



File No. **50,166**      15. Formation Code: **190**      Drainage Basin: **Little Arkansas River**      County: **MP**      Special Use:      Stream:

16. Points of Diversion										17. Rate and Quantity					
MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Authorized		Additional		Overlap PD Files
											Rate gpm	Quantity af	Rate gpm	Quantity af	
<del>ENT</del>	<del>MOD</del>	<del>WELL 1</del>	<del>SE NW NW</del>	<del>34</del>	<del>21S</del>	<del>1W</del>	<del>88288</del>	<del>3981</del>	<del>3980</del>		<del>800</del>	<del>200</del>			<del>NA</del>
<del>ENT</del>	<del>MOD</del>	<del>WELL 2</del>	<del>NW SE NW</del>	<del>34</del>	<del>21S</del>	<del>1W</del>	<del>88289</del>	<del>3881</del>	<del>3902</del>		<del>800</del>	<del>200</del>			<del>NA</del>
<del>ENT</del>	<del>MOD</del>	<del>WELL 3</del>	<del>NW SE NW</del>	<del>34</del>	<del>21S</del>	<del>1W</del>	<del>88290</del>	<del>3774</del>	<del>3676</del>		<del>800</del>	<del>200</del>			<del>NA</del>
<del>ENT</del>	<del>MOD</del>	<del>WELL 4</del>	<del>NW SE NW</del>	<del>34</del>	<del>21S</del>	<del>1W</del>	<del>88291</del>	<del>3700</del>	<del>3603</del>		<del>800</del>	<del>200</del>			<del>NA</del>
<del>ENT</del>	<del>MOD</del>	<del>GEO-CEN</del>	<del>NW SE NW</del>	<del>34</del>	<del>21S</del>	<del>1W</del>	<del>88287</del>	<del>3834</del>	<del>3790</del>		<del>800</del>	<del>200</del>	<del>800</del>	<del>135.86</del>	<del>NA</del> none
<del>DEL 32839</del>										<del>BATTERY ID #2182</del>					

18. Storage: Rate \_\_\_\_\_ NF      Quantity \_\_\_\_\_ ac/ft      Additional Rate \_\_\_\_\_ NF      Additional Quantity \_\_\_\_\_ ac/ft

19. Limitation: 200 af/yr at 800 gpm ( \_\_\_\_\_ cfs) when combined with file number(s) **13,560, 29,889, 32,154**  
 Limitation: \_\_\_\_\_ af/yr at \_\_\_\_\_ gpm ( \_\_\_\_\_ cfs) when combined with file number(s) \_\_\_\_\_

20. Meter Required?  Yes     No      To be installed by 12/31/2021      Date Acceptable Meter Installed \_\_\_\_\_

21. Place of Use																		Total	Owner	Chg? NO	Overlap Files								
MOD	DEL	ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼									
								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						
<b>CHK</b>	<b>2659</b>		<b>34</b>	<b>21S</b>	<b>1W</b>	<b>1</b>						<b>40</b>	<b>34</b>	<b>40</b>	<b>40</b>										<b>154</b>	<b>7A</b>	<b>N</b>	<b>13,560, 29,889, 32,154</b>	

Comments: **NEW BATTERY SPOT LOCATIONS**  
**WAIVER INCLUDED**

7/6/2020  
 KAB



**KANSAS DEPARTMENT OF AGRICULTURE**  
**Division of Water Resources**

**M E M O R A N D U M**

**TO:** Files

**DATE:** January 30, 2020

**FROM:** Brandon Milner

**RE:** New Application,  
File No. 50,166

Kevin Kohls has filed an application to appropriate groundwater for irrigation use, requesting a battery of four new wells (4) with a requested quantity of 200 acre-feet at a diversion rate of 800 gallons per minute. The proposed point of diversion will be a battery of four wells with a geo-center located in the Northwest quarter of the Southeast quarter of the Northwest quarter of Section 34 more specifically described as being near a point at 3798' North and 3723' West of the Southeast corner of said section, in Township 21 South, Range 1 West in McPherson County. The entire place of use is owned by the applicant. The applicant has signed the application form stating that he has legal access to the point of diversion.

