

File No. **50,512** 15. Formation Code: Drainage Basin: **MARAIS DES CYGNES RIVER** County: **CF** Special Use: Stream: **ROCK CREEK 1 TRIB 2A**

16. Points of Diversion										17. Rate and Quantity						
MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Authorized		Additional			
											Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files	
MOD				88567	NE NW SE	17	19S	17E	1	2311	1862	500	90	500	90	
MOD				88568	SW NW SE	17	19S	17E	2	1482	2608					
DEL				88569												

18. Storage: Rate **NF** NF Quantity **90** ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft

19. Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____
 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____

20. Meter Required? **x Yes** No To be installed by **12/31/2023** 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
CHK 70243					17	19S	17E	1											40	40	7a	NO	NONE
CHK 70244					17	19S	17E	2										20	30	50	7b	NO	NONE

Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: September 22, 2021

FROM: Kris Neuhauser

RE: Application, File No. 50,512

Regen Hirt has filed the above referenced application requesting to appropriate 90 acre-feet of surface water, at a rate not to exceed all natural flows of an unnamed tributary to Rock Creek, identified in the office of the Chief Engineer as Rock Creek 1 Trib 2A (Marais Des Cygnes) into two reservoirs. The points of diversion are two water control structures located on property owned by the applicant in the Southeast Quarter (SE $\frac{1}{4}$) of Section 17, Township 19 South, Range 17 East, Coffey County, Kansas. The applicant is proposing to re-divert 90 acre-feet of the stored water for irrigation use at a proposed rate of 500 gallons per minute. Currently, the plan is to pump out of the pond created by the north structure. However, he may switch to pumping from the pond created by the southern structure in the future.

The surface area of the northern reservoir is estimated to be 4.5 acres and have a storage capacity of 10.1 acre-feet. The dam height will be 6.9 feet. The surface area of the southern reservoir is estimated to be 5.04 acres and have a storage capacity of 17 acre-feet. The dam height will be 12.2 feet. (27.1 acre-feet total). Janelle Phillips, Stream Obstruction Team Lead, also communicated with the applicant on their plans. As long as the ponds do not store more than 50 acre-feet and the dam heights are no more than 25 feet in height, no structures permitting will be required.

The irrigated place of use will encompass 90 acres throughout the Southeast Quarter (SE $\frac{1}{4}$) of Section 17, Township 19 South, Range 17 East, Coffey County, Kansas. The applicant owns the entire place of use. Originally the application proposed a quantity of 100 acre-feet. The application has been adjusted to 90 acre-feet of water per calendar year, to match the maximum reasonable quantity for irrigation use in Coffey County (1 AF per acre), as provided by K.A.R. 5-3-24. The adjusted quantity was agreed upon in an email conversation with the applicant on September 20, 2021.

Runoff computations indicate that 1 out of every five (5) years, the combined 96-acre drainage area will provide 129.32 acre-feet in one (1) calendar year.

North Dam = 64-acre drainage basin
South Dam = 32-acre drainage basin
64 acres + 32 acres = 96 acres

Since the applicant is only requesting the direct use re-diversion quantity (90 acre-feet), runoff is not the limiting factor and the entire requested quantity can also be authorized for storage. Even if the applicant had requested additional quantity for storage, the maximum reasonable quantity for storage would not have been limited by runoff (90AF direct use + 27.1 AF storage + 10 AF evaporation = 127.1 AF).

Four landowners within one-half mile upstream and downstream of the applicant's land, were notified by letter on September 17, 2021. No responses have been received to date.

The WRIS database indicates there are no other surface water rights within a two (2) mile radius of the proposed points of diversion. The proposed appropriation of water will not impact any senior water rights.

As allowed by K.S.A. 82a-706(c) an approved water flow meter shall be installed on the secondary diversion works (pumpsite). If any chemical or foreign substance is injected into the water pumped under this permit, a check valve will also need to be installed.

Katie Tietsort, Water Commissioner, Topeka Field Office, gave a recommendation that the referenced application be approved in a Teams meeting on September 30, 2021.

Based on the above discussion, that this area is open to new appropriations, the structure meets the rules and regulations, and there is no evidence that senior rights will be impacted, it is recommended that the referenced 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 extending to the right.

Kris Neuhauser
New Applications Lead
Water Appropriation Program

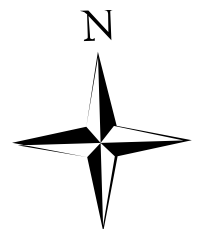
APPROPRIATION OF WATER, FILE NO. 50,512



0 0.05 0.1 0.2 0.3 0.4 Miles

	Points of Diversion: 2311 ft N 1862 ft W 17-19S-17E 1482 ft N 2608 ft W 17-19S-17E
	Place of Use: 90 acres

KRIS NEUHAUSER
10/12/2021
DWR HQ - MANHATTAN





NE Pond
Dam Height-6.9Ft
Storage- 10.1 ac ft

SW Pond
Dam Height-12.2 Ft
Storage- 17 ac ft

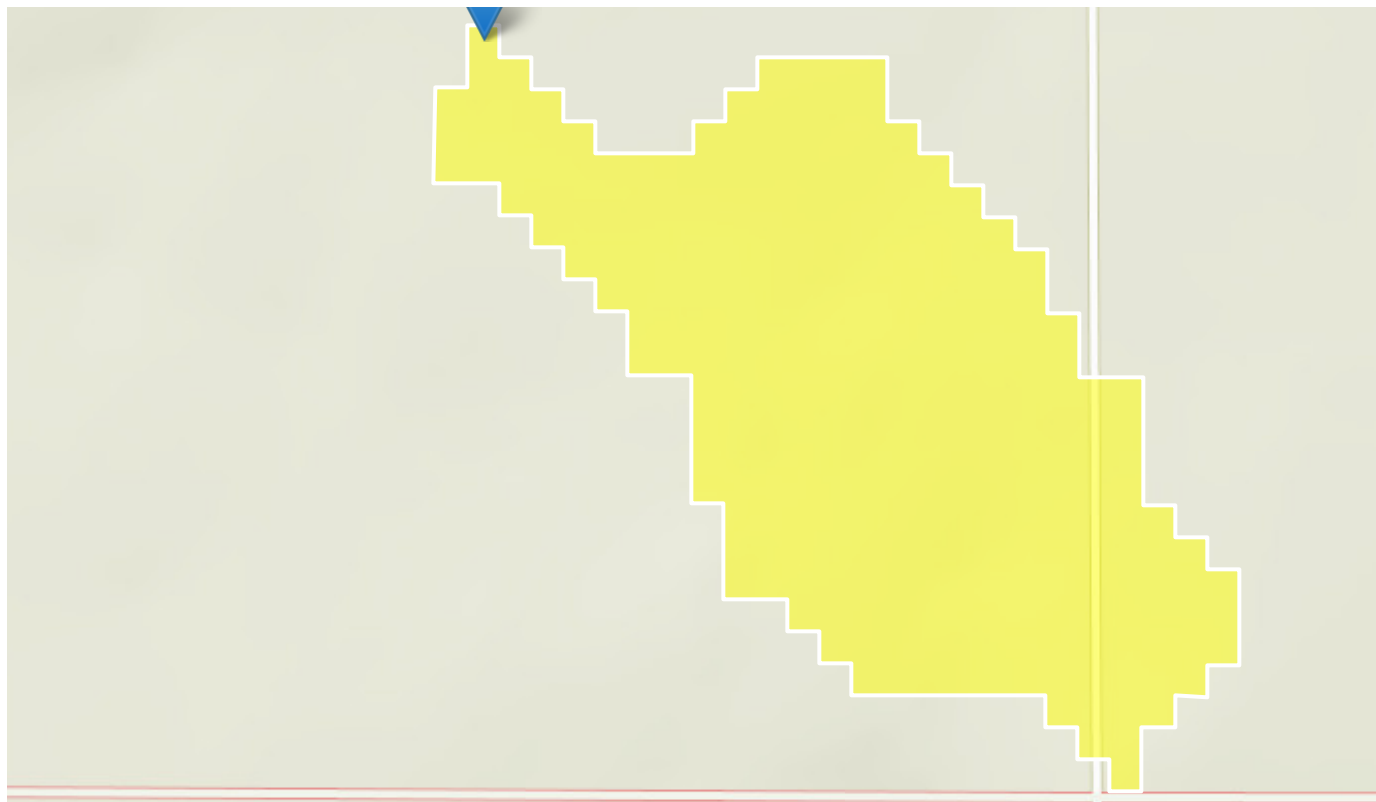
StreamStats Report

Region ID: KS

Workspace ID: KS20210922172709131000

Clicked Point (Latitude, Longitude): 38.39680, -95.55198

Time: 2021-09-22 12:27:27 -0500



Basin Characteristics

Parameter Code	Parameter Description	Value	Unit
CONTDA	Area that contributes flow to a point on a stream	0.1	square miles
DRNAREA	Area that drains to a point on a stream	0.1	square miles

USGS Data Disclaimer: Unless otherwise stated, all data, metadata and related materials are considered to satisfy the quality standards relative to the purpose for which the data were collected. Although these data and associated metadata have been reviewed for accuracy and completeness and approved for release by the U.S. Geological Survey (USGS), no warranty expressed or implied is made regarding the display or utility of the data for other purposes, nor on all computer systems, nor shall the act of distribution constitute any such warranty.

USGS Software Disclaimer: This software has been approved for release by the U.S. Geological Survey (USGS). Although the software has been subjected to rigorous review, the USGS reserves the right to update the software as needed pursuant to further analysis and review. No warranty, expressed or implied, is made by the USGS or the U.S. Government as to the functionality of the software and related material nor shall the fact of release constitute any such warranty. Furthermore, the software is released on condition that neither the USGS nor the U.S. Government shall be held liable for any damages resulting from its authorized or unauthorized use.

USGS Product Names Disclaimer: Any use of trade, firm, or product names is for descriptive purposes only and does not imply endorsement by the U.S. Government.

