

10/21/2020
KJN

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

1. File Number: 50,331	2. Status Change Date: 1/29/2021	3. Field Office: 01	4. GMD: 0
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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

7a. Applicant(s) New to system Person ID **53266**
Add Seq# _____

MARK NEIS & DANA (SPOUSE)
12775 COUNTY LINE RD
EUDORA KS 66025-8323

7c. Landowner(s) New to system Person ID **67121**
Add Seq# _____

KARL W & TWILLA EISELE TRUST
3065 SHAWNEE RD
WELLSVILLE KS 66092

7b. Landowner(s) New to system Person ID **56924**
Add Seq# _____

KEITH NEIS & MARILYN (SPOUSE)
PO BOX 85
EUDORA KS 66025

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

8. WUR Correspondent New to system Person ID _____
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~~ **22** 11. Perfection Date: ~~12/31/2025~~ **26** 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: **4/16/2020** By: **DWS**
Date Entered: **2/1/2021** By: **LMoody**

File No. **50,331** 15. Formation Code: 113 Drainage Basin: **Kansas River** County: LV Special Use: Stream:

16. Points of Diversion									
MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	
√	68020	NE SW NW	33	12	21E	4	3664	4003	

17. Rate and Quantity MOD ADDL Rate & QTY				
Authorized		Additional		
Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
1000	223	35	105	45,283

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: **223** af/yr at **1,000** gpm (_____ cfs) when combined with file number(s) **45,283**

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					
√	55287	33	12	21E	3			Lot 5 5	Lot 7 14.9 5		Lot 5 37		20	Lot 6 40										121.9	7b.	NO	45,283*
√	55433	33	12	21E	4						40	20							4.5					64.5	7a.	NO	45,283*
√	69748	28	12	21E	3													Lot 5 10.6						10.6	7a.	NO	45,283*
√	69749	28	12	21E	4								26										26	7c.	NO	45,283*	

Comments: ***FILE NO. 45,283 WILL BE A COMPLETE O/L IN PU (After Change).** 12/16/2020
KAB

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: April 16, 2020

FROM: Doug Schemm

RE: Application, File No. 50,331

Mark Neis has filed the referenced new application to appropriate 223 acre-feet of groundwater from an existing well at a rate of 1000 gallons per minute for irrigation use on 223 acres. The well is located in the Northwest Quarter of Section 33, Township 12 South, Range 21 East, Leavenworth County, within the Kansas River Drainage Basin. Water Right, File No. 45,283 overlaps in point of diversion, and will create a complete overlap in place of use, once the change application is processed. The place of use is owned by the applicant; Keith Neis; and the Karl and Twilla Eisele Trust. The applicant has signed the application form stating he has access to the point of diversion.

Water Right, File No. 45,283 is authorized 118 acre-feet at 968 gallons per minute. The maximum allowable quantity of water to irrigate the proposed acreage of 223 acres, with 1.0 acre-feet per acre in Leavenworth County would be 223 acre-feet. Therefore, this new application will be limited to 223 acre-feet when combined with the senior file. The new application will provide for 105 additional acre-feet of water (223 AF – 118 AF). The application has also requested that the rate of diversion be limited to 1,000 gallons per minute, providing additional rate of 35 gallons per minute from the well.

The applicant identified one nearby domestic well that he owns, and one IRR well within one-half mile (complying with K.A.R. 5-3-4). A nearby notification letter was sent out on January 31, 2020 to Pendleton Farm & Livestock Co (File No. 29,914). A telephone call and subsequent e-mail was received from Greg Knedlik who was representing the new owner of File No. 29,914, Mr. Arthur Neis. The e-mail stated that Arthur was filing a complaint against the applicant's file. It appears that the primary concern is that approval of the applicant's file would prevent Arthur from expanding his own irrigation project. Arthur was informed that additional groundwater was currently available in this area, that he could file a new application to expand his irrigation project, and that DWR staff would assist him in filing a new application if he desired. He was also informed that the aquifer could be fully appropriated in the future if additional applications were filed. A response letter was sent to the nearby well owner on February 28, 2020.

The applicant's domestic well is over 1,300 feet away, and the application complies with well spacing criteria of 660 feet to domestic wells. The nearest non-domestic well is over 1,700 feet away and the application complies with minimum well spacing of 1,320 feet, per K.A.R. 5-4-4 for all other aquifers. The existing well is located over ¼ mile from the Kansas River, so no notification of the KRWAD is required.

The well log from the applicant's senior file (45,283) shows sand and gravel extending from 18 feet to 57 feet (51' to 57' was cobbles) below ground surface where shale bedrock was encountered. No static water level was listed is 27 feet below ground surface, providing 57 feet of saturated thickness. Estimated yield on the well log was 2500 gallons per minute. The source of water is the Kansas River alluvium. K.A.R. 5-3-11 states that calculated recharge in the Kansas River alluvium shall be determined by taking 25% of the average annual rainfall in the area of consideration. For this application, the calculated recharge was determined to be 9.2 inches. The extent of the river alluvium for the area of consideration provides a total of 4,782 acres. Based on a potential recharge of 9.2 inches, with 75% available for appropriation, safe yield was determined to be 2,749.44 acre-feet. Existing water rights have appropriated 1,847.8 acre-feet within the area of consideration, leaving 901.64 acre-feet available, and the application requesting 223 acre-feet (105 AF additional) complies with safe yield.

The applicant has submitted a signed Kansas River Assurance District form, which has been properly notarized. By completing this statement, the applicant affirms his/her knowledge that there could be times when the diversion of water may not be allowed under this permit.

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.

In an April 16, 2020 e-mail, Katie Tietsort, Water Commissioner, Topeka Field Office, recommended approval of the referenced new application. 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 new application be approved, in conjunction with the change in place of use for File No. 45,283.

Douglas W. Schemm
Environmental Scientist
Topeka Field Office

Schemm, Doug [KDA]

From: Tietsort, Katie [KDA]
Sent: Thursday, April 16, 2020 12:51 PM
To: Schemm, Doug [KDA]
Subject: RE: 50331 Mark Neis

Doug,

The TFO has no objections to the approval of this application, which appears to meet all applicable provisions of the KWAA.

Thanks, Katie

Katie Tietsort
Water Commissioner

Katie.Tietsort@ks.gov

785-296-5733

PLEASE NOTE OUR NEW ADDRESS:

Kansas Department of Agriculture

Topeka Field Office

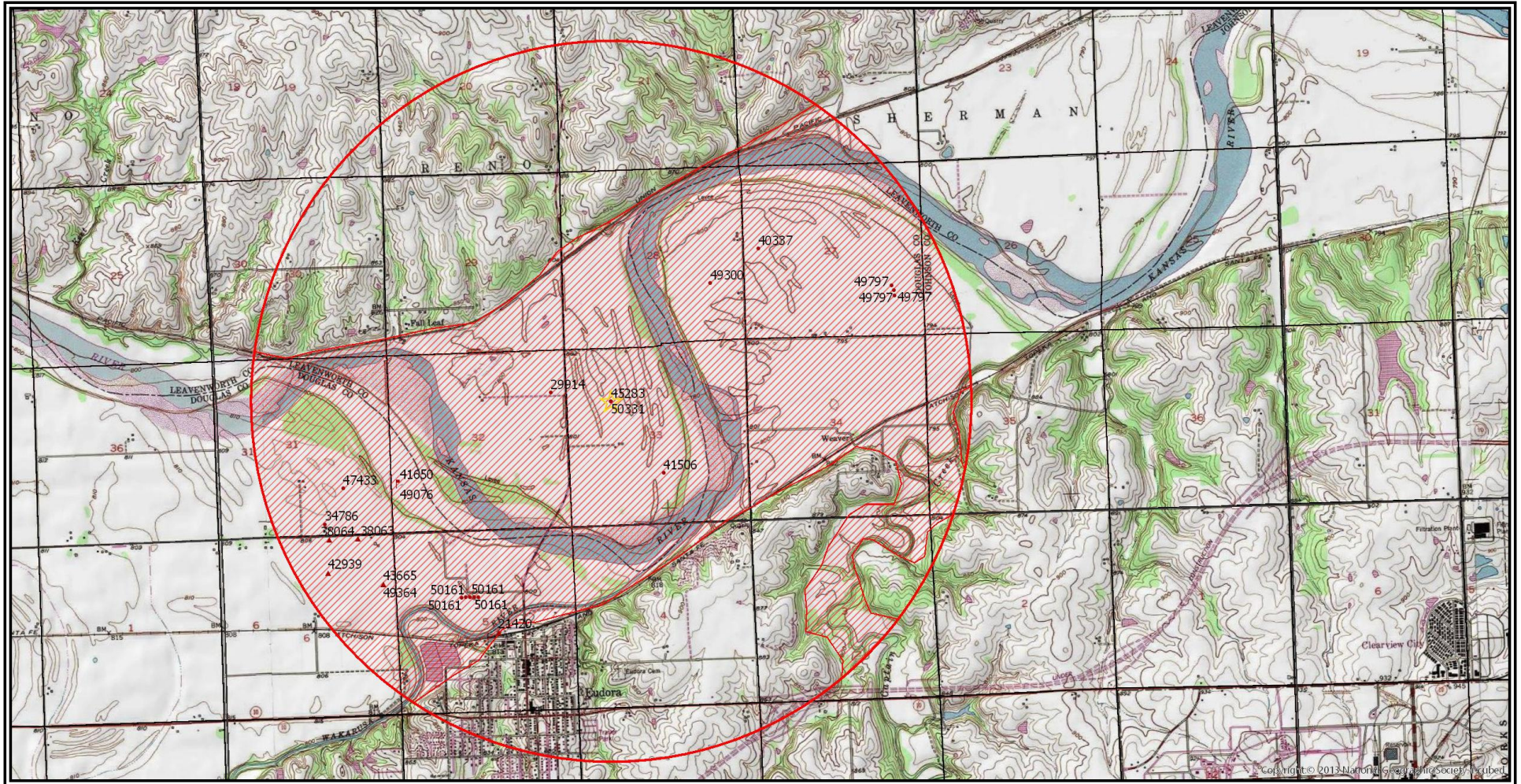
1131 SW Winding Rd, Suite 400

Topeka, KS 66615

From: Schemm, Doug [KDA] <Doug.Schemm@ks.gov>
Sent: Thursday, April 16, 2020 7:26 AM
To: Tietsort, Katie [KDA] <Katie.Tietsort@ks.gov>
Subject: 50331 Mark Neis

Meets all the regs. Nearby was concerned, but only in how this would affect his ability to expand his own IRR project. Please review.

Safe Yield Report Sheet
Water Right- A5033100
Point of Diversion in 33-12S-21E
Footages from SE corner- 3,664 feet North 4,003 feet West



Analysis Results

Application File No. 50,331 Meets Safe Yield
dws/dwr 1/30/20

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

The safe yield based on the variables listed below is 2,749.44 AF.

Total prior appropriations in the circle is 1,782.56 AF. + 65.24 AF = 1,847.8 AF

Total quantity of water available for appropriation is ~~966.88~~ AF.
901.64 AF

Safe Yield Variables

The area used for the analysis is set at 4,782 acres.

The potential annual recharge at the circle center is estimated to be 9.2 inches.

The percent of recharge available for appropriation is 75%.

Authorized Quantity values are as of 30-JAN-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 18 water rights and 21 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 21420 00	MUN	NK	G		NW	NW	SE	2288	2376	05	13	21E	5	WR	132.52	132.52		
A 29914 00	IRR	NK	G		SE	NE	NE	4000	450	32	12	21E	1	WR	13.00	13.00	100.00	100.00
A 34786 00	IRR	NK	G		SE	SW	SE	300	1950	31	12	21E	1	WR	25.00	25.00	39.00	39.00
A 38063 00	MUN	NK	G		NW	NE	NE	5180	1003	06	13	21E	2	WR	214.14	81.62		
A 38064 00	MUN	NK	G		NE	NW	NE	5180	1855	06	13	21E	3	WR	190.70	173.34		
A 40337 00	IRR	NK	G					2660	4815	27	12	21E	1	WR	7.00	7.00	81.00	81.00
A 41506 00	IRR	NK	G					1515	2527	33	12	21E	1	WR	156.00	156.00	160.00	160.00
A 41650 00	REC	NK	G					1449	4996	32	12	21E	3	WR	23.00	23.00		
A 42939 00	MUN	LR	G		SE	NW	NE	4230	1820	06	13	21E	5	WR	245.51	245.51		
A 43665 00	MUN	NK	G		NE	SE	NE	3858	423	06	13	21E	10	WR	74.67	74.67		
A 45283 00	IRR	NK	G		NE	SW	NW	3664	4003	33	12	21E	4	WR	118.00	118.00	138.00	138.00
A 47433 00	IRR	KK	G		SE	NW	SE	1530	1428	31	12	21E	6	WR	91.50	91.50	91.50	51.50
A 49076 00	REC	LO	G					1449	4996	32	12	21E	3	WR	65.00	42.00		
A 49300 00	IRR	LO	G		SW	NE	SE	1715	990	28	12	21E	1	WR	113.00	113.00	113.00	113.00
A 49364 00	MUN	HK	G		NE	SE	NE	3858	423	06	13	21E	10	WR	919.99	285.10 + 65.24 AF		
A 49797 00	IRR	LO	G					1359	850	27	12	21E	3	WR	123.80	123.80	227.50	227.50
Same	IRR	LO	G					1509	850	27	12	21E	4	WR				
Same	IRR	LO	G		NW	SE	SE	1209	850	27	12	21E	5	WR				
A 50161 00	IRR	GY	G		NE	SE	NW	3420	3100	05	13	21E	7	WR	77.50	77.50	77.50	77.50
Same	IRR	GY	G		NE	SE	NW	3420	2975	05	13	21E	8	WR				
Same	IRR	GY	G		NE	SE	NW	3420	2850	05	13	21E	9	WR				
Same	IRR	GY	G		NE	SE	NW	3420	3225	05	13	21E	10	WR				
Same	IRR	GY	G		NW	SE	NW	3420	3350	05	13	21E	11	WR				
A 50331 00	IRR	AY	G		NE	SW	NW	3664	4003	33	12	21E	4	WR	223.00	--0.00	223.00	86.00

Limitations

File Number	Seq Num	Limitations
A 21420 00	1	SEE JKT FOR LIMITATION
A 38063 00	214.14 AF 2	69.777MGY COM/W #21,420 132.52 AF + 81.62 AF = 214.14 AF ✓
A 38064 00	1	245.5AF(80MGY) COM/W #21,420 & #38,063 132.52 AF + 81.62 AF +173.34 AF = 387.48 AF ✓
Same	387.48 AF 2	126.260MGY COM/W #21,420 & 38,063
A 47433 00	1	201.5AF/YR COM/W #46589
A 49076 00	1	65 AF/YR COM/W #41650 23 AF + 42 af = 65 AF ✓
A 49364 00	1058.77 AF 1	345 MGY COM/W (SEE IMAGES FOR FILE NOS.)

$$132.52 \text{ AF} + 81.62 \text{ AF} + 173.34 \text{ AF} + 245.51 \text{ AF} + 74.67 \text{ AF} + 285.1 \text{ AF} = 992.76 \text{ AF}$$

$$1058.77 \text{ AF} - 992.76 \text{ AF} = 65.24 \text{ AF (ADD BACK INTO PRIOR APPROPRIATIONS)}$$

Display Programs Updated July 2, 2014
Data added continuously.

Schemm, Doug [KDA]

From: Schemm, Doug [KDA]
Sent: Wednesday, February 19, 2020 9:56 AM
To: GKnedlik@farmersnational.com
Subject: RE: [EXTERNAL EMAIL] Re: water letter

Greg,
Nearby File No. 29,914 (Pendleton Farm & Livestock Co.) is a senior water right to the pending application, File No. 50,331. Priority is based on time of filing of an application. So File No. 29,914 filed prior to File No. 50,331 is senior in priority. Any new application filed after File No. 50,331 is junior in priority to File No. 50,331 and any other senior water right.
I'm sorry if there was a misunderstanding, but no specific "property" has a senior water right unless it's already covered by an authorized water right for a beneficial use.

We acknowledge that you are filing a complaint to Application, File No. 50,331.

A new application filed and approved before the end of this year would have an initial time to complete diversion works (drill well, equip with meter, have power) of 12/31/2021. You can request a 1 year extension until 12/31/2022 for a \$100 fee.

From: GKnedlik@farmersnational.com [mailto:GKnedlik@farmersnational.com]
Sent: Wednesday, February 19, 2020 8:59 AM
To: Schemm, Doug [KDA] <Doug.Schemm@ks.gov>
Subject: RE: [EXTERNAL EMAIL] Re: water letter

EXTERNAL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Doug, in our earlier conversation, you had stated that the Neis property had Sr water rights. Please confirm this and elaborate as to what that means.

Also please acknowledge that our response was considered a complaint to the application by Mark Neis,

What if we would file an application to use the water needed to irrigate the Arthur Neis property. How long would we have to implement this use.

Greg Knedlik
PO Box 510
Paola, KS 66071
913-294-2829 Office
913-294-2584 Fax
785-541-1076 Cell

From: "Schemm, Doug [KDA]" <Doug.Schemm@ks.gov>
To: "GKnedlik@farmersnational.com" <GKnedlik@farmersnational.com>
Date: 02/19/2020 07:13 AM
Subject: RE: [EXTERNAL EMAIL] Re: water letter

Good Morning Greg,

As we discussed, DWR cannot guarantee water will be available in the future at any location. When we review a new application to appropriate groundwater we look at spacing to other wells (660' to domestics and 1,320 to non-domestics in this aquifer), and we also look at safe yield of the aquifer (to determine if water is still available). For this local area, it appears that additional groundwater is currently available. However, applications could be filed in this area at any time in the future, making this alluvial aquifer fully appropriated, and no further applications could be approved. If you need any assistance on your proposed irrigation project, please let me know and I will help you with the application process,

Have a great day,

Doug

From: GKnedlik@farmersnational.com [<mailto:GKnedlik@farmersnational.com>]

Sent: Thursday, February 6, 2020 7:52 AM

To: Schemm, Doug [KDA] <Doug.Schemm@ks.gov>

Subject: Fw: [EXTERNAL EMAIL] Re: water letter

EXTERNAL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Doug, see response below from the new owner Arthur Neis. Please do the work that you need to do to ensure that this would not effect our future water use on the Neis property. When completed lets set up a time to meet.

Greg Knedlik
PO Box 510
Paola, KS 66071
913-294-2829 Office
913-294-2584 Fax
785-541-1076 Cell

----- Forwarded by Greg Knedlik/Farmers-National on 02/06/2020 07:47 AM -----

From: "Arthur Neis" <veral01@att.net>
To: <GKnedlik@farmersnational.com>
Date: 02/05/2020 04:57 PM
Subject: [EXTERNAL EMAIL] Re: water letter

contact them immediately and find out what this means for ME. I want to have adequate capacity for all the acreage.

And tell them I am the owner. Hence the delay in our reply. A face to face meeting is no doubt needed....you to them.

Last week I saw mark had installed all the equipment to irrigate.

On Wednesday, February 5, 2020, 03:44:10 PM CST, <gknedlik@farmersnational.com> wrote:

Arthur, I received this letter from John Pendelton today. I need your thoughts as to how to proceed.

Greg Knedlik
PO Box 510
Paola, KS 66071
913-294-2829 Office
913-294-2584 Fax
785-541-1076 Cell

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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. 50,331** of the applicant

MARK NEIS
12775 COUNTY LINE RD
EUDORA KS 66025-8323

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 **December 23, 2019**.
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	
28	12S	21E											Lot 5 26.00	10.60					36.6
33	12S	21E		Lot 5 5.00	Lot 7 14.90		Lot 5 37.00	40.00	40.00	Lot 6 40.00						4.50			181.4
33	12S	21E			5.00														5.0

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 Southwest Quarter of the Northwest Quarter (NE¼ SW¼ NW¼) of Section 33, more particularly described as being near a point 3,664 feet North and 4,003 feet West of the Southeast corner of said section, in Township 12 South, Range 21 East, Leavenworth County, Kansas, located substantially as shown on the topographic map accompanying the application.

4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **1,000 gallons per minute (2.23 c.f.s.)** and to a quantity not to exceed **223 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 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).

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

February 2, 2021

MARK NEIS
12775 COUNTY LINE RD
EUDORA KS 66025-8323

RE: Appropriation of Water, File No. 50,331

Dear Mr. Neis:

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.kswateruserreport.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. 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
New Application Unit Supervisor
Division of Water Resources

KAB:dws
Enclosure(s)

pc: Topeka Field Office
Keith Neis
Karl W & Twilla Eisele 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 2 day of February, 2021, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,331, dated 2 February 2021 was mailed postage prepaid, first class, US mail to the following:

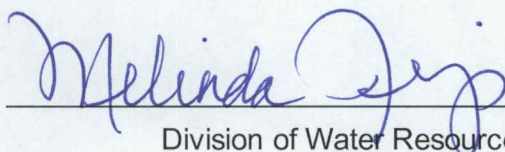
MARK NEIS
12775 COUNTY LINE RD
EUDORA, KS 66025-8323

With photocopies to:

KEITH NEIS
PO BOX 85
EUDORA, KS 66025

KARL W & TWILLA EISELE TRUST
3065 SHAWNEE RD
WELLSVILLE, KS 66092

Topeka Field Office



Division of Water Resources