



File No. **49829**      15. Formation Code: **113**      Drainage Basin: **ARKANSAS RIVER**      County: **SG**      Special Use:      Stream:

16. Points of Diversion								17. Rate and Quantity							
MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Authorized		Additional		
											Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
<b>MOD</b>	<b>86080</b>	<b>NWSENE</b>	<b>33</b>	<b>31S</b>	<b>2E</b>	<b>2</b>	<b>3947</b>	<b>1210</b>			<b>800</b>	<b>79</b>	<b>800</b>	<b>79</b>	<b>None</b>

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? NO	Overlap Files
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						
<b>MOD</b>	<b>68340</b>	<b>33</b>	<b>31S</b>	<b>2E</b>	<b>1</b>			<b>32.5</b>			<b>31</b>									<b>1.5</b>				<b>65</b>	<b>7b.</b>	<b>None</b>			

Comments: **Ownership needs updated, quantity reduced to meet SY, PU modified.**

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

**M E M O R A N D U M**

**TO:** Files

**DATE:** October 2, 2020

**FROM:** Matt Meier

**RE:** Application, File No. 49,829

Ronnie M Neises has filed the referenced application to appropriate groundwater for irrigation use, requesting one (1) well, a quantity of 79 acre-feet, and a diversion rate of 800 gallons per minute. The proposed well is to be located in the Northwest Quarter of the Southeast Quarter of the Northeast Quarter (NW¼ SE¼ NE¼) of Section 33, more particularly described as being near a point 3,947 feet North and 1,210 feet West of the Southeast corner of said section, in Township 31 South, Range 2 East, Sumner County, within the Arkansas River drainage basin. There are no other water rights overlapping the proposed place of use or point of diversion. The proposed place of use is owned by Marcia E Maybrier liv tr. The applicant has signed the application form stating that he has legal access to the point of diversion.

In 2004 the United States Geological Survey (USGS) completed a hydrologic model of a portion of the Arkansas River and associated drainage basins (Ninnescah River), generally bounded by Ranges 2 West to 3 East and Townships 26 South to 34 South (near state line). The USGS model indicated that the aquifer in this area receives more recharge from precipitation than DWR has historically used in safe yield calculations. The data and analyses are detailed in the USGS Scientific Investigations Report 2004-5204 entitled "Characterization and Simulation of Flow in the Lower Arkansas River Alluvial Aquifer, South-Central Kansas". In order to evaluate the potential impact of this study on our safe yield calculations, Division of Water Resources (DWR) suspended processing applications for new appropriations of water in the model area.

DWR recently completed an evaluation of the USGS model and has determined that the precipitation recharge value of 5.4 inches per year that is used in the USGS model is reasonable and appropriate. In order to reserve water in the alluvial aquifers that can contribute to base flow to area streams and for domestic use, it was determined that 75 percent of the 5.4 inches of precipitation recharge shall be available for appropriation. This is consistent with safe yield appropriation in many other basins across the state, and is the current percent available in for all applications in the Ninnescah River drainage basin. Therefore, for all pending applications within the model area, safe yield will be evaluated using the standard methodology in K.A.R. 5-3-11, which is based on the extent of the unconfined aquifer (area of consideration), a Potential Annual Recharge value of 5.4 inches, and a percent of recharge available for appropriation of 75%. Current annual recharge across the model area is approximately 3 inches.

Per the requirements in K.A.R. 5-3-11, safe yield is determined by the extent of the unconfined aquifer within a two-mile circle radius of the point of diversion, which establishes the area of consideration. Evaluation of the area of consideration included the extent of the unconfined aquifer, which provided an area of consideration of 4,537 acres. With a potential annual recharge of 5.4 inches, and 75% of recharge available for appropriation, safe yield was determined to be 1,531.21 acre-feet. Existing water rights have appropriated 1,451.89 acre-feet, providing a difference of 79.32 acre-feet available for appropriation, and the application requesting 79 acre-feet complies with safe yield.

**\*\* was modified at the owners  
request from 110 AF to the available 79 \***

A nearby well log was obtained from the KGS website which showed top soil from 0 to 3 feet, brown clay from 3 to 6 feet, fine to medium sand from 6 to 22 feet, tan clay from 22 to 27 feet, medium to coarse sand from 27 to 42 feet, and gray shale from 42 to 50 feet below ground.