Application Version: 4.6.2

StreamStats Services Version: 1.2.22

NSS Services Version: 2.1.2

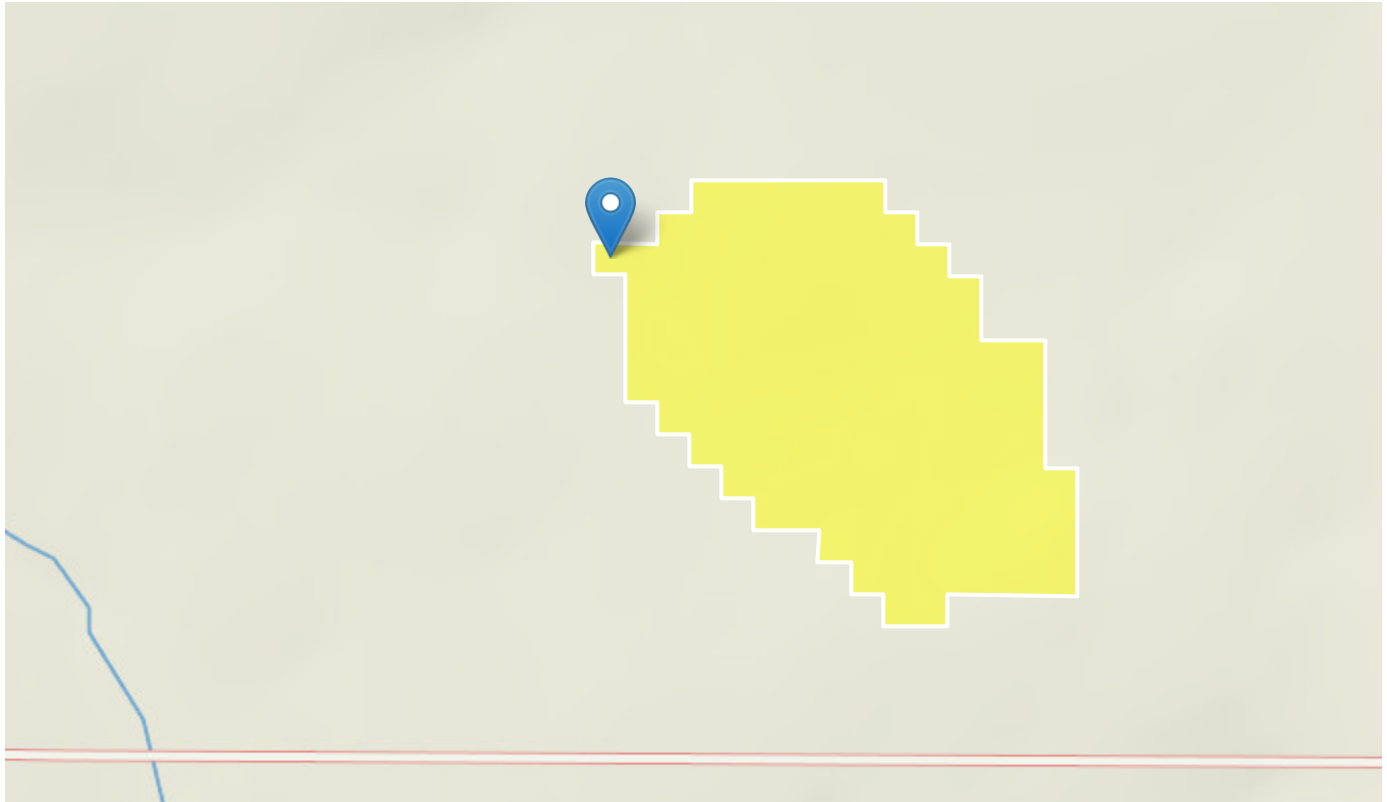
StreamStats Report

Region ID: KS

Workspace ID: KS20210922204414046000

Clicked Point (Latitude, Longitude): 38.39467, -95.55453

Time: 2021-09-22 15:44:32 -0500



Basin Characteristics

Parameter Code	Parameter Description	Value	Unit
CONTDA	Area that contributes flow to a point on a stream	0.05	square miles
DRNAREA	Area that drains to a point on a stream	0.05	square miles

USGS Data Disclaimer: Unless otherwise stated, all data, metadata and related materials are considered to satisfy the quality standards relative to the purpose for which the data were collected. Although these data and associated metadata have been reviewed for accuracy and completeness and approved for release by the U.S. Geological Survey (USGS), no warranty expressed or implied is made regarding the display or utility of the data for other purposes, nor on all computer systems, nor shall the act of distribution constitute any such warranty.

USGS Software Disclaimer: This software has been approved for release by the U.S. Geological Survey (USGS). Although the software has been subjected to rigorous review, the USGS reserves the right to update the software as needed pursuant to further analysis and review. No warranty, expressed or implied, is made by the USGS or the U.S. Government as to the functionality of the software and related material nor shall the fact of release constitute any such warranty. Furthermore, the software is released on condition that neither the USGS nor the U.S. Government shall be held liable for any damages resulting from its authorized or unauthorized use.

USGS Product Names Disclaimer: Any use of trade, firm, or product names is for descriptive purposes only and does not imply endorsement by the U.S. Government.

