NOTICE

This scan only represents the application as filed. The information contained herein meets the requirements of K.A.R. 5-3-1 or K.A.R. 5-5-1, and has been found acceptable for filing in the office of the Chief Engineer. The application should not be considered to be a complete application as per K.A.R. 5-3-1b or K.A.R. 5-5-2a.

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

WATER RESOURCES This item to be completed by the Division of Water Resources. APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE Filing Fee Must Accompany the Application KS DEPT OF AGRICULTURE (Please refer to Fee Schedule attached to this application form.) To the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502: Name of Applicant (Please Print): Robert Cott Address: 1977 INDIAN RD City: CLAY CENTER State KS Zip Code 67432 Telephone Number: (785) 632-0642 The source of water is: Surface water in SMOKY HILL RIVER groundwater in (drainage basin) Certain streams in Kansas have minimum target flows established by law or may be subject to administration when water is released from storage for use by water assurance district members. If your application is subject to these regulations on the date we receive your application, you will be sent the appropriate form to complete and return to the Division of Water Resources.

Rediversion Rate | 3/18/2021 | and return to the Division of Water Resources. gallons per calendar year, The maximum quantity of water desired is 448.63 acre-feet OR to be diverted at a maximum rate of NAT FLOW gallons per minute OR cubic feet per second. Once your application has been assigned a priority, the requested maximum rate of diversion and maximum requested quantity of water under that priority number can NOT be increased. Please be certain your requested maximum rate of diversion and maximum quantity of water are appropriate and reasonable for your proposed project and are in agreement with the Division of Water Resources' requirements. The water is intended to be appropriated for (Check use intended): (a) ☐ Artificial Recharge (b) Irrigation (c) Recreational (d) ☐ Water Power (e) ☐ Industrial (f) Municipal (g) Stockwatering (h) Sediment Control (i) Domestic (i) Dewatering (k) ☐ Hydraulic Dredging (I) Fire Protection (m)

Thermal Exchange (n) Contamination Remediation YOU MUST COMPLETE AND ATTACH ADDITIONAL DIVISION OF WATER RESOURCES FORM(S) PROVIDING INFORMATION TO SUBSTANTIATE YOUR REQUEST FOR THE AMOUNT OF WATER FOR THE INTENDED USE REFERENCED ABOVE.

Meets K.A.R. 5-3-1 (YES / NO) Use

Fee \$ 360

TR#

For Office Use Only:

F.O. 3 GMD

Code

Source G/S County

Receipt Date 3.18.2

3/18/21

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MAR 1 8 2021

5.

| File No. | |
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|----------|--|

| 5. | The | ocation of the proposed wells, pump sites or other works for diversion of water is: |
|----|------------------|---|
| | Note | For the application to be accepted, the point of diversion location must be described to at least a 10 acre tract, unless you specifically request a 60 day period of time in which to locate the site within a specifically described, minimal legal quarter section of land. |
| | (A) | One in the <u>SW</u> quarter of the <u>NE</u> quarter of the <u>SE</u> quarter of Section <u>13</u> , more particularly described as |
| | | being near a point 1637 feet North and 1155 feet West of the Southeast corner of said section, in Township |
| | | South, Range 2 WEST, OTTAWA County, Kansas. |
| | (B) | One in the quarter of the quarter of the quarter of Section, more particularly |
| | | lescribed as being near a point feet North and feet West of the Southeast corner of said |
| | | section, in Township South, Range East/West (circle one), County, Kansas. |
| | (C) | One in the quarter of the quarter of the quarter of Section, more particularly |
| | | described as being near a point feet North and feet West of the Southeast corner of said |
| | | section, in Township South, Range East/West (circle one), County, Kansas. |
| | (D) | One in the quarter of the quarter of the quarter of Section, more particularly |
| | | described as being near a point feet North and feet West of the Southeast corner of said |
| | | section, in Township South, Range East/West (circle one), County, Kansas. |
| 6. | not to distri | rells in the same local source of supply within a 300 foot radius circle which are being operated by pumps exceed a total maximum diversion rate of 800 gallons per minute and which supply water to a common oution system. where of the point of diversion, if other than the applicant is (please print): |
| | KEE | OTT FARMS INC (name, address and telephone number) |
| | 1047 | (name, address and telephone number) 20 TH RD CLAY CENTER, KS 67432 (name, address and telephone number) |
| | land | nust provide evidence of legal access to, or control of, the point of diversion from the landowner or the wner's authorized representative. Provide a copy of a recorded deed, lease, easement or other document his application. In lieu thereof, you may sign the following sworn statement: |
| | | I have legal access to, or control of, the point of diversion described in this application from the landowner or the landowner's authorized representative. I declare under penalty of perjury that the foregoing is true and correct. Executed on |
| | | pplicant must provide the required information or signature irrespective of whether they are the landowner. |
| | | e to complete this portion of the application will cause it to be unacceptable for filing and the application will curned to the applicant. |
| 7 | The | roposed project for diversion of water will consist of 1 DAM AND 1 PUMP (number of wells, pumps or dams, etc.) |
| | and | was)(will be) completed (by) 12/31/2021 |
| 8. | The | (Month/Day/Year - each was or will be completed) rst actual application of water for the proposed beneficial use was or is estimated to be 2022 |
| ٥. | (Mo/D | y/Year) |

