

File No. **50,557** 15. Formation Code: Drainage Basin: **NEOSHO RIVER** County: **NO** Special Use: Stream: ~~LITTLE TURKEY CREEK~~

16. Points of Diversion										17. Rate and Quantity						
T	MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Authorized		Additional		
												Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
√				88715	NW NE NE	3	28S	18E	3	5138	1289	6,500	20	6,500	20	NONE
	ENT			89814	NE NE NE	3	28S	18E		4935	577					

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

20. Meter Required? 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
T	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				
	MOD			70336	3	28S	18E	2		MARSH (N2 NE)																	7b	Yes	NONE

Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: August 31, 2022

FROM: Lloyd Hemphill

RE: New Application, File No. 50,557

Turkey Creek 2 Trib 2

Bobby Glover (Glover Real Estate LLC) has filed the new application referred to above proposing to appropriate 20 acre-feet of surface water at a diversion rate of 6,500 gallons per minute from two pumpsites on ~~Little Turkey Creek~~ (Neosho River), for recreational use in a wetland. This application will allow water to be pumped directly from the creek (when flows are adequate, and permission is granted). The water will be used to fill and maintain water levels in the wetland (i.e. offset evaporative and seepage losses). The proposed pumpsites are located in the Northeast Quarter of the Northeast Quarter of Section 3, in Township 28 South, Range 18 East, Neosho County, Kansas. The wetland consists of two pools located in the North Half of the Northeast Quarter of the same section. This file does not overlap any other point of diversion or place of use.

After filing the application, the applicant sold the property to the Turkey Creek Duck Club, LLC. This new owner owns all the land associated with the point of diversion and place of use. The application was signed by a representative of the applicant stating he had access to the point of diversion.

Following a discussion with the new owner (after the application was filed), the configuration of the wetland was modified to either match what had already been constructed or to match the new owner's plan to manage the wetland. As modified, the total wetland surface area is 15.4 acres. The requested 20 acre-feet will provide 15.6 inches of water over the footprint of the wetland. Based on the engineers plans submitted to Structures, the average depth (when filled to the auxiliary spillway) will be 1.41 ft (16.9 inches). Since the quantity cannot be increased under this application, the owner will need to file an additional application if more water is needed. The potential evaporation component is expected to be 3.85 acre-feet for this wetland (6 in/yr X ½ yr X 1 ft/12 in X 15.4 acres surface area = 3.85 AF).

Notification letters were sent to three upstream and downstream landowners on January 21, 2022. Two landowners called with general questions, but no specific concerns were raised. The only other permitted water right within two miles is File No. 50,552 (same ownership). This is a pumpsite located on another tributary stream. Approval of this application will not impair senior water rights.

DWR Structures reviewed this project under WSN: LNO-169 and determined that a Water Structures permit was required. Janelle Phillips notified the applicant of this requirement in a January 26, 2022 letter and an application was received on July 5, 2022. Both applications will be approved at the same time.

The United States Department of Agriculture, Natural Resources Conservation Service (NRCS) has confirmed that there are no NRCS easements on this property (See April 15, 2022 e-mail from Brent Turney). This is a critical determination because any property that has an NRCS easement must complete a Compatible Use Agreement (CUA) application for water level management, and ultimately have it approved.

This approval will be subject to specific conditions, which stipulate strict requirements for direct surface water diversion. These conditions include the stipulation that no diversion shall occur unless there is water available to satisfy all demands by senior water rights and permits, written or verbal permission from the Chief Engineer, or an authorized representative is required prior to diverting water, and streamflow cannot be stopped at the first riffle below the point of diversion while diversion is taking place. The application also complies with K.A.R 5-3-15 (c)(5) because the proposed use of water for recreational use is typically during the fall season, and there is no need for direct diversion of water from July 1 through September 30.