Application Version: 4.6.2

StreamStats Services Version: 1.2.22

NSS Services Version: 2.1.2

From: Phillips, Janelle [KDA]
Sent: Wed 9/22/2021 7:50 AM
To: Neuhauser, Kris [KDA]
Subject: RE: Pond Structures WR 50512

Kris –

Sorry for the short answer but it appears they still don't need structures permitting. Dams are under 25 feet and do not hold 50 ac-ft of water.

Janelle Phillips, P.E., CFM
Stream Obstruction Team Lead
Water Structures Program
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, KS 66502
Office: 785-564-6656
Cell: 785-307-8292
Janelle.phillips@ks.gov

From: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Sent: Tuesday, September 21, 2021 4:24 PM
To: Phillips, Janelle [KDA] <Janelle.Phillips@ks.gov>
Subject: RE: Pond Structures WR 50512

Hey Janelle, know you're busy right now. Just wanted to shoot this map to you.

I followed up with Regen and Travis Rokey last week. Travis shot this back to me – they decided on some changes:

"Thanks for following up with us. There has actually been a few changes. The excavators found a shelf of rocks in the wooded area so it is not suitable to build any structures in there. I have attached a new page that has our updated pond designs on it. Regen's plans are to start construction on the north dam first and then build the south one in the future. Currently we are thinking we would put the pump on the north pond. But if something would change after the structures are built would it be a problem to switch to the other pond? "

Looks like I have a solid idea of their plan now, but wanted to confirm that the numbers Travis supplied on the map looked good to you. Have my review pretty well wrapped up, but will wait to send anything to Katie T for a recommendation until we talk.

Kris

From: Phillips, Janelle [KDA] <Janelle.Phillips@ks.gov>
Sent: Friday, September 17, 2021 7:19 AM
To: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Subject: FW: Pond Structures WR 50512

Kris –

Can you please talk to Regen about his water right application status? Thank you

Janelle Phillips, P.E., CFM
Stream Obstruction Team Lead
Water Structures Program
Division of Water Resources

Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, KS 66502
Office: 785-564-6656
Cell: 785-307-8292
Janelle.phillips@ks.gov

From: Regen Hirt <hirtregen7@gmail.com>
Sent: Thursday, September 16, 2021 10:30 AM
To: Phillips, Janelle [KDA] <Janelle.Phillips@ks.gov>
Subject: Re: Pond Structures WR 50512

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.

Hey I was just wondering about my water permit and if it's done

On Wed, Jul 21, 2021 at 9:05 AM Phillips, Janelle [KDA] <Janelle.Phillips@ks.gov> wrote:

Thank you for the information.

Structure 3 is a proposed pond at the SW quarter of the NW Quarter of the SE quarter of Section 17. It will store 16 acre-feet with an embankment of 11.3 feet.

Structure 1 Option 1 is a proposed pond at the NW quarter of the NW quarter of the SE quarter of Section 17. It will store 20.2 ac-feet with an embankment of 11.0 feet.

Structure 2A and 2B option 2 is a proposed ponds at the NW quarter of the NW quarter of the SE quarter of Section 17. Pond 2A will store 5.2 acre-feet with an embankment of 4.9 feet. Pond 2B will store 24.7 acre-feet with an embankment of 9.3 feet.

A Water structures permit will not be required for these ponds as long as the ponds do not store more than 50 ac-foot or the embankments are less than 25 feet. If any changes occur on the design of these ponds please contact me.

The location for Structure 1 or Structure 2 may require federal permitting. Please contact the US Corps of Engineers at 316-322-8247 about federal permitting requirements.

Janelle N. Phillips, P.E. C.F.M
Stream obstruction team lead
Water Structures Program
Division of Water Resources
Kansas Department of Agriculture
[1320 Research Park Drive](https://www.ks.gov)
[Manhattan, KS 66502](https://www.ks.gov)
785-564-6656 – office
785-307-8292 – cell
Janelle.phillips@ks.gov

From: Travis Rokey <travis@nutradrip.com>
Sent: Monday, July 19, 2021 6:26 PM

To: Phillips, Janelle [KDA] <Janelle.Phillips@ks.gov>; Regen Hirt <hirtregen7@gmail.com>
Subject: Pond Structures

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.

Hello Janelle,

I put together a document that has the heights and volumes of the ponds we were discussing for Regen's permit. At this point we are not sure how many structures will be built. On the document I have 4 different options and it may be a combination of a few of them. Regen may have some input on these but we probably will not know for sure until we can meet with the excavating company and they tell us the most economical and practical options. So my question is, what is the best way to proceed with the permit since we do not know exact diversion points? Do we add all 4 diversion points or put the permit on hold until we know for sure?

Thanks,



Travis Rokey
(785)-285-0619

From: Travis Rokey
Sent: Mon 9/20/2021 7:11 PM
To: Neuhauser, Kris [KDA]; Regen Hirt
Subject: RE: Application File No. 50512
Attachments: Ponds Sept20-2021.pdf

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.

Kris,

Thanks for following up with us. There has actually been a few changes. The excavators found a shelf of rocks in the wooded area so it is not suitable to build any structures in there. I have attached a new page that has our updated pond designs on it. Regan's plans are to start construction on the north dam first and then build the south one in the future.

Currently we are thinking we would put the pump on the north pond. But if something would change after the structures are built would it be a problem to switch to the other pond?

To answer your question on the last email, we will keep the "place of use maps" the same.

Thanks,



Travis Rokey
(785)-285-0619

From: [Neuhauser, Kris \[KDA\]](#)
Sent: Friday, September 17, 2021 10:21 AM
To: [Regen Hirt](#); [Travis Rokey](#)
Subject: RE: Application File No. 50512

One more follow up question. The map you initially submitted with the application shows your irrigated place of use outlined. I re-measured the acreage to confirm it matched your legal description breakdown on the irrigation supplemental sheet you filled out.

Matches up pretty dang close – 90 acres. Just want to confirm this place of use map looks good, or if you need to tweak it in any way. The max reasonable quantity we can approve for Coffey County is 1 acre-foot per acre. So right now I have adjusted your proposed quantity to 90 acre-feet per calendar year.

Kris Neuhauser
New Applications Lead
Kansas Department of Agriculture, Division of Water Resources
Phone: 785-564-6643

From: Neuhauser, Kris [KDA]
Sent: Friday, September 17, 2021 9:02 AM

To: Regen Hirt <hirtregen7@gmail.com>; travis@nutradrip.com

Subject: Application File No. 50512

Morning Regen and Travis,

Janelle passed along the word that you were checking in on your application. I've saved the info and map you emailed to Janelle Travis – looks like you guys came up with some numbers for each structure (attached above). You mentioned that you wouldn't know for sure what options you wanted to go with until you met with an excavating company, did you end up talking with anyone? I have a review drafted up to send to our Water Commissioner in Topeka, so she can provide a recommendation for the permit – but I'll need your exact plans before she can make a determination. From what I remember, maybe you were leaning toward Option #2 listed on Travis's map – Structure 2A and 2B. So overall it would be Structure 2A, 2B, and 3. Let me know if this is correct or if you want to go a different route.

Regen – you explained things in your map you emailed me a while back (also attached above), on how things will be interconnected. I came up with a legal description for the pumpsite for irrigation – used the point right where the arrow points to labeling 'pumpsite' on that tributary. Does that look right?

Let me know if you have questions back.

