

File No. **50,312** 15. Formation Code: **190** Drainage Basin: **Rattlesnake Creek** County: **SF** Special Use: Stream:

16. Points of Diversion										17. Rate and Quantity				
T MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Authorized		Additional			
									Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files	
CHK	41138	NW SE SE	29	22S	12W	5	735	700	45	1.9	45	1.9	41099	
										619.117mg	0	619.117mg		

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

19. Limitation: _____ af/yr at **45** gpm (_____ cfs) when combined with file number(s) **41099**
 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____

20. Meter Required? **Yes** No To be installed by **12/31/2019** **21** Date Acceptable Meter Installed _____

T MOD DEL ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? NO	Overlap Files
						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	21099	29	22S	12W	5	FLOUR MILL & IMMEDIATE VICINITY LOCATED IN THE SE SE																	7a	no	37155, 41099

Comments:

15 AF small use exemption
Goes with reduction for 15562-D1

9/15/2020
 KAB

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: March 12, 2020

FROM: Kris Neuhauser

RE: New Application, File No. 50,312

Stafford County Flour Mills Co. has filed the above referenced new application proposing to appropriate 1.9 acre-feet of groundwater per calendar year for industrial use at a diversion rate not to exceed 45 gallons per minute for irrigation use from one well. The proposed point of diversion is already authorized under Water Right, File No. 41,099, which is located in the Southeast Quarter (SE $\frac{1}{4}$) of Section 29, Township 22 South, Range 12 West, Stafford County, Kansas, within Rattlesnake Creek drainage basin. The source of supply is Equus Beds.

The proposed place of use also overlaps with Water Right, File No. 41,099, as well as with Water Right, File No. 37,155; which is listed as the flour mill and immediate vicinity in the Southeast Quarter of the Southeast Quarter of Section 29, Township 22 South, Range 12 West, Stafford County, Kansas.. The applicant owns the entire place of use.

The referenced application was filed to increase the authorized quantity from the point of diversion, for flour production and agricultural chemical application in the surrounding area (industrial use). A reduction request was also submitted for Water Right, File No. 15,562-D1, which would create offset water for this application. If approved, the reduction would lower the quantity from 221 acre-feet to 217.85 per calendar year.

Due to the large number of domestic wells in the vicinity, a public notice was published in the St. John News, a local newspaper, for three consecutive weeks, beginning on February 5, 2020 and ending on February 25, 2020. Fifteen days following the final publication day were allowed for comments from the public, but no comments of any kind were received. An affidavit of publication was provided by the applicant and was properly signed and notarized.

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.

The rate approved under this permit is limited to 45 gpm when combined with Water Right, File No. 41,099.

In a letter dated March 12, Orrin Feril, Manager of the Big Bend Groundwater Management District No. 5 recommended approval of the application, on the condition that the reduction request for Water Right, File No. 15,562-D1 is approved. Mr. Feril also noted that the application does not meet proper spacing to nearby non-domestic wells per K.A.R. 5-25-2, but the Board voted to recommend a waiver of said regulation.

Jeff Lanterman, Water Commissioner of the Stafford Field Office, gave a recommendation that the new application should be approved, in an e-mail conversation on March 12, 2020.

Due to the impending office shut down due to COVID-19, a verbal approval was given to Stafford County Flour Mills Co. in March 2020.

Based on the above discussion, the approval of the application will not impair senior water rights nor prejudicially or unreasonably affect the public interest. Therefore, it is recommended that the referenced application be approved.



Kris Neuhauser
Environmental Scientist
Water Appropriation Program

Darrell Wood - Edwards (Pres.)
Fred Grunder - Pratt (V Pres.)
John Janssen - Kiowa (Treas.)
Justin Gatz - Reno (Sec.)
Craig Zwick - Rice
Marlyn Spare - Stafford
Phil Martin - Barton
Kerry Froetschner - Pawnee
Tom Taylor - At-Large



Orrin Feril, Manager
125 South Main Street
Stafford, Kansas 67578
ph: (620) 234-5352
fx: (620) 234-5718
gmd5@gmd5.org
www.gmd5.org

March 12, 2020

Kris Neuhauser
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, KS 66502

RE: Application File No. 50,312
Water Right File No. 15562-D1

Dear Mr. Neuhauser,

Big Bend Groundwater Management District #5 has reviewed the above referenced application which proposes to divert up to 1.9 acre-feet for industrial use in SE $\frac{1}{4}$ of Section 29, Township 22S, Range 12W in Stafford County, Kansas. The application was presented to the Board of Directors at the February regular board meeting for review.

