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

1. File Number:	2. Status Change Date:	3. Field Office:	4. GMD:
50,410	**10/22/2020**	**1**	**0**

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

7a. Applicant(s) Person ID **67328**
New to system ☐ Add Seq# _____

GREAT LAKES DREDGE & DOCK COMPANY
2122 YORK ROAD
OAK BROOK IL 60523

7b. Landowner(s) Person ID _____
New to system ☐ Add Seq# _____

7a.

7c. Landowner(s) Person ID _____
New to system ☐ Add Seq# _____

7d. Misc. Person ID _____
New to system ☐ Add Seq# _____

8. WUR Correspondent Person ID _____
New to system ☐ Add Seq# _____
Overlap File (s) WUC Notarized WUC Form ☐
Agree ☐ Yes ☐ No

7a.

9. Use of Water: Changing? ☐ Yes ☒ No
☒ Groundwater ☐ Surface Water
☐ IRR ☒ REC ☐ DEW ☐ MUN
☐ STK ☐ SED ☐ DOM ☐ CON
☐ HYD DRG ☐ WTR PWR ☐ ART RECHRG
☐ IND SIC: _____ ☐ OTHER: _____

10. Completion Date: **12/31/2021** 11. Perfection Date: **12/31/2025** 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: **9/24/2020** By: **DWS**

Date Entered: 10/27/2020 By:
LMoody

DWR 1-660 (Rev. 09/19/2008)

File No. **50,410**	15. Formation Code: **100**	Drainage Basin: NEOSHO RIVER	County: CF	Special Use:	Stream:

16. Points of Diversion

17. Rate and Quantity

T MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Authorized Rate gpm	Authorized Quantity af	Additional Rate gpm	Additional Quantity af	Overlap PD Files
√	**88300**	**SE SE SW**	**17**	**21S**	**15E**	**1**	**40**	**3100**	**800**	**320**	**800**	**320**	**NONE**

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

19. Limitation: _____ /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** Date Acceptable Meter Installed _____

21. Place of Use

T MOD DEL ENT	PUSE	S	T	R	ID	NE¼ NE¼	NE¼ NW¼	NE¼ SW¼	NE¼ SE¼	NW¼ NE¼	NW¼ NW¼	NW¼ SW¼	NW¼ SE¼	SW¼ NE¼	SW¼ NW¼	SW¼ SW¼	SW¼ SE¼	SE¼ NE¼	SE¼ NW¼	SE¼ SW¼	SE¼ SE¼	Total	Owner	Chg?	Overlap Files
ENT	**70152**	**16**	**21**	**15E**		**WILDLIFE MARSH (NW)**																	**7a.**	**NO**	**50,411**
√	**70026**	**17**	**21**	**15E**	**1**	**WILDLIFE MARSH (S2)**																	**7a.**	**NO**	**50,411**

Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources
M E M O R A N D U M

TO: Files **DATE:** September 24, 2020

FROM: Doug Schemm **RE:** Applications, File Nos. 50,410 and 50,411

Great Lakes Dredge & Dock Company has filed the above referenced applications proposing to appropriate groundwater for recreational use from wells located in the South Half of Section 17, Township 21 South, Range 15 East, in Coffey County, within the Neosho River Drainage Basin. The marsh project is located immediately below the John Redmond Reservoir dam. The structures retaining the marshes were created during dredging of John Redmond Reservoir to hold the sediment slurry. The initial intent was to allow the sediment to dry out and reclaim it as soil. However, the sediment has not dried out as desired, and now the applicant is proposing to maintain these areas as wildlife marshes. The applications have been signed by a representative of the applicant stating they have access to the points of diversion.

Note that there are three separate marshes as part of this project, and they were permitted under Structure Program File Numbers DCF-0106; DCF-0110; and DCF-0111. The structures were subsequently modified to make them non-jurisdictional for structures permitting. The modifications were all approved on May 21, 2020.

