

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

1. File Number: 50,266	2. Status Change Date: 10/29/2020	3. Field Office: 2	4. GMD: 5
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5. Status: Approved Denied by DWR/GMD Dismiss by Request/Failure to Return

6. Enclosures: Check Valve N of C Form Water Tube Driller Copy Meter

7a. Applicant(s) New to system
Person ID 66799
Add Seq# _____
ALWAYS SUNNY HEMP & BEE FARM LLC
27304 W MORGAN AVE
PLEVNA, KS 67568

7b. Landowner(s) New to system
Person ID 66800
Add Seq# _____
PHILLIP J SNEED
27304 W MORGAN AVE
PLEVNA, KS 67568

7c. Landowner(s) _____ Person ID _____

7d. _____

8. WUR Correspondent New to system
Overlap File (s) WUC Agree Yes No
Person ID _____
Add Seq# _____
Notarized WUC Form

7a

9. Use of Water: Changing? Yes No
 Groundwater Surface Water
 IRR REC DEW MUN
 STK SED DOM CON
 HYD DRG WTR PWR ART RECHRG
 IND SIC: _____ OTHER: _____

10. Completion Date: 12/31/2020 **21** 11. Perfection Date: 12/31/2024 **25** 12. Exp Date: _____

13. Conservation Plan Required? Yes No Date Required: _____ Date Approved: _____ Date to Comply: _____

14. Water Level Measuring Device? Yes No Date to Comply: _____ Date WLMD Installed: _____

Date Prepared: **12/2/19** By: **KJN**
Date Entered: **11/3/2020** By: **L Moody**

File No. **50,266** 15. Formation Code: Drainage Basin: N F NINNESCAH RIVER County: RN Special Use: Stream:

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
CHK	87599	SW	SW	SW	33	23S	9W	1	389	4843		99	15	99	15	none

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? **x Yes** No To be installed by **12/31/2020** 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	69523	33	23S	9W	2																									

Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: December 2, 2019

FROM: Kris Neuhauser

RE: New Application, File No. 50,266

Always Sunny Hemp & Bee Farm LLC has filed the above referenced new application proposing to appropriate 15 acre-feet of groundwater per calendar year at a diversion rate not to exceed 99 gallons per minute for irrigation use from one well. The proposed point of diversion is located in the Southwest Quarter (SW¼) of Section 33, Township 23 South, Range 9 West, Reno County, Kansas; which is within the drainage basin of the North Fork Ninnescah River.

The proposed place of use is a total of 10.7 acres (industrial hemp) in the Southwest Quarter of the Southwest Quarter of Section 33, Township 23 South, Range 9 West, Reno County Kansas. The entire place of use is owned by the applicant (Phillip J. & Dana A. Sneed).

Originally the applicant requested a 15-acre place of use, that was recommended for denial by the Big Bend Groundwater Management District No. 5. on October 3, 2019. After discussion with Jeff Lanterman and Cameron Conant at the Stafford Field Office, it was suggested the applicant reduce his place of use to 10.7 acres to match the maximum quantity allowed for irrigation use in Reno County (1.4 AF/acre x 10.7 acres = 15 acre-feet).

The applicant, PJ Sneed, agreed to the place of use reduction in a phone message on October 16, 2019. A new place of use map was created to show the 10.7 acres, which Mr. Sneed confirmed the accuracy of in an email on November 2, 2019.

Two nearby well owners were notified in letters dated October 21, 2019; but no responses of any kind were received.

Per the requirements in K.A.R. 5-4-4, minimum well spacing should be 1,320 feet to non-domestic wells and 660 feet to domestic wells with the same source of supply. The closest Water Right is nearly 2.5 miles away, while the closest domestic well is roughly 900 feet away. Therefore, the proposed point of diversion meets minimum well spacing requirements.

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.

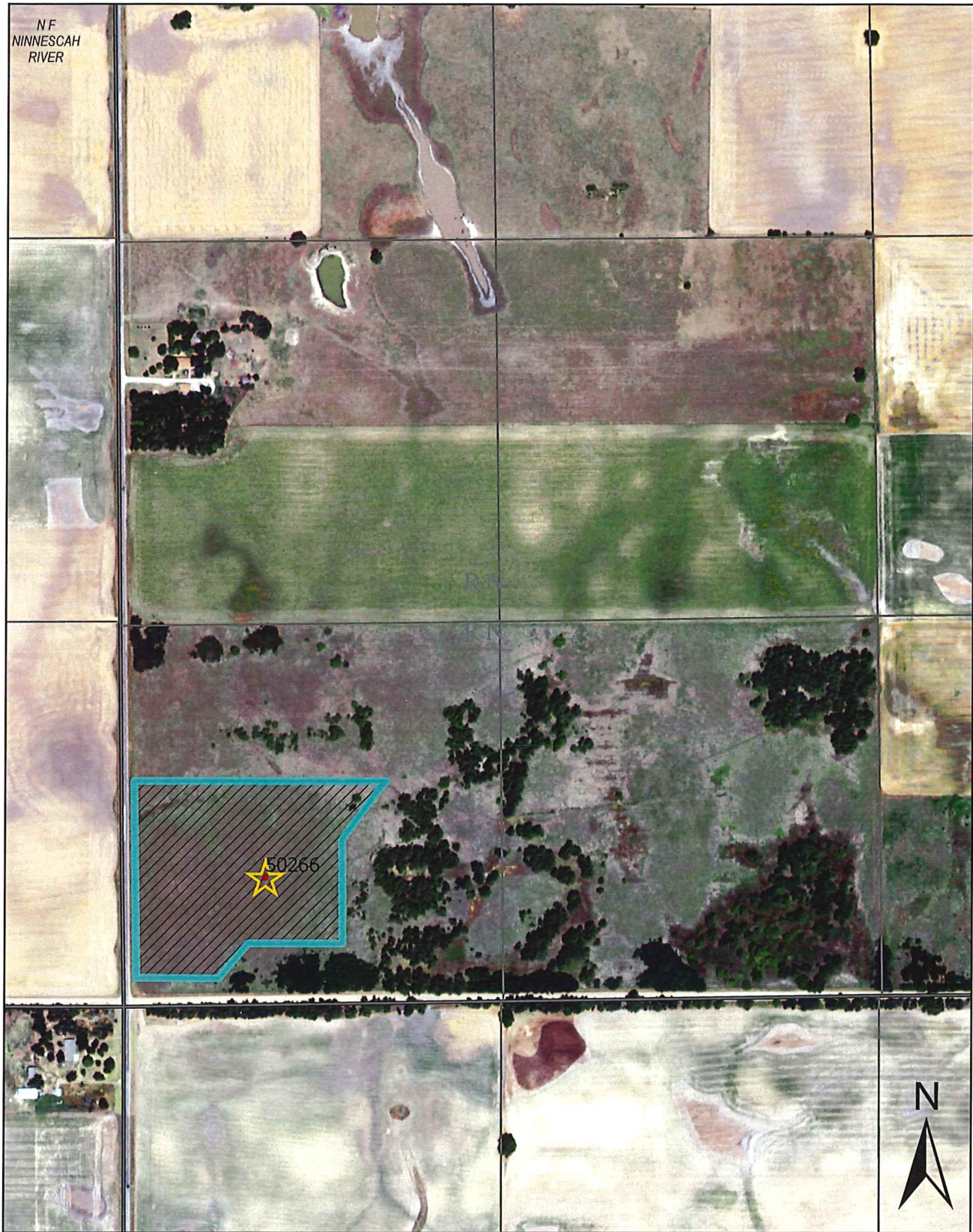
In a letter dated October 31, 2019 Orrin Feril, Manager of the Big Bend Groundwater Management District No. 5 recommended approval of the application.

Jeff Lanterman, Water Commissioner of the Stafford Field Office, gave a recommendation that the new application should be approved, in an e-mail conversation on December 2, 2019.

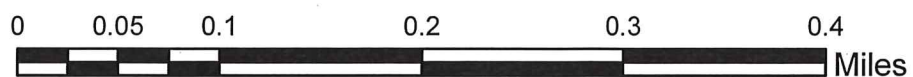
Based on the above discussion, the area is open to new appropriations, the application meets well spacing criteria, and the approval of the application will not impair senior water rights nor prejudicially or unreasonably affect the public interest. Therefore, it is recommended that the referenced application be approved.

Kris Neuhauser
Environmental Scientist
Water Appropriation Program

New Application, File No. 50,266 10.7 acres - 33-23S-9W



☆ Proposed PD



Created by: KJN
HQ Manhattan
Date: 11/4/2019

▨ Proposed PU

From: Neuhauser, Kris [KDA]
Sent: Thu 10/31/2019 11:41 AM
To: Conant, Cameron [KDA]
Subject: RE: GMD 5 denial New App 50,266 (15 AF Hemp)

Sounds great, will do!

From: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Sent: Thursday, October 31, 2019 11:40 AM
To: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Subject: RE: GMD 5 denial New App 50,266 (15 AF Hemp)

Yep, I'd like a good map showing 10.7 acres that he agrees on and that we can review and enforce on down the road if necessary! Thanks.

From: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Sent: Thursday, October 31, 2019 11:38 AM
To: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Subject: RE: GMD 5 denial New App 50,266 (15 AF Hemp)

Glad he was willing to go down, hopefully the GMD goes along with it.

I did check on his map, it's fairly close. Actually a little smaller than 10.7 by my measuring. Orrin and I talked about creating a clean place of use map as well in some emails back and forth. Think I'll make one that hits 10.7 acres exactly, send it back to the applicant and get his approval on it to check. If that sounds like a plan to you?

Kris

From: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Sent: Thursday, October 31, 2019 11:24 AM
To: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Subject: RE: GMD 5 denial New App 50,266 (15 AF Hemp)

Good, this is going ok I guess. We are consistent so far...

Have you drawn a better map showing the 10.7 or is the hand drawn one accurate??

Cam

From: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Sent: Thursday, October 31, 2019 10:31 AM
To: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Subject: RE: GMD 5 denial New App 50,266 (15 AF Hemp)

Hey Cameron,

He signed off on reducing to the 10.7 acres. Here's a new map he just emailed to me.

Just sent another rec request to Orrin. We'll see what he says. Hopefully I'll be sending you guys a rec request soon too!

Kris

From: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Sent: Tuesday, October 8, 2019 11:07 AM
To: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Cc: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>; Baum, Kristen [KDA] <Kristen.Baum@ks.gov>
Subject: RE: GMD 5 denial New App 50,266 (15 AF Hemp)

I would prefer he specify the acreage to be irrigated and the map should reflect his 10.7 acres.

After more thought and discussion, the idea about a p/u change monitoring agreement might work but it's also something that we don't know how it would actually work. They would lose a little water based on the calculation to enter the monitoring agreement (lose about 3 AF per year). This is still an option for them but I think we need to push it as 2 options to get the application approved: 1) you need to reduce acres down to reasonable OR 2) appeal the GMD decision and provide information showing the quantity is reasonable for the acreage.

I don't love the second option but they need to know that is totally fine to appeal and provide info. First hurdle is having an approved application, until then it's probably best to not speculate on changes that the GMD would have to agree to monitor, you never know with them.

Cam

From: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Sent: Tuesday, October 8, 2019 10:41 AM
To: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Cc: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>; Baum, Kristen [KDA] <Kristen.Baum@ks.gov>
Subject: RE: GMD 5 denial New App 50,266 (15 AF Hemp)

I will contact the applicant and see if he will sign off on the 10.7 acres. Then we can go from there depending on his answer.

If he agrees, do you think we will need to recreate the map? Or can we just edit it to say "10.7 of the 21 acres shown", instead of the "15 acres out of the 21 acres shown"?

Kris

From: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Sent: Tuesday, October 8, 2019 9:20 AM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>; Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Subject: RE: GMD 5 denial New App 50,266 (15 AF Hemp)

I have a thought.

Jeff is right, hemp this year and 2 years down the road corn or beans...that is problematic. This is going to come up again when Ted Carder by Sterling submits a 15AF app to cover like 60 acres (I assume we already have his application).

We have a chance to start consistent and remain consistent on how these hemp apps are approved, especially in GMD's. We could only approve these if they agree to the reasonable acreage for 15AF.

Then, once approved, we encourage the hemp grower to file a P/U change to increase acres over base and get monitored by the GMD. The GMD could even write up the contract to specifically say, as long as hemp is being grown GMD will monitor and allow the higher acres but the contract will be dropped and producer has to go back to reversion acres if a different crop is grown.

A bit problematic b/c we'd be doing this on a water right that isn't certified yet, but might be a workable solution...better than approving for unreasonable quantities! Have any of them provided any type of justification for less water per acre??? Surprised the KDA hemp research team doesn't get involved with that...

Cameron

From: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Sent: Monday, October 7, 2019 4:23 PM
To: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Cc: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Subject: RE: GMD 5 denial New App 50,266 (15 AF Hemp)

Yes. I think they would approve it if they reduced it to 10 acres. Of course right now this is for Hemp but next year they might use it for corn.

It is their attempt at a reasonable quantity for irrigation. Since Reno County is 1.4 af/a I would be OK with 10.7 acres. Orrin should be as well. I thought the map was his guideline?

I see Orrin didn't bother CC'ing the owner on his denial :/

Jeff

From: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Sent: Monday, October 7, 2019 4:08 PM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Cc: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Subject: GMD 5 denial New App 50,266 (15 AF Hemp)

Hey Jeff,

Got this denial back from Orrin last week for New App 50,266. Kristen thought I should check in with you on this one before I send a letter back to the applicant of the denial/option to appeal.

Maybe they would be willing to decrease their place of use to 10 acres (or less)? Let me know what you think.

Kris

From: Orrin Feril
Sent: Thu 10/31/2019 1:11 PM
To: Neuhauser, Kris [KDA]
Subject: Application for Water Right, File No. 50266
Attachments: 50266 2019-10-31 Rec.pdf

EXTERNAL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Kris,
I'm attaching the recommendation requested by your office in a letter dated October 31, 2019. Please let me know if you have any questions.

Thank you for your consideration in this matter,

Orrin

--

Orrin Feril

Manager

Big Bend GMD#5

Email: oferil@gmd5.org

Phone: (620) 234-5352

Mobile: (620) 388-0172

Fax: (620) 234-5718

www.gmd5.org

Facebook/Twitter: @BigBendGMD5

From: Always Sunny Hemp & Bee Farm LLC
Sent: Mon 10/28/2019 11:35 AM
To: Neuhauser, Kris [KDA]
Subject: Re: New Application 50,266 place of use reduction
Attachments: Watermap.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.

Let me know if you need anything else.

Thank you

PJ Sneed
CEO
Always Sunny Hemp & Bee Farm LLC



Virus-free. www.avg.com

On Thu, Oct 17, 2019 at 12:41 PM Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov> wrote:

Hi PJ,

I apologize I missed your call the other day, I was out of the office. Left you another message earlier this morning!

From your message, sounds like you are okay with reducing your place of use for New App, File No. 50,266 down from 15 to 10.7 acres. Our field office is okay with this acreage, and believes the Groundwater Management District would recommend approval as well after this decrease.

I've attached the map you provided with the app, showing 21 acres. When I talked to the field office, they were hoping to get a better idea of where the 10.7 acres would be located, to the best of your knowledge. If you wanted to even draw on this existing map and send it back to me via email that would work great.

If you could shoot an email back confirming you are okay with the place of use change, I'll go ahead and print it out and include that with your file. I can then make the edit directly to your application and sent it back to the GMD for a recommendation!

If you have any further questions feel free to call or email at any time.

Thanks!

Kris Neuhauser

Environmental Scientist

Kansas Department of Agriculture, Division of Water Resources

Address: 1320 Research Park Drive, Manhattan, KS 66502

Phone: (785)564-6643

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

From: Always Sunny Hemp & Bee Farm LLC
Sent: Sat 11/2/2019 5:10 PM
To: Neuhauser, Kris [KDA]
Subject: Re: 50,266 place of use
Attachments: image001.jpg

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.

Looks good.

On Fri, Nov 1, 2019, 9:46 AM Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov> wrote:

Good morning PJ,

I resent your application to the GMD, and they just got back to me with a recommendation for approval! So we're good to go there.

I created a new map to clean up the place of use to show 10.7 acres, I've attached it above. Wanted to run this by you to see if it looks good, or if I need to change the shape at all. Let me know what you think. The field office wants to get a pretty accurate map for future use.

Once we settle on a map I can send it to our Field Office for review and a final recommendation of approval.

Thanks!

Kris Neuhauser

Environmental Scientist

Kansas Department of Agriculture, Division of Water Resources

Address: 1320 Research Park Drive, Manhattan, KS 66502

Phone: (785)564-6643

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

From: Neuhauser, Kris [KDA]
Sent: Wednesday, October 30, 2019 4:54 PM
To: Always Sunny Hemp & Bee Farm LLC <alwaysunnyhemp@gmail.com>
Subject: RE: New Application 50,266 place of use reduction

Hey PJ,

Sorry for the delayed response, I was out of the office. I'll run this by the field office and if all looks well, will send it back to the GDM for a new recommendation.

Thank you!

Kris Neuhauser

Environmental Scientist

Kansas Department of Agriculture, Division of Water Resources

Address: 1320 Research Park Drive, Manhattan, KS 66502

Phone: (785)564-6643

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

From: Always Sunny Hemp & Bee Farm LLC <alwaysunnyhemp@gmail.com>
Sent: Monday, October 28, 2019 11:36 AM
To: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Subject: Re: New Application 50,266 place of use reduction

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.

Let me know if you need anything else.

Thank you

PJ Sneed

CEO

Always Sunny Hemp & Bee Farm LLC

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Virus-free. www.avg.com

On Thu, Oct 17, 2019 at 12:41 PM Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov> wrote:

Hi PJ,

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I've attached the map you provided with the app, showing 21 acres. When I talked to the field office, they were hoping to get a better idea of where the 10.7 acres would be located, to the best of your knowledge. If you wanted to even draw on this existing map and send it back to me via email that would work great.

If you could shoot an email back confirming you are okay with the place of use change, I'll go ahead and print it out and include that with your file. I can then make the edit directly to your application and sent it back to the GMD for a recommendation!

If you have any further questions feel free to call or email at any time.

Thanks!

Kris Neuhauser

Environmental Scientist

Kansas Department of Agriculture, Division of Water Resources

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Darrell Wood - Edwards (Pres.)
Fred Grunder - Pratt (V Pres.)
John Janssen - Kiowa (Treas.)
Jerry Cullop - Rice (Sec.)
Justin Gatz - Reno
Marlyn Spare - Stafford
Phil Martin - Barton
Kerry Froetschner - Pawnee
Tom Taylor - At-Large



Orrin Feril, Manager
125 South Main Street
Stafford, Kansas 67578
ph: (620) 234-5352
fx: (620) 234-5718
gmd5@gmd5.org
www.gmd5.org

October 31, 2019

Kris Neuhauser
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, KS 66502

RE: Application File No. 50,266

Dear Mr. Neuhauser,

Big Bend Groundwater Management District #5 has reviewed the above referenced application which proposes to divert up to 15 acre-feet for irrigation/industrial use on 10.7 acres in the SW¹/₄ of Section 33, Township 23S, Range 09W in Reno County, Kansas.

In further examination of the documents provided by the applicant, the District believes the application meets the requirements of K.A.R. 5-25-15(a). Based on this information, the application appears to be consistent with K.A.R. 5-25-20 (b) and is therefore recommended for approval.

The application is subject to the District's well equipment regulation K.A.R. 5-25-5 for a required flow meter.

Please feel free to give me a call if you have any questions.

Sincerely,

Orrin Feril
Manager

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. 50,266** of the applicant

ALWAYS SUNNY HEMP & BEE FARM LLC
27304 W MORGAN AVE
PLEVNA, KS 67568

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 **June 19, 2019**.
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 $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTAL
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
33	23S	9W																	10.7

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 Southwest Quarter of the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 33, more particularly described as being near a point 389 feet North and 4,843 feet West of the Southeast corner of said section, in Township 23 South, Range 9 West, Reno County, Kansas, located substantially as shown on the aerial map accompanying the application.

4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **99 gallons per minute** (0.22 c.f.s.) and to a quantity not to exceed **15 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, which is currently \$400.00, when construction of the diversion 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 accompanied by the required statutory fee, which is currently \$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, which is currently \$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 to 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.

Ordered this *29* day of *October*, 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 *29* day of *October*, 2020, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Ashlee Freeman
Notary Public

1320 Research Park Drive
Manhattan, KS 66502
785-564-6700
www. agriculture.ks.gov



900 SW Jackson, Room 456
Topeka, KS 66612
785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

ALWAYS SUNNY HEMP & BEE FARM LLC
27304 W MORGAN AVE
PLEVNA, KS 67568

November 9, 2020

RE: Appropriation of Water, File No. 50,266

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.

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 Stafford Field Office at 620-234-5311. 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: kjn
Enclosure(s)

pc: Stafford Field Office
Big Bend GMD No. 5

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:

