

File No. **50,390** 15. Formation Code: Drainage Basin: WALNUT RIVER County: **SG** Special Use: Stream: DRY CREEK (WALNUT)

16. Points of Diversion											17. Rate and Quantity				
MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W			Rate gpm	Quantity mgy	Rate gpm	Quantity mgy	Overlap PD Files
√	88130	NE SE NE	23	26	2E	1	3393	219	(Dam)						NONE
Pd Comment: STRUCTURE PERMIT LSG-0631															

18. Storage: Rate _____ NF Quantity **81** ac/ft Additional Rate _____ NF Additional Quantity **81** 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 _____ Date Acceptable Meter Installed _____

21. Place of Use 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				
√	69950	23	26	2E	1	RESERVOIR (NE)																7a.	No	50,391	

Comments:

**KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources**

MEMORANDUM

TO: Files

DATE: August 25, 2020

FROM: Doug Schemm

RE: Applications, File Nos. 50,390 and 50,391

GLO Farms 53, LLC has filed the above referenced new applications for recreational use. File No. 50,390 is proposing to appropriate 81 acre-feet of surface water to be stored in a proposed reservoir. File No. 50,391 is proposing to appropriate 27 acre-feet of groundwater at a diversion rate of 300 gallons per minute from a battery of three wells, for recreational use in this same reservoir. The applicant (Gary Oborny) has signed the application forms stating he has legal access to the points of diversion. The proposed points of diversion are both located in the Northeast Quarter of Section 23, Township 26 South, Range 2 East, Sedgwick County. The surface water application is required to authorize the collection and storage of natural flows within the reservoir. The well water will be used to fill and maintain water level in the reservoir (i.e. offset evaporative and seepage losses), when natural inflows are inadequate.

Note that when Application, File No. 50,391 was filed, it appeared to request pump sites from the stream. However, after further discussion with the applicant's consultant KE Miller Engineering PA, it was determined that the applicant was requesting groundwater wells. The consultant subsequently provided a well location map, boring logs, and a list of nearby well owners.

FILE NO. 50,390 – Surface Water Storage

The requested quantity of 81 acre-feet appears to be reasonable for indirect use, based on the following information. The reservoir has a surface area of 18 acres at normal pool elevation. Potential net evaporation in inches, based on K.A.R. 5-6-3, is 18 inches; therefore, the natural evaporation can be estimated as follows:

$$\begin{aligned} \text{Evaporation} &= 18 \text{ acres} \times 18 \text{ inches of evaporation} / 12 \text{ inches} = 27 \text{ acre-feet (annual loss)} \\ 27 \text{ AF} \times 3 \text{ years} &= 81 \text{ acre-feet} \end{aligned}$$

No seepage quantity was requested. A runoff calculation has determined that the 217.6-acre drainage area will produce 127 acre-feet (7") of runoff in 1 out of every five (5) years (20% annually). Runoff is not the limiting factor. Since the reservoir is proposed, a Special Condition on the Permit is needed to provide an initial fill quantity. The dam has been assigned structures File No. LSG-0631 by the DWR Water Structures Program. The appropriation and structures permits will be issued together.

The applicant had the downstream landowner (Glennis Bell) sign the site map to indicate she was aware of the proposed reservoir. The stream does not extend off the applicant's property in the upstream direction. Therefore, no notification letters were required for this surface water application.

There are only three other permitted surface water rights within the two-mile radius circle, which authorize separate reservoirs located on different streams. These senior water rights would not be impacted in any way.

FILE NO. 50,391- Groundwater Wells

The requested quantity of 27 acre-feet appears to be reasonable to replace one year of indirect use (evaporation) from the reservoir. As shown above, annual evaporation is 27 acre-feet. Test hole logs submitted with the application, show clay extending from surface to 5 feet below ground surface, underlain by olive gray shale to a total depth of 30 feet. It appears that there are only a few feet of water in either test hole. Nearby wells extend to average depths of 100 feet, so the applicant's wells will likely extend to similar depths when completed. Water was encountered in one of the test holes at just two feet above the bottom of the hole. KGS Bulletin No. 176, "Geohydrology of Sedgwick County, Kansas" indicates that the source of water is the Sumner Group, more specifically the Wellington Formation. Most domestic and stock wells in the area east of the Arkansas Valley and many wells in the south-central part of the county derive water from this Formation. The quantity and quality of the water available differs with both the location and the method of construction of a well.