This application does not overlap with any other Water Rights in the point of diversion but does overlap with Water Right Nos. 13,560, 29,889 & 32,154 on the place of use. The proposed quantity of 200 acre-feet per year would be used for the irrigation of 154 acres. This would provide the maximum allowable of 1.3 acre-feet per acre in McPherson County Kansas.

The source of water from overlapping Water Rights Nos 13,560, 29,889 & 32,154 would concur that the source is the high plains aquifer. Per the requirements in K.A.R. 5-3-11, safe yield is determined by the extent of the unconfined aquifer within a two-mile radius of the point of diversion, which establishes the area of consideration. Evaluation of the area of consideration included the extent of the unconfined aquifer, provided an area of consideration of 8,042 acres. With a potential annual recharge of 3.3 inches, and 75% of recharge available for appropriation, safe yield was determined to be 1658.76 acre-feet. There are multiple existing water rights within the area of consideration, with the total prior appropriation being 64.14 acre-feet. This leaves 1594.62 acre-feet available for appropriation for this irrigation application. **5-4-4(c)(1)(C)**

**Equus  
Beds**

There are two domestic water rights within ½ mile of the point of diversion. There were three existing Water Right Nos. 13, 560, 29,889 & 32,154 do not meet the standard unconsolidated spacing rule as seen in K.A.R. 5-4-4 (C). A waiver of spacing will be recommended to the field office for consideration in this matter. The nearby letters were sent to the domestic well owners on June 12, 2019. One phone call was received on June 17, 2019 by one domestic well owner whose concerns were about the quantity of rate of this application. They were concerned that there would not be enough water for the quantity requested and the rate requested.

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.

**Meets spacing to domestics with the closest at 1800 feet away. Does not meet spacing to the overlapping Puse WRs at approximately 200 feet to one well and approximately 950 feet to the other. A waiver of spacing is recommended because these wells are all under common ownership and supply water to the same place of use. The senior WRs only authorize a combined 64.14 AF at a low rate (70 and 110 gpm) so the WRs are unlikely to ever be divided from the new application.**

7/6/2020  
KAB

This application is not part of any GMD. This application was sent to the Stafford Field Office on January 30, 2020 for recommendation and was recommended for approval with a waiver for spacing on the applicant's own wells on April 7, 2020.

Based on the above discussion, the area is open to new appropriations, the application complies with safe yield, it is recommended that the referenced new application be approved.

Brandon Milner  
Environmental Scientist

**From:** Lanterman, Jeff [KDA]  
**Sent:** Tue 4/7/2020 11:16 AM  
**To:** Milner, Brandon [KDA]  
**Cc:** Conant, Cameron [KDA]  
**Subject:** FW: Application 50,166 for Kevin Kohls  
**Attachments:** 50166 Memo Revised.doc, 50166 application map.pdf, old well log.pdf

Brandon, I am ok with approving this as long as that house well just to the west of the proposed PD is the applicants. I kind of think maybe we should have overlapped PD on those other wells because I don't see him using them if this gets approved. But maybe he will.

Thanks  
Jeff

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**From:** Conant, Cameron [KDA] <Cameron.Conant@ks.gov>  
**Sent:** Tuesday, April 7, 2020 9:27 AM  
**To:** Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>  
**Subject:** FW: Application 50,166 for Kevin Kohls

Jeff, this has been in process for a while. Brandon and I worked a lot with Kevin explaining this new application and how it works with the existing file numbers. The new application is requesting 200 AF @ 800 gpm and will be limited to 200 when combined with all senior files, this new application is overlapped completely in place of use with the following File Nos. 13560 (43 AF @ 110 gpm), 29889 (6.14 AF @ 70 gpm), 32154 (15 AF @ 70gpm). I felt like it was most appropriate to dismiss 29889 and 32154 b/c they really don't bring much to the table (especially if this new application works out). But, I think Brent convinced him that it was best to keep all the files. Doesn't hurt anything, just complicates it all a bit.

It should be noted that Mr. Kohls' current existing irrigation files totaling 60 some AF is the only irrigation in the 2 mile circle, so SY is met by a wide margin. There were 2 nearby domestic wells notified, both are near the half mile line and shown on the map. The north one spoke to Kristen with concern that there wouldn't be enough water for all of them. This domestic well is as deep as the wells Kevin is proposing.

