

File No. **50457** 15. Formation Code: **211** Drainage Basin: **ARKANSAS RIVER** County: **KE** Special Use: Stream:

16. Points of Diversion										17. Rate and Quantity				
T MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W		Authorized Rate gpm/cfs	Quantity af/mgy	Additional Rate gpm/cfs	Quantity af/mgy	Overlap PD Files
CHK	88444	SE SE ME	15	25S	36W	5	3102	458		99	4.887	99	4.887	NONE
NE										20200243				
BUT THEN IT MIGHT BE SE SE OF AJM,, BUT PD FOR WRIS....BEST BE NE...														

18. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft

19. Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____
 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____

20. Meter Required? Yes No To be installed by **12/31/2021 2022** Date Acceptable Meter Installed _____

21. Place of Use										NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files
T MOD DEL ENT	PUSE	S	T	R	ID	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼								
CHK	70148	15	25S	36W	4	SAND & GRAVEL WORK (NE)																	7b	Y	NONE				
20200243																													

Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: November 20, 2020

FROM: Austin McColloch

RE: New Application,
File No. 50,457

Western Kansas Dirt Works (WKDC), LLC has filed an application to appropriate groundwater for industrial use, requesting a quantity of 4.88 million gallons (15 acre-feet) of water per calendar year, and a diversion rate of 99 gallons per minute. The proposed point of diversion is located in the Northeast Quarter (NE¼) of Section 15, more particularly described as being near a point 3,102 feet North and 458 feet West of the Southeast corner of said section, in Township 25 South, Range 36 West, Kearny County, Kansas, within the Arkansas River drainage basin.

The source of supply appears to be the Ogallala Aquifer per the completed well information and other well logs located in the area.

The application is not overlapping in place of use or point of diversion with any other Water Right. The applicant has signed the application form stating that they have legal access to the point of diversion. The place of use is a sand and gravel operation located in the Northeast Quarter of Section 15. The proposed quantity of 4.88 million gallons (15 acre-feet) per calendar year seems reasonable for the size of the operation.

The applicant identified two appropriated wells and three domestic wells within one-half mile of the proposed point of diversion. The nearby notification letters were sent out on October 22, 2020. One phone call asking simple questions was received but no responses of concern. The proposed point of diversion meets minimum spacing distance from all non-domestic wells of 1600 feet and minimum spacing to all other domestic wells of 660 feet.

There are no other 15 acre-feet exemption wells located within two miles of the proposed point of diversion. Therefore, the full 15 acre-feet is available for appropriation per 5-23-4.

The point of diversion is located within the boundaries of Southwest Kansas Groundwater Management District No. 3. A letter was sent to GMD No. 3 for a recommendation on November 6, 2020. In a letter dated November 20, 2020, Jason Norquest, Assistant Manager, GMD No. 3, provided a recommendation for approval.

In an email dated November 20, 2020 e-mail, Mike Meyer, Water Commissioner, Garden City Field Office, recommended approval of the application.

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.

Based on the above discussion, the application complies with 15 acre-feet exemption 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 application be approved.

Austin McColloch
Assistant Water Commissioner

From: Meyer, Mike [KDA]
Sent: Fri 11/20/2020 3:53 PM
To: McColloch, Austin [KDA]
Subject: RE: Recommendation New Application File No. 50457

good
approve

Mike

From: McColloch, Austin [KDA] <Austin.McColloch@ks.gov>
Sent: Friday, November 20, 2020 3:49 PM
To: Meyer, Mike [KDA] <Mike.Meyer@ks.gov>
Subject: Recommendation New Application File No. 50457

Mike,

Attached is my draft memo for the above referenced file submitted by WKDW LLC. This is for a small sand and gravel operation located south of Lakin. Let me know if you have any questions or need something changed.

