

Kansas Department of Agriculture  
 Division of Water Resources  
**PERMIT OF NEW APPLICATION WORKSHEET**

1. File Number: <p style="text-align: center;"><b>50,445</b></p>	2. Status Change Date: <p style="text-align: center;"><b>6/29/2021</b></p>	3. Field Office: <p style="text-align: center;"><b>2</b></p>	4. GMD:
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5. Status:     Approved                       Denied by DWR/GMD                       Dismiss by Request/Failure to Return

6. Enclosures:     Check Valve             N of C Form             Water Tube             Driller Copy             Meter

<p>7a. Applicant(s)                      Person ID <u>62468</u>                  New to system <input type="checkbox"/>                      Add Seq# _____</p> <p><b>BRIAN E &amp; RACHEL PRIEST</b>  <b>7497 192ND RD</b>  <b>WINFIELD, KS 67156</b></p>     <p>7b. Landowner(s)                      Person ID <u>14118</u>                  New to system <input type="checkbox"/>                      Add Seq# _____</p> <p><b>BARBARA J PRIEST</b>  <b>22337 41ST RD</b>  <b>WINFIELD, KS 67156</b></p>	<p>7c. Landowner(s)                      Person ID _____</p>          <p>7d.</p>
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<p>8. WUR Correspondent                      Person ID _____                  New to system <input type="checkbox"/>                      Add Seq# _____                  Overlap File (s) WUC                      Notarized WUC Form <input type="checkbox"/>                  Agree <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>7a</b></p>	<p>9. Use of Water:    Changing?    <input type="checkbox"/> Yes    <input checked="" type="checkbox"/> No</p> <p style="padding-left: 40px;"> <input checked="" type="checkbox"/> Groundwater                      <input type="checkbox"/> Surface Water  <input checked="" type="checkbox"/> IRR                      <input type="checkbox"/> REC                      <input type="checkbox"/> DEW                      <input type="checkbox"/> MUN  <input type="checkbox"/> STK                      <input type="checkbox"/> SED                      <input type="checkbox"/> DOM                      <input type="checkbox"/> CON  <input type="checkbox"/> HYD DRG                      <input type="checkbox"/> WTR PWR                      <input type="checkbox"/> ART RECHRG  <input type="checkbox"/> IND    SIC: _____                      <input type="checkbox"/> OTHER: _____</p>
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10. Completion Date: 12/31/2022                      11. Perfection Date: 12/31/2026                      12. Exp Date: \_\_\_\_\_

13. Conservation Plan Required?  Yes  No    Date Required: \_\_\_\_\_    Date Approved: \_\_\_\_\_    Date to Comply: \_\_\_\_\_

14. Water Level Measuring Device?  Yes  No    Date to Comply: \_\_\_\_\_    Date WLMD Installed: \_\_\_\_\_

Date Prepared: **4/13/2021**    By: **KJN**  
 Date Entered: **6/30/2021**    By: **LMoody**

**6/22/2021**  
**Lireland**

File No. **50,445**      15. Formation Code: **113**      Drainage Basin: **Arkansas River**      County: **CL**      Special Use:      Stream:

16. Points of Diversion										17. Rate and Quantity					
MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Authorized		Additional		Overlap PD Files
											Rate gpm	Quantity af	Rate gpm	Quantity af	
<b>CHK</b>	<b>9102</b>	<b>NE SE NE</b>	<b>22</b>	<b>33S</b>	<b>3E</b>	<b>1</b>	<b>3750</b>	<b>120</b>			<b>200</b>	<b>90</b>	<b>200</b>	<del><b>90</b></del>	<b>none</b>
														<b>0</b>	

18. Storage: Rate \_\_\_\_\_ NF      Quantity \_\_\_\_\_ ac/ft      Additional Rate \_\_\_\_\_ NF      Additional Quantity \_\_\_\_\_ ac/ft

19. Limitation: **90** af/yr at \_\_\_\_\_ gpm ( \_\_\_\_\_ cfs) when combined with file number(s) **33193**  
 Limitation: \_\_\_\_\_ af/yr at \_\_\_\_\_ gpm ( \_\_\_\_\_ cfs) when combined with file number(s) \_\_\_\_\_