Currently K.A.R. 5-25-4 (b)(5) allows exemptions to the District closure for small uses in accordance with K.A.R. 5-25-15 (d)(3). In conjunction with the reduction request for Water Right File No. 15562-D1, the application meets the requirements for K.A.R. 5-25-15. However, the application does not meet proper spacing to nearby non-domestic wells per K.A.R. 5-25-2.

Based upon information received in the District office and provided at the board meeting, the Board voted to recommend a waiver of K.A.R. 5-25-2 and recommend approval of this application on the condition that the reduction request for Water Right File No. 15562-D1 is approved.

The application is subject to the District's well equipment regulation K.A.R. 5-25-5 for a required flow meter.

Please feel free to give me a call if you have any questions.

Sincerely,

Orrin Feril
Manager

From: Lanterman, Jeff [KDA]
Sent: Thu 3/12/2020 12:10 PM
To: Neuhauser, Kris [KDA];Letourneau, Lane [KDA]
Cc: Lanterman, Jeff [KDA];Fitch, Elizabeth [KDA]
Subject: RE: Stafford County Flour Mill

Kris;

We helped with the apps here, I am very aware of everything here so consider this a recommendation of approval if we get a go ahead from Orrin!

This is good for everyone!

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: "Neuhauser, Kris [KDA]" <Kris.Neuhauser@ks.gov>
Date: 3/11/20 9:01 AM (GMT-06:00)
To: "Letourneau, Lane [KDA]" <Lane.Letourneau@ks.gov>
Cc: "Lanterman, Jeff [KDA]" <Jeff.Lanterman@ks.gov>, "Fitch, Elizabeth [KDA]" <Elizabeth.Fitch@ks.gov>
Subject: RE: Stafford County Flour Mill

Sent 50,312 to Orrin for a recommendation today!

Kris

From: Letourneau, Lane [KDA] <Lane.Letourneau@ks.gov>
Sent: Monday, February 24, 2020 4:25 PM
To: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Subject: RE: Stafford County Flour Mill

Thanks for the update!

From: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Sent: Thursday, February 20, 2020 11:50 AM
To: Letourneau, Lane [KDA] <Lane.Letourneau@ks.gov>
Subject: RE: Stafford County Flour Mill

Morning Lane,

Stafford County Flour Mills Co. just shot me their affidavit of publication for the public notice. The third week will be up next Tuesday the 25th, putting the 15 days for comments through March 11th.

Will be sure to send it to GMD 5 for recommendation right after.

Kris

From: Letourneau, Lane [KDA] <Lane.Letourneau@ks.gov>
Sent: Thursday, February 6, 2020 2:32 PM

To: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Subject: Re: Stafford County Flour Mill

No problem, thx

Sent from my iPhone.

On Feb 6, 2020, at 2:27 PM, Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov> wrote:

Sheesh totally misread your email, been a week I guess! They're asking for 45 gpm.

From: Letourneau, Lane [KDA] <Lane.Letourneau@ks.gov>
Sent: Thursday, February 6, 2020 2:26 PM
To: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Subject: RE: Stafford County Flour Mill

I wondered if the GMP will raise concerns with the near by domestics.

That is not much quantity.

From: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Sent: Thursday, February 6, 2020 2:24 PM
To: Letourneau, Lane [KDA] <Lane.Letourneau@ks.gov>
Subject: RE: Stafford County Flour Mill

Will do!

Elizabeth assisted them with it, so she just had them put down 15 AF on the app for now. When I talked to her, she said by her math it'll be around 1.9 AF. That's what we told them to go with in the public notice too.

Kris

From: Letourneau, Lane [KDA] <Lane.Letourneau@ks.gov>
Sent: Thursday, February 6, 2020 2:21 PM
To: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Subject: RE: Stafford County Flour Mill

Awesome. Please let me know when the 3 weeks start.

What rate are they asking for?

Thanks,

From: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Sent: Thursday, February 6, 2020 2:17 PM
To: Letourneau, Lane [KDA] <Lane.Letourneau@ks.gov>
Subject: RE: Stafford County Flour Mill

Hey Lane,

We actually ended up going the public notice route on this one, since there were so many domestic wells nearby. I sent the letter to them on 1/24, and chatted with one of the applicants earlier this week on the phone, as he wanted to make sure everything was correct for the publication.