Thanks guys,

Kris Neuhauser

New Applications Lead

Kansas Department of Agriculture, Division of Water Resources

Phone: 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. 50,512** of the applicant

REGAN HIRT
11708 NW 2300 RD
GARNETT, KS 66032

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 **January 22, 2021**.
2. That the water sought to be appropriated shall be used for irrigation use on land described in the application, as follows:

Sec. Twp. Range	NE ¹ / ₄				NW ¹ / ₄				SW ¹ / ₄				SE ¹ / ₄				TOTAL	
	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄		
17 19S 17E															20	30	40	90

3. That the appropriation sought shall be limited to all natural flows of an unnamed tributary of the Marais Des Cygnes River, designated in the office of the Chief Engineer as Rock Creek 1 Trib 2A, not needed to satisfy all vested rights and prior appropriation rights to be incrementally accumulated as reservoir storage space becomes available to a maximum extent of **90 acre-feet** (29.33 million gallons) of water per calendar year in two (2) reservoirs; one (1) located in the Northeast Quarter of the Northwest Quarter of the Southeast Quarter (NE¹/₄ NW¹/₄ SE¹/₄) of Section 17, more particularly described as being near a point 2,311 feet North and 1,862 feet West of the Southeast corner of said section, and one (1) located in the Southwest Quarter of the Northwest Quarter of the Southeast Quarter (SW¹/₄ NW¹/₄ SE¹/₄) of Section 17, more particularly described as being near a point 1,482 feet North and 2,608 feet West of the Southeast corner of said section, both in Township 19 South, Range 17 East, Coffey County, Kansas, to provide 90 acre-feet of water as needed for direct irrigation use to be withdrawn, released or otherwise diverted from the reservoirs at a maximum re-diversion rate of 500 gallons per minute (1.11 c.f.s.). A reasonable re-diversion rate will be established during the perfection period and assigned at certification.

5. That installation of works for diversion of water shall be completed on or before **December 31, 2023** 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, 2027** 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 an acceptable water flow meter shall be installed and maintained on the diversion works authorized by this permit in accordance Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. This water flow meter shall be used to provide an accurate quantity of water diverted as required for the annual water use report (including the meter reading at the beginning and end of the report year).

13. That 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.

14. That no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.

15. 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.

16. That diversion of natural flows shall not take place unless there is water available to satisfy all demands by senior water rights and permits.

17. That the right to appropriate water under authority of this permit is subject to any minimum desirable streamflow requirements identified and established pursuant to K.S.A. 82a-703c for the source of supply to which this water right applies.

Ordered this 7 day of February, 2022, 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)
County of Riley) SS

The foregoing instrument was acknowledged before me this 7 day of February, 2022, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.

Ashlee Freeman
Notary Public



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 8, 2022

REGAN HIRT
11708 NW 2300 RD
GARNETT, KS 66032

RE: Appropriation of Water, File No. 50,512

Dear Mr. Hirt:

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. Completion is an acceptable water flow meter installed on the diversion works authorized by this permit prior to using water. Failure to complete the diversion works and inform the Chief Engineer of the required installation of the meter(s) for this permit 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.

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 Applications and Changes Supervisor
Division of Water Resources

KAB: kjn: li
Enclosure(s)

pc: Terry Hirt
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 request an evidentiary hearing before the Chief Engineer, or 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 Division, 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 review 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

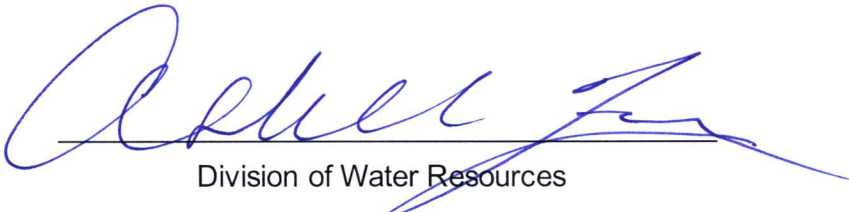
On this 8 day of February, 2022, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,512, dated 7 February 2022 was mailed postage prepaid, first class, US mail to the following:

REGAN HIRT
11708 NW 2300 RD
GARNETT, KS 66032

With photocopies to:

TERRY HIRT
28986 NW COLORADO RD
GARNETT, KS 66032

Topeka Field Office


Division of Water Resources