

File No. **10738** 11. County: **TH** Basin: **SAPPA CREEK** Stream: Formation Code: **211** Special Use:

12. Points of Diversion										Rate and Quantity								
CHK	MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Rate gpm/cfs	Quantity af/mgy	Rate gpm/cfs	Quantity af/mgy	Overlap PD Files	
					SE¼SW¼SW¼	7	8	36W		162	4120		55gpm	7.82mg	(24 AF)	55gpm	7.82 mg	(24 AF) TH 003
					DEL 24034 SE¼NE¼NE¼	18	8	36W	3	4580	362	Well #4						22231

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

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

15. 5YR Allocation: Allocation Type _____ Start Year _____ 5 YR Amount _____ Amount Unit _____ Base Acres _____ Comment _____

16. Place of Use CHK MOD DEL ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	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					
NO CHANGES																										

Base Acres: Year: Minimum Reasonable Quantity:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources
MEMORANDUM

TO: Files
FROM: Richelle A. Krueger

DATE: June 2, 2020
RE: Vested Right
File No. TH 003
Water Right
File No. 10,738

Michael Schultz, City Superintendent, on behalf of the City of Brewster, Kansas, filed applications for approval to change the authorized point of diversion.

The referenced file numbers do not appear abandoned as per K.S.A. 82a-718.

The referenced file numbers are authorized groundwater for municipal use within the City of Brewster, Kansas and immediate vicinity and are in the Sappa Creek drainage basin. The referenced file numbers overlap each other in their authorized point of diversion along with Water Right, File No. 22,231 and overlap each other in the authorized place of use along with Water Right, File Nos. 22,231, 35,919 and 35,921. File No. TH 003 is authorized 17.92 m.g.y. (55 AF) and 250 g.p.m. and File No. 10,738 is authorized 7.82 m.g.y. (24 AF) and 55 g.p.m. According to Paragraph No. 3 of the application the currently authorized well, located 4,580 feet North and 362 feet West of the Southeast corner of Section 18, Township 8 South, Range 36 West, Thomas County, Kansas, is contaminated. The City proposes to move the well approximately 3,892 feet northwest of the authorized location, drilling a new well approximately 162 feet North and 4,120 feet West of the Southeast corner of Section 7 of the aforementioned township and range. The proposal appears to meet requirements of K.A.R. 5-24-3 *Well Spacing*.

File No. 22,231 will remain at the currently authorized location. As indicated in Paragraph No. 11 of the applications, File No. TH 003 was previously authorized two wells and File No. 10,738 was previously authorized as an irrigation well and was moved to the currently authorized location, so the proposal does not involve K.A.R. 5-5-16 *Additional wells*. This information was confirmed in a May 18, 2020, phone conversation with Kelly Stewart, Water Commissioner of the Stockton Field Office. Kelly indicated that the rate limitation should remain at the present time on File No. 22,231.

WRIS and the signed application map indicate one domestic well and one irrigation well (File No. 43,911) owned by the same people, and two municipal wells under common ownership (File Nos. 35,919 and 35,921) all located within one-half mile of the proposed well. A letter dated May 19, 2020 was sent to the nearby domestic and irrigation well owner. On May 26, 2020, a letter from the nearby well owner was received via e-mail from Mike Schultz, City of Brewster, to Kelly Stewart, Water Commissioner of the Stockton Field Office. The letter indicated no objections to the change in point of diversion, so the 15-day comment period is not needed.


The source of supply will remain the same, previously determined to be Ogallala Formation (211).

The Northwest Kansas Groundwater Management District No. 4 recommended approval of the referenced applications in a letter dated June 1, 2020 from Shannon Kenyon, Manager.

In an e-mail dated June 1, 2020, Kelly Stewart, Water Commissioner of the Stockton Field Office, indicated no objections to approval of the applications.

A water flow meter and water level measurement tube are required on the new well. A check valve is required if any chemical or foreign substance is injected into the water through the diversion works.