Hopefully they'll get it published in the paper soon, to start the three consecutive weeks it must be there. I can keep you in the loop for when the three weeks are up if you want?

Kris

Kris Neuhauser

Environmental Scientist

Kansas Department of Agriculture, Division of Water Resources

Address: 1320 Research Park Drive, Manhattan, KS 66502

Phone: (785)564-6643

Website: <http://agriculture.ks.gov/divisions-programs/dwr>

From: Letourneau, Lane [KDA] <Lane.Letourneau@ks.gov>

Sent: Thursday, February 6, 2020 2:06 PM

To: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>

Subject: Stafford County Flour Mill

Hey Kris,

Jeff indicated you have sent the near by notices out on the new application for the Stafford County Flour Mill.

How many days are remaining on the 15 day comment period?

I am getting a few questions about this application. I just like to be able to report the status.

Thanks

Lane

Lane P. Letourneau, P.G.

Program Manager

Water Appropriation Program

Division of Water Resources

Kansas Dept. of Agriculture

Affidavit of Publication

State of Kansas, STAFFORD County, ss.

Dena Sattler, being first duly sworn, deposes and says: That she is Publications Manager of the St John News, a weekly Newspaper printed in the State of Kansas, and published in and of general circulation in Stafford County, Kansas, with a general paid circulation on a daily basis in Stafford County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is published at least weekly 50 times a year; has been so published continuously and uninterruptedly in said county and state for a period of five years prior to the first publication of said notice; and has been admitted at the post office of St John, Kansas in said County as second class matter.

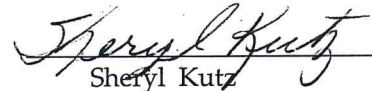
That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 3 week(s), the first publication there of being made as aforesaid on the 5 day of February 2020 and 2 subsequent publications being made on the following dates:

Feb. 12 & Feb 19, 2020



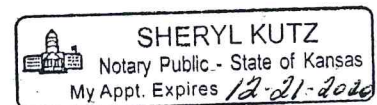
Dena Sattler
Publication Manager

Subscribed and sworn to before me, this _____ day of _____.



Sheryl Kutz
Notary, State of Kansas

My commission expires: December 21, 2020



Publication cost:

Public Notice
File No. 50,312

Stafford County Flour Mills Co. has filed an Application for a Permit to Appropriate Water for Beneficial Use, File No. 50,312 with the Division of Water Resources, Kansas Department of Agriculture. File No. 50,312 proposes the appropriation of 1.9 acre-feet of groundwater to be diverted at the rate of 45 gallons per minute for industrial use, from one well located in the Northwest Quarter of the Southeast Quarter of the Southeast Quarter of Section 29, more particularly described as being as being near a point 735 feet North and 700 feet West of the Southeast corner of said section, in Township 22 South, Range 12 West, Stafford County, Kansas.

Anyone with existing wells in the immediate vicinity of the proposed points of diversion, is invited to submit written comments regarding Application, File No. 50,312. Persons submitting comments should specifically indicate their interest in the proposed appropriation. Comments regarding the applications will be accepted through March 5th.

Written comments or questions regarding the applications may be directed to the Office of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502. If you wish more information concerning this application you may also contact Kris Neuhauser, Environmental Scientist, at (785) 564-6643. Published in Pratt Tribune Feb 5, Feb 12 and Feb. 19, 2020

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

File Number: 50312

FO: 2

GMD: 5

WAIVER REQUEST:

UMW	Date Requested	Rule ID	Applies	Rule Type	Rule Subtype
FPR IND	7/23/20	151	GMD 5	Well Spacing	Well Spacing
Rule Number	Date Granted	Date Denied	Justification:	The proposed well under New Application, File No. 50,312 will be located less than the required spacing distance of 660 feet from nine (9) domestic wells, and less than the required spacing distance of 1,320 from one non-domestic well (Water Right, File No. 37,155). The proposed well is already authorized under Water Right, File No. 41,099, and this application is only meant to increase the authorized quantity by 1.9 acre-feet per calendar year. This low quantity increase is unlikely to impair existing wells in the vicinity. The applicant submitted an affidavit of publication; showing a public notice for New Application, File No. 50,312 was published three consecutive weeks in the St. John News. No responses of any kind were received from the public. GMD 5 also recommended the application be approved with a waiver of well spacing.	
K.A.R. 5-25-2	9/29/2020				

