

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE  
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES  
David W. Barfield, Chief Engineer

**FINDINGS AND ORDER  
IN THE MATTER OF THE  
DISMISSAL OF APPLICATION, FILE NO. 48,704**

After due consideration, the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture (hereinafter referred to as the "Chief Engineer"), makes the following findings and order:

**FINDINGS**

1. That on July 23, 2013, the Chief Engineer received an application from the City of Wichita for permit to appropriate groundwater for beneficial use, assigned File No. 48,704, proposing the appropriation of 500 acre-feet of water, at a maximum requested diversion rate of 1,500 gallons per minute, for municipal use. The proposed point of diversion was located in the Northwest Quarter of the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$  NW $\frac{1}{4}$  NW $\frac{1}{4}$ ) of Section 29, more particularly described as being near a point 5,060 feet North and 5,100 feet West of the Southeast corner of said section, Township 23 South, Range 2 West, Harvey County, Kansas.
2. That on September 21, 2018 an electronic mail was received from the applicant requesting that Application, File No. 48,704 be withdrawn. Attached to the electronic mail was a letter dated September 20, 2018, and signed by Alan King, Director of Public Works & Utilities, which reiterated that this application be withdrawn.
3. That the application should be dismissed, and its priority forfeited as requested by the applicant.

**ORDER**

NOW, THEREFORE, it is the decision and order of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, that effective the date of this order, in accordance with the law, Application, File No. 48,704, is herewith dismissed and the priority assigned to it is considered to be forfeited.

**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:

- 1) request an evidentiary hearing before the Chief Engineer, or
- 2) 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 Section, 1320 Research Park Drive, Manhattan, Kansas 66502, FAX (785) 564-6777.