Thanks,

Austin McColloch
Ph: (620) 276-2901

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 50457 00
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AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 50457 00 IND

Water Right and Points of Diversion Within 2.00 of a point defined as:

3102 Feet North and 458 Feet West of the Southeast Corner of Section 15 Twp 25S Rng 36W
 Both SURFACE WATER and GROUNDWATER

File Number	Use	ST	SR	Dist (ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan
A__ AF	359 00	IRR	NK	G	4350	--	NW	NW	SW	2080	5050	11	25	36W	3	520.00	520.00
A__ AF	14267 00	IRR	NK	G	10323	--	--	NC	NW	3959	3927	27	25	36W	1	307.00	307.00
A__ AF	14269 00	IRR	NK	G	9116	--	SW	NE	SE	1361	1055	21	25	36W	8	209.00	209.00
A__ AF	14270 00	IRR	NK	G	2031	--	--	NC	SE	1282	1346	15	25	36W	1	293.00	293.00
A__ AF	14272 00	IRR	NK	G	8662	--	NW	SW	NE	3714	2521	21	25	36W	5	290.00	290.00
A__ AF	14277 00	IRR	NK	G	4072	--	SE	NW	NE	4581	1934	22	25	36W	10	278.00	278.00
Same AF					5411	--	NW	SE	NW	3838	3383	22	25	36W	8	267.00	267.00
A__ AF	14278 00	IRR	NK	G	8033	--	SE	SE	SE	344	435	22	25	36W	9	299.00	299.00
Same AF					8069	--	NW	SE	SW	972	3650	22	25	36W	7	286.00	286.00
A__ AF	14285 00	IRR	NK	G	9780	--	--	NC	NE	3937	1314	27	25	36W	3	294.00	294.00
A__ AF	15305 00	IRR	NK	G	9309	--	NE	SW	SE	870	1600	2	25	36W	2	280.00	280.00
A__ AF	21056 D1	IRR	NK	G	7168	--	NW	NW	SW	1996	5159	12	25	36W	6	266.00	266.00
Same AF					9341	--	--	NC	NW	3960	3960	12	25	36W	2	284.00	284.00
Same AF					10052	--	--	NC	SE	1552	1652	12	25	36W	5	267.00	267.00
A__ AF	24049 00	IRR	NK	G	9309	--	NE	SW	SE	870	1600	2	25	36W	2	120.00	120.00
A__ AF	26065 00	IRR	NK	G	8606	--	SE	SW	NW	3262	4081	24	25	36W	7	260.00	260.00
Same AF					9936	--	--	NC	SW	1303	4025	24	25	36W	5	245.00	245.00
A__ AF	26066 00	IRR	NK	G	7160	--	NE	SW	NW	3740	3844	13	25	36W	5	270.00	270.00
Same AF					8457	--	SE	SE	SW	233	2978	13	25	36W	7	264.00	264.00
Same AF					9653	--	NE	SW	SE	1242	1475	13	25	36W	6	262.00	262.00
Same AF					9666	--	--	NC	NE	3800	1320	13	25	36W	1	282.00	282.00
A__ AF	26067 D1	IRR	NK	G	5003	--	NC	S2	SE	650	1350	14	25	36W	4	272.00	272.00
A__ AF	26067 D2	IRR	NK	G	1520	--	NE	NW	SW	2102	4571	14	25	36W	5	272.00	272.00
A__ AF	26067 D4	IRR	NK	G	4252	--	NE	SW	NE	3668	1543	14	25	36W	6	244.00	244.00
A__ AF	26068 D1	IRR	NK	G	4753	--	--	NC	NW	3960	3960	23	25	36W	2	272.00	272.00
Same AF					7265	--	--	NC	SW	1320	3960	23	25	36W	3	272.00	272.00
A__ AF	26068 D2	IRR	NK	G	6211	--	--	NC	NE	3960	1320	23	25	36W	1	272.00	272.00