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 7/23/20 By KJN
 Date Entered 10/5/2020 By L Moody

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
Christopher W. Beightel, Acting 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. 50,312** of the applicant

STAFFORD COUNTY FLOUR MILLS CO
108 S CHURCH ST
HUDSON, KS 67545

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 **November 7, 2019**.
2. That the water sought to be appropriated shall be used for industrial use at the flour mill and immediate vicinity located in the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 29, Township 22 South, Range 12 West, Stafford 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 Northwest Quarter of the Southeast Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 29, more particularly described as being near a point 735 feet North and 700 feet West of the Southeast corner of said section, in Township 22 South, Range 12 West, Stafford County, Kansas, located substantially as shown on the aerial map accompanying the application.
4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **45 gallons per minute** (0.10 c.f.s.) and to a quantity not to exceed **619.117 million gallons** (1.9 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, 2021**, or within any authorized extension thereof. The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee, which is currently \$400.00, when construction of the diversion 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 accompanied by the required statutory fee, which is currently \$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, 2025**, 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, which is currently \$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 to 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 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).

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 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.

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:

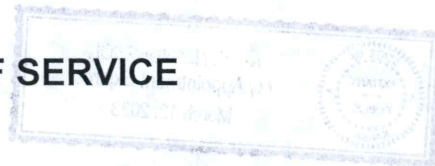
- 1) request an evidentiary hearing before the Chief Engineer, or
- 2) request administrative review by the Secretary of Agriculture.

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.

CERTIFICATE OF SERVICE



On this _____ day of _____, 2020, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,312, dated _____ was mailed postage prepaid, first class, US mail to the following:

STAFFORD COUNTY FLOUR MILLS CO
108 S CHURCH ST
HUDSON, KS 67545

With photocopies to:

Stafford Field Office

Big Bend GMD No. 5

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
Christopher W. Beightel, Acting Chief Engineer

WAIVER OF REGULATION
K.A.R. 5-25-2 Well Spacing

Date: 9-19-2010

RE: Application, File No. 50,312

1. That K.A.R. 5-25-2 requires a minimum well spacing of 1,320 feet to any existing non-domestic wells and 660 feet to any existing domestic wells.
2. That the well under the above-referenced application is located less than the required spacing distance of 660 feet from nine (9) domestic wells.
3. That the well under the above-referenced application is also located less than the required spacing distance of 1,320 from one non-domestic well, authorized under Water Right, File No. 37,155, at approximately 500 feet away.
4. That the proposed point of diversion is currently authorized by existing Water Right, File No. 41,099, and the application is proposing no additional rate and only 1.9 acre-feet of additional water.
5. That this existing well has been in existence since 1993 without any known impairment concerns and no comments were received during the nearby notification period.
6. That the low rate (45 g.p.m.) and quantity (1.9 acre-feet) proposed by this application is unlikely to impair any existing wells.
7. That Big Bend Groundwater Management District #5 has recommended approval of the application with a waiver of K.A.R. 5-25-2.
8. That a waiver of K.A.R. 5-25-2 will not prejudicially or unreasonably affect public interest and will not impair any existing water rights.

Comments:

A handwritten signature in blue ink that reads "Christopher W. Beightel".

Christopher W. Beightel, P.E.
Acting Chief Engineer
Division of Water Resources
Kansas Department of Agriculture

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

STAFFORD COUNTY FLOUR MILLS CO
108 S CHURCH ST
HUDSON, KS 67545

October 13, 2020

RE: Appropriation of Water, File No. 50,312

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 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 Application Unit Supervisor
Division of Water Resources

KAB: kjn

Enclosure(s)

pc: Stafford Field Office
Big Bend GMD No. 5

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.

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CERTIFICATE OF SERVICE

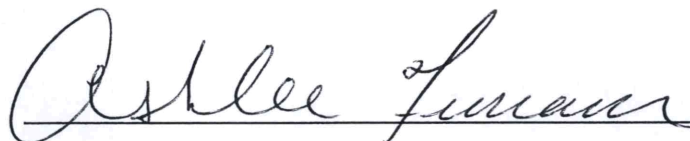
On this ^{13th} day of October, 2020, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,312, dated 29 September 2020 was mailed postage prepaid, first class, US mail to the following:

STAFFORD COUNTY FLOUR MILLS CO
108 S CHURCH ST
HUDSON, KS 67545

With photocopies to:

Stafford Field Office

Big Bend GMD No. 5



Division of Water Resources