It appears that this bedrock aquifer extends across the entire two-mile circle, for an area of consideration of 8,042 acres. Based on a potential recharge of 3.4 inches, with 100% available for appropriation, safe yield was determined to be 2,278.7 acre-feet. There are no existing water rights within this area of consideration, leaving the entire quantity of water available, and the application clearly meets safe yield criteria. Please note that this safe yield value per K.A.R. 5-3-11 provides the maximum allowable recharge for the area of consideration. If there is a significant quantity of water still remaining as determined by K.A.R. 5-3-11, then even with a considerable reduction in the amount of recharge reaching the deeper aquifer there would still be sufficient water available. For this application the maximum recharge could be reduced to only 0.05 inches of recharge and there would still be sufficient water available.

The applicant identified 13 nearby domestic wells within one-half mile of the proposed point of diversion, and notification letters were sent out on July 24, 2020. Two telephone calls were received with general questions about the applications. The primary concern for the nearest downstream property owner (Kimberly Hobbie) was related to the reservoir and how they would manage discharges. DWR Structures staff spoke with Ms. Hobbie regarding the structures permitting. A written concern letter was received from Paul and Kathy White who were concerned with both impact to their domestic well, as well as streamflow impacts. A response letter was sent to the Whites on August 28, 2020. The WRIS database does not contain any wells within a 2-mile radius. This groundwater application complies with the well spacing requirements in K.A.R. 5-4-4 for all other aquifers, which states that the minimum well spacing should be one-quarter mile to all other non-domestic wells and 660 feet to domestic wells. The nearest domestic well is over 1,000 feet away.

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 permit, File No. 50,391 a check valve will also need to be installed. A water level measurement tube is required because the rate of diversion is 100 gpm or more.

In an August 25, 2020 e-mail, Jeff Lanterman, Water Commissioner, Stafford Field Office, stated that the referenced applications should be approved. Based on the above discussion, that the area is open to new appropriations for groundwater, the proposed appropriation of groundwater complies with safe yield and well spacing criteria, there are no other water rights within the 2-mile circle, approval of surface water storage will allow this reservoir to comply with regulations, the reservoir has been properly permitted by the Structures Program (File No. LSG-0631), and there is no evidence that senior rights will be impaired, it is recommended that the referenced applications be approved.

Doug Schemm
Environmental Scientist
Topeka Field Office

Schemm, Doug [KDA]

From: Schemm, Doug [KDA]
Sent: Tuesday, August 25, 2020 12:13 PM
To: Schemm, Doug [KDA]
Subject: FW: 50390 and 50391 GLO Farms 53

From: Lanterman, Jeff [KDA]
Sent: Tuesday, August 25, 2020 12:08 PM
To: Schemm, Doug [KDA] <Doug.Schemm@ks.gov>; Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Subject: RE: 50390 and 50391 GLO Farms 53

Doug.

I took a call from Mike Edwards on this file. He says SG county gave them a cease and desist because they didn't have the appropriation permits ☹️ I told him I would get you a recommendation today so here it is:

It meets all the rules. So I recommend they be approved. What about a paragraph in the transmittal that says something like:

Please note that the water rights approved herein will be Junior in priority to all pre existing domestic uses in the area. As such your use of water will not be allowed to impair or detrimentally impact surrounding senior uses of water. We make you aware of this particular issue because the aquifer in the area is considered marginal and increases our concern about impacts to neighboring wells.

Additionally if you plan to irrigate over two acres of lawn and garden from your wells or the constructed lake at this site a separate irrigation permit will be required.

Or something along those lines?

Also. Can you add in the permit condition that requires him to install an observation well at his cost should we receive an impairment complaint? Highlight the measurement tube requirement.

Thanks
Jeff

From: Schemm, Doug [KDA] <Doug.Schemm@ks.gov>
Sent: Tuesday, August 18, 2020 2:16 PM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>; Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Subject: FW: 50390 and 50391 GLO Farms 53

Just an FYI. A nearby is sending a letter about these. I think she's more concerned about the drainage, but I should get it early next week.

From: Schemm, Doug [KDA]
Sent: Thursday, August 13, 2020 7:02 AM

To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>; Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Subject: 50390 and 50391 GLO Farms 53

Hello Stafford,

Surface water pond and supplemental groundwater source. Both meet all the regulations.

No other permitted water rights in the area, however there are several nearby domestic wells.

The applicant's test hole borings stopped at 30 feet, not sure why. Sourcing the Wellington Formation.

Pretty limited rate and quantity on the groundwater application, I don't foresee any problems.

Please review,

Doug

Schemm, Doug [KDA]

From: Schemm, Doug [KDA]
Sent: Tuesday, July 28, 2020 4:52 PM
To: Vandepol, Elijah [KDA]
Subject: RE: Farm 53 Project - LSG-0631

Awesome! Thanks for the quick response.

From: Vandepol, Elijah [KDA]
Sent: Tuesday, July 28, 2020 4:48 PM
To: Schemm, Doug [KDA] <Doug.Schemm@ks.gov>
Subject: RE: Farm 53 Project - LSG-0631

Thanks for sending this my way Doug. I'll spoke with Kimberly today and I'll be following up with her again tomorrow probably.

Have a good evening,
Elijah

From: Schemm, Doug [KDA] <Doug.Schemm@ks.gov>
Sent: Tuesday, July 28, 2020 11:20 AM
To: Vandepol, Elijah [KDA] <Elijah.Vandepol@ks.gov>
Subject: FW: Farm 53 Project - LSG-0631

Hello Elijah,

I got a call from Kimberly Hobbie at (316) 262-0479 about the structure being built. Can you please give her a call to discuss it?

Her main questions were how do they manage the spillway discharge.

Have a great day,
Thanks, Doug

From: Michael Edwards [<mailto:michael@kemiller.com>]
Sent: Monday, July 6, 2020 8:58 AM
To: Schemm, Doug [KDA] <Doug.Schemm@ks.gov>
Subject: RE: Farm 53 Project

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 Doug,

Thanks for checking back. After talking with the owner we did decide to switch application 50391 to a Battery application. I have attached the following:

- A Well Location Map with Northing and Easting locations for the 3 proposed wells that will all be within 300' radius of each other.
- 2 Boring Logs for the nearest holes that were drilled during our geotechnical report
- A Neighbor list with all residential and commercial properties within a ½ mile radius.

As for application 50390, my client was wondering if we could get approval on that application and the permit from Water Structures, so we can begin construction on the pond portion of the project. The well approval (50391) isn't as pressing as they do not plan on installing those till the end of the project which will not be till the end of the year or next spring.

If you have any more questions or need anything else, just give me a call!

Thanks,

Michael Edwards, P.E.
KE Miller Engineering PA
117 E. Lewis, Wichita, KS 67202
ph# 316-264-0242

From: Schemm, Doug [KDA] [<mailto:Doug.Schemm@ks.gov>]
Sent: Monday, July 06, 2020 7:47 AM
To: Michael Edwards <michael@kemiller.com>
Subject: RE: Farm 53 Project

Hello Michael,

I was just following up on these applications, File Nos. 50390 and 50391. Last time we talked, I think you had decided to pursue a battery of four wells under File No. 50,391. Did you decide where you wanted that battery to be, and would there be any nearby well owners within ½ mile?

Have a great day,

Doug

From: Michael Edwards [<mailto:michael@kemiller.com>]
Sent: Monday, June 22, 2020 11:40 AM
To: Schemm, Doug [KDA] <Doug.Schemm@ks.gov>
Subject: RE: Farm 53 Project

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.

Doug,

I'm just checking back on the status of this project from the Water Appropriation side. We filed our application a month or two ago, and are now just checking on the permits. The owner was hoping to start moving some dirt in July.

Let me know if you have any questions.

Thanks,

Michael Edwards, P.E.
KE Miller Engineering PA
117 E. Lewis, Wichita, KS 67202
ph# 316-264-0242

From: Vandepol, Elijah [KDA] [<mailto:Elijah.Vandepol@ks.gov>]
Sent: Wednesday, May 27, 2020 2:09 PM
To: Michael Edwards <michael@kemiller.com>
Subject: RE: Farm 53 Project

Michael,

I just wanted to touch base with you about the permit for the Farm 53 project. DWR has finished our review and will be issuing the permit once the water right is obtained. If you have any questions on the timeline of the water right approval please reach out to Doug Schemm. We'll be sure to get the permit sent out once we have the confirmation from Doug.

Best,

Elijah Vandepol

From: Michael Edwards <michael@kemiller.com>
Sent: Wednesday, May 13, 2020 3:35 PM
To: Vandepol, Elijah [KDA] <Elijah.Vandepol@ks.gov>
Subject: RE: Farm 53 Project

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.