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File No.

| 9. | Will pes | ticide, fe | ertilizer, or other foreign substance be injected into the water pumped from the diversion works? | | | | | | | | |
|-----|------------------|--|---|--|--|--|--|--|--|--|--|
| | ☐ Yes | | If "ves", a check valve shall be required. | | | | | | | | |
| | All chem | nigation | safety requirements must be met including a chemigation permit and reporting requirements. | | | | | | | | |
| 10. | submitti | ng the a | ing to impound water, please contact the Division of Water Resources for assistance, prior to application. Please attach a reservoir area capacity table and inform us of the total acres of e area above the reservoir. | | | | | | | | |
| | | ou also m Resource | made an application for a permit for construction of this dam and reservoir with the Division of es? ☐ Yes ☐ No | | | | | | | | |
| | • If ye | s, show | the Water Structures permit number here WSN: DOT-0281 | | | | | | | | |
| | • If no | o, explair | n here why a Water Structures permit is not required DECLARED EXEMPT BY KDA DWR | | | | | | | | |
| | BEL | OW 125 | 5 AF THRESHOLD FOR THE CLASS A EXEMPTION METAL GROUP TO MIGHE OF MIGHE | | | | | | | | |
| 11. | showing section, | The application <u>must</u> be supplemented by a U.S.G.S. topographic map, aerial photograph or a detailed plat showing the following information. On the topographic map, aerial photograph, or plat, identify the center of the section, the section lines or the section corners and show the appropriate section, township and range numbers. Also, please show the following information: | | | | | | | | | |
| | work | ks) shou | of the proposed point(s) of diversion (wells, stream-bank installations, dams, or other diversion all diversion all diversions, showing the North-South diversions the East-West distance from a section line or southeast corner of section. | | | | | | | | |
| tad | mile | of the pr | ation is for groundwater, please show the location of any existing water wells of any kind within ½ roposed well or wells. Identify each existing well as to its use and furnish the name and mailing he property owner or owners. If there are no wells within ½ mile, please advise us. | | | | | | | | |
| | | | ation is for surface water, the names and addresses of the landowner(s) ½ mile downstream and ream from your property lines must be shown. | | | | | | | | |
| | | location tograph o | of the proposed place of use should be shown by crosshatching on the topographic map, aerial or plat. | | | | | | | | |
| | | | cation of the pipelines, canals, reservoirs or other facilities for conveying water from the point of the place of use. | | | | | | | | |
| | num | 5 minute bers to: sas 660 | | | | | | | | | |
| 12. | points or | List any application, appropriation of water, water right, or vested right file number that covers the same diversion points or any of the same place of use described in this application. Also list any other recent modifications made to existing permits or water rights in conjunction with the filing of this application. | | | | | | | | | |
| | 49,548 | WILL PL | JMP WATER INTO STRUCTURE TO SUPPLEMENT STORAGE, WATER WILL THEN | | | | | | | | |
| | BE RE-D | DIVERTE | ED TO SERVE SAME PLACE OF USE AUTHORIZED UNDER 49,548 | | | | | | | | |
| | DIRECT | USE: 27 | 74.3 AF IRRIGATION & 22.1 MGY LIMITED WHEN COMBINED WITH 49,548 William to be less as a | | | | | | | | |
| | 1 YR DIF | RECT US | SE (342.1 AF) + RESERVOIR CAPACITY (82 AF) + 1 YEAR NET EVAP (12.8 ACRES X | | | | | | | | |
| | 23" NET | EVAP = | = 24.53 AF) = 448.63 AF PROPOSED STRUCTURE WILL CAPTURE NAT FLOW. | | | | | | | | |

| | File No. | | | | File No | |
|-----------------------------------|--|---|--|---|------------------------------|-------------------------------|
| 13. Section | Furnish the following well info | | | | | |
| | Information below is from: | ☐ Test holes | ☐ Well as con | npleted | ☐ Drillers log | attached |
| | Well location as shown in pa | a Division of Wa | (A) (A) (B) (B) (B) (B) (B) (B) (B) (B) (B) (B | | | |
| | Date Drilled | | | | ods sers egar | |
| | Total depth of well | struction of this (| r a permit for con | plication for | je na obam og | Have you al |
| | Depth to water bearing forma | ation | OM | N 33 | Uncesy (Trye | Water Resol |
| | Depth to static water level | | permit number he | Structures | Terray end wor | If yes, si |
| SVAC | Depth to bottom of pump into | ake pipe | V SSV 13 FINE OF V SSV 13 FINE OF | DE CHOMB: | DAIN HERE WITY 425 AETHER | MOTTO . |
| 14., bell and to re exedent | The relationship of the ap (owner, tenant, agent or otherwise | rap, asrial photol the appropri -(c | | mafion. On the saction swing inform | | |
| 15. Tolenovi | The owner(s) of the property | where the water | r is used, if other | than the ap | plicant, is (plea | ase print): |
| | KEEOTT FARMS INC | | FARMS LLC ess and telephone | | E COTT | works) s distance |
| | 1047 20 TH RD CLAY CENTE | R 1047 20 TH (name, addre | RD CLAY CENTE ess and telephone | R 1047 e number) | 20TH RD CLAY | CENTER I |
| 16. | The undersigned states that this application is submitted. Dated at | | icth | rue to the be | st of his/her kn arch | nowledge and that |
| | Clay of Center | shown by crus | ait bluerin asu to | osed nace | (month) | epoleri (year) |
| o mioq | Toly Vol | | cenals, respivoiri | | | |
| | aling the section township and lest, University of Kansas, Lav | | | | WATER RES | IN 3.7 A SOURCES VED IN |
| Ву | (Agent or Officer Signa | ture) | | | MAR 1 8 | |
| | humber that covers the same di so list any other recent modifi | r vested right file s application A | | glace of use | | |
| M | (Agent or Officer - Please | | - | | | |
| | | | | | | |

Assisted by M BILLINGER (CEMBER OF ASST WATER COMMISS) Date: 03/08/21 TO ENGLISH (Office/title)

Assisted by M BILLINGER (CEMBER OF ASST WATER COMMISS) Date: 03/08/21 TO ENGLISH (Office/title)

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FEE SCHEDULE

KS DEPT OF AGRICULTURE

1. The fee for an application for a permit to appropriate water for beneficial use, except for domestic use, shall be (see paragraph No. 2 below if requesting storage):

| ACRE-FEET | FEE |
|---------------|--|
| 0-100 | \$200.00 |
| 101-320 | \$300.00 |
| More than 320 | \$300.00 plus \$20.00 for each additional 100 acre-feet or any part thereof. |

2. The fee for an application in which storage is requested, except for domestic use, shall be:

| ACRE-FEET | FEE |
|---------------|---|
| 0-250 | \$200.00 |
| More than 250 | \$200.00 plus \$20.00 for each additional 250 acre-feet of storage or any part thereof. |

Note: If an application requests both direct use and storage, the fee charged shall be as determined under No. 1 or No. 2 above, whichever is greater, but not both fees.

3. The fee for an application for a permit to appropriate water for water power or dewatering purposes shall be \$100.00 plus \$200.00 for each 100 cubic feet per second, or part thereof, of the diversion rate requested.

Note: The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$400.00 when construction of the works for diversion has been completed, except that for applications filed on or after July 1, 2009, for works constructed for sediment control use and for evaporation from a groundwater pit for industrial use shall be accompanied by a field inspection fee of \$200.00.

MAKE CHECKS PAYABLE TO THE KANSAS DEPARTMENT OF AGRICULTURE

ATTENTION

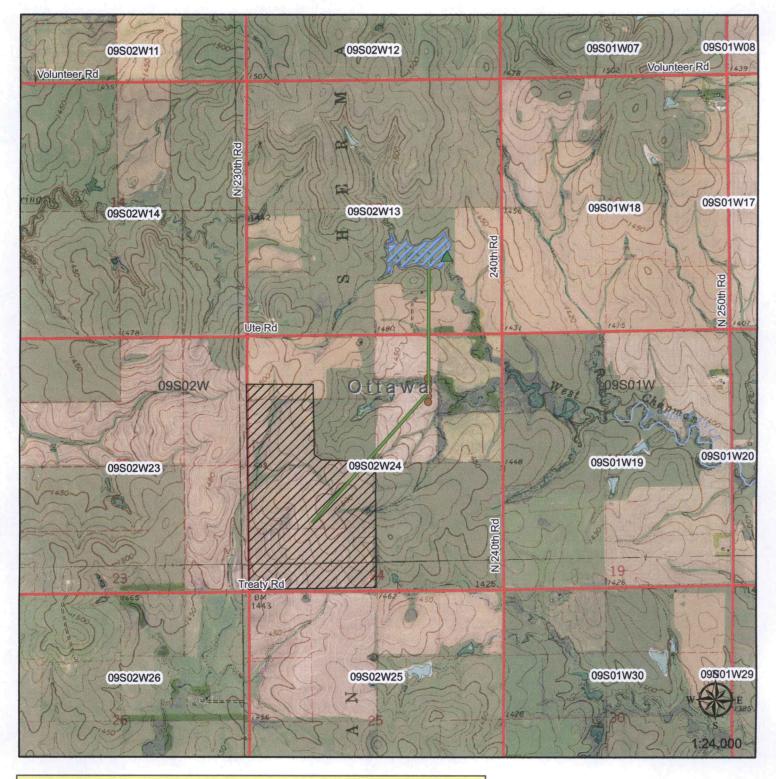
A Water Conservation Plan may be required per K.S.A. 82a-733. A statement that your application for permit to appropriate water may be subject to the minimum desirable streamflow requirements per K.S.A. 82a-703a, b, and c may also be required from you. After the Division of Water Resources has had the opportunity to review your application, you will be notified whether or not you will need to submit a Water Conservation Plan. You also may be required to install a water flow meter or water stage measuring device on your diversion works prior to diverting water. There may be other special conditions or Groundwater Management District regulations that you will need to comply with if this application is approved.

CONVERSION FACTORS

1 acre-foot equals 325,851 gallons

1 million gallons equal 3.07 acre-feet

New Application - Surface Water



Signature Required

By signing this I am stating that to the best of my knowledge that all landowners within 1/2 mile upstream and downstream of my property are identified on this map or listed on an attachment to this map.

- Proposed Point of Diversion
- Surface Water Point of Diversion
- Groundwater Point of Diversion



Proposed Place of Use

ROBERT COTT SURFACE WATER APPLICATION SW NE SE 13-9S-02W, NEARBY LANDOWNERS

SARAH & STEPHEN LOUIS GRAY

309 W 2ND ST

MILTONVALE, KS 67466-9765

JUSTIN M & KELLY C LAW

2223 TAMARRON TER

MANHATTAN, KS 66502

KEVIN VESTERBERG

2426 TREATY RD

MILTONVALE, KS 67466

VIRGIL & DAWN VESTERBERG TRUST

1928 N 240TH RD

MILTONVALE, KS 67466

TRAVIS SNAVELY

83 N 200TH RD

MILTONVALE, KS 67466

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Memorandum

Kansas Department of Agriculture Division of Water Resources

To: File

From: BJ Edmonston, PE

Date: 12/14/2020

Subject: Jurisdictional Review

WSN: DOT-0281

Location: SW 1/4, NE 1/4, SE 1/4 Of Sec: 13 Twp: 9S Rng: 2W

Drainage Area: 254.8 acres

An owner requested a determination for the structure referenced above. Based on the information provided by Stream Obstructions in the email dated 12/01/2020, the owner's goal was to have an effective volume of 82 Acre-Ft at the auxiliary/emergency spillway and a dam height of 18-feet. A pin was provided for the dam location and a storage capacity was evaluated to determine jurisdictional status of the proposed work.

The embankment's centerline was drawn and a capacity table was developed by DWR using an ArcPro analysis of 2011 LiDAR. The elevation of the streambed at this location was shown to be 1431-ft. 82 acre-ft of storage occurs at an elevation of 1448.8 feet, which corresponds to a height of 17.8-ft.

The proposed dam was shown by DWR's review to be easily less than 30 feet tall and will have an effective volume of 82 acre-ft, which is well below the 125-acre-ft threshold for the Class A Exemption.

The dam is considered low hazard. The area is very rural, with only low volume roadways downstream according to the 2016 KDOT traffic count maps. The nearest home, located to the east of the proposed dam, is over a mile east of the dam, is elevated above the adjoining stream channel by over 30 feet, and would not be at risk of inundation.

Following the review of the available data, this proposed dam meets all of the conditions to be eligible for the Class A Exemption.

(REMAINDER OF PAGE LEFT INTENTIONALLY BLANK)

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Figure 1: Reservoir capacity table based on 2011 LiDAR analysis and the elevations provided by the owner. Height is less than 30ft and storage is less than 125 acre-ft at the auxiliary spillway.

*Values from 2011 LIDAR data.

*Information provided to DWR by email.

*Interpolated values

1202 8 PRAMArcPro analysis of

to Indian a of shrogsanks. Depiner Agriculture

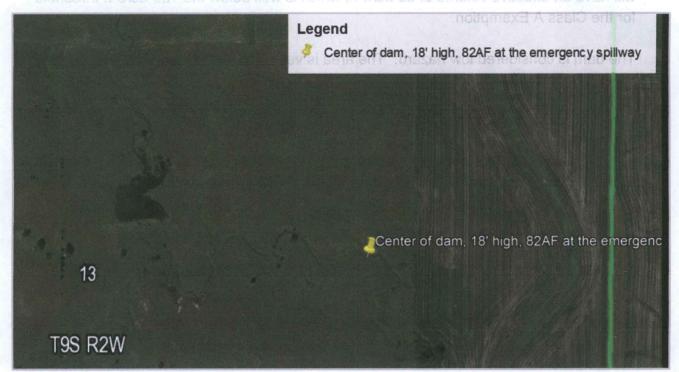


Figure 2: Image shows screen capture received from stream obstructions group on 12-1-2020 defining the location of the dam and the storage at the auxiliary spillway.

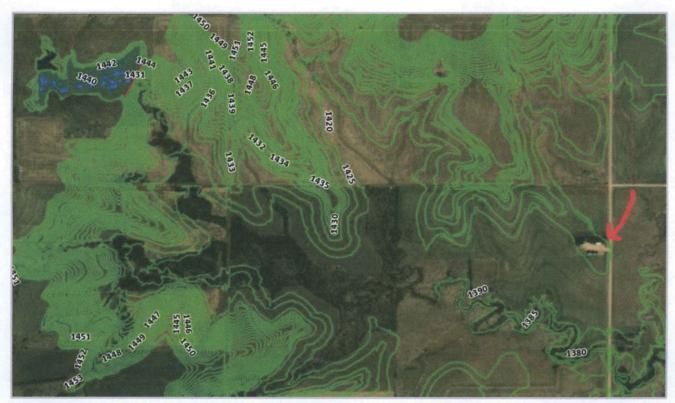


Figure 3: Image shows proximity of the home relative to the dam with 2011 LiDAR contours for the reservoir's location. Home is located over 30 feet above the stream channel at the roadway. Will not be inundated.

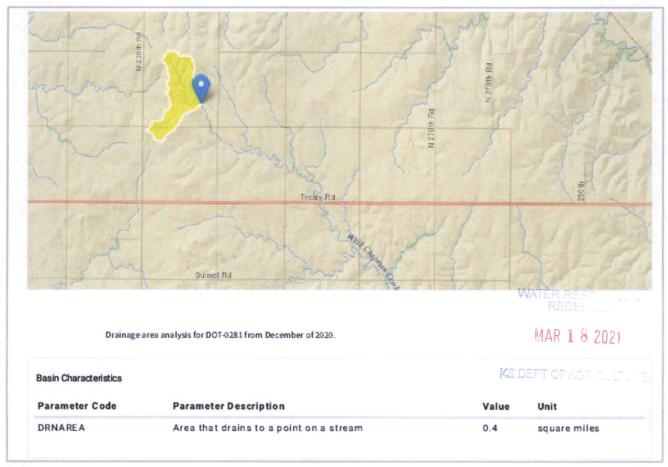


Figure 4: StreamStats analysis shows drainage area of 0.4 sqmi (254.8 acres).

(END OF MEMORANDUM)

IRRIGATION USE STATE OF THE STATE OF T

2. Please complete the following information for the description of the operation for the infigation project. Attack RESORGES RATAWater's as needed.

CEVISOR RATAWater's as needed.

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| and | lown | er of | Reco | rd | NAM | E: <u>Al</u> | LLEG | RO F | ARM | IS/KY | LE (| COTT | , , , , , , , , , , , , , , , , , , , | | - | | laru T | 710/E | |
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| a. | muicate u | ne soils in the field(s) an | id tilen make rates. | | |
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| | | Soil T | Percent of field (%) | Rate (in/hr) | Irrigation Design Group |
| | ngini ad o | scription of the lands t | ROBERT COTT. | opplicant (Please Print) | |
| | 103131111 | Total: | 100 % | AND | The state of the control of |
| b. | Estimate t | he average land slope in | the field(s): | AME ALLEGROFA | |
| | Estimate t | he maximum land slope | in the field(s): | RESS. 970 (NIL RESC. | |
| c. | | rigation system you pro | pose to use (check one) | SAN TH 45 AS | WHEN A THE |
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| | | Gravity system (furrows | Gravity s | ystem (borders) | Sideroll sprinkler |
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| d. | System de | sign features: | | | |
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| | | sprinkler systems: | of tailwater: RATE O | | WATER RESOUR RECEIVED |
| | | sprinkler systems: | | | MAR 1 8 202 |
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| | ii. For s | sprinkler systems: Estimate the operation What is the sprinkle | ng pressure at the distril | bution system: 30 750 gpm | MAR 1 8 202 |
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| MINIMUM DESIRABLE STREAMFLOW FORM TO SE USED WHEN |
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| APPLICABLE WHEN FILING AN APPLICATION FOR PERMIT (atal) O APPROPRIATE WATER FOR BENEFICIAL USE |
| Kansas Department of Agriculture Division of Water Resources David W. Barfield, Chief Engineer seb communic bedshidster and subskiped account of woled betall 1320 Research Park Drive most ed of griop a setas to note the property of woled betall Manhattan, Kansas 66502 and aid to epic about the property as a seta of subskiped account of the part of the property of the part of the property of the part of the property of the part of the |
| your application for pennit to appropriate water. Re: Application Arkensas River No escan River. |
| Big Blue River Chap wolfmants aldarized muminim Chikaska River Chikaska River Republican River |
| I understand that a Minimum Desirable Streamflow requirement has been established by the legislature for the source of supply to which the above referenced application applies. |
| I understand that diversion of water pursuant to this application will be subject to regulation any time Minimum Desirable Streamflow requirements are not being met. |
| I also understand that if this application is approved, there could be times, as determined by the Division of Water Resources, when I would not be allowed to divert water. I realize that this could affect the economics of my decision to appropriate water. |
| I am aware of the above factors, and with the knowledge thereof, request that the Division of Water Resources proceed with processing and approval, if possible, of the above referenced application. |
| Robert Est |
| State of Kansas Signature of Applicant Nober t Coff |
| County of Clay) ss (Print Applicant's Name) |
| I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this, and, 2021 |
| Notary Public Sumark |
| My Commission Expires: Jan. 1, 2023 TERRI JERMARK NOTARY PUBLIC STATE OF KANSAS My Appt Exp. Jan. 1, 2023 WATER RESOURCE RECEIVED |
| MAD 1 & 2021 |

MINIMUM DESIRABLE STREAMFLOW FORM TO BE USED WHEN APPLICABLE WHEN FILING AN APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE

The Kansas Legislature has established minimum desirable streamflows for the streams listed below. If your proposed diversion of water is going to be from one of these watercourses or adjacent alluvial aquifers, please complete the back side of this page and submit it along with your application for permit to appropriate water.

Arkansas River Big Blue River Chapman Creek alds 1290 muminiM Chikaskia River Cottonwood River Delaware River and and Inemediupes wolfmant Little Arkansas River logs beonerales evods en Little Blue River Marais des Cygnes River 1995 and of 1981and Mill Creek (Wabaunsee Co. area) tralso understand that if this application is approved, there could be times, revis oneon by the Division of Water Resources, when I would not be allowed to divert water. I realize that

Ninnescah River North Fork Ninnescah River Rattlesnake Creek Republican River Saline River Smoky Hill River M 6 Jan Drasta ebau 1 Solomon River to source of revise legislature for the solution of the solution South Fork Ninnescah Spring River leavib Jari bristanbriu 1 Medicine Lodge River don era strementuper woll Walnut River and muminim emit you noticing a Whitewater River

Work OPE

DATA ENTRY SYSTEM ID NUMBER SHEET

| FILE NUMBER | 50540 | | | • | • |
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| APPLICANT PERSON ID & SEQ # | | 88660 | PDIV ID | · | BATTERY ID |
| 33287 | <u>.</u> | | | | |
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| WATER USE CORRESPO | NDENT | | · | | |
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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

March 18, 2021

ROBERT COTT 1977 INDIAN RD CLAY CENTER KS 67432

RE:

Application, File No(s). 50540

Dear Sir or Madam:

The Division of Water Resources (Division) has received your application(s) for a permit to appropriate water for beneficial use. Your application(s) has been assigned the file number(s) referenced above. Please be aware that the Division may have a large number of pending applications on hand at times and makes every attempt to process them in the order in which they are received. You will be contacted if additional information is required.

Please note, this letter only acknowledges receipt of your application(s) and does not guarantee approval. In accordance with the provisions of the Kansas Water Appropriation Act, the use of water as proposed prior to approval of the application(s) is unlawful.

Additional information about the process may be found on our website at <u>agriculture.ks.gov/divisions-programs/dwr</u>. If you have any other questions, please contact our office at 785-564-6640 or your local Stockton Field Office at 785-425-6787. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Kris Neuhauser

New Applications Lead

Water Appropriation Program

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

March 24, 2021

ROBERT COTT 1977 INDIAN RD CLAY CENTER KS 67432

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Sincerely,

Kris Neuhauser

New Applications Lead

Water Appropriation Program