Based on the above discussion, that the change is reasonable, that impairment to existing water rights is unlikely, and that no change in the local source of supply will occur, it has been recommended the referenced applications be approved.


Richelle A. Krueger
Environmental Scientist

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

CITY OF BREWSTER
Attn: MIKE SCHULTZ
PO BOX 147
BREWSTER, KS 67732

RE: Vested Right, File No. TH 003
Water Right, File No. 10,738

Dear Mr. Schultz:

Enclosed are the orders executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the applications for change under the above referenced file numbers.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in these approvals for change. A condition of these approvals is that an acceptable water flow meter must be installed on the diversion works authorized under the referenced file numbers. Please return the required notification of completion of the diversion works and installation of the required meter form as soon as these actions are completed. Please include a copy of the well log required by the Kansas Department of Health and Environment under the authority of K.S.A. 82a 1212, currently form WWC 5 with your notice of completion.

Since the orders modify the original documents referred to above, they should be recorded with the Register of Deeds as other instruments affecting real estate.

If you have any questions, please contact this office. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

RAK

pc: Stockton Field Office
Groundwater Management District No. 4

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
Christopher W. Beightel, Acting Chief Engineer

**APPROVAL OF APPLICATION
FOR
CHANGE IN
POINT OF DIVERSION
WATER RIGHT
FILE NO. 10,738**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Michael L. Schultz, City Superintendent, on behalf of the City of Brewster, Kansas, P.O. Box 147, Brewster, Kansas 67732, received in this office on May 4, 2020, for approval of a change in the location of the point of diversion under the certificate of appropriation issued pursuant to the application for permit to appropriate water for beneficial use, as modified and amended by the Order of the Chief Engineer dated December 21, 1983, approving the application to change the place of use, point of diversion and use made of water, finds that the change is reasonable and will not impair existing rights, that the change relates to the same local source of supply and that the application should be and is hereby approved.

The effective date of the change shall be the date this order is executed by the Chief Engineer, after which the authorized location of the point of diversion shall be:

a well located in the Southeast Quarter of the Southwest Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 7, more particularly described as being near a point 162 feet North and 4,120 feet West of the Southeast corner of said section, in Township 8 South, Range 36 West, Thomas County, Kansas,

located substantially as shown on the map accompanying the application to change the point of diversion.

Installation of the works for diversion of water shall be completed on or before December 31, 2020, or within any authorized extension of time. The water right owner shall notify the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture, when construction of the works for diversion has been completed.

All wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this order 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.

The water right owner shall submit to the Chief Engineer a copy of the well log(s) required by the Kansas Department of Health and Environment under the authority of K.S.A. 82a-1212, currently form WWC-5, within 30 days following the drilling of the well(s) at the location authorized herein.

All diversion works 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.

The water right owner shall properly install an acceptable water meter on the diversion works authorized under this water right, prior to the use of water, in strict accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. The water right owner shall notify the Chief Engineer when installation of the water meter has been completed. The water right owner shall maintain the water meter in an operating condition satisfactory to the Chief Engineer, at all times during diversion of water and shall maintain records from which the total quantity of water diverted may be determined. The water right owner shall also report the reading of said water meter and the total quantity of water diverted annually to the Chief Engineer. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 10,738 for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated July 30, 1980, as modified and amended by the aforementioned order.

Ordered this 5th day of June, 2020, in Manhattan, Riley County, Kansas.

Lane P. Letourneau

Lane P. Letourneau, P.G.
Program Manager
Water Appropriation Program
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 5th day of June, 2020, by Lane P. Letourneau, P.G., Program Manager, Water Appropriation Program, Division of Water Resources, Kansas Department of Agriculture.

Ashlee Freeman
Notary Public



Submit To: CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, KS 66502
www.ksda.gov/dwr

**APPLICATION FOR APPROVAL TO
CHANGE THE PLACE OF USE, THE
POINT OF DIVERSION OR THE USE
MADE OF THE WATER UNDER AN
EXISTING WATER RIGHT**



State of Kansas

Filing Fee Must Accompany the Application
(Please refer to Fee Schedule on signature page of application form.)