Both files are requesting 320 acre-feet of groundwater per calendar year at a diversion rate not to exceed 800 gallons per minute. The Recreational Use Supplemental sheet states that the total surface area of the marshes is 214 acres. Initial fill of 1.5 feet depth equals 321 acre-feet (214 acres x 1.5 feet). Providing for two fills to offset seepage and evaporation brings the total to 642 acre-feet. Therefore, no limitation is required on the junior application.

The applicant identified one nearby domestic well (Alvin Hess) under File No. 50,411, and a notification letter was sent out on July 31, 2020. Mr. Hess called our office and stated that there were other nearby well owners that should also be notified. Therefore, three additional notification letters were sent out on August 21, 2020. A written letter (e-mail) was received from the nearby well owners expressing concern that pumping the proposed wells would impact their domestic use. Response letters were sent out on September 18, 2020. The nearest domestic well is over 2,500 feet away. This shallow, limited aquifer will not result in any significant drawdown because pumping rates will be physically restricted. In addition, the reservoir would serve as a significant source of recharge to this aquifer, again minimizing drawdown potential. The nearest non-domestic well is over 7,000 feet away, and the application wells are over 3,000 feet apart, so both applications comply with all well spacing criteria. No senior water right will be impaired by approval of these applications.

Based on test hole data from the applicant, bedrock was encountered at a depth of 39 feet, and the source of water would be the overlying unconsolidated sediment. A gravel layer was encountered at a depth of 29 feet and extended to 36 feet. Nearby domestic wells show similar lithology with a gravel layer from 15 to 25 feet, on top of shale bedrock, and shallow static water levels (<10 feet below ground surface). Note that a nearby domestic well owner said that when the reservoir is full, groundwater will flow out of their wells (artesian conditions).

Per K.A.R. 5-3-11, an evaluation of safe yield includes the entire 2-mile area of consideration around the point of diversion within the limits of the unconfined aquifer. It appears that this shallow aquifer extends throughout this entire area of consideration, providing an area of consideration of 8,042 acres. For File No. 50,410, with a recharge of 6 inches, and 75% available for appropriation, this results in a safe yield of 3,015.93 acre-feet. Prior appropriations total 71 acre-feet, leaving 2,944.93 acre-feet available and this file meets safe yield. For File No. 50,411, with a recharge of 6 inches, and 75% available for appropriation, this results in a safe yield of 3,015.93 acre-feet. Prior appropriations total 498.9 acre-feet, leaving 2,517.03 acre-feet available and this file also meets safe yield.

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 these permits, check valves will also need to be installed.

In a September 24, 2020 e-mail, Katie Tietsort, Water Commissioner, Topeka Field Office, recommended approval of the referenced applications. Based on the above discussion, well spacing and safe yield criteria are met, the structures are non-jurisdictional, and approval of the applications will not impair senior water rights nor prejudicially or unreasonably affect the public interest, it is recommended that the referenced applications be approved.

Douglas W. Schemm
Environmental Scientist
Topeka Field Office

Schemm, Doug [KDA]

From: Tietsort, Katie [KDA]
Sent: Thursday, September 24, 2020 9:29 AM
To: Schemm, Doug [KDA]
Subject: RE: Great Lakes Dredging 50410 and 50411

Proceed.