The requested quantity of water, 79 acre-feet, is reasonable to irrigate the proposed 65 acres identified in the application. This is the maximum reasonable quantity allowable of ~~1.3~~ acre-feet per acre for Sumner County, Kansas. There are multiple pending applications in this general area of the state, and they are being worked in priority order to ensure that senior applications are provided the available water.

**The 79 AF per year provides 1.22 AF per acre which is reasonable for Sumner County that has a NIR at 80% of 1.10 AF per acre for the irrigation of corn.**

The applicant identified 1 domestic wells (which is owned by the property owner) within one-half mile of the proposed wells and 1 non-domestic wells, which Wris confirmed. Nearby well notification letters were sent out on July 29, 2020. No contact of any kind was received. The nearest non-domestic point of diversion (File #48559) is located 2,452 feet away. Based off the map submitted with the application, the nearest domestic well appears to be approximately 680 feet away or further away. The proposed point of diversion meets minimum well spacing to all existing wells. Per the requirements in K.A.R. 5-4-4 for all other aquifers, the minimum well spacing should be one-quarter mile to all other non-domestic wells and 660 feet to domestic wells.

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. A water level measurement tube is required because this is a proposed new well exceeding 100 gpm.

The proposed application is subject to minimum desirable streamflow requirements. The applicant signed, notarized, and returned the required form to our office.

Jeff Lanterman, Water Commissioner, Stafford Field Office, recommended approval of the referenced application on September 18, 2020 via email. Based on the above discussion, well spacing and safe yield criteria are met, and 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.

Matthew J. Meier  
Environmental Scientist  
Water Appropriations Unit

## IRRIGATION USE SUPPLEMENTAL SHEET

File No. 49829

Name of Applicant (Please Print): Ronnie Neises

1. Please supply the name and address of each landowner, the legal description of the lands to be irrigated, and designate the actual number of acres to be irrigated in each forty acre tract or fractional portion thereof:

**Landowner of Record** NAME: MAYBRIER, MARCIA E:LIV TR

ADDRESS: PO Box 15 Oxford, KS 67119

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
33	31S	2E	32.5			31										1.5				65

**Landowner of Record** NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL	
			NE	NW	SW	SE														

**Landowner of Record** NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL	
			NE	NW	SW	SE														

2. Please complete the following information for the description of the operation for the irrigation project. Attach supplemental sheets as needed.

a. Indicate the soils in the field(s) and their intake rates:

Soil Name	Percent of field (%)	Intake Rate (in/hr)	Irrigation Design Group
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
Total:	100 %		

b. Estimate the average land slope in the field(s): \_\_\_\_\_ %

Estimate the maximum land slope in the field(s): \_\_\_\_\_ %

c. Type of irrigation system you propose to use (check one):

- Center pivot     
  Center pivot - LEPA     
  "Big gun" sprinkler  
 Gravity system (furrows)     
  Gravity system (borders)     
  Sideroll sprinkler

Other, please describe: \_\_\_\_\_

d. System design features:

i. Describe how you will control tailwater:

ii. For sprinkler systems:

(1) Estimate the operating pressure at the distribution system: \_\_\_\_\_ psi

(2) What is the sprinkler package design rate? \_\_\_\_\_ gpm

(3) What is the wetted diameter (twice the distance the sprinkler throws water) of a sprinkler on the outer 100 feet of the system? \_\_\_\_\_ feet

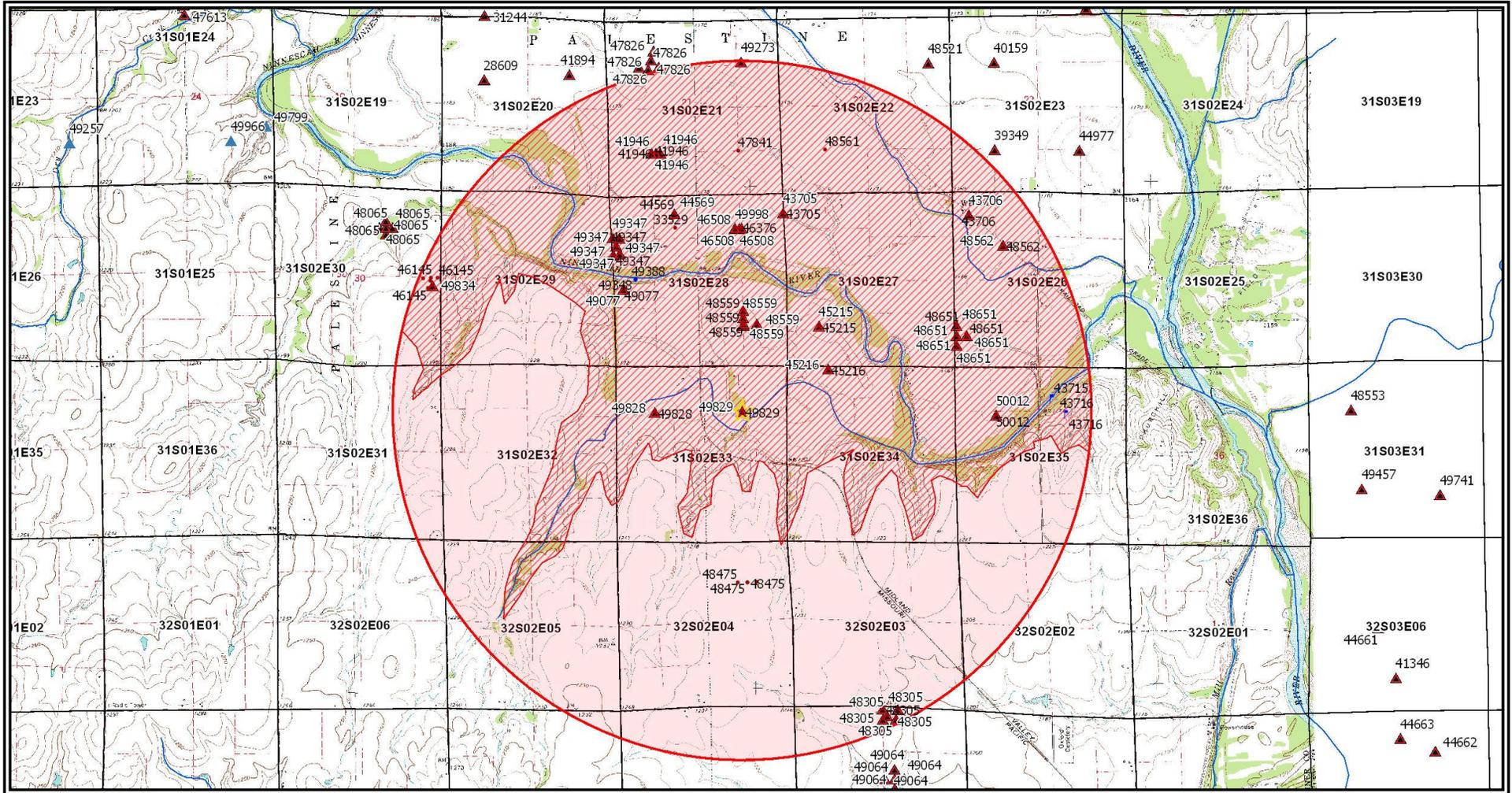
(4) Please include a copy of the sprinkler package design information.

e. Crop(s) you intend to irrigate. Please note any planned crop rotations:

f. Please describe how you will determine when to irrigate and how much water to apply (particularly important if you do not plan a full irrigation).

You may attach any additional information you believe will assist in informing the Division of the need for your request.

**Safe Yield Report Sheet – File #49829**  
**Water Right- Proposed Point of Diversion**  
**Point of Diversion in 33-31S-02E**  
**Footages from SE corner- 3,960 feet North 1,320 feet West**



## Analysis Results

The selected PD is in an area OPEN to new appropriations.

The safe yield based on the variables listed below is 1,531.21 AF. -1451.89 AF = 79.32

Total prior appropriations in the circle is 2,047.89 AF. - 596 =1451.89 AF

Total quantity of water available for appropriation is 0.00 AF.

**Application File No. 49829 meets Safe Yield  
MJM/SFFO**

## Safe Yield Variables

The area used for the analysis is set at 4,537 acres.

The potential annual recharge at the circle center is estimated to be 5.4 inches.

The percent of recharge available for appropriation is 75%.

Authorized Quantity values are as of 28-MAR-2018 and are based on Appropriated and Vested ground water right and possible stream nodes for GMD #2. Domestic, Term and Temporary water rights have been excluded.

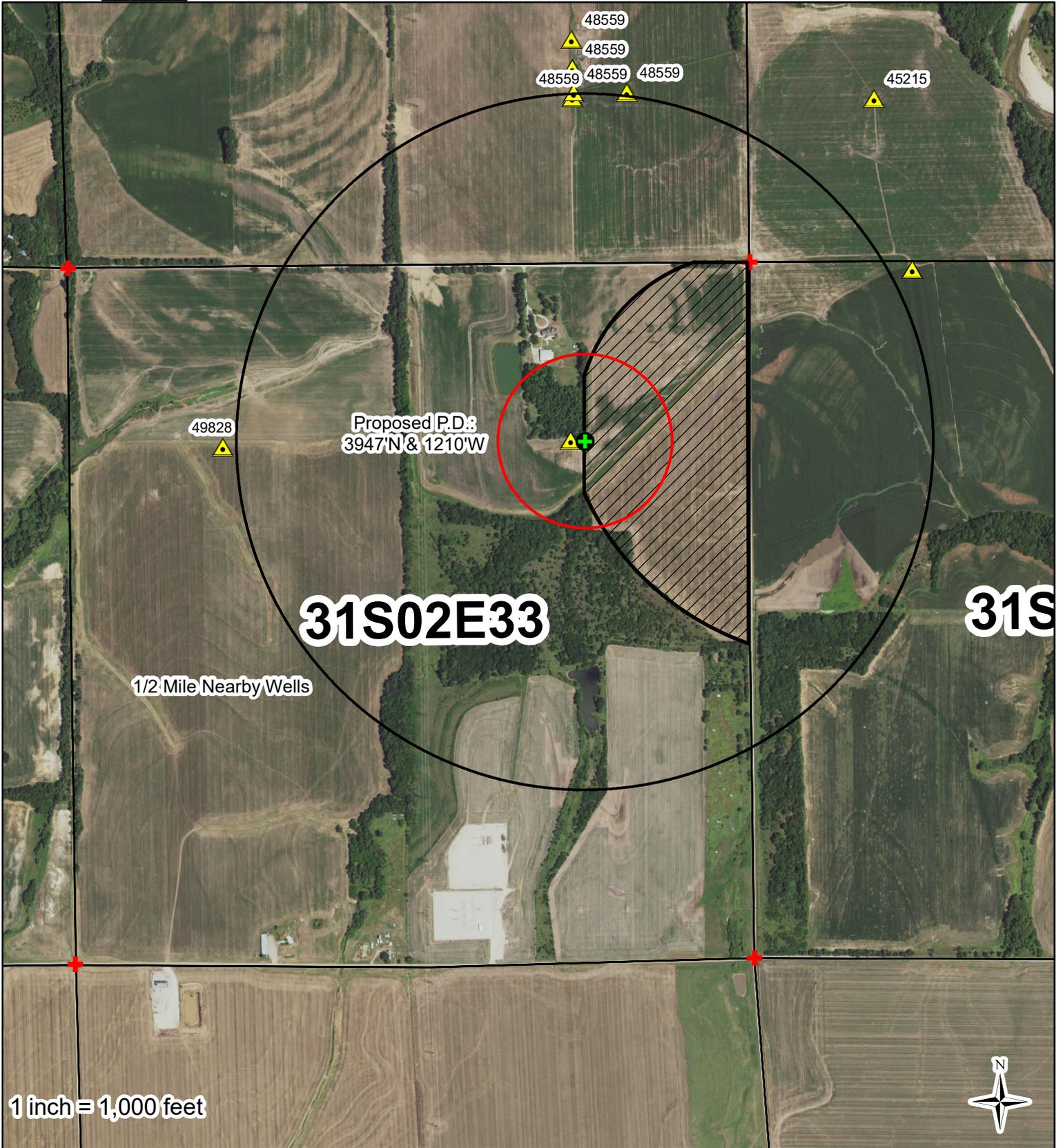
There are 17 water rights and 32 points of diversion within the circle.

File Number	Use	ST	SR	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Qind	Auth Quant	Add Quant	Tot Acres	Net Acres
A 41946 00	IRR	NK	G		NW	SE	SW	1288	3948	21	31	02E	1	WR	151.00	151.00	128.00	128.00
Same	IRR	NK	G		NW	SE	SW	1286	3814	21	31	02E	2	WR				
Same	IRR	NK	G		NW	SE	SW	1285	3680	21	31	02E	3	WR				
A 43705 00	IRR	NK	G		NW	NW	NW	4739	5142	27	31	02E	1	WR	163.50	163.50	135.00	135.00
A 43706 00	IRR	NK	G		NW	NW	NW	4706	4699	26	31	02E	1	WR	152.00	152.00	101.00	101.00
A 44569 00	IRR	NK	G		NW	NE	NW	4659	3369	28	31	02E	2	WR	54.60	54.60	42.00	42.00
A 45215 00	IRR	NK	G		NE	SW	SW	1316	4098	27	31	02E	2	WR	91.00	91.00	79.00	79.00
A 45216 00	IRR	NK	G		NW	NE	NW	5319	3874	34	31	02E	1	WR	135.20	135.20	114.00	114.00
A 46508 00	IRR	LO	G		SE	NW	NE	4200	1440	28	31	02E	3	WR	122.59	122.59	94.30	94.30
Same	IRR	LO	G		SE	NW	NE	4200	1340	28	31	02E	5	WR				
Same	IRR	LO	G		SE	NW	NE	4200	1540	28	31	02E	6	WR				
A 48559 00	IRR	LO	G		NW	SE	SE	1306	1112	28	31	02E	4	WR	77.00	77.00	67.00	67.00
Same	IRR	LO	G		NW	SE	SE	1106	1112	28	31	02E	10	WR				
Same	IRR	LO	G		SW	NE	SE	1506	1112	28	31	02E	11	WR				
Same	IRR	LO	G		NW	SE	SE	1306	1312	28	31	02E	12	WR				
Same	IRR	LO	G		NW	SE	SE	1306	912	28	31	02E	13	WR				
A 48562 00	IRR	LO	G		NE	SE	NW	3592	3731	26	31	02E	2	WR	74.00	74.00	64.00	64.00
A 48651 00	IRR	KE	G		NW	SW	SW	1060	5110	26	31	02E	3	WR	175.00	175.00	146.00	146.00
Same	IRR	KE	G		NW	SW	SW	760	5110	26	31	02E	4	WR				
Same	IRR	KE	G		NW	SW	SW	1060	4810	26	31	02E	5	WR				
Same	IRR	KE	G		NW	SW	SW	1360	5110	26	31	02E	6	WR				
Same	IRR	KE	G		NW	SW	SW	1060	5110	26	31	02E	7	WR				
A 49077 00	IRR	HK	G		NW	NW	SW	2393	4934	28	31	02E	7	WR	162.00	162.00	132.00	132.00
A 49347 00	IRR	GY	G		NW	SW	NW	3700	5134	28	31	02E	8	WR	94.00	94.00	106.00	106.00
Same	IRR	GY	G		NW	SW	NW	3959	5240	28	31	02E	14	WR				

File Number	Use	ST	SR	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Qind	Auth Quant	Add Quant	Tot Acres	Net Acres
Same	IRR	GY	G		NW	SW	NW	3940	5039	28	31	02E	15	WR				
Same	IRR	GY	G		NW	SW	NW	3430	5226	28	31	02E	16	WR				
Same	IRR	GY	G		NW	SW	NW	3470	5030	28	31	02E	17	WR				
A 49828 00	IRR	AY	G				NW	3960	3960	33	31	02E	1	WR	180.00	180.00	160.00	160.00
A 49829 00	IRR	AY	G			NE	NE	3960	1320	33	31	02E	2	WR	<del>110.00-79</del>	<del>110.00-79</del>	80.00	80.00
A 49834 00	IRR	AY	G			NE	SE	2430	210	30	31	02E	11	WR	180.00	180.00	119.00	119.00
A 49998 00	IRR	AY	G		SE	NW	NE	4200	1440	28	31	02E	3	WR	122.59	0.00	96.50	9.20
A 50012 00	IRR	AY	G				NW	3960	3960	35	31	02E	4	WR	126.00	126.00	97.00	97.00

596 Pending

File No. \_\_\_\_\_



I declare that all water wells or diversion sites using the same source of supply and within 1/2 mile of the proposed point of diversion have been plotted on the application map.