Water Right Amount Statistics

Same		8817	--	NW	SE	SE	750	1280	23	25	36W	6		272.00	272.00					
AF																				
A__	26437 00	IRR	NK	G			6931	--	--	NC	SE	1320	1320	9	25	36W	3		260.00	260.00
AF																				
A__	27467 00	IRR	NK	G			9882	--	SW	SW	NW	2771	5095	16	25	36W	3		315.00	315.00
AF																				
A__	40967 A	IND	NK	G			8656	--	NC	E2	SE	1188	792	3	25	36W	10		51.00	51.00
AF																				
A__	44869 00	IND	KK	G			8925	--	SW	NW	SW	1400	4800	2	25	36W	4		1049.01	1049.01
AF																				
A__	50457 00	IND	AY	G			0	--	SE	SE	NE	3102	458	15	25	36W	5		4.89	4.89
AF																				
P__	20200243 00	IND	GY	G			0	--	SE	SE	NE	3102	458	15	25	36W	5		12.28	12.28
AF																				
VKE	63 00	IRR	AA	G			10211	--	NW	NW	SE	2534	2534	3	25	36W	1		240.00	240.00
AF																				
VKE	64 00	IRR	AA	G			8936	--	SW	SW	SW	290	4905	3	25	36W	11		200.00	200.00
AF																				
VKE	72 00	IRR	AA	G			7918	--	--	NW	NW	-----	-----	10	25	36W	1	G4	260.00	260.00
AF																				
Same							7918	--	--	NW	NW	-----	-----	10	25	36W	6	B4		
Same							7918	--	--	NW	NW	-----	-----	10	25	36W	7	B4		
Same							7918	--	--	NW	NW	-----	-----	10	25	36W	5	B4		
Same							7918	--	--	NW	NW	-----	-----	10	25	36W	8	B4		
VKE	73 00	IRR	AA	G			4713	--	NW	NW	NW	-----	-----	15	25	36W	3		280.00	280.00
AF																				
VKE	74 00	IRR	AA	G			2931	--	SW	SW	SE	45	2349	10	25	36W	9	B3	360.00	360.00
AF																				
Same							2967	--	SW	SW	SE	90	2349	10	25	36W	10	B3		
Same							2987	--	SW	SW	SE	115	2349	10	25	36W	12	G3		
Same							3061	--	SW	SW	SE	210	2349	10	25	36W	11	B3		

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Total Net Quantities Authorized:   Direct           Storage
Total Requested Amount (AF) =      4.89             .00
Total Permitted Amount (AF) =    1061.28            .00
Total Inspected Amount (AF) =         .00             .00
Total Pro_Cert Amount (AF) =         .00             .00
Total Certified Amount (AF) =    8345.00            .00
Total Vested Amount (AF) =    1340.00            .00
TOTAL AMOUNT (AF) =    10751.17            .00
    
```

An * after the source of supply indicates a pending application for change under the file number.
 An * after the ID indicates a 15 AF exemption was granted under the file number.
 A "G" in the Batt column indicates the GEO CTR of a battery. A "B" indicates a well in the battery.
 The number in the Batt column is the number of wells in the battery.

Water Right and Points of Diversion Within 2.00 of a point defined as:
 3102 Feet North and 458 Feet West of the Southeast Corner of Section 15 Twp 25S Rng 36W
 Both SURFACE WATER and GROUNDWATER
 WATER USE CORRESPONDENTS:

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=====
File Number      Use ST SR
> RANDY & PAM HAYZLETT JOINT TRUST
>
> 1112 ROAD T
> LAKIN KS 67860
>-----
> YOST FARMS
>
> 1106 RD AA
> LAKIN KS 67860
>-----
> YOST FARMS
>
> 1106 RD AA
> LAKIN KS 67860
    
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>-----
> ALEX W & DANIELLE D REDGER
>
> 1599 ROAD 45
> LAKIN KS 67860
>-----
> YOST FARMS
>
> 1106 RD AA
> LAKIN KS 67860
>-----
> YOST FARMS
>
> 1106 RD AA
> LAKIN KS 67860
>-----
> YOST FARMS
>
> 1106 RD AA
> LAKIN KS 67860
>-----
> YOST FARMS
>
> 1106 RD AA
> LAKIN KS 67860
>-----
> HARTLAND FARMS
>
> PO BOX 1567
> DALHART TX 79022
>-----
> C E B INC
>
> PO BOX 363
> LAKIN KS 67860
>-----
> HARTLAND FARMS
>
> PO BOX 1567
> DALHART TX 79022
>-----
> TOKOI AG PARTNERSHIP
>
> 151 S COUNTY ROAD 15
> LEOTI KS 67861
>-----
> FRED RITSEMA & YOKA RODENHUIS TRUSTS
> LAKIN DAIRY
> PO BOX 389
> LAKIN KS 67860
>-----
> WALTER & ALBERTA REDGER LIVING TRUST
> WADE REDGER
> 106 GREENSBORO ST
> PLAINS KS 67869
>-----
> FRED RITSEMA & YOKA RODENHUIS TRUSTS
> LAKIN DAIRY
> PO BOX 389
> LAKIN KS 67860
>-----
> FRED RITSEMA & YOKA RODENHUIS TRUSTS
> LAKIN DAIRY
> PO BOX 389
> LAKIN KS 67860
>-----

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> RALPH & JERALDINE REIMER TRUSTS
 > 510 INGALLS ST
 > PO BOX 4
 > LAKIN KS 67860

 > TOKOI AG PARTNERSHIP
 >
 > 151 S COUNTY ROAD 15
 > LEOTI KS 67861

 > BEYMER & BEYMER INC
 > ROBERT K BEYMER
 > PO BOX 363
 > LAKIN KS 67860

 > JUDY B TATE
 >
 > 10008 S DOBBS ST
 > OLATHE KS 66061

 > KLOTZ SAND CO INC
 >
 > PO BOX 150
 > HOLCOMB KS 67851

 > KLOTZ SAND CO INC
 >
 > PO BOX 150
 > HOLCOMB KS 67851

 > WKDC LLC
 >
 > PO BOX 124
 > SCOTT CITY KS 67871

 > WKDC LLC
 >
 > PO BOX 124
 > SCOTT CITY KS 67871

 > HARTLAND FARMS
 >
 > PO BOX 1567
 > DALHART TX 79022

 > HARTLAND FARMS
 >
 > PO BOX 1567
 > DALHART TX 79022

 > NEWPORT FARMS LLC
 >
 > PO BOX 1027
 > LAKIN KS 67860

 > ROBERT ADAMS
 >
 > PO BOX 102
 > DEERFIELD KS 67838

 > TRIPLE B LAND LLC
 >
 > PO BOX 363
 > LAKIN KS 67860

#####

From: McColloch, Austin [KDA]
Sent: Tue 11/10/2020 10:02 AM
To: Jason Norquest
Subject: RE: Recommendation New App 50457

They were close to that distance but I think we were able to put them outside of it (they did a test hole that I found to be inside the required spacing and made them move NW to get them outside). In a 2018 compliance investigation we GPSed 26067-D2 as being 2095'N 4432'W putting the distance between the two wells at 1649' apart. Let me know if you need some more information.

Austin J. McColloch

Assistant Water Commissioner
Kansas Department of Agriculture- DWR
Garden City Field Office
<http://agriculture.ks.gov/>
Ph: (620) 276-2901

From: Jason Norquest <norquest@gmd3.org>
Sent: Tuesday, November 10, 2020 9:49 AM
To: McColloch, Austin [KDA] <Austin.McColloch@ks.gov>
Subject: RE: Recommendation New App 50457

EXTERNAL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Thanks. Not sure how I got it up there either.

Just a heads up, this one might have to go to a board review. It looks to me that we are just short on spacing to 26067D2. I will keep you posted on that.

Jason Norquest

Assistant Manager, GMD3
Cell: 620-271-1289
Office: 620-275-7147
www.gmd3.org

From: McColloch, Austin [KDA] <Austin.McColloch@ks.gov>
Sent: Tuesday, November 10, 2020 9:41 AM
To: Jason Norquest <norquest@gmd3.org>
Subject: RE: Recommendation New App 50457

Morning,

I used our LEOBASE excel to get the feet distances. Given it only calculates NAD83 and NAD27 (I used the NAD83 numbers). However NAD83 and WGS84 are not that far off (roughly within 10 feet). Another good program that I just used to calculate this is from the KGS website, their LEOWEB V11. I put in the gps and used WGS84 and it came out to 3102'N 465'W so 7' off. Here is the link to the LEOWEBV11.

<https://chasm.kgs.ku.edu/ords/f?p=120418:1:0>

Not sure how you are getting it in Section 10, weird.

Austin J. McColloch

Assistant Water Commissioner
Kansas Department of Agriculture- DWR
Garden City Field Office
<http://agriculture.ks.gov/>
Ph: (620) 276-2901

From: Jason Norquest <norquest@gmd3.org>
Sent: Tuesday, November 10, 2020 9:23 AM
To: McColloch, Austin [KDA] <Austin.McColloch@ks.gov>
Subject: RE: Recommendation New App 50457

EXTERNAL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Good morning Austin. For my own reference, do you have a website or program for converting GPS. I noticed on this one, the driller used WGS 84. When I map that, it bumps it up into section 10. Just wanted to know what you use to convert.

Thanks.

Jason Norquest

Assistant Manager, GMD3
Cell: 620-271-1289
Office: 620-275-7147
www.gmd3.org

From: McColloch, Austin [KDA] <Austin.McColloch@ks.gov>
Sent: Friday, November 6, 2020 1:21 PM
To: Jason Norquest <norquest@gmd3.org>
Subject: Recommendation New App 50457

Jason,

Attached is a copy of the new application along with a request to make a recommendation. This application is requesting a 15 AF exemption for use at a sand/gravel pit for wash and dust control. Nearby letters were sent out with one phone call asking simple questions but no responses of concern. Let me know if you have any questions.

Austin J. McColloch

Assistant Water Commissioner
Kansas Department of Agriculture- DWR
Garden City Field Office
<http://agriculture.ks.gov/>
Ph: (620) 276-2901

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. 50,457** of the applicant

**WKDC LLC
PO BOX 124
SCOTT CITY, KS 67871**

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 19, 2020**.
2. That the water sought to be appropriated shall be used for industrial use in the Northeast Quarter (NE $\frac{1}{4}$) of Section 15, in Township 25 South, Range 36 West, Kearny County, Kansas.
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 Southeast Quarter of the Southeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 15, more particularly described as being near a point 3,102 feet North and 458 feet West of the Southeast corner of said section, in Township 25 South, Range 36 West, Kearny 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 **4.887 million gallons (15 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, 2022** 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, 2026** 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 the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. This 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 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.

16. 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.

Ordered this 28 day of April, 2021, in Manhattan, Riley County, Kansas.

Lane P. Letourneau

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

State of Kansas)
)
County of Riley) SS

The foregoing instrument was acknowledged before me this 28 day of April, 2021, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Ashlee Freeman
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

May 5, 2021

WKDC LLC
PO BOX 124
SCOTT CITY, KS 67871

RE: Appropriation of Water, File No. 50,457

Dear Sir or Madam:

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 acceptable water flowmeter must be installed on the diversion works authorized by this permit prior to using water. 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.

Enclosed 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/divisions-programs/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 Garden City Field Office at 620-276-2901. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Kristen A. Baum
New Application Unit Supervisor
Division of Water Resources

KAB:am:li

Enclosure(s)

pc: Garden City Field Office
Southwest Kansas GMD No. 3
Tobias & Agatha Goertzen

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, KS 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, KS 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.

Any request for hearing or petition for administrative review shall be in writing and shall be submitted to the attention of: Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, Fax: (785) 564 – 6777.

CERTIFICATE OF SERVICE

On this 5 day of May, 2021, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,457, dated 28 April, 2021, was mailed postage prepaid, first class, US mail to the following:

WKDC LLC
PO BOX 124
SCOTT CITY, KS 67871

With photocopies to:

TOBIAS & AGATHA GOERTZEN
PO BOX 366
LAKIN, KS 67860

Garden City Field Office

Groundwater Management District No. 3



Division of Water Resources