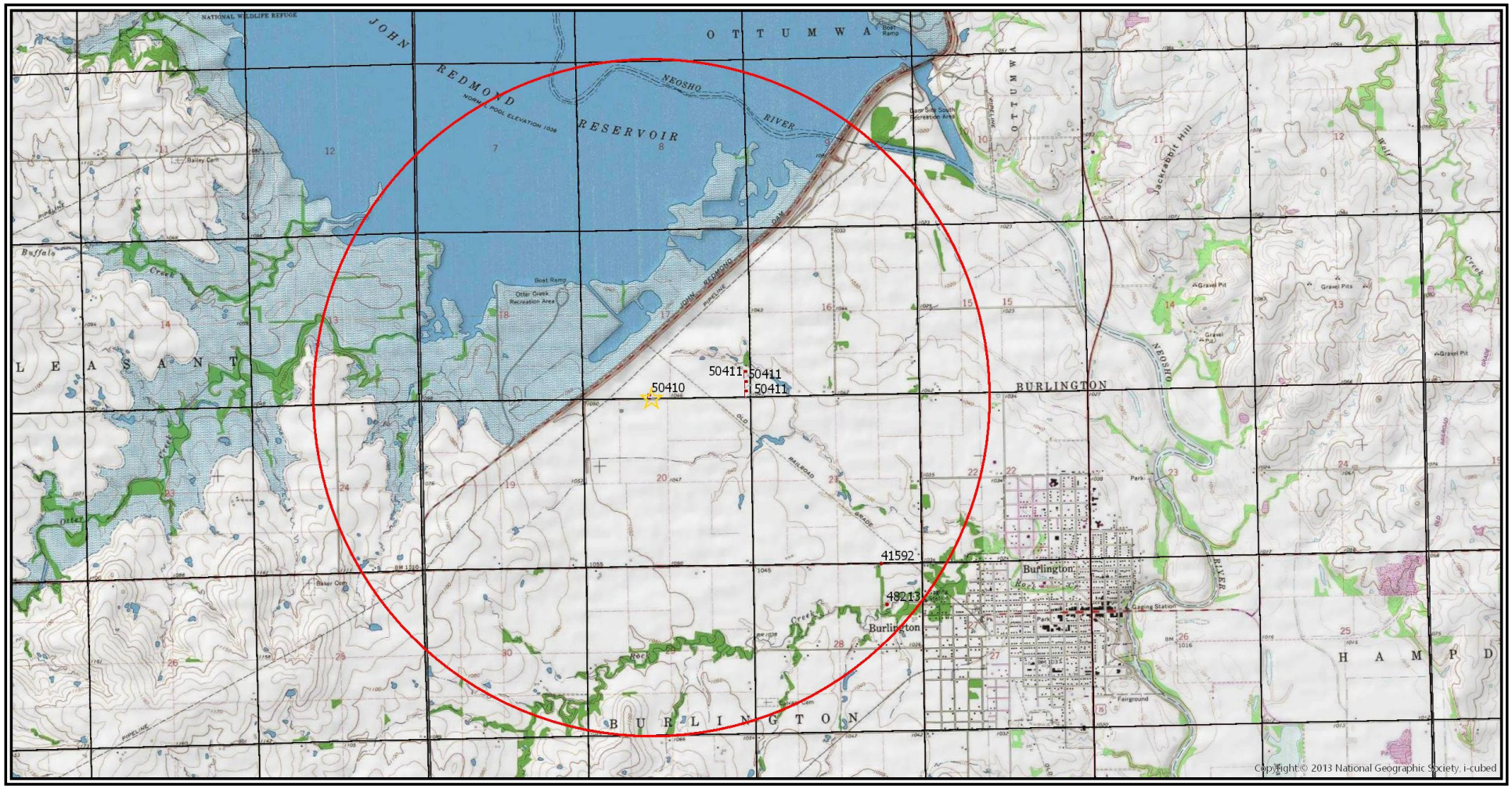
Katie Tietsort
Water Commissioner

Katie.Tietsort@ks.gov
785-296-5733
PLEASE NOTE OUR NEW ADDRESS:
Kansas Department of Agriculture
Topeka Field Office
1131 SW Winding Rd, Suite 400
Topeka, KS 66615

From: Schemm, Doug [KDA] <Doug.Schemm@ks.gov>
Sent: Tuesday, September 22, 2020 9:11 AM
To: Tietsort, Katie [KDA] <Katie.Tietsort@ks.gov>
Subject: Great Lakes Dredging 50410 and 50411

Had a written e-mail from nearby well owner (see Docuware under File No. 50,411). Nearest domestic well is over 2,500 feet away. No impairment will occur.
Both applications meet spacing and safe yield.
Please review,
Doug

Safe Yield Report Sheet
Water Right- A5041000
Point of Diversion in 17-21S-15E
Footages from SE corner- 40 feet North 3,100 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 3,015.93 AF.
Total prior appropriations in the circle is 711.00 AF. - 640 A = 71 AF
Total quantity of water available for appropriation is ~~2,304.93~~ AF.

2,944.93 AF

Application File No. 50,410 - Requesting 320 AF
Meets Safe Yield dws/dwr 9/22/20

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 6.0 inches.
The percent of recharge available for appropriation is 75%.

Authorized Quantity values are as of 22-SEP-2020 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 4 water rights and 6 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 41592 00	IRR	NK	G		NW	NE	NE	5249	1213	28	21	15E	1	WR	21.00	21.00	50.00	50.00
A 48213 00	IRR	LR	G		NW	SE	NE	3957	1093	28	21	15E	2	WR	50.00	50.00	50.00	0.00
A 50410 00	REC	AY	G		SE	SE	SW	40	3100	17	21	15E	1	WR	~~--320.00~~	~~320.00--~~		
A 50411 00	REC	AY	G		SE	SE	SE	383	52	17	21	15E	2	WR	~~320.0~~0	~~320.00~~		
Same	REC	AY	G		NE	SE	SE	683	52	17	21	15E	3	WR		640 AF		
Same	REC	AY	G		NE	SE	SE	83	52	17	21	15E	4	WR				

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WATER WELL RECORD Form WWC-5

☒ Original Record ☐ Correction ☐ Change in Well Use

Division of Water Resources App. No. _____ Well ID TW-10-19

1 LOCATION OF WATER WELL: County: Coffey | Fraction: SW ¼ SE ¼ SE ¼ SW ¼ | Section Number: 17 | Township Number: T 21 S | Range Number: R 15 ☒ E ☐ W

2 WELL OWNER: Last Name: _____ First: _____
Business: Great Lakes Dredge & Dock Co., LLC
Address: 2122 York Rd., Suite 200
Address: _____
City: Oak Brook State: IL ZIP: 60523

Street or Rural Address where well is located (if unknown, distance and direction from nearest town or intersection): If at owner's address, check here: ☐
Approximately 1.5 miles north and 1.5 miles west of Burlington.

3 LOCATE WELL WITH "X" IN SECTION BOX:

N / W / E / S; --NW-- --NE-- --SW-- --SE-- x
|---------1 mile---------|

4 DEPTH OF COMPLETED WELL: 38 ft.
Depth(s) Groundwater Encountered: 1) _____ ft. 2) _____ ft. 3) _____ ft., or 4) ☐ Dry Well
WELL'S STATIC WATER LEVEL: 0 ft.
☒ below land surface, measured on (mo-day-yr) 05-17-19
☐ above land surface, measured on (mo-day-yr) _____
Pump test data: Well water was not checked ft. after _____ hours pumping _____ gpm
Well water was _____ ft. after _____ hours pumping _____ gpm
Estimated Yield: _____ gpm
Bore Hole Diameter: 9 in. to 40 ft. and _____ in. to _____ ft.

5 Latitude: 38.214078 (decimal degrees)
Longitude: -95.785697 (decimal degrees)
Horizontal Datum. ☐ WGS 84 ☐ NAD 83 ☒ NAD 27
Source for Latitude/Longitude :
☒ GPS (unit make/model: _____) (WAAS enabled? ☒ Yes ☐ No)
☐ Land Survey ☐ Topographic Map
☐ Online Mapper: _____

6 Elevation: Unknown ft. ☐ Ground Level ☐ TOC
Source: ☐ Land Survey ☐ GPS ☐ Topographic Map ☐ Other _____

7 WELL WATER TO BE USED AS:
1. Domestic: ☐ Household ☐ Lawn & Garden ☐ Livestock
2. ☐ Irrigation
3. ☐ Feedlot
4. ☐ Industrial
5. ☐ Public Water Supply: well ID _____
6. ☐ Dewatering: how many wells? _____
7. ☐ Aquifer Recharge: well ID _____
8. ☐ Monitoring: well ID _____
9. Environmental Remediation: well ID _____ ☐ Air Sparge ☐ Soil Vapor Extraction ☐ Recovery ☐ Injection
10. ☐ Oil Field Water Supply: lease _____
11. Test Hole: well ID _____ ☐ Cased ☐ Uncased ☐ Geotechnical
12. Geothermal: how many bores? a) Closed Loop ☐ Horizontal ☐ Vertical b) Open Loop ☐ Surface Discharge ☐ Inj. of Water
13. ☒ Other (specify): Test Well

Was a chemical/bacteriological sample submitted to KDHE? ☐ Yes ☒ No If yes, date sample was submitted: _____
Water well disinfected? ☒ Yes ☐ No

8 TYPE OF CASING USED: ☐ Steel ☒ PVC CASING JOINTS: ☒ Glued ☐ Clamped ☐ Welded ☐ Threaded ☐ Other _____
Casing diameter 5 in. to 26 ft., Diameter _____ in. to _____ ft., Diameter _____ in. to _____ ft.
Casing height above land surface 24 in. Weight 2.36 lbs./ft. Wall thickness or gauge No. .215

TYPE OF SCREEN OR PERFORATION MATERIAL:
☐ Steel ☐ Stainless Steel ☐ Fiberglass ☒ PVC ☐ Other (Specify) _____
☐ Brass ☐ Galvanized Steel ☐ Concrete tile ☐ None used (open hole)

SCREEN OR PERFORATION OPENINGS ARE:
☐ Continuous Slot ☒ Mill Slot ☐ Gauze Wrapped ☐ Torch Cut ☐ Drilled Holes ☐ Other (Specify) _____
☐ Louvered Shutter ☐ Key Punched ☐ Wire Wrapped ☐ Saw Cut ☐ None (Open Hole)

SCREEN-PERFORATED INTERVALS: From 26 ft. to 36 ft., From _____ ft. to _____ ft., From _____ ft. to _____ ft.
GRAVEL PACK INTERVALS: From 20 ft. to 40 ft., From _____ ft. to _____ ft., From _____ ft. to _____ ft.

9 GROUT MATERIAL: ☐ Neat cement ☐ Cement grout ☒ Bentonite ☐ Other _____
Grout Intervals: From 0 ft. to 20 ft., From _____ ft. to _____ ft., From _____ ft. to _____ ft.

Nearest source of possible contamination:
☐ Septic Tank ☐ Lateral Lines ☐ Pit Privy ☐ Livestock Pens ☐ Insecticide Storage
☐ Sewer Lines ☐ Cess Pool ☐ Sewage Lagoon ☐ Fuel Storage ☐ Abandoned Water Well
☐ Watertight Sewer Lines ☐ Seepage Pit ☐ Feedyard ☐ Fertilizer Storage ☐ Oil Well/Gas Well
☒ Other (Specify) None Known
Direction from well? _____ Distance from well? _____ ft.

10 FROM	TO	LITHOLOGIC LOG	FROM	TO	LITHO. LOG (cont.) or PLUGGING INTERVALS
0	4	Topsoil			
4	8	Clay, dark gray, hard			
8	13	Clay, gray, hard			
13	29	Clay, brown, hard			
29	36	Gravel, coarse to fine, with large rock			
36	38	Limestone			
38	40	Shale, gray			

Notes:

11 CONTRACTOR'S OR LANDOWNER'S CERTIFICATION: This water well was ☒ constructed, ☐ reconstructed, or ☐ plugged under my jurisdiction and was completed on (mo-day-year) 05-17-19 and this record is true to the best of my knowledge and belief. Kansas Water Well Contractor's License No. 185 This Water Well Record was completed on (mo-day-year) 05-22-19 under the business name of Clarke Well & Equipment, Inc. Signature _____

Mail 1 white copy along with a fee of $5.00 for each constructed well to: Kansas Department of Health and Environment, Bureau of Water, GWTS Section, 1000 SW Jackson St., Suite 420, Topeka, Kansas 66612-1367. Mail one to Water Well Owner and retain one for your records. Telephone 785-296-5524.

Visit us at http://www.kdheks.izov/waterwell/index.html KSA 82a-1212 **Revised 7/10/2015**

Schemm, Doug [KDA]

From: Hemphill, Lloyd [KDA]
Sent: Monday, October 29, 2018 12:06 PM
To: Schemm, Doug [KDA]
Subject: Potential New Apps

Doug,

Don Heller, EBH Engineers, (620) 672-1112 called with questions about a potential project. He was asking whether this was a potentially permittable project.

Ducks Unlimited has a very preliminary proposal to use some of the former sludge disposal ponds used for the John Redmond dredging project as duck marshes/ponds. They are proposing to construct 3 to 4 wells to pump the ponds to a depth of 2 feet and add at least another 1 foot for evaporation. The ponds have a surface area of 30 ac, 70 ac, and 90 ac. so this would be about 570 AF of water.

They have one test hole and found that bedrock was at 39 ft and the source would be unconsolidated material. Don said that the saturated thickness would likely be limited.

I told Don that this would be permittable as long as safe yield and spacing are satisfied. I mentioned that we may look closely at the project due to the limited saturated thickness if there are any nearby wells involved.

He is going to have a meeting to gather more details. You don't need to call him back unless you think I left anything out. He may talk to one of us if they go further with the project.

Lloyd

Lloyd Hemphill, Environmental Scientist
Kansas Department of Agriculture
Division of Water Resources, Topeka Field Office
6531 SE Forbes Ave., Suite B
Topeka, KS 66619
(785) 296-5733
Please note my new email address: Lloyd.Hemphill@ks.gov

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. 50,410** of the applicant

GREAT LAKES DREDGE & DOCK COMPANY
2122 YORK ROAD
OAK BROOK IL 60523

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 **July 15, 2020**.

2. That the water sought to be appropriated shall be used for recreational use in wildlife marshes located in the Northwest Quarter (NW¼) of Section 16, and the South Half (S½) of Section 17, all in Township 21 South, Range 15 East, Coffey County, Kansas.

3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of one (1) well located in the Southeast Quarter of the Southeast Quarter of the Southwest Quarter (SE¼ SE¼ SW¼) of Section 17, more particularly described as being near a point 40 feet North and 3,100 feet West of the Southeast corner of said section, in Township 21 South, Range 15 East, Coffey County, Kansas, 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 **320 acre-feet** of water for any calendar year.

5. That installation of works for diversion of water shall be completed on or before **December 31, 2021** or within any authorized extension thereof. The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee 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, 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 of $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 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 applicant shall submit to the Chief Engineer a copy of the well log required by the Kansas Department of Health and Environment under the authority of K.S.A. 82a-1212, currently form WWC-5, within 30 days following the drilling of the well at the location authorized herein.

Ordered this 22 day of October, 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 22 day of October, 2020, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.

STATE OF KANSAS NOTARY PUBLIC
ASHLEE FREEMAN
My Appointment Expires
April 21, 2024

Ashlee Freeman

Notary Public

1320 Research Park Drive
Manhattan, KS 66502
785-564-6700
www. agriculture.ks.gov

Kansas
Department of Agriculture

900 SW Jackson, Room 456
Topeka, KS 66612
785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

October 29, 2020

GREAT LAKES DREDGE & DOCK COMPANY
2122 YORK ROAD
OAK BROOK IL 60523

RE: Appropriation of Water, File Nos. 50,410 and 50,411

Dear Sir or Madam:

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.

Notices must be filed on the enclosed forms 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 these permits. If you need an extension of time, you must request it before the deadline for completion set forth in the permits. Any request for an extension of time must be accompanied by the statutorily required fee, which is currently $100.00 per file number.

Acceptable water flowmeters must be installed on the diversion works authorized by these permits prior to using water. Annual water use reports must be filed with the Chief Engineer by March 1, following the end of each calendar year. If complete annual water use reports are 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 reports online at *www.kswaterusereport.org*.

The approvals of your applications constitute 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 Topeka Field Office at 785-296-5733. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Kristen A Baum

Kristen A. Baum
New Application Unit Supervisor
Division of Water Resources

KAB:dws
Enclosure(s)

pc: Topeka Field Office

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 29 day of October, 2020, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,410, dated 29 October was mailed postage prepaid, first class, US mail to the following:

GREAT LAKES DREDGE & DOCK COMPANY
2122 YORK ROAD
OAK BROOK IL 60523

With photocopies to:

Topeka Field Office

Division of Water Resources