20. Meter Required? **x Yes**    No      To be installed by \_\_\_\_\_      Date Acceptable Meter Installed \_\_\_\_\_

21. Place of Use										NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? <b>NO</b>	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>CHK</b>	<b>3443</b>	<b>22</b>	<b>33S</b>	<b>3E</b>	<b>1</b>	<b>38</b>				<b>37</b>															<b>75</b>	<b>7b</b>	<b>no</b>	<b>33193</b>	

Comments:  
**New App 50445 and PD Change App for 33193 approved as package**

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

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

**TO:** Files

**DATE:** April 2, 2021

**FROM:** Kris Neuhauser

**RE:** New Application, File No.  
50,445 and Change  
Application 33,193

Brian E and Rachel Priest have filed an application to appropriate groundwater for irrigation use, requesting one (1) well, with a quantity of 90 acre-feet of water per calendar year, at a diversion rate of 200 gallons per minute. The proposed well is 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 22, more particularly described as being near a point 3,750 feet North and 120 feet West of the Southeast corner of said section, in Township 33 South, Range 3 East, Cowley County, Kansas, within the Arkansas River drainage basin. The applicant owns both the point of diversion and place of use.

Water Right, File No. 33,193 overlaps the proposed point of diversion and place of use. A change application in point of diversion has also been submitted by the applicant, which will move all rate and quantity to the two northern wells authorized under File No. 33,193 (battery of 3 wells). This southernmost well will then be authorized by File No. 50,445. No new wells will be drilled for the new application or change application. A limitation of 90 acre-feet when combined with File No. 33,193 will be on the place of use.

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—2005 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, DWR suspended processing applications for new appropriations of water in the model area.

DWR completed an evaluation of a 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 for applications in the Ninnescah River basin in the area. Therefore, for pending applications within the model area, safe yield will be valued 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 percent.

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 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 8,042 acres. With a potential annual recharge of 5.4 inches, and 75% of recharge available for appropriation, safe yield was determined to be 2,714.34 acre-feet. Existing water rights have appropriated 425 acre-feet, providing a difference of 2,289.34 acre-feet available for appropriation, and the application requesting 90 acre-feet complies with safe yield.

No well log was provided with the application, but it is an existing well (drilled in 1967) that's been authorized by File No. 33,193 for many years. Based on existing information and nearby well logs, the source of supply appears to be Arkansas River alluvium.

Elizabeth Fitch, Environmental Scientist, Stafford Field Office, assisted with these applications. During preparation she re-measured the place of use authorized by File No. 33,193 (and now also File No. 50,445) and determined it was incorrect. ~~A Findings~~ and Order to better describe the place of use is included with this package, changing the area from 71 acres to 75 acres. **PU update will be part or the change approval as order better describing. LI/DWR**

The newly proposed place of use for File No. 50,445 is 75 acres in the Northeast Quarter (NW¼) and the Southeast Quarter (SE¼) of Section 22, Township 33 South, Range 3 East, Cowley County, Kansas. The proposed quantity of 90 acre-feet per calendar year provides 1.2 acre-feet per acre, making it the maximum reasonable quantity for Cowley County (75 acres x 1.2 = 90 acre-feet). **The 90 AF will be limited to 90 AF with File No. 33193 thus File No. 50445 will provide no additional quantity. LI/DWR**

All domestic and non-domestic (File No. 47,070) wells within one-half mile of the points of diversion under File No. 33,193 and File No. 50,445 are owned by the applicant, therefore no nearby notification letters were required for either the new application or change application.

For File No. 50,445, the closest non-domestic well is just under 1,600 feet away, which is a four well battery authorized by File No. 47,070. For File No. 33,193, the closest non-domestic well is also File No. 47,070; the two northern wells that will retain all quantity and rate under File No. 33,193 are within 1,320 feet. Two domestic wells owned by the applicant appear to be under 660 feet away to both File No. 50,445 and 33,193.

A spacing waiver will not be required for either the new or change app as the proposed points of diversion are not located in a GMD, the nearby domestic wells and File No. 47,070 are owned by the applicant, and with the combined 90 acre-feet limitation; no additional quantity is being authorized. Therefore, the existing spacing appears to be sufficient.

