

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

1. File Number: <p style="text-align: center; font-size: 1.2em;">50,522</p>	2. Status Change Date: <p style="text-align: center; font-size: 1.2em; color: purple;">3/29/2022</p>	3. Field Office: <p style="text-align: center; font-size: 1.5em;">1</p>	4. GMD:
5. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return			
6. Enclosures: <input type="checkbox"/> Check Valve <input checked="" type="checkbox"/> N of C Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input type="checkbox"/> Meter			
<p>7a. Applicant(s) Person ID 54073 New to system <input type="checkbox"/> Add Seq# _____</p> <p>FRAGER FARMS 2782 KING RD MORROWVILLE, KS 66958</p>	<p>7c. Landowner(s) Person ID _____ New to system <input type="checkbox"/> Add Seq# _____</p>		
<p>7b. Landowner(s) Person ID 68258 New to system <input type="checkbox"/> Add Seq# _____</p> <p>7a STEVE OHLDE 1814 9TH RD LINN KS 66953</p>	<p>7d. Misc. Person ID _____ New to system <input type="checkbox"/> Add Seq# _____</p>		
<p>8. WUR Correspondent Person ID _____ New to system <input type="checkbox"/> Add Seq# _____ Overlap File (s) WUC Notarized WUC Form <input type="checkbox"/> Agree <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>7a 7b</p>	<p>9. Use of Water: Changing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p style="padding-left: 40px;"><input checked="" type="checkbox"/> Groundwater <input type="checkbox"/> Surface Water</p> <p><input checked="" type="checkbox"/> IRR <input type="checkbox"/> REC <input type="checkbox"/> DEW <input type="checkbox"/> MUN</p> <p><input type="checkbox"/> STK <input type="checkbox"/> SED <input type="checkbox"/> DOM <input type="checkbox"/> CON</p> <p><input type="checkbox"/> HYD DRG <input type="checkbox"/> WTR PWR <input type="checkbox"/> ART RECHRG</p> <p><input type="checkbox"/> IND SIC: _____ <input type="checkbox"/> OTHER: _____</p>		
10. Completion Date: <u>12/31/2023</u> 11. Perfection Date: <u>12/31/2027</u> 12. Exp Date: _____			
13. Conservation Plan Required? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date Required: _____ Date Approved: _____ Date to Comply: _____			
14. Water Level Measuring Device? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date to Comply: _____ Date WLMD Installed: _____			
<div style="border: 2px solid red; padding: 5px; display: inline-block; margin-right: 20px;"> 3/28/2022 JDK </div> <p>Date Prepared: 1/3/2022 By: KJN Date Entered: 3/30/2022 By: LMoody</p>			

File No. 50,522	15. Formation Code: 330	Drainage Basin: MILL CREEK	County: WS	Special Use:	Stream:																
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%; vertical-align: top;"> 16. Points of Diversion T MOD DEL ENT PDIV Qualifier S T R ID 'N 'W </td> <td style="width:50%; vertical-align: top;"> 17. Rate and Quantity Authorized Additional Rate gpm Quantity af Rate gpm Quantity af Overlap PD Files </td> </tr> <tr> <td> CHK 81796 SE SW NW 11 1S 2E 2 2660 4476 </td> <td> 1400 174 1400 174 none (48689 dismissed) </td> </tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> </table>						16. Points of Diversion T MOD DEL ENT PDIV Qualifier S T R ID 'N 'W	17. Rate and Quantity Authorized Additional Rate gpm Quantity af Rate gpm Quantity af Overlap PD Files	CHK 81796 SE SW NW 11 1S 2E 2 2660 4476	1400 174 1400 174 none (48689 dismissed)												
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18. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft																					
19. Limitation: _____ MG/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? <input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No To be installed by 12/31/2023 Date Acceptable Meter Installed _____																					
21. Place of Use T MOD DEL ENT PUSE S T R ID		NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? NO	Overlap Files
		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				
CHK 52852 2 1S 2E 1						29.6	29.84	30	30					34.5	34.5	40	34.5	262.94	7a 7b	no	43925, 44022
CHK 52854 11 1S 2E 1		34	40	40	34	40	35	35	40									298	7a 7b	no	43925, 44022
Comments:																					
																		3/2/2022 KJN			

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

TO: Files

DATE: November 21, 2021

FROM: Kris Neuhauser

RE: Application, File No. 50,522

3/4/2022
KJN

Land sold to Steve Ohlde during processing of app*

~~Fragar Farms~~ has filed the referenced new application to appropriate groundwater for irrigation use in Washington County. The proposed place of use is entirely owned by the applicant, which forms a complete overlap with File Nos. 43,925 and 44,022. The applicant has multiple water rights in this local area, and all of the water rights within the two-mile extent are owned by the applicant. The Division of Water Resources has accumulated a significant amount of information relevant to the hydrogeology of this area from the numerous test holes and series of observation wells drilled by the applicant throughout this immediate area. The proposed well will be located in the Northwest Quarter of Section 11, Township 1 South, Range 2 East, Washington County, Kansas.

The point of diversion overlapped with Appropriation, File No. 48,689, which has since been dismissed due to a failure to complete the diversion works. This pending application is intended to authorize the well moving forward. The source of water appears to be the unconfined Dakota aquifer based on File No. 48,689 history in Docuware and previous test hole logs that were submitted. A safe yield value determined per K.A.R. 5-3-11 would provide a maximum allowable quantity for the area of consideration. K.A.R. 5-3-11(d)(1), states in part, that the area of consideration represents the portion of the two-mile circle located within the limits of the unconfined aquifer expressed in acres.....the area of consideration shall not include any portion of the circle located outside the state of Kansas. The north portion of the two-mile circle had to be truncated from the area of consideration because it extends outside of the state, which provides an area of consideration of 7,348 acres. Calculated recharge is 3.3 inches (for unconfined aquifers), and for points of diversion within the Mill Creek basin 100 percent of the calculated recharge can be considered to be available for appropriation. The safe yield determination is 2,020.83 acre-feet, and existing water rights have appropriated 1,785.7 acre-feet, leaving 235.13 acre-feet available. Therefore, the new application requesting 174 acre-feet complies with safe yield.

As noted above, the place of use will be a complete overlap with Water Right, File Nos. 43,925 and 44,022. File No. 43,925 is authorized 212 acre-feet, File No. 44,022 is authorized 157 acre-feet, and if approved, File No. 50,522 will authorize 174 acre-feet, for a combined total of 543 acre-feet. For Washington County the maximum allowable is 1.2 acre-feet per acre, so to irrigate the proposed 560.94 acres, this is equivalent to 673.1 acre-feet. The combined quantity of 543 acre-feet is considered reasonable, as it is well below the max allowed.

The applicant did not identify any wells of any kind within one-half mile, therefore, no nearby well owner letters are required. The proposed point of diversion meets minimum well spacing criteria to all existing wells per the requirements in K.A.R. 5-4-4 for the unconfined Dakota aquifer system. It is located over 3,400 feet to the nearest non-domestic well, Appropriation of Water, File No. 47,799, which is also owned by the applicant. In addition, the applicant owns all nearby water rights within two miles, and there is no indication that approval of this application will cause impairment of any senior water rights.

The processing of these applications, including the safe yield analysis, is in keeping with the multiple senior files in this local area. The applicant owns all of the irrigation wells within the 2-mile radius circle, and has been required to drill numerous test holes and install a series of observation wells throughout this immediate area. In addition, as part of previous investigation activities in this immediate area, the applicant conducted hydrologic testing (i.e. pump tests), which did not indicate any significant drawdown or impacts to nearby wells. Finally, the applicant has also measured depth to water in multiple wells, and has provided this data to DWR on a quarterly basis since 2002. The data shows that there has not been any long-term decline in water levels in this area.

Comparing January measurements (obviously when no irrigation pumping is occurring and the aquifer has fully recovered), shows the water level readings are nearly the same year to year. This provides further evidence that this is a stable aquifer in this area, which receives considerable recharge, and is able to fully recover after the irrigation season. Even the July readings, which would typically be impacted by irrigation use, do not show substantial drawdown in this area.

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.

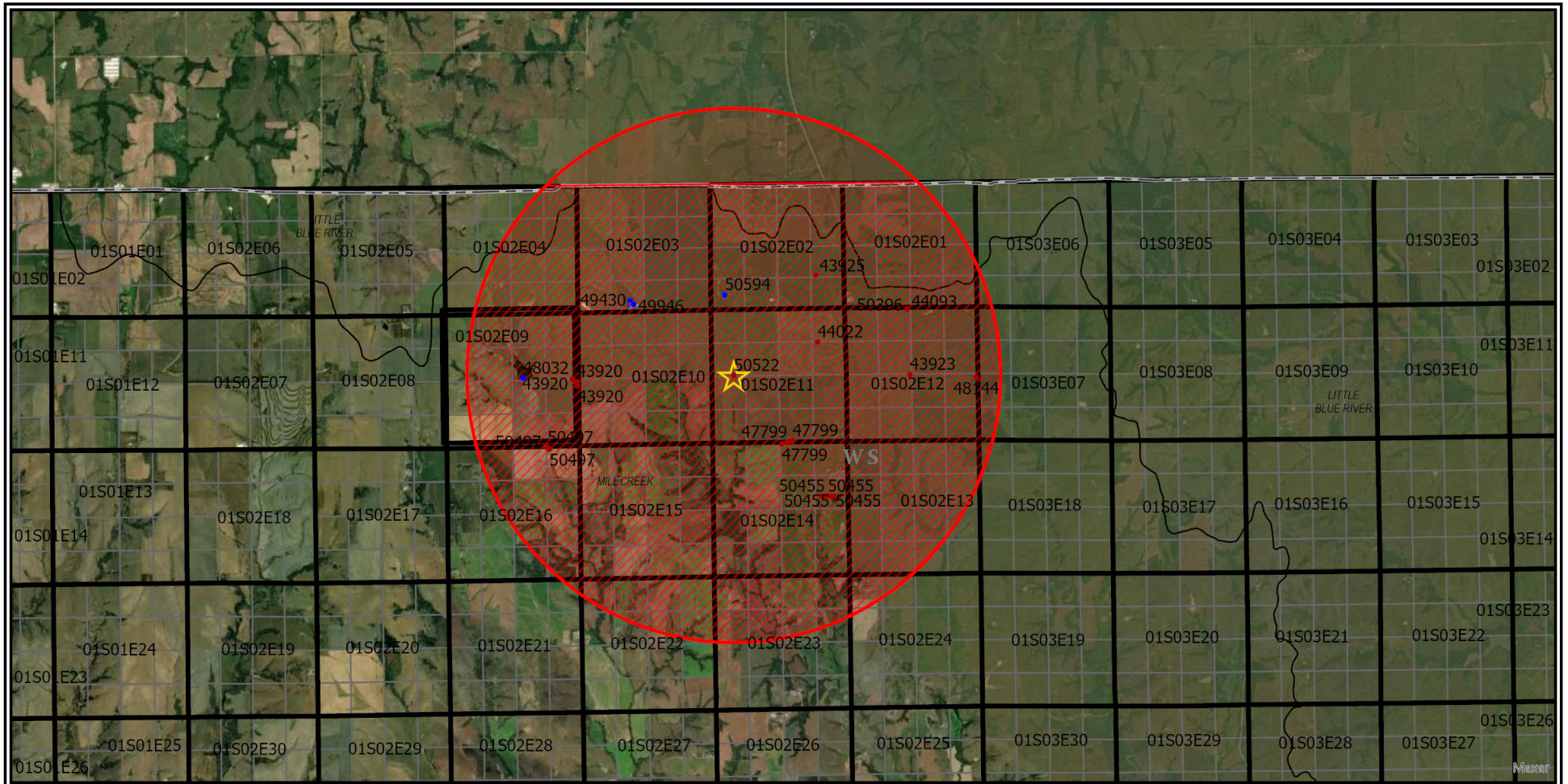
In an email conversation on December 28, 2021, Katie Tietsort, Water Commissioner, Topeka Field Office, recommended approval of the referenced application.

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 application be approved.



Kris Neuhauser
New Applications Lead
Water Appropriation Program

Safe Yield Report Sheet
Water Right- A5052200
Point of Diversion in 11-01S-02E
Footages from SE corner- 2,660 feet North 4,476 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 2,020.83 AF.

Total prior appropriations in the circle is ~~2,092.20 AF~~ **1785.7 AF**

Total quantity of water available for appropriation is 0.00 AF. **235.13 AF available**

Safe Yield Variables

The area used for the analysis is set at 7,348 acres.

The potential annual recharge at the circle center is estimated to be 3.3 inches.

The percent of recharge available for appropriation is 100%.

Authorized Quantity values are as of 20-DEC-2021 and are based on Appropriated and Vested ground water right and possible stream nodes for GMD #2. Domestic, Term and Temporary water rights have been excluded.

There are 11 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 43920 00	IRR	KK	G		NE	NE	SE	2550	50	09	01	02E	4	WR	172.00	172.00	359.00	359.00
Same	IRR	KK	G		NE	NE	SE	2390	50	09	01	02E	6	WR				
Same	IRR	KK	G		SE	SE	NE	2675	230	09	01	02E	7	WR				
Same	IRR	KK	G		NE	NE	SE	2538	110	09	01	02E	8	WR				
A 43923 00	IRR	NK	G				NC	2618	2706	12	01	02E	4	WR	212.00	212.00	524.00	524.00
A 43925 00	IRR	NK	G		NW	SE	SE	1314	1103	02	01	02E	1	WR	212.00	212.00	560.94	560.94
A 44022 00	IRR	NK	G			NC	NE	3948	1132	11	01	02E	1	WR	157.00	157.00	560.94	0.00
A 44093 00	IRR	NK	G		NE	NE	NW	5221	2779	12	01	02E	2	WR	212.00	28.00	524.00	0.00
A 47799 00	IRR	LR	G		NW	NW	NE	5314	2216	14	01	02E	3	WR	342.00	342.00	362.50	362.50
Same	IRR	LR	G		NW	NW	NE	5252	2428	14	01	02E	4	WR				
Same	IRR	LR	G		NW	NW	NE	5190	2639	14	01	02E	5	WR				
A 48144 00	IRR	LR	G		NE	NE	SE	2610	30	12	01	02E	3	WR	320.00	320.00	524.00	0.00
A 50396 00	IRR	KE	G		NE	NE	NW	5221	2779	12	01	02E	2	WR	412.00	68.80	524.00	0.00
A 50455 00	IRR	GY	G		SW	SE	NE	3100	830	14	01	02E	7	WR	86.40	86.40	362.50	0.00
Same	IRR	GY	G		SW	SE	NE	3100	705	14	01	02E	8	WR				
Same	IRR	GY	G		SE	SE	NE	3100	580	14	01	02E	9	WR				
Same	IRR	GY	G		SW	SE	NE	3100	955	14	01	02E	10	WR				
Same	IRR	GY	G		SW	SE	NE	3100	1080	14	01	02E	11	WR				
A 50497 00	IRR	AY	G		NW	NE	NE	5234	1269	16	01	02E	4	WR	320.00	320.00	359.00	0.00
Same	IRR	AY	G		NE	NW	NE	5289	1345	16	01	02E	5	WR		187.5		
Same	IRR	AY	G		NW	NE	NE	5179	1193	16	01	02E	6	WR				
A 50522 00	IRR	AY	G		SE	SW	NW	2660	4476	11	01	02E	2	WR	174.00	174.00	560.94	0.00

Limitations

File Number	Seq Num	Limitations
A 44093 00	2	240 AF/YR COM/W #43923
A 48144 00	1	616.8AF/YR COM/W #43923 & 44093
A 50396 00	1	412 AF/YR COM/W #44093 (FROM P/D)
Same	2	628.8 AF/YR COM/W #43923, #44093 & #48144 (ON P/U)
50497		430.8 AF/YR COM/W 43920 & 48032 (ON P/U)

From: Tietsort, Katie [KDA]
Sent: Tue 12/28/2021 3:29 PM
To: Neuhauser, Kris [KDA]
Cc: Bungler, Brett [KDA]
Subject: RE: 50522 rec request

Kris,

The TFO has no objections to approval. Please proceed- it looks good!

Thanks for your work,
Katie

Katie Tietsort

Water Commissioner

Katie.Tietsort@ks.gov

Ph. 785-296-5733 Cell 785-213-9188

Kansas Department of Agriculture

Topeka Field Office

1131 SW Winding Rd, Suite 400

Topeka, KS 66615

From: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Sent: Wednesday, December 22, 2021 2:53 PM
To: Tietsort, Katie [KDA] <Katie.Tietsort@ks.gov>
Cc: Bungler, Brett [KDA] <Brett.Bunger@ks.gov>
Subject: 50522 rec request

Hi Katie,

Attached is the SY report and my draft memo of 50522. 50497, which you recently gave the okay on, is in the 2-mile circle. I have the approvals all finished and pegged for a final review before we get it sent. Will be sure to wait on 50522 until 50497 is officially out the door. The applicant failed to complete the diversion works under 48689, which has since been dismissed. 50522 is basically a retry for the same well.

Tweaked the 50497 additional quantity on the SY report to 187.5 AF – as there will be a 430.8 AF limitation between it, 43920, and 48032 (1.2 AF/acres max for 359 acres = 430.8 AF)

Let me know if you need further info or have questions. Thanks!

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 PERMIT TO PROCEED

(This Is Not a Certificate of Appropriation)

This is to certify that I have examined Application, **File No. 50,522** of the applicant

STEVE OHLDE
1814 9TH RD
LINN, KS 66953

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 **February 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	
2	1S	2E					29.6	29.84	30	30					34.5	34.5	40	34.5	262.94
11	1S	2E	34	40	40	34	40	35	35	40									298

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 Southwest Quarter of the Northwest Quarter (SE¹/₄ SW¹/₄ NW¹/₄) of Section 11, more particularly described as being near a point 2,660 feet North and 4,476 feet West of the Southeast corner of said section, in Township 1 South, Range 2 East, Washington 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 **1,400 gallons per minute (3.12 c.f.s.)** and to a quantity not to exceed **174 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, 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 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 acceptable water flow meters 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. These water flow meters 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.

Ordered this 29 day of March, 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)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 29 day of March, 2022, by Lane P. Letourneau, P.G., Water Appropriation 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

March 31, 2022

STEVE OHLDE
1814 9TH RD
LINN, KS 66953

RE: Appropriation of Water, File No. 50,522

Dear Sir or Madam:

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 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
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

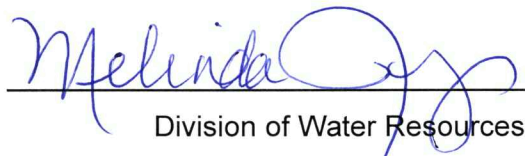
CERTIFICATE OF SERVICE

On this 31 day of March, 2022, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,522, dated 29 March, 2022, was mailed postage prepaid, first class, US mail to the following:

STEVE OHLDE
1814 9TH RD
LINN, KS 66953

With photocopies to:

Topeka Field Office



Division of Water Resources