

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. 48,733**

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. 48,733, 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 Southwest Quarter of the Southeast Quarter of the Southwest Quarter (SW $\frac{1}{4}$  SE $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section 5, more particularly described as being near a point 150 feet North and 3,850 feet West of the Southeast corner of said section, in Township 25 South, Range 2 West, Sedgwick County, Kansas.
2. That on September 21, 2018 an electronic mail was received from the applicant requesting that Application, File No. 48,733 be withdrawn.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20, 2018, and signed by Alan King, Director of Public Works & Utilities, which reiterated that this application be withdrawn.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. 48,733, 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.

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 hearing 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.

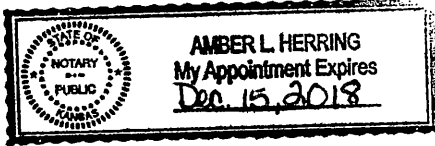
Ordered this 15<sup>th</sup> day of October, 2018, in Topeka, Shawnee County, Kansas.

*Lane P. Letourneau*

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

State of Kansas )  
                                  ) SS  
County of Riley )

The foregoing instrument was acknowledged before me this 15<sup>th</sup> day of October, 2018, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



*Amber L. Herring*

Notary Public

**CERTIFICATE OF SERVICE**

On this 2<sup>nd</sup> day of October, 2018, I hereby certify that the foregoing Dismissal of Application, File No. 48,733, dated October 1<sup>st</sup>, 2018, was mailed postage prepaid, first class, US mail to the following:

CITY OF WICHITA  
PUBLIC WORKS & UTILITIES  
455 N MAIN ST 8TH FLOOR  
WICHITA KS 67202

With photocopies to:

Stafford Field Office  
GMD 2

*Danielle Wilson*

Division of Water Resources