Kevin knows that 800 gpm is not attainable, I think he is going to be satisfied pumping a total of 300-400 gpm if the new wells allow it. Spacing is met to the nearby domestics by a wide margin. Spacing is not met to Kevin's existing water rights and I think we should do a waiver of spacing in this case. We have a complete place of use overlap, the old files don't have much value (rate and quantity) on their own, so I can't imagine this ever being divided or anything like that. Seems like this will remain a single irrigation operation on the authorized 154 acres, so I think waiving spacing to his own files is ok in this case.

I think this application can be recommended for approval with a waiver of spacing to the existing irrigation files. Please pass on to Brandon if you agree. Also, based on the 1/7/20 revisions to the well locations, I think the geo-center should be 3834'N and 3790'W...Jeff/Brandon please double check the revised footages.

Jeff, at this time I don't have mapping capabilities. From memory, file number 13560 is on the NW side of the tailwater pit in the middle of the quarter and the other 2 files are on the east side of the farmstead so close to 1320'. Let me know if you have any questions.

Cameron

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**From:** Milner, Brandon [KDA] <[Brandon.M.Milner@ks.gov](mailto:Brandon.M.Milner@ks.gov)>  
**Sent:** Thursday, January 30, 2020 11:51 AM  
**To:** Lanterman, Jeff [KDA] <[Jeff.Lanterman@ks.gov](mailto:Jeff.Lanterman@ks.gov)>  
**Cc:** Conant, Cameron [KDA] <[Cameron.Conant@ks.gov](mailto:Cameron.Conant@ks.gov)>  
**Subject:** Application 50,166 for Kevin Kohls

Good morning guys,

I have attached an older new application that I have had for quite a while. Application No 50,166 for Kevin Kohls is for a new battery of four wells in eastern McPherson county. Spot locations was the limiting factor for why this application took so long to process. I have some concerns about spacing on this one so we may need a waiver if recommended. Please provide your recommendation on this. Thanks!

**Brandon Milner** | Environmental Scientist

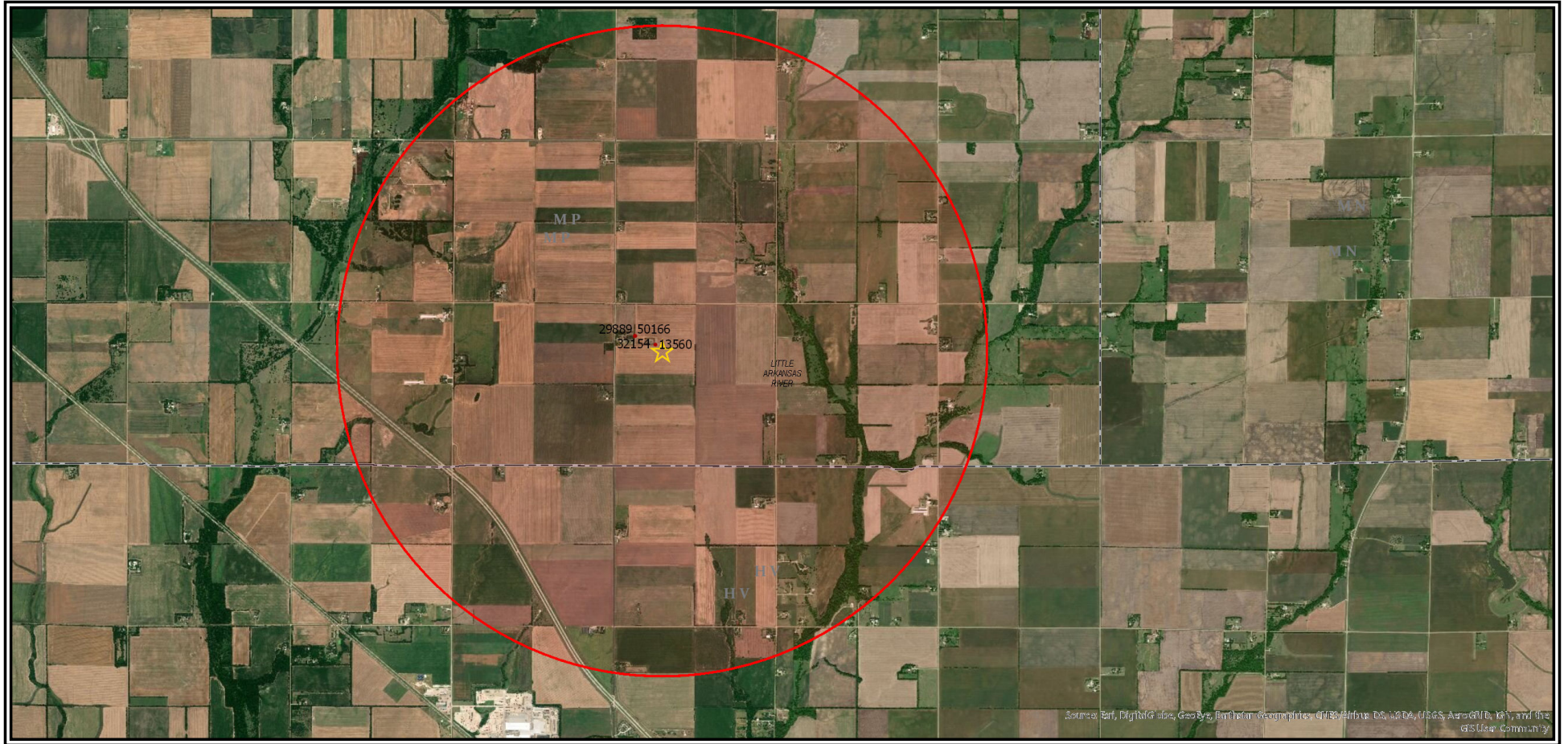
Kansas Dept. of Agriculture | Division of Water Resources

**Address:** 1320 Research Park Dr., Manhattan, KS 66502

**Phone:** 785-564-6631

**Website:** <http://agriculture.ks.gov/divisions-programs/dwr>

**Safe Yield Report Sheet**  
**Water Right- Proposed Point of Diversion**  
**Point of Diversion in 34-21S-01W**  
**Footages from SE corner- 3,798 feet North 3,726 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 1,658.76 AF.

Total prior appropriations in the circle is 264.14 AF.

Total quantity of water available for appropriation is 1,394.62 AF.

## Safe Yield Variables

The area used for the analysis is set at 8,042 acres.

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

The percent of recharge available for appropriation is 75%.

Authorized Quantity values are as of 07-JAN-2020 and are based on Appropriated and Vested ground water right and possible stream nodes for GMD #2. Domestic, Term and Temporary water rights have been excluded.

There are 4 water rights and 2 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 13560 00	IRR	NK	G			NC	NW	0	0	34	21	01W	1	WR	43.00	43.00	154.00	154.00
A 29889 00	IRR	NK	G		SE	NW	NW	4300	4610	34	21	01W	2	WR	6.14	6.14	154.00	0.00
A 32154 00	IRR	NK	G		SE	NW	NW	4300	4610	34	21	01W	2	WR	15.00	15.00	154.00	0.00
A 50166 00	IRR	AY	G		SE	NW	NW	4300	4610	34	21	01W	2	WR	200.00	200.00	154.00	0.00

## Limitations

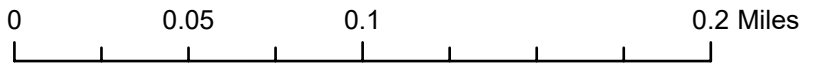
File Number	Seq Num	Limitations
A 32154 00	1	70GPM COM/W 29889 FOR IRR USE/CERT

# 50,166 Update



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

- |                      |                        |
|----------------------|------------------------|
| ● 50166 Nearby Wells | ★ S_IND                |
| ★ 50166 GeoCenter    | ▭ One half Mile Radius |
| ▲ 50166 Wells        | ▨ 50166 Place of Use   |
| Nearby Water Rights  | ▭ WrisSearchBuffer     |
| S_UMW                | ▭ County.lyrx          |
| ● G_IRR              | ▭ DWR Basins           |



Kansas Department of Agriculture  
 Division of Water Resources  
**WAIVER REQUEST & WAIVER RULE WORKSHEET**

File Number: 50166

FO: 2

GMD:

**WAIVER REQUEST:**

UMW	Date Requested	Rule ID	Applies	Rule Type	Rule Subtype
IRR	7/6/20	3	Statewide	Well Spacing	<del>Unconfined Aquifer Spacing</del>
Rule Number	Date Granted	Date Denied	Justification:	<p>That the well location requested in the application is a geo-center for new battery of four (4) wells whose quantity will be limited to the 200 Acre-Feet with combined with Senior Water Right File Nos 13,560, 29,889 &amp; 32,154 to which it does not meet spacing requirements of K.A.R. 5-4-4 (c) (1)(C).</p> <p><b>Wells are under common ownership and overlap in use. They will likely never be divided from the junior file.</b></p>	
K.A.R. 5-4-4-(c)1(C)	7/8/2020				

**WAIVER RULE (complete only if a new rule needs to be created):**

Rule ID	Applicability	Type	Subtype	Rule Number	Date Active	Date Inactive

7/13/2020  
LMoody

7/6/2020  
KAB

Date Prepared 6/18/20 By BMM

Date Entered \_\_\_\_\_ By \_\_\_\_\_

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

KEVIN N & KIM C KOHLS  
76 27TH AVE  
MOUNDRIDGE, KS 67107-7467

RE: Appropriation of Water, File No. 50,166

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 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.kswaterusereport.org](http://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](http://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 Stafford Field Office at 620-234-5311. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

A handwritten signature in black ink that reads "Kristen A. Baum". The signature is written in a cursive style.

Kristen A. Baum  
New Application Unit Supervisor  
Division of Water Resources

KAB:bmm  
Enclosure(s)  
pc: Stafford Field Office

THE STATE OF KANSAS



**KANSAS DEPARTMENT OF AGRICULTURE**  
Mike Beam, Secretary of Agriculture

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

**WAIVER OF REGULATION**  
**K.A.R. 5-4-4 (c)(1)(C) Well Spacing**

Date: July 8, 2020

Re: Application, File No. 50,166

1. That the battery of wells under the above referenced application does not meet minimum well spacing criteria as required by K.A.R. 5-4-4(c)(1)(C) because it is located approximately 207 (File No. 13,560) and 913 feet (File Nos. 29,889 and 32,154) from two non-domestic wells.
2. That K.A.R. 5-4-4(c)(1)(C) requires a minimum well spacing of 1,320 feet between non-domestic wells whose common source of supply is an unconfined aquifer system.
3. That the new application proposes a complete overlap in the existing place of use authorized by the wells in question and are all under common ownership.
4. That the existing senior Water Rights authorize a combine total of 64.14 acre-feet at 70 and 110 gallons per minute, respectively, for the existing 154 acre place of use, and will likely never be divided from the new application.
5. That a waiver of K.A.R. 5-4-4(c)(1)(C) will not prejudicially or unreasonably affect the public interest and should not impair any existing water rights.

Comments:



A handwritten signature in blue ink that reads "Christopher W. Beightel".

Christopher W. Beightel, P.E.  
Acting Chief Engineer  
Division of Water Resources  
Kansas Department of Agriculture

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  
and  
PERMIT TO PROCEED**  
(This Is Not a Certificate of Appropriation)

This is to certify that I have examined Application, **File No. 50,166** of the applicant

**KEVIN N & KIM C KOHLS**  
**76 27TH AVE**  
**MOUNDRIDGE, KS 67107-7467**

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 **November 15, 2018**
2. That the water sought to be appropriated shall be used for irrigation use on land described in the application, as follows:

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
34	21S	1W					40	34	40	40									154

3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of battery of four(4) wells with a geographical center located in the Northwest Quarter of the Southeast Quarter of the Northwest Quarter (NW¼ SE¼ NW¼) of Section 34, more particularly described as being near a point 3,834 feet North and 3,790 feet West of the Southeast corner of said section, in Township 21 South, Range 1 West, McPherson County, Kansas.

4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **800 gallons per minute (1.78 c.f.s.)** and to a quantity not to exceed **200 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, 2021** 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, 2025** or any authorized extension thereof. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$100.00.

7. That the applicant shall not be deemed to have acquired a water appropriation for a quantity in excess of the amount approved herein nor in excess of the amount found by the Chief Engineer to have been actually used for the approved purpose during one calendar year subsequent to approval of the application and within the time specified for perfection or any authorized extension thereof.

8. That the use of water herein authorized shall not be made so as to impair any use under existing water rights nor prejudicially and unreasonably affect the public interest.

9. That the right of the appropriator shall relate to a specific quantity of water and such right must allow for a reasonable raising or lowering of the static water level and for the reasonable increase or decrease of the streamflow at the appropriator's point of diversion.

10. That this permit does not constitute authority under K.S.A. 82a-301 through 305a to construct any dam or other obstruction; nor does it grant any right-of-way, or authorize entry upon or injury to, public or private property.

11. That all diversion works constructed under the authority of this permit into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic quick-closing, check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

12. That all wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this permit shall have a tube or other device installed in a manner acceptable to, and in accordance with specifications adopted by, the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in a condition satisfactory to the Chief Engineer.

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

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.

18. That this permit is further limited such that all wells shall be located within a three hundred (300) foot radius circle in the same local source of supply and shall supply water to a common distribution system.

19. That the quantity of water approved under this permit is further limited to the quantity which combined with Water Right, File Nos. 13,560; 29,889 and 32,154 will provide a total **not to exceed 200 acre-feet** of water per calendar year, for irrigation use on the land described herein.

Ordered this 8 day of July, 2020, in Manhattan, Riley County, Kansas.



*Christopher W. Beightel*

Christopher W. Beightel, P.E.  
Acting 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 8 day of July, 2020, by Christopher W. Beightel, P.E., Acting Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.



*Ashlee Freeman*  
Notary Public



**RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW**

If you are aggrieved by this Order, then pursuant to K.S.A. 82a-1901, you may:

- 1) request an evidentiary hearing before the Chief Engineer, or
- 2) request administrative review by the Secretary of Agriculture.

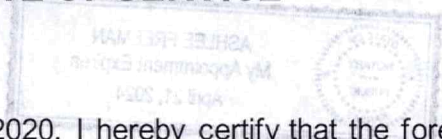
Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (i.e., **within a total of 18 days after this Order was mailed to you**), with: Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, Kansas 66502, FAX (785) 564-6777.

If you do not file a request for an evidentiary hearing before the Chief Engineer, you may petition for administrative review of the Order by the Secretary of Agriculture. A petition for review shall be in writing and state the basis for requesting administrative review. The request for hearing may be denied if the request fails to clearly establish factual or legal issues for review. See K.S.A. 77-527. The petition must be filed within 30 days after service of this Order as provided in K.S.A. 77-531 (i.e., **within a total of 33 days after this Order was mailed to you**), and be filed with: Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, FAX (785) 564-6777.

If neither a request for an evidentiary hearing nor a petition for administrative review is filed as set forth above, then this Order shall be effective and become a final agency action as defined in K.S.A. 77-607(b). Failure to timely request either an evidentiary hearing or administrative review may preclude further judicial review under the Kansas Judicial Review Act.

**CERTIFICATE OF SERVICE**

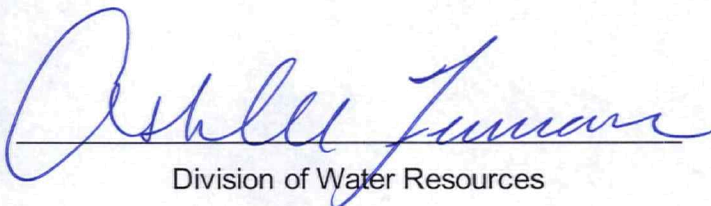


On this 14 day of JULY, 2020, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,166, dated 8 JULY 2020 was mailed postage prepaid, first class, US mail to the following:

KEVIN N & KIM C KOHLS  
76 27TH AVE  
MOUNDRIDGE, KS 67107-7467

With photocopies to:

Stafford Field Office

  
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 Division of Water Resources