In an e-mail conversation on April 12, 2021, Jeff Lanterman, Water Commissioner of the Stafford 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, that the area is open to new appropriations, that the new application complies with safe yield and well spacing criteria, and that the approval of

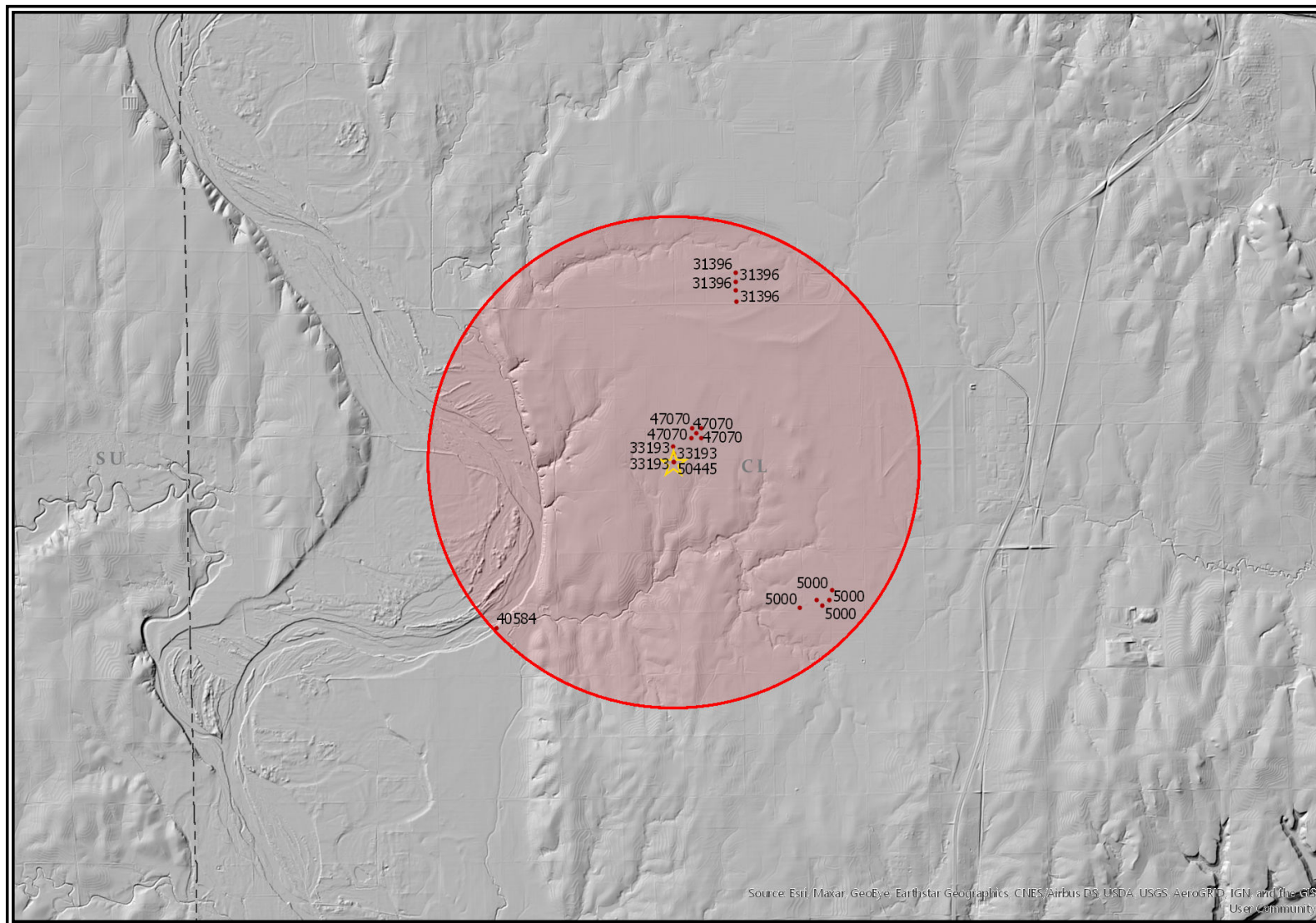
**The change will N&P IN 2021 AND THE NEW APP IN 2022 AS ALL WELLS ARE EXISTING,, and should help keep the fee no fee issue straight. LI/DWR**

the new application will not impair senior water rights nor prejudicially or unreasonably affect the public interest, it is recommended the new application be approved. Also based on the above discussion, that the changes appear reasonable, that impairment to existing water rights is unlikely, and that no change in the local source of supply will occur, it is recommended the referenced change application be approved.

