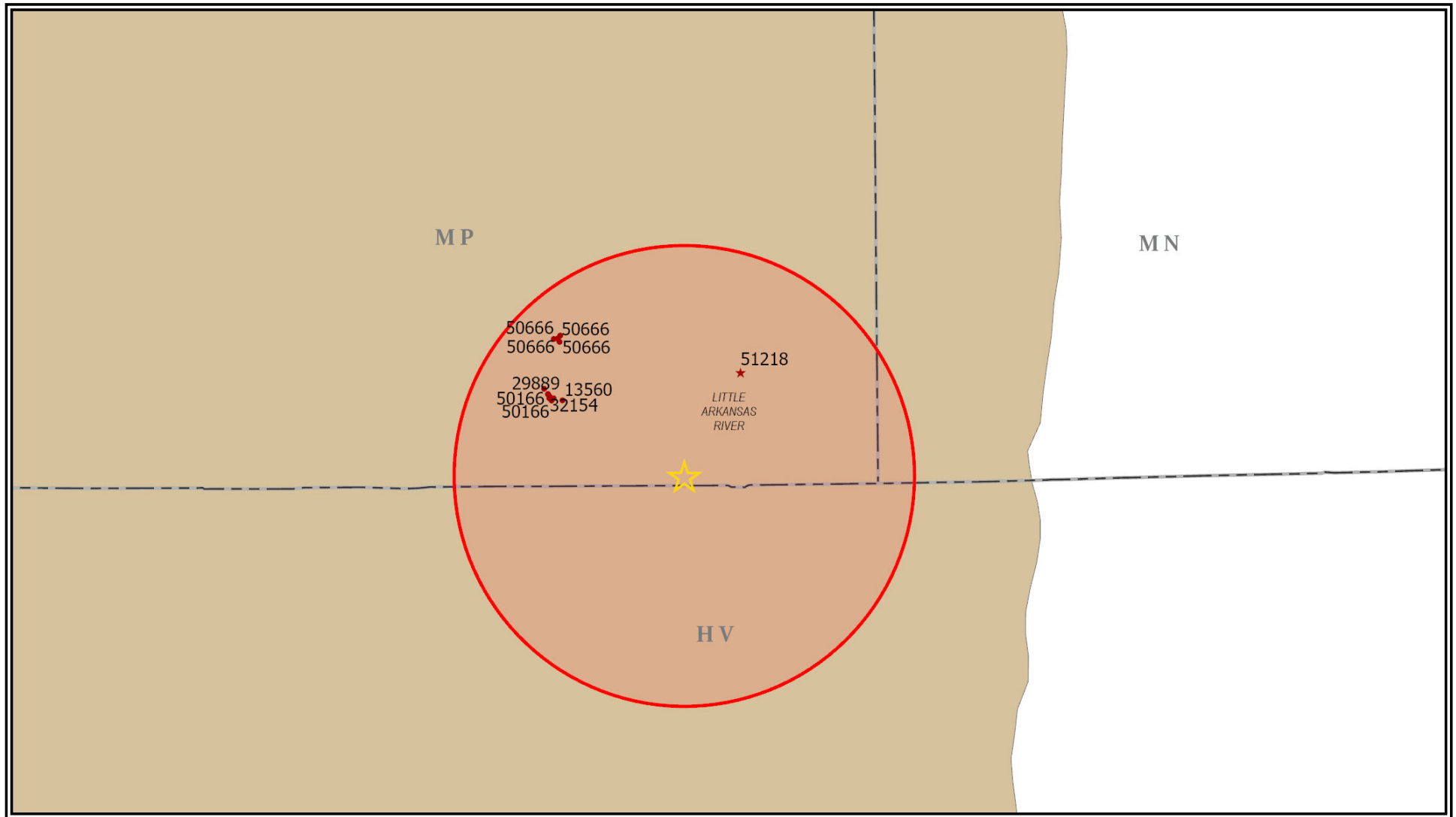
Authorized Quantity values are as of 13-MAR-2025 and are based on Appropriated and Vested ground water right and possible stream nodes for GMD #2. Domestic, Term and Temporary water rights have been excluded.
There are 6 water rights and 13 points of diversion within the circle.

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 13560 00	IRR	NK	G		NE	NE	NW	5327	2641	34	21	01W	15	WR	43.00	43.00	154.00	154.00
A 29889 00	IRR	NK	G		SE	NW	NW	4300	4610	34	21	01W	2	WR	6.14	6.14	154.00	0.00
A 32154 00	IRR	NK	G		SE	NW	NW	4300	4610	34	21	01W	2	WR	15.00	15.00	154.00	0.00
A 50166 00	IRR	KE	G		SE	NW	NW	4000	4445	34	21	01W	9	WR	200.00	135.86	154.00	0.00
Same	IRR	KE	G		SE	NW	NW	4098	4545	34	21	01W	11	WR				
Same	IRR	KE	G		SE	NW	NW	4098	4345	34	21	01W	12	WR				
Same	IRR	KE	G		SE	NW	NW	4183	4531	34	21	01W	13	WR				
Same	IRR	KE	G		SE	NW	NW	4537	4787	34	21	01W	14	WR				
A 50666 00	IRR	GY	G		SE	NW	SW	1511	4146	27	21	01W	1	WR	101.50	101.50	78.15	78.15
Same	IRR	GY	G		SE	NW	SW	1367	4071	27	21	01W	2	WR				
Same	IRR	GY	G		SE	NW	SW	1658	4036	27	21	01W	3	WR				
Same	IRR	GY	G		SE	NW	SW	1509	4332	27	21	01W	4	WR				
Same	IRR	GY	G		SE	NW	SW	1511	4146	27	21	01W	5	WR				
A 51218 00	IND	AY	G					5200	1000	35	21	01W	6	WR	0.66	0.66		