Elijah,

I checking back on the status of this project. We filed applications for water appropriations a few weeks ago, and are now just checking on the permits. The owner was hoping to start moving some dirt in July.

Thanks,

Michael Edwards, P.E.
KE Miller Engineering PA
117 E. Lewis, Wichita, KS 67202
ph# 316-264-0242

From: Michael Edwards [<mailto:michael@kemiller.com>]
Sent: Tuesday, April 14, 2020 10:57 AM
To: 'Vandepol, Elijah [KDA]' <Elijah.Vandepol@ks.gov>
Subject: RE: Farm 53 Project

Elijah,

Thanks for checking in, we've been in contact with Doug Schemm and are working to finish out the water rights application, but having trouble getting a signature from the adjacent downstream land owner. They have been hard to get in contact with let alone get a signature from. As soon as we get that signature and turned back into Doug, I will let you know.

Thanks,

Michael Edwards, P.E.
KE Miller Engineering PA
117 E. Lewis, Wichita, KS 67202
ph# 316-264-0242

From: Vandepol, Elijah [KDA] [<mailto:Elijah.Vandepol@ks.gov>]
Sent: Tuesday, April 14, 2020 10:52 AM
To: michael@kemiller.com
Subject: Farm 53 Project

Hello Michael,

I'm writing in regards to the DWR floodplain fill permit that was required for the Farm 53 project. Before we can issue our permit, you'll need to contact either Doug Schemm doug.schemm@ks.gov, or Kristen Baum Kristen.baum@ks.gov, to fill out a water right application. If you have already gone through this process please let me know so I can check back on our end of things. Let me know if you have any questions.

Thank you,

Elijah Vandepol
Water Structures Engineer
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, KS 66502
(785) 564-6649

Report Date: Wednesday, August 12 2020

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 50390 00

#####

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 50390 00 REC

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

3393 Feet North and 219 Feet West of the Southeast Corner of Section 23 Twp 26S Rng 2E

SURFACE WATER ONLY

```

=====
File Number      Use ST SR Dist (ft) Q4 Q3 Q2 Q1 FeetN FeetW Sec Twp Rng ID Batt Auth_Quan Add_Quan
Unit
A__ 46503 A REC NK S          9669 -- NE NE SE 2428 303 11 26 2E 2                .00    .00
AF
***** Authorized storage = 13.50 AF Additional storage = 0.00 AF AF
A__ 46506 00 REC NK S          8664 -- SW NE SE 1408 709 11 26 2E 1                .00    .00
AF
***** Authorized storage = 29.25 AF Additional storage = 0.00 AF AF
A__ 46613 00 REC NK S          6167 -- SW NE NE 4168 1151 14 26 2E 1                .00    .00
AF
***** Authorized storage = 40.00 AF Additional storage = 0.00 AF AF
A__ 50390 00 REC AY S           0 -- NE SE NE 3393 219 23 26 2E 1                .00    .00
***** Authorized storage = 81.00 AF Additional storage = 0.00 AF AF
A__ 50391 00 REC AY S          176 -- SE SE NE 3300 368 23 26 2E 4                .00    .00
***** Authorized storage = 27.00 AF Additional storage = 0.00 AF AF
Same              878 -- SE NE NE 4170 628 23 26 2E 3
***** Authorized storage = 0.00 AF Additional storage = 0.00 AF AF
Same              1540 -- NW NE NE 4680 1065 23 26 2E 2
***** Authorized storage = 0.00 AF Additional storage = 0.00 AF AF
=====

```

```

=====
Total Net Quantities Authorized:   Direct      Storage
Total Requested Amount (AF) =      .00          108.00
Total Permitted Amount (AF) =      .00           .00
Total Inspected Amount (AF) =      .00           .00
Total Pro_Cert Amount (AF) =       .00           .00
Total Certified Amount (AF) =      .00           .00
Total Vested Amount (AF) =         .00           .00
TOTAL AMOUNT (AF) =                .00           .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:

3393 Feet North and 219 Feet West of the Southeast Corner of Section 23 Twp 26S Rng 2E

SURFACE WATER ONLY

WATER USE CORRESPONDENTS:

```

=====
File Number      Use ST SR
> GARY L & MARY G KLUG OBORNY
>
> 13824 E PINNACLE DR
> WICHITA KS 67230
>-----
> BRUCE & RACHEL BROWN
>
> 6225 N 143RD ST E
> WICHITA KS 67228
>-----
> PAIR FAMILY LTD PARTNERSHIP
> DALE PAIR
> 7555 N GREENWICH RD
> WICHITA KS 67226
>-----
> GLO FARMS 53 LLC
=====

```