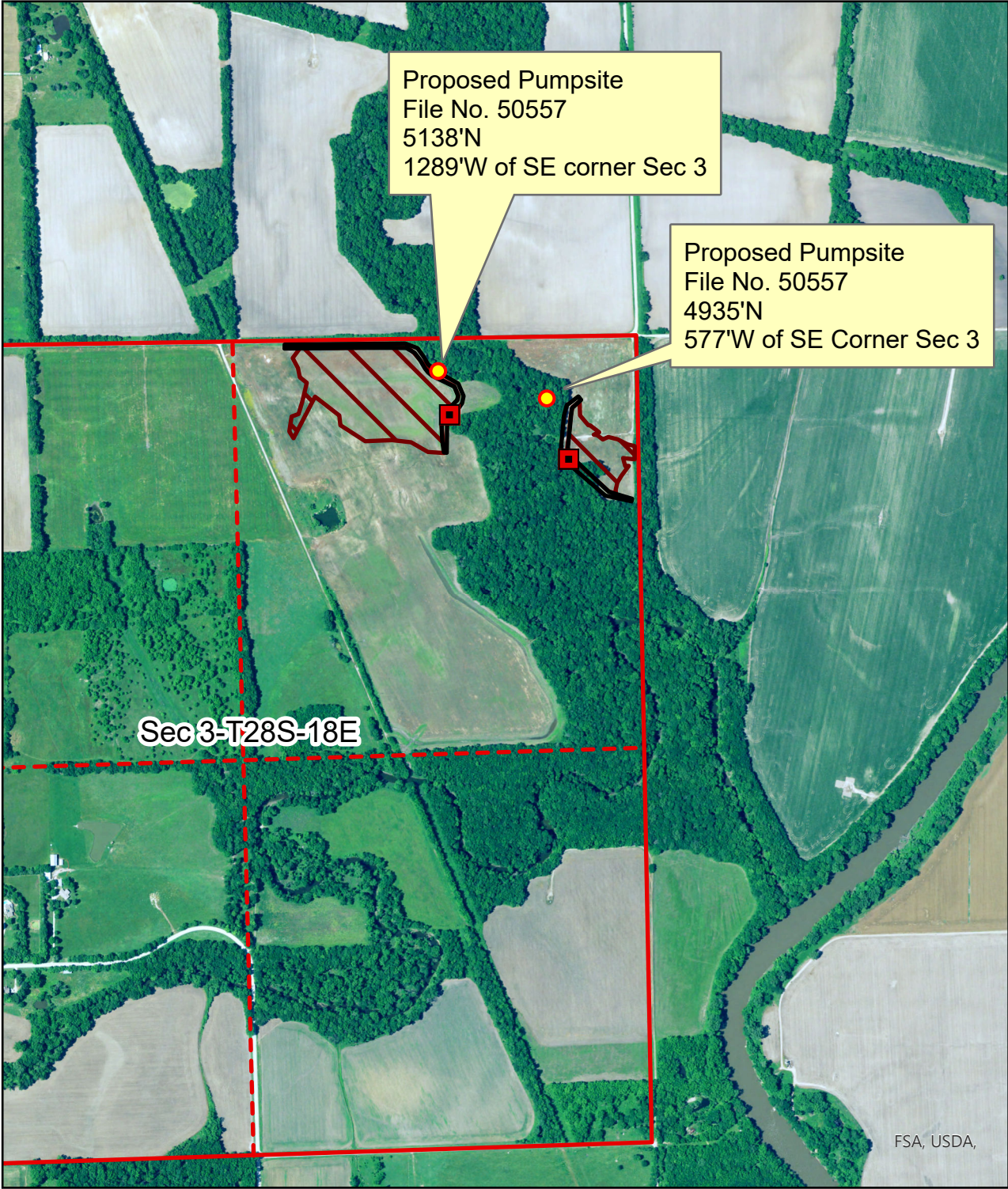
The proposed point of diversion is located above the Minimum Desirable Streamflow (MDS) gage near Parsons so this permit will be subject to MDS administration and streamflows at this gage. A Minimum Desirable Streamflow (MDS) form signed and notarized by the applicant was received on August 29, 2022, acknowledging that there may be times when diversion of water will not be allowed.