A handwritten signature in black ink, appearing to read "Kris Neuhauser". The signature is fluid and cursive, with a long horizontal stroke at the end.

Kris Neuhauser  
Environmental Scientist  
Water Appropriation Program

**Safe Yield Report Sheet**  
**Water Right- A5044500**  
**Point of Diversion in 22-33S-03E**  
**Footages from SE corner- 3,750 feet North 120 feet West**



50445 passes safe yield\*

## Analysis Results

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

The safe yield based on the variables listed below is 2,714.34 AF.

Total prior appropriations in the circle is ~~515.00 AF~~. **425 AF**

Total quantity of water available for appropriation is ~~2,199.34 AF~~. **2,289.34 AF**

## Safe Yield Variables

The area used for the analysis is set at 8,042 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 05-APR-2021 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 6 water rights and 18 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 5000 00	IRR	NK	G		SE	SE	NE	2782	60	26	33	03E	1	WR	90.00	90.00	110.00	110.00
Same	IRR	NK	G		SE	SW	NW	2857	4408	25	33	03E	7	WR				
Same	IRR	NK	G		SE	SW	NW	3085	4095	25	33	03E	4	WR				
Same	IRR	NK	G		SW	SW	NW	3104	4651	25	33	03E	6	WR				
Same	IRR	NK	G		NC	S2	NW	3524	3960	25	33	03E	9	WR				
A 31396 00	IRR	NK	G		SW	SW	SE	119	2612	11	33	03E	5	WR	214.00	214.00	252.00	252.00
Same	IRR	NK	G		SW	SW	SE	629	2632	11	33	03E	6	WR				
Same	IRR	NK	G		NW	SW	SE	979	2618	11	33	03E	7	WR				
Same	IRR	NK	G		SW	NW	SE	1391	2631	11	33	03E	9	WR				
A 33193 00	IRR	NK	G		NE	SE	NE	3750	120	22	33	03E	1	PD	20.00	20.00	71.00	71.00
Same	IRR	NK	G		SE	NE	NE	4145	120	22	33	03E	3	PD	15.00	15.00		
Same	IRR	NK	G		SE	NE	NE	4470	110	22	33	03E	4	PD	15.00	15.00		
A 40584 00	IRR	NK	G		CW	NW	SE	2105	2630	28	33	03E	5	WR	22.00	0.00	130.00	0.00
A 47070 00	IRR	NK	G		NE	NW	NW	5080	4430	23	33	03E	1	WR	71.00	71.00	130.00	130.00
Same	IRR	NK	G		NE	NW	NW	5286	4618	23	33	03E	2	WR				
Same	IRR	NK	G		NW	NW	NW	4878	4647	23	33	03E	3	WR				
Same	IRR	NK	G		NE	NW	NW	5282	4219	23	33	03E	4	WR				
Same	IRR	NK	G		NE	NW	NW	4874	4236	23	33	03E	5	WR				
A 50445 00	IRR	AY	G		NE	SE	NE	3750	120	22	33	03E	1	WR	<del>90.00</del>	<del>90.00</del>	75.00	4.00

## Limitations

File Number	Seq Num	Limitations
A 5000 00	1	500GPM WHEN WELLS PUMP SIMULTANEOUSLY
A 40584 00	2	<u>114AF</u> /YR @780GPM COM/W #40176





**From:** Lanterman, Jeff [KDA]  
**Sent:** Mon 4/12/2021 12:07 PM  
**To:** Neuhauser, Kris [KDA];Conant, Cameron [KDA]  
**Subject:** RE: New App 50445, Change App 33193 Package: recommendation request

Kris;

I reviewed the water levels nearest to the point of diversion and found that there were no declining trends in the wells I looked at both within a couple miles of the proposed PD.

I think this was done because of an overpumping penalty on 33193 so hopefully we won't have that issue anymore.

I recommend approval.

Thanks  
Jeff

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**From:** Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>  
**Sent:** Friday, April 9, 2021 8:56 AM  
**To:** Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>; Conant, Cameron [KDA] <Cameron.Conant@ks.gov>  
**Subject:** New App 50445, Change App 33193 Package: recommendation request

Good morning guys,

Here is New App 50,445 and a PD Change App for 33193. Elizabeth assisted with the package. I've combined both into one memo.

The change is designed to move all quantity and rate to the two northern wells in the three well battery under 33193. The southernmost well will now be authorized by 50445. A limitation of 90 AF when combined with File No. 33,193 will be put on the place of use. Elizabeth also re-measured the place of use and found that the map shows 75 acres, rather than the authorized 71. She noted a correction order might be needed to fix. Kristen and I decided a F&O better describing the place of use is probably the way to go (if you guys agree).

Lastly, wasn't going to worry about a spacing waiver for 50445 (see page 2 of memo for reasoning), but should a spacing waiver be drafted for the 33193 change? The two northern wells don't meet spacing to nearby WR 44070 (owned by applicant). I also think they don't meet spacing to the two domestics (also owned by applicant). Didn't know if the same non-waiver case could be made for 33193.

Thanks!

***Kris Neuhauser***  
Environmental Scientist  
Water Appropriations Program – Kansas Dept of Agriculture  
(785) 564-6643


**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. 50,445** of the applicant

**BRIAN E & RACHEL PRIEST**  
**7497 192ND RD**  
**WINFIELD, KS 67156**

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 **September 14, 2020**.
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	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
22	33S	3E	38.0			37.0													75.0

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 Northeast Quarter of the Southeast Quarter of the Northeast Quarter (NE¼ SE¼ NE¼) of Section 22, more particularly described as being near a point 3,750 feet North and 120 feet West of the Southeast corner of said section, in Township 33 South, Range 3 East, Cowley 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 **200 gallons per minute** (0.45 c.f.s.) and to a quantity not to exceed **90 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, 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.

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, 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 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 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.

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.

18. That the quantity of water approved under this file number is further limited to the quantity which combined with Water Right, File No. 33,193 will provide a total not to exceed 90 acre-feet of water per calendar year.

Ordered this 29 day of June, 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

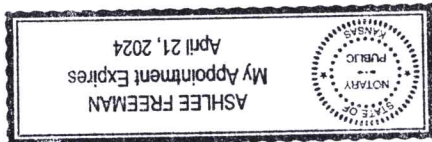
State of Kansas            )  
  ) SS  
County of Riley            )

The foregoing instrument was acknowledged before me this 29 day of June, 2021, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.

*Ashlee Freeman*

Notary Public

Ashlee Freeman



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

July 1, 2021

BRIAN E & RACHEL PRIEST  
7497 192ND RD  
WINFIELD, KS 67156

RE: Appropriation of Water, File No. 50,445

Dear Mr. & Mrs. Priest:

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. Specifically, condition Number 18, that limits the quantity to 90 acre-feet when combined with Water Right, File No. 33,193.

Notice must be filed on the enclosed form once the diversion works have been completed and the required meter is installed. The fee for the completion of new appropriations is currently \$400.00 and must be submitted with the notice of completion. 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 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,

Kristen A. Baum  
New Applications and Changes Supervisor  
Division of Water Resources

KAB: kjn  
Enclosure(s)

pc: Stafford Field Office  
BARBARA J PRIEST, 22337 41ST RD, WINFIELD, KS 67156

**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**

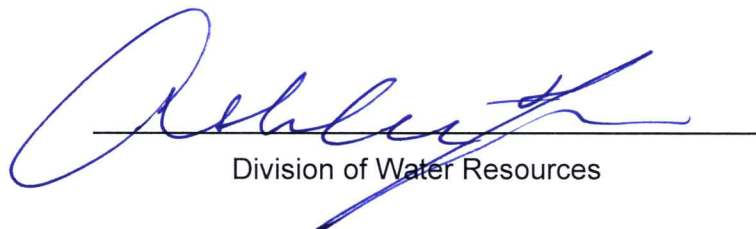
On this 1 day of July, 2021, I hereby certify that the foregoing Approval of Application, File No. 50,445, dated 29 June 2021 was mailed postage prepaid, first class, US mail to the following:

BRIAN E & RACHEL PRIEST  
7497 192ND RD  
WINFIELD, KS 67156

With photocopies to:

BARBARA J PRIEST  
22337 41ST RD  
WINFIELD, KS 67156

Stafford Field Office

  
Division of Water Resources