```
>  
> 8111 E 32ND ST N #101  
> WICHITA KS 67226  
>-----  
> GLO FARMS 53 LLC  
>  
> 8111 E 32ND ST N #101  
> WICHITA KS 67226  
>-----
```

```
=====  
#####
```

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. 50,390** of the applicant

**GLO FARMS 53 LLC
8111 E 32ND ST N #101
WICHITA KS 67226**

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 29, 2020**.
2. That the water sought to be appropriated shall be used for recreational use at a reservoir located in the Northeast Quarter (NE $\frac{1}{4}$) of Section 23, in Township 26 South, Range 2 East, Sedgwick County, Kansas.
3. That the appropriation sought shall be limited to all natural flows of Dry Creek, designated in the office of the Chief Engineer as Dry Creek (Walnut), not needed to satisfy all vested rights and prior appropriation rights to be stored to a maximum extent of **81 acre-feet** per calendar year, in a reservoir created by a dam located in the Northeast Quarter of the Southeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 23, more particularly described as being near a point 3,393 feet North and 219 feet West of the Southeast corner of said section, in Township 26 South, Range 2 East, Sedgwick County, Kansas, located substantially as shown on the topographic map accompanying the application.
4. That the structure creating the above referenced reservoir has been assigned Division of Water Resources Structures Permit No. LSG-0631.
5. That in accordance with K.A.R. 5-6-6, a maximum quantity not to exceed **65 acre-feet** of water may also be diverted to complete the initial filling of the reservoir only, and shall not count toward perfection of a water right under the authority of this permit. Subsequent refilling of the reservoir shall require authorization under a term permit.

6. 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 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.

7. 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.

8. 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.

9. 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.

10. 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.

11. 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.

12. 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.

13. That no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.

14. 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.

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.

Ordered this 31 day of August, 2020, in Manhattan, Riley 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 31 day of August, 2020, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Ashlee Freeman

Notary Public

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.

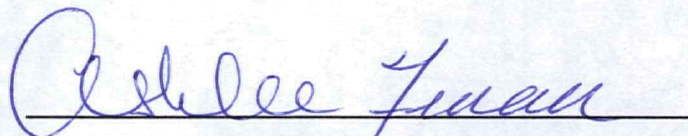
CERTIFICATE OF SERVICE

On this 1 day of September, 2020, I hereby certify that the foregoing Approval of Application, File No. 50,390, dated 31 August 2020 was mailed postage prepaid, first class, US mail to the following:

GLO FARMS 53 LLC
8111 E 32ND ST N #101
WICHITA KS 67226

With photocopies to:

Stafford Field Office



Division of Water Resources

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

September 1, 2020

GLO FARMS 53 LLC
% GARY OBORNY
8111 E 32ND ST N #101
WICHITA KS 67226

RE: Appropriation of Water, File Nos. 50,390 and 50,391

Dear Mr. Oborny:

Enclosed are permits authorizing you to proceed with construction of the proposed diversion works and to appropriate water for beneficial use as set forth in these permits. Your attention is directed to the enclosures and to the terms, conditions, limitations, and requirements specified in these permits. Notice must be filed on the enclosed forms once the diversion works have been completed for each file. Failure to complete the diversion works within the time allowed, or within any authorized extension of time thereof, will result in dismissal of these permits. If you need an extension of time, you must request it before the deadline for completion set forth in these permits. Any request for an extension of time must be accompanied by the statutorily required fee, which is currently \$100.00 per file number.

Note that your water appropriations are junior in priority to all existing domestic uses in this area. As such, your use of water will not be allowed to impair senior water rights per K.A.R. 5-4-1. If such impairment is found, the Chief Engineer must secure water to satisfy prior water rights. We are making you aware of this stipulation because the bedrock aquifer in this area is marginal, which increases the potential for impairing nearby wells. Additionally, if you irrigate over two acres of lawn and garden from the wells or the reservoir at this site, a separate irrigation permit will be required.

An acceptable water flowmeter must be installed on the diversion works authorized by permit File No. 50,391 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 for each file number. 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 permits or rights 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 reports online at www.kswaterusereport.org.

The approval of your applications constitutes permits 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 Certificates of Appropriation which will establish the extent of your perfected water rights. 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:dws
Enclosure(s)

pc: Stafford Field Office