Paragraph Nos. 1, 2, 3, 4 & 8 must be completed. Complete all other applicable portions. A topographic map or detailed plat showing the authorized and proposed points(s) of diversion and /or place of use must accompany this application.

1. Application is hereby made for approval of the Chief Engineer to change the

- (Check one or more)
- Place of Use
 - Point of Diversion
 - Use Made of Water

File No. 10,738

Water Resources
Received
MAY 04 2020
13:50
KS Dept Of Agriculture

2. Name of applicant: City of Brewster - Attn: Mike Schultz

Address: PO Box 147

City, State and Zip: Brewster, KS 67732

Phone Number: (785)694-2205 E-mail address: brewsterks@st-tel.net

What is your relationship to the water right; owner tenant agent other? If other, please explain. _____

Name of water use correspondent: City of Brewster - Attn: Mike Schultz

Address: PO Box 147

City, State and Zip: Brewster, KS 67732

Phone Number: (785)694-2205 E-mail address: brewsterks@st.tel.net

3. The change(s) proposed herein are desired for the following reasons (please be specific): Currently authorized well is contaminated; moving to a new location in order to fully utilize this water right.

The change(s) (was) (will be) completed by 12/31/21 (Date)

For Office Use Only:															
F.O.	<u>4</u>	GMD	<u>3</u>	Meets K.A.R. 5-5-1	(YES / NO)	Use	<u>MUN</u>	Source	<u>G</u>	S County	<u>TH</u>	By	<u>BMM</u>	Date	<u>5/5/20</u>
Code	<u>CGT</u>			Fee \$	<u>2010</u>	TR #		Receipt Date	<u>5/4/2020</u>	Check #	<u>21681</u>				

5/6/2020
LMoody

Application
Complete 6/2/20
RAK/DWR

4. The presently authorized place of use is:

Owner of Land — NAME: No change requested.

ADDRESS: _____

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

List any other water rights that cover this place of use. _____

Owner of Land — NAME: _____

ADDRESS: _____

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

List any other water rights that cover this place of use. _____

(If there are more than two landowners, attach additional sheets as necessary.)

5. It is proposed that the place of use be changed to:

Owner of Land — NAME: _____

ADDRESS: _____

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

List any other water rights that cover this place of use. _____

Owner of Land — NAME: _____

ADDRESS: _____

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Water Resources
Received
MAY 04 2020

KS Dept Of Agriculture

List any other water rights that cover this place of use. _____

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

- 6. The presently authorized point(s) of diversion is one well
(Provide description and number of points)
- 7. The proposed point(s) of diversion is one well
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
 One in the SE Quarter of the NE Quarter of the NE Quarter of Section 18, Township 8 South, Range 36 W, in Thomas County, Kansas, 4,580 feet North 362 feet West of Southeast corner of section.
 Authorized Rate 55 gpm Authorized Quantity 24 AF
 (DWR use only: Computer ID No. 3 GPS feet North feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the SE Quarter of the SW Quarter of the SW Quarter of Section 7, Township 8 South, Range 36 W, in Thomas County, Kansas, 162 feet North 4,120 feet West of Southeast corner of section.
 Proposed Rate 55 gpm Proposed Quantity 24 AF
 This point is: Additional Well Geo Center List other water rights that will use this point TH003

9. **Presently authorized point of diversion:**
 One in the Quarter of the Quarter of the Quarter of Section , Township South, Range W, in County, Kansas, feet North feet West of Southeast corner of section.
 Authorized Rate Authorized Quantity
 (DWR use only: Computer ID No. GPS feet North feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the Quarter of the Quarter of the Quarter of Section , Township South, Range W, in County, Kansas, feet North feet West of Southeast corner of section.
 Proposed Rate Proposed Quantity
 This point is: Additional Well Geo Center List other water rights that will use this point

10. **Presently authorized point of diversion:**
 One in the Quarter of the Quarter of the Quarter of Section , Township South, Range W, in County, Kansas, feet North feet West of Southeast corner of section.
 Authorized Rate Authorized Quantity
 (DWR use only: Computer ID No. GPS feet North feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the Quarter of the Quarter of the Quarter of Section , Township South, Range W, in County, Kansas, feet North feet West of Southeast corner of section.
 Proposed Rate Proposed Quantity
 This point is: Additional Well Geo Center List other water rights that will use this point

Water Resources
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 MAY 04 2020
 KS Dept Of Agriculture

11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used. Current p/d will still be authorized under water right file no. 22,231.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

12. The presently authorized use of water is for MUN purposes.
It is proposed that the use be changed to no change purposes.

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.
n/a

(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to n/a (acre-feet or million gallons).

15. It is requested that the maximum rate of diversion of water be reduced to n/a gallons per minute (____ c.f.s.).

16. The application must include either a topographic map or detailed plat. A U.S. Geological Survey Topographic Map, scale 1:24,000, is available through the Kansas Geological Survey, 1930 Constant Avenue, University of Kansas, Lawrence, Kansas 66047-3726 (www.usgs.gov). The map should show the location of the presently authorized point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. The presently authorized place of use should also be shown. Identify the center of the section, the section lines and the section corners and show the appropriate section, township, and range numbers on the map. In addition the following information must also be shown on the map.

- a. If a change in the location of the point(s) of diversion is proposed, show:
 - 1) The location of the proposed point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. Please be certain that the information shown on the map agrees with the information shown in Paragraph Nos. 9, 10 and 11 of the application.
 - 2) If the source of supply is groundwater, please show the location of existing water wells of any kind, including domestic wells, within 1/2 mile of the proposed well or wells. Identify each well as to its use and furnish name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please indicate so on the map.
 - 3) If the source of supply is surface water, the names and mailing addresses of all landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.
- b. If a change in the place of use is desired, show the proposed place of use by crosshatching on the map. Please be certain that the information shown on the map agrees with the information shown in Paragraph No. 5 of the application.

17. Attach documentation to show the change(s) proposed herein will not impair existing water rights and relates to the same local source of supply as to which the water right relates. This information may include statements, plats, geology reports, well logs, test hole logs, and other information as necessary information to show the above. Additional comments may be made below.

Proposed change meets GMD4 Reg 5-24-2 (c)(1)(B). The current p/d authorizes TH003, 10738, & 22231. TH003 and 10738 are going to move to the same new well. 22231 will stay at the current p/d. This is not requiring an additional well as TH003 previously authorized 2 wells and 10738 was previously authorized as an irrigation well before it was moved to the existing well covered by 22231.

18. If the proposed change(s) does not meet all applicable rules and regulations of the Kansas Water Appropriation Act, please identify the rules and regulations for which you request a waiver. State the reason why a waiver is needed and why the request should be granted. Attach documentation showing that granting the request will not impair existing water rights and will not prejudicially and unreasonably affect the public interest.

All regs met.

Water Resources
Received

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

Water Resources
Received

MAY 04 2020

MAY 04 2020

KS Dept Of Agriculture

KS Dept Of Agriculture

Any use of water that is not as authorized by the water right or permit to authorize water **before** the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

The application must be signed by all owners of the place of use authorized under the water right and his or her spouse, if married. Please indicate if there is no spouse. If land is being purchased under contract, the seller must sign as landowner until such time as the contract is completed.

In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application I authorize the chief engineer to permanently reduce the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application.

Dated at BREWSTER, Kansas, this 27 day of APRIL, 2020.

City of Brewster by Michael L. Schwarz City Supt.
(Owner) (Spouse)

City of Brewster by MICHAEL L. SCHWARTZ City Supt.
(Please Print) (Please Print)

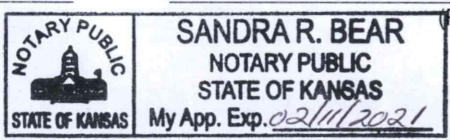
(Owner) (Spouse)

(Please Print) (Please Print)

(Owner) (Spouse)

(Please Print) (Please Print)

State of Kansas)
County of Thomas) SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 27th day of April, 2020.

Sandra R. Bear
Notary Public

My Commission Expires 02/11/2021

FEE SCHEDULE

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

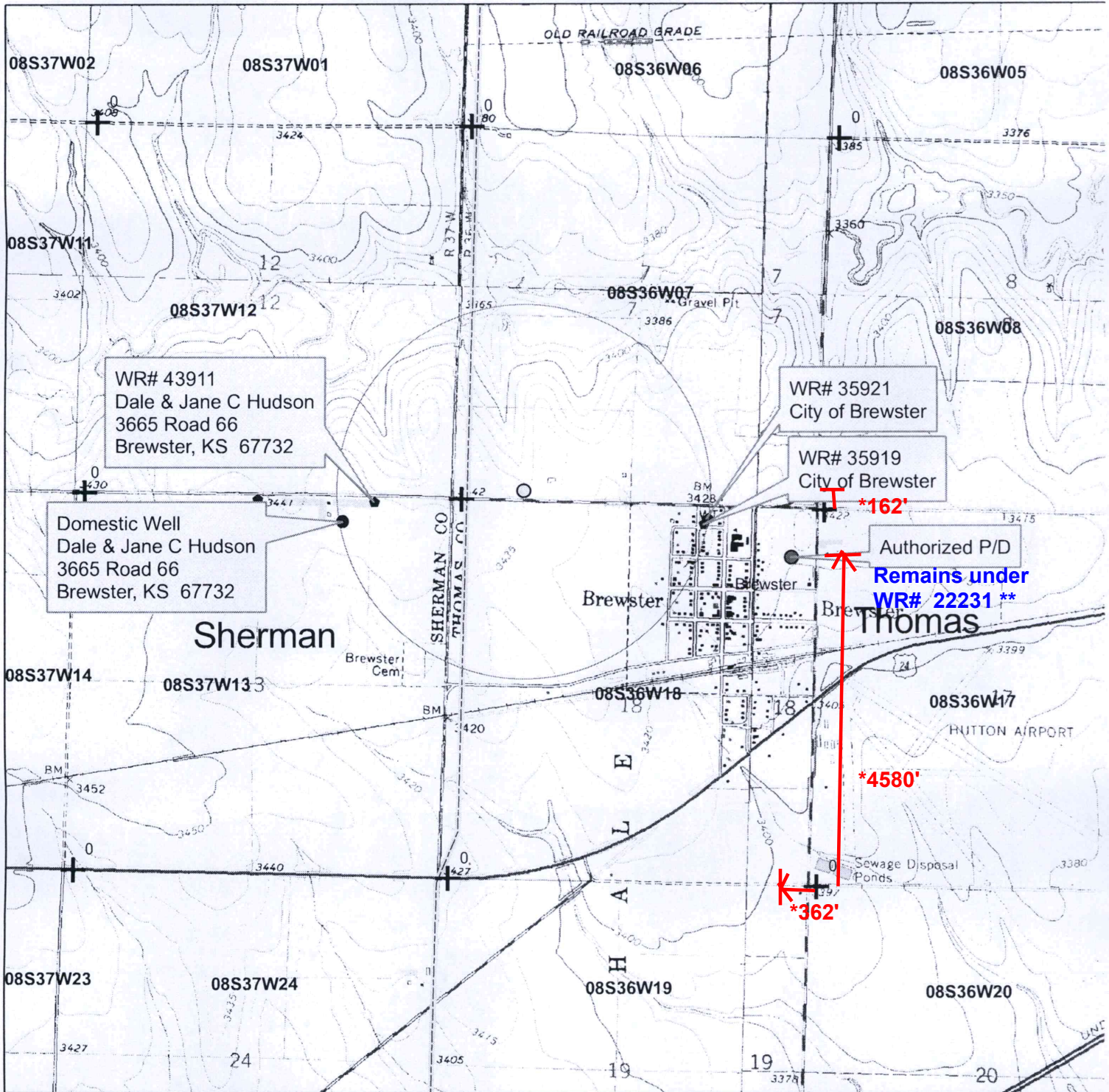
- (1) Application to change a point of diversion 300 feet or less \$100
- (2) Application to change a point of diversion more than 300 feet \$200
- (3) Application to change the place of use Water Resources \$200
- (4) Application to change the use made of the water Received \$300

Make check payable to **Kansas Department of Agriculture.**

MAY 04 2020

KS Dept Of Agriculture

Application for Change in Point of Diversion Water Right, File No. 10,738



- + Section Corners
- Authorized Point of Diversion
- Proposed Point of Diversion
- 1/2 mile radius

The names and addresses of the owners of all wells of any kind within 1/2 mile of the proposed point of diversion are shown.

1:24,000



MAY 04 2020

**** LI/DWR**

KS Dept Of Agriculture

Signature Required

* per Par. 8
RAK/DWR
6/2/20

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

CITY OF BREWSTER - ATTN MIKE SCHULTZ
PO BOX 147
BREWSTER, KS 67732

May 12, 2020

RE: File No **10738**

Dear Sir or Madam:

An application for approval of the Chief Engineer to change the following condition or conditions of the file number referred to above has been received:

- place of use PD
- point of diversion
- use made of water

As a matter of record, the Division of Water Resources has on hand a large number of applications awaiting processing. Therefore, to be fair to all concerned, and so that we can process those applications on hand in the order they were received, we intend to concentrate on the backlog of applications until the issue is resolved. You will be contacted regarding this application as soon as it has been examined.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water prior to approval of the application is unlawful. You should not proceed and divert water as indicated by your plans in your application for a change for this file until you receive approval for this change from the Chief Engineer. Once approved, compliance with the terms, conditions and limitations of the permit is necessary. Conservation of the water resources of Kansas is required.

Section 82a-728 of the Kansas Water Appropriation Act, provides (a) except for the appropriation of water for the purpose of domestic use, . . . it shall be unlawful for any person to appropriate or threaten to appropriate water from any source without first applying for and obtaining a permit to appropriate water in accordance with the provisions of the Water Appropriation Act or for any person to violate any condition of a vested right, appropriation right or an approved application for a permit to appropriate water for beneficial use.

(b) (1) The violation of any provision of this section by any person is a class C misdemeanor...

A class C misdemeanor is punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. Each day that the violation occurs constitutes a separate offense.

If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Kristen A. Baum
New Applications Unit Supervisor
Water Appropriation Program

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, KS 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, KS 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.

Any request for hearing or petition for administrative review shall be in writing and shall be submitted to the attention of: Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, Fax: (785) 564 - 6777.

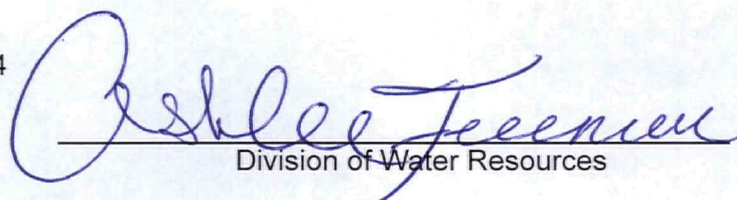
CERTIFICATE OF SERVICE

On this 9 day of June, 2020, I hereby certify that the foregoing Approval of Application for Change in Point of Diversion, File No. 10,738, dated 5 June 2020 was mailed postage prepaid, first class, US mail to the following:

CITY OF BREWSTER
Attn: MIKE SCHULTZ
PO BOX 147
BREWSTER, KS 67732

With photocopies to:

Stockton Field Office
Groundwater Management District No. 4


Division of Water Resources