Limitations

File Number	Seq Num	Limitations
A 32154 00	1	70GPM COM/W 29889 FOR IRR USE/CERT
A 50166 00	1	200 AF/YR COM/W #13560, #29889 & #32154

Safe Yield Report Sheet
Water Right- Proposed Point of Diversion
Point of Diversion in 35-21S-01W
Footages from SE corner- 470 feet North 3,630 feet West



Analysis Results

The selected PD is in an area OPEN to new appropriations.
The safe yield based on the variables listed below is 1,759.29 AF.
Total prior appropriations in the circle is 302.16 AF.-0.66 =**301.5 AF**
Total quantity of water available for appropriation is 1,457.13 AF. **1457.79**

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 3.5 inches.
The percent of recharge available for appropriation is 75%.

Authorized Quantity values are as of 10-FEB-2025 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 6 water rights and 13 points of diversion within the circle.

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A 29889 00	IRR	NK	G		SE	NW	NW	4300	4610	34	21	01W	2	WR	6.14	6.14	154.00	0.00
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Same	IRR	KE	G		SE	NW	NW	4098	4545	34	21	01W	11	WR				
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Same	IRR	GY	G		SE	NW	SW	1367	4071	27	21	01W	2	WR				
Same	IRR	GY	G		SE	NW	SW	1658	4036	27	21	01W	3	WR				
Same	IRR	GY	G		SE	NW	SW	1509	4332	27	21	01W	4	WR				
Same	IRR	GY	G		SE	NW	SW	1511	4146	27	21	01W	5	WR				
A 51218 00	IND	AY	G					5200	1000	35	21	01W	6	WR	0.66	0.66		

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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. 51,218** of the applicant

**ARLIN UNRUH
2834 APACHE RD
HESSTON, KS 67062**

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 **April 1, 2024**.
2. That the water sought to be appropriated shall be used for industrial use in the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 35, Township 21 South, Range 1 West, McPherson County, Kansas.
3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by a battery of two (2) wells with a geographical center located in the Southwest Quarter of the Southeast Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 35, more particularly described as being near a point 470 feet North and 3,630 feet West of the Southeast corner of said section, in Township 21 South, Range 1 West, McPherson 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 **657,000 gallons of water (2.02 acre-feet)** 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 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 this permit is further limited such that both wells shall be located within a three hundred (300) foot radius circle, in the same local source of supply, and shall supply water to a common distribution system.

17. 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

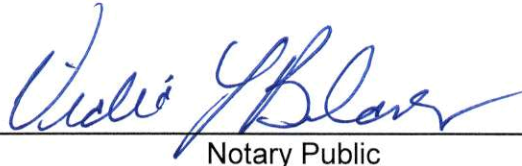
Ordered this 13 day of March, 2025, in Manhattan, Riley County, Kansas.

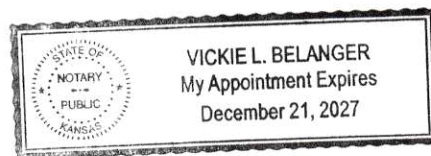


Lane P. Letourneau, P.G.
Water Appropriation Program Manager
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 13 day of March, 2025, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.


Notary Public



1320 Research Park Drive
Manhattan, KS 66502
785-564-6700
[www. agriculture.ks.gov](http://www.agriculture.ks.gov)



900 SW Jackson, Room 456
Topeka, KS 66612
785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

March 18, 2025

ARLIN UNRUH
2834 APACHE RD
HESSTON KS 67062

RE: Appropriation of Water
File No. 51,218

Dear Mr. Unruh:

Enclosed is a permit authorizing you to proceed with construction of the proposed diversion works and to appropriate water for beneficial use as set forth in the permit. Your attention is directed to the enclosures and to the terms, conditions, limitations, and requirements specified in this permit.

Notice must be filed on the enclosed form once the diversion works have been completed. Failure to complete the diversion works within the time allowed, or within any authorized extension of time thereof, will result in dismissal of this permit. If you need an extension of time, you must request it before the deadline for completion set forth in the permit. Any request for an extension of time must be accompanied by the statutorily required fee, which is currently \$100.00.

An annual water use report must be filed with the Chief Engineer by March 1, following the end of each calendar year. If a complete annual water use report is not received by the deadline, then a fine may be assessed and all water use under such permit or right may be suspended. Reports submitted in paper form will be assessed a \$20 per file number paper filing fee. In order to avoid this filing fee, you may submit your report online at www.kswaterusereport.org.

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. 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 18th day of March, 2025, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 51,218, dated March 13, 2025, was mailed postage prepaid, first class, US mail to the following:

ARLIN UNRUH
2834 APACHE RD
HESSTON KS 67062

With photocopies to:

KDA-DWR Stafford Field Office



Division of Water Resources