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.

Based on the above discussion, the area remains open to new appropriations, the approval is subject to specific conditions relative to direct surface water diversions, diversion is typically limited to fall "off-season" pumping, the project is properly permitted by the Structures Program, and there is no indication that existing water rights will be impaired, it is recommended that the referenced application be approved.

Lloyd Hemphill
Environmental Scientist
Topeka Field Office

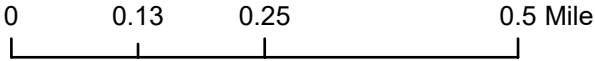
**REVISED
NEW APPLICATION, FILE NO. 50,557**



 Proposed Place of Use



Scale: 1:12,000



Map prepared by: LHH/TFO 8.22.2022

8-29-22

(Date)

Kansas Department of Agriculture
Division of Water Resources
Earl D. Lewis, Jr., Chief Engineer
1320 Research Park Drive
Manhattan, Kansas 66502

Re: Application
File No. 50,557

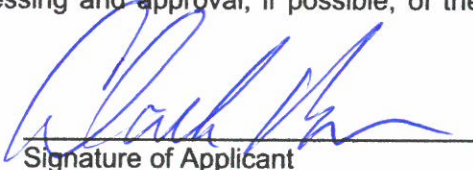
Minimum Desirable Streamflow

I understand that a Minimum Desirable Streamflow requirement has been established by the legislature for the source of supply to which the above referenced application applies (Neosho River).

I understand that diversion of water pursuant to this application will be subject to regulation any time Minimum Desirable Streamflow requirements are not being met.

I also understand that if this application is approved, there could be times, as determined by the Division of Water Resources, when I would not be allowed to divert water. I realize that this could affect the economics of my decision to appropriate water.

I am aware of the above factors, and with the knowledge thereof, request that the Division of Water Resources proceed with processing and approval, if possible, of the above referenced application.

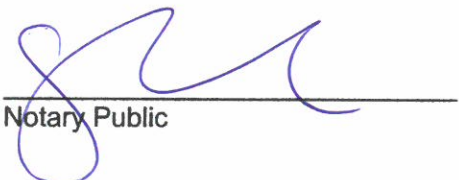


Signature of Applicant

State of ~~Kansas~~ Oklahoma)
County of Delaware) ss

CLARK BODME
(Print Applicant's Name)

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 29th day of August, 2022.



Notary Public

My Commission Expires:

Feb 25, 2026

CHARITY TILLER
Notary Public in and for
STATE of OKLAHOMA
Commission # 14001994
Expires: February 25th, 2026

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

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

Arkansas River
Big Blue River
Chapman Creek
Chikaskia River
Cottonwood River
Delaware River
Little Arkansas River
Little Blue River
Marais des Cygnes River
Medicine Lodge River
Mill Creek (Wabaunsee Co. area)
Neosho River

Ninnescah River
North Fork Ninnescah River
Rattlesnake Creek
Republican River
Saline River
Smoky Hill River
Solomon River
South Fork Ninnescah
Spring River
Walnut River
Whitewater River

Hemphill, Lloyd [KDA]

From: Turney, Brent - NRCS, Emporia, KS <Brent.Turney@usda.gov>
Sent: Tuesday, April 12, 2022 2:39 PM
To: Hemphill, Lloyd [KDA]
Subject: RE: Glover Real Estate Wetland Projects
Attachments: Glover-WLM CUA exp 93024.pdf; Glover 10-00XV2 multi CUA exp 9-30-26.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.

Sorry Lloyd, got wrapped up in something and forgot all about this email. I have copied the body of an email that I sent to Kristen last fall. This should help! I have attached the CUA's for 50,553 and 50,556. The other two will be following soon.
Brent

Kristen,
I looked at the Applications filed by Bobby Glover:
50,541; 50,542; 50,544; 50,552; 50,553; 50,555; 50,556 and 50,557.

I found that many of those applications propose a place of use that are on existing easements:
50,541; 50,544; 50,553 and 50,556

The wetland cells and structures associated with these File Nos. were most likely constructed with full knowledge of DWR permitting requirements (Appropriations and Structures) If a structure permit was required, NRCS would have required an approved DWR structures permit before construction could begin. Same for a water appropriations permit for storage if the wetland cell held more than 15 AF including evaporation. We will be working on CUA's for water level Management, so that your office can proceed with processing these applications.

The proposed places of use for File Nos. 50,542; 50,552; 50,555 and 50,557 are not on properties with NRCS easements. These applications will not require a CUA from NRCS.

We will keep you in the loop on the CUA's for the first group of applications as we complete them. And thanks for the opportunity to comment on these applications.

Take Care,
Brent

Brent Turney
Easement Specialist
3020 W. 18th Ave Suite B
Emporia, KS 66801
Office 620-487-3413
Cell 620-682-3538
brent.turney@usda.gov

Brent Turney
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 Emporia, KS 66801
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brent.turney@usda.gov

From: Hemphill, Lloyd [KDA] <Lloyd.Hemphill@ks.gov>
Sent: Friday, April 8, 2022 2:11 PM
To: Turney, Brent - NRCS, Emporia, KS <Brent.Turney@usda.gov>
Subject: Glover Real Estate Wetland Projects

Hello Brent,

Bobby Glover on behalf of Glover Real Estate, LLC has filed applications for recreational use in wetlands as listed below. You have already commented on File No. 50,541.

Application, File No. 50,557 appears to be at least partially located within a NRCS Wetland Reserve Easement. Can you confirm that this wetland remains in this easement and whether or not any of the other projects involve an WRE? If any of these projects involve a WRE, has a Compatible Use Agreement been formed or is in progress?

If any of these wetlands are NRCS projects, can you share the plans?

Water Appropriation File Number	Water Structures Number	S-T-R	County	Comments
50541	LLB-95	(NE1/4) 27-32S-21E	Labette	NRCS Wetland Reserve Easement; Structures permit not required if area remains in WRE.
50542	LLB-109	(NE 1/4) 3-32S-21E	Labette	Structures permit required.
50543	LLB-110	(NE 1/4) 16-31S-21E	Labette	Structures permit required.
50544	LLB-60 & LLB-76	(S2) 16 & (N2) 21-34S-R21E	Labette	Additional Structures permitting not required if no new work is planned.
50552	LNO-168	(E2) 3-28S-18E	Neosho	After the fact Structures permit required.
50553	LLB-41	(NW1/4) 27-31S-21E	Labette	Additional Structures permit not required if no new work is planned.
50554	LLB-79	(W2) 23-31S-21E	Labette	Existing south wetland is within a NRCS Wetland Reserve Easement. Structures permit not required if area remains in WRE.
50554	LLB-112	(W2) 23-31S-21E	Labette	North wetland will require an after the fact Structure permit.
50555	LLB-111	(E2) 21-31S-21E	Labette	After the fact Structures permit required.
50556	LLB-72	(NW1/4) 35-31S-21E	Labette	Additional Structures permit not required if no new work is planned.
50557	LNO-169	(E2) 3-28S-18E	Neosho	After the fact Structures permit required.
All or portion of project located in a Wetland Reserve Easement.				

Let me know if you need any more information. Do you know about the DWR notices page? All of these applications can be found on this page with some looking.

Thanks and have a great weekend!

Lloyd

Lloyd Hemphill, Environmental Scientist
Kansas Department of Agriculture
Division of Water Resources, Topeka Field Office
1131 SW Winding Rd, Suite 400
Topeka, KS 66615
(785) 296-5733

NOTE NEW ADDRESS

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JUL 05 2022

FDR
LLOYD
NEWHILL
DWR
PUMP
PERMIT

KDA – Division of Water Resources (DWR) Project Report

Surface Water Storage

The Potential Net Evaporation (Annual Average Evaporation minus Annual Normal Precipitation) for the project location is 6 inches. The net storage for Dikes 1, 2, 3, and 4 was analyzed from the auxiliary spillway. The net storage for Dike 5 was analyzed from the top of dam, as there is no constructed auxiliary spillway. Water control structures will be used to manage the water level within the wetland cells. The Total Storage + Net Evaporation for Dike 2, 3, and 4 is greater than 15 ac-ft. Therefore, a DWR Water Appropriations storage permit is required for those wetland cells. The landowner has submitted the water appropriations permit application, but it will need updated to include the wetland storage.

Elevation (ft)	Area (ac)	Total Storage (ac-ft)	Total Storage + Net Evaporation (ac-ft)
897.0	0.02	0.00	0.00
897.5	0.19	0.05	0.14
898.0	0.68	0.27	0.60
898.5	1.27	0.75	1.39
899.0	1.87	1.54	2.47
899.5	2.54	2.64	3.91
900.0 (Auxiliary Spillway)	3.26	4.09	5.72
900.5	4.04	5.91	7.93
901.0 (Top of Dike)	4.86	8.14	10.57

Elevation (ft)	Area (ac)	Total Storage (ac-ft)	Total Storage + Net Evaporation (ac-ft)
894.0	0.01	0.00	0.00
894.5	0.04	0.01	0.03
895.0	0.30	0.10	0.24
895.5	0.83	0.38	0.79
896.0	1.64	0.99	1.81
896.5	2.84	2.11	3.54
897.0	5.11	4.10	6.66
897.5	8.31	7.46	11.61
898.0	10.13	12.07	17.13
898.5 (Auxiliary Spillway)	12.13	17.63	23.69
899.0 (Top of Dike)	13.67	24.08	30.91



JUL 05 2022

Elevation (ft)	Area (ac)	Total Storage (ac-ft)	Total Storage + Net Evaporation (ac-ft)
895.0	0.01	0.00	0.00
895.5	0.11	0.03	0.08
896.0	1.43	0.41	1.13
896.5	8.67	2.94	7.28
897.0	14.17	8.65	15.73
897.5	18.39	16.79	25.98
898.0	22.68	27.06	38.40
898.5	27.89	39.70	53.65
899.0	30.13	54.21	69.21
899.5 (Auxiliary Spillway)	31.01	69.49	85.00
900.0 (Top of Dike)	32.05	85.26	101.29

Elevation (ft)	Area (ac)	Total Storage (ac-ft)	Total Storage + Net Evaporation (ac-ft)
896.0	0.01	0.00	0.00
896.5	0.17	0.04	0.13
897.0	0.44	0.19	0.41
897.5	0.79	0.50	0.90
898.0	1.59	1.10	1.89
898.5	2.59	2.15	3.44
899.0	3.85	3.76	5.68
899.5	5.34	6.05	8.72
900.0	7.66	9.30	13.13
900.5 (Auxiliary Spillway)	13.67	14.63	21.47
901.0 (Top of Dike)	21.70	23.48	34.33

Elevation (ft)	Area (ac)	Total Storage (ac-ft)	Total Storage + Net Evaporation (ac-ft)
897.5	1.04	0.00	0.00
898.0	2.57	0.90	2.18
898.5	2.67	2.21	3.55
899.0 (Top of Dike)	2.71	3.56	4.91



JUL 05 2022



Direct Diversion

Pumping sites are proposed to control and maintain the wetland hydrology. The landowner has submitted the water appropriations permit application for the pumping site locations.

Base Flood Analysis

The project is located within the FEMA Zone A flood boundary the Neosho River. Therefore, a floodplain fill permit will be required. A base flood analysis was completed to determine the increase in base flood area and flood elevation. The elevation of the existing ground and channels was approximated from Kansas LiDAR topographic data and U.S. Geological Survey (USGS) 7.5-minute quadrangle map. The Base Flood Elevation (BFE) for the project location was determined by William Pace, KDA-DWR. The floodplain (FEMA Zone A, 100-yr floodplain) was approximated from the FEMA FIRM data (Map Number FM20133C0045D Unincorporated areas of Neosho County, Kansas). The project earthfill will increase the base flood area by 3% and the base flood elevation by 0.3 feet. See Base Flood Analysis plan sheet for further detail.



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. 50,557** of the applicant

GLOVER REAL ESTATE LLC
PO BOX 3823
BLUFFTON, SC 29910

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 **March 24, 2021**.
2. That the water sought to be appropriated shall be used for recreational use in a marsh located in the North Half of the Northeast Quarter (N $\frac{1}{2}$ NE $\frac{1}{4}$) of Section 3 in Township 28 South, Range 18 East, Neosho County, Kansas.
3. That the authorized source from which the appropriation shall be made is surface water from Turkey Creek 2 Trib 2 (Neosho River), to be withdrawn by means of two (2) pump sites located as follows;
 - one in the Northwest Quarter of the Northeast Quarter of the Northeast Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 3, more particularly described as being near a point 5,138 feet North and 1,289 feet West of the Southeast corner of said section, and
 - one in the Northeast Quarter of the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 3, more particularly described as being near a point 4,935 feet North and 577 feet West of the Southeast corner of said section,both in Township 28 South, Range 18 East, Neosho 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 **6,500 gallons per minute (14.48 c.f.s.)** and to a quantity not to exceed **20 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 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).

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 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.

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

18. That the stream flow shall not be stopped at the first riffle below the point of diversion while diversion is taking place under the authority of this water right or permit.

19. That during the period October 1 through June 30, the verbal or written permission of the Chief Engineer, or an authorized representative of the Chief Engineer, shall be obtained in order to divert water each time the applicant desires to divert water.

20. That during the period July 1 through September 30 each calendar year, no direct diversions of surface water shall be permitted unless written permission is obtained from the Chief Engineer, or the Chief Engineer's authorized representative.

Ordered this 27th day of September, 2022, in Manhattan, Riley County, Kansas.



Earl D. Lewis Jr.

Earl D. Lewis Jr., P.E.
Chief Engineer
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 27 day of September, 2022, by Earl D. Lewis Jr., P.E., Chief Engineer, 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

October 5, 2022

TURKEY CREEK DUCK CLUB LLC
c/o CLARK BOONE
30397 S. 567TH RD
ST ANDREWS #74 BOX12
AFTON, OK 74331-8268

RE: Appropriation of Water, File No. 50,557

Dear Mr. Boone:

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 is available on our website at agriculture.ks.gov/divisions-programs/dwr. If you have any questions or need assistance, please contact our office at 785-564-6640 or the 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:lh
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 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.

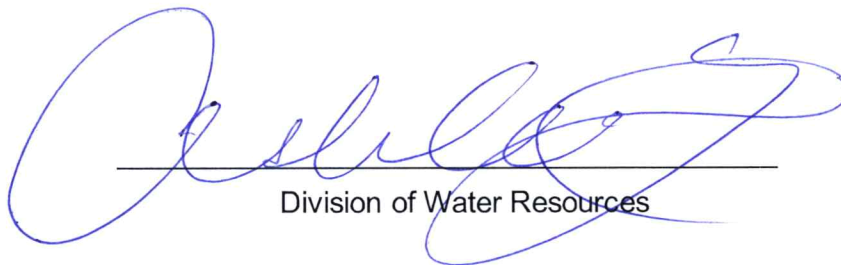
CERTIFICATE OF SERVICE

On this 5 day of October, 2022, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,557, dated 27 September 2022, was mailed postage prepaid, first class, US mail to the following:

TURKEY CREEK DUCK CLUB LLC
c/o CLARK BOONE
30397 S. 567TH RD
ST ANDREWS #74 BOX12
AFTON, OK 74331-8268

With photocopies to:

Topeka Field Office



Division of Water Resources