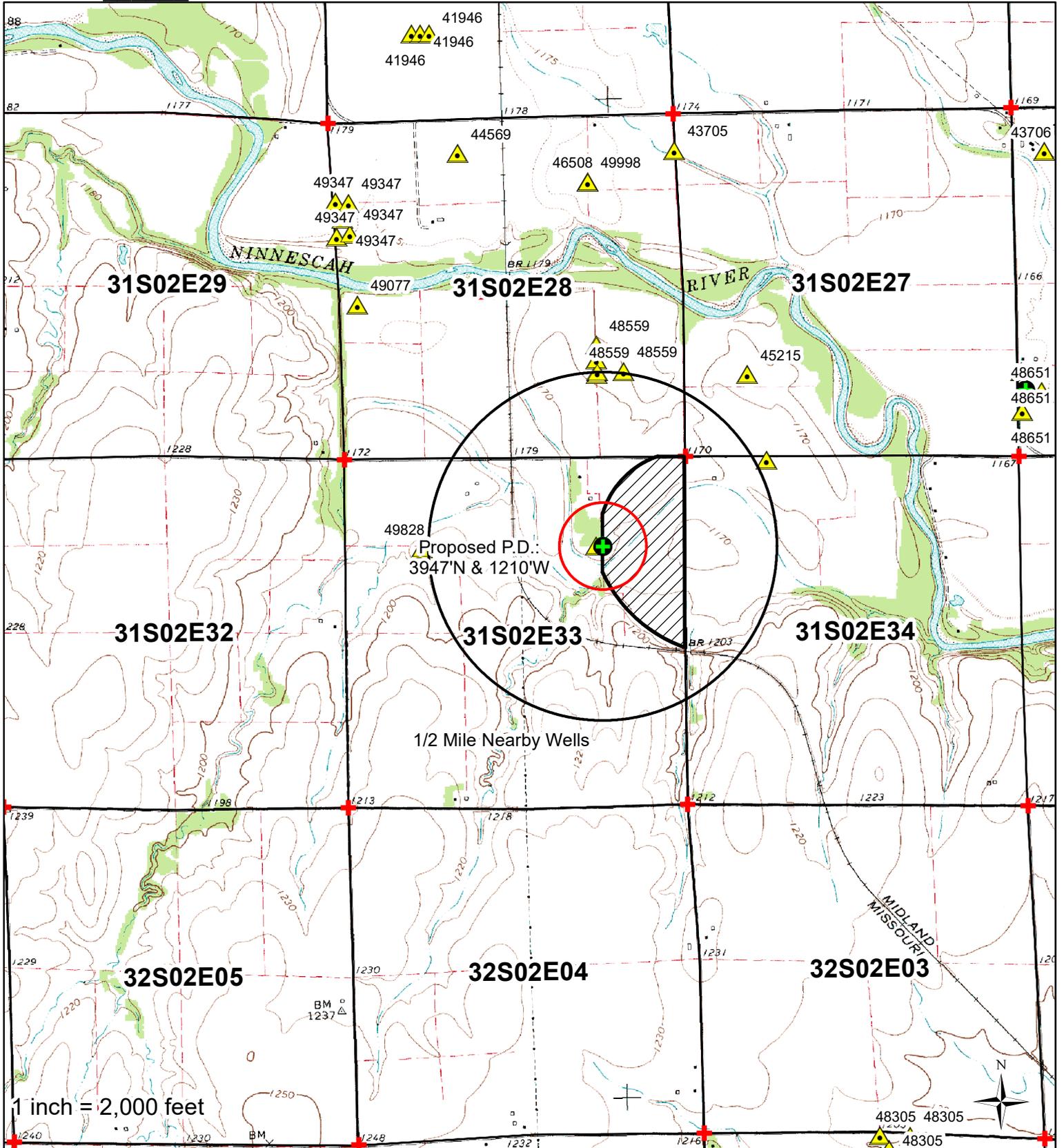
-  ProposedPD
-  ProposedPlaceOfUse
-  Water Rights
-  SFFOsec\_corners

Signature \_\_\_\_\_ Date \_\_\_\_\_

0 400 800 1,600 2,400 3,200 Feet

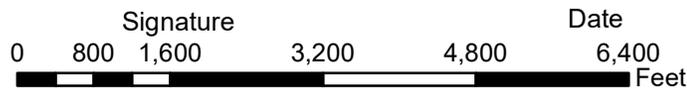
Created By: Matt Meier  
 F.O. 2  
 Date: 11/25/2019

File No. \_\_\_\_\_



I declare that all water wells or diversion sites using the same source of supply and within 1/2 mile of the proposed point of diversion have been plotted on the application map.

-  ProposedPD
-  ProposedPlaceOfUse
-  Water Rights
-  SFFOsec\_corners



Created By: Matt Meier  
F.O. 2  
Date: 11/25/2019

# 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. 49,829** of the applicant

**RON NEISES  
409 N ROCK RD  
BELLE PLAINE, KS 67013**

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 24, 2017**.
2. That the water sought to be appropriated shall be used for irrigation use on land described in the application, as follows:

Sec.	Twp.	Range	NE <sup>1</sup> / <sub>4</sub>				NW <sup>1</sup> / <sub>4</sub>				SW <sup>1</sup> / <sub>4</sub>				SE <sup>1</sup> / <sub>4</sub>				TOTAL
			NE <sup>1</sup> / <sub>4</sub>	NW <sup>1</sup> / <sub>4</sub>	SW <sup>1</sup> / <sub>4</sub>	SE <sup>1</sup> / <sub>4</sub>	NE <sup>1</sup> / <sub>4</sub>	NW <sup>1</sup> / <sub>4</sub>	SW <sup>1</sup> / <sub>4</sub>	SE <sup>1</sup> / <sub>4</sub>	NE <sup>1</sup> / <sub>4</sub>	NW <sup>1</sup> / <sub>4</sub>	SW <sup>1</sup> / <sub>4</sub>	SE <sup>1</sup> / <sub>4</sub>	NE <sup>1</sup> / <sub>4</sub>	NW <sup>1</sup> / <sub>4</sub>	SW <sup>1</sup> / <sub>4</sub>	SE <sup>1</sup> / <sub>4</sub>	
33	31S	2E	32.5			31.0								1.5				65	

3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of one (1) well, which is to located in the Northwest Quarter of the Southeast Quarter of the Northeast Quarter (NW<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub>) of Section 33, more particularly described as being near a point 3,947 feet North and 1,210 feet West of the Southeast corner of said section, in Township 31 South, Range 2 East, Sumner County, located substantially as shown on the map accompanying the application.
4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **800 gallons per minute (1.78 c.f.s.)** and to a quantity not to exceed **79 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 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.

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 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 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 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.

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.

17. 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 12 day of May, 2021, 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 )  
County of Riley ) SS

The foregoing instrument was acknowledged before me this 12 day of May, 2021, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



*Ashlee Freeman*  
Notary Public

Stafford Field Office  
300 S. Main Street  
Stafford, KS 67578-1521



Phone: 620-234-5311  
Fax: 620-234-6900  
www.agriculture.ks.gov

Mike Beam, Secretary

Laura Kelly, Governor

May 14, 2021

RON NEISES  
409 N ROCK RD  
BELLE PLAINE, KS 67013

RE: Appropriation of Water, File No. 49,829

Dear Mr. Neises:

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](http://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](http://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,

A handwritten signature in cursive script that reads "Kristen A. Baum".

Kristen A. Baum  
New Application Unit Supervisor  
Water Appropriation Program

KAB: MJM: li  
Enclosures

pc: Stafford Field Office  
Marcia E. Maybrier Living Trust

**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 *14* day of *May*, 2021, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 49,829, dated *12 May 2021* was mailed postage prepaid, first class, US mail to the following:

RON NEISES  
409 N ROCK RD  
BELLE PLAINE, KS 67013

With photocopies to:

MARCIA E MAYBRIER LIVING TRUST  
PO BOX 15  
OXFORD, KS 67119

Stafford Field Office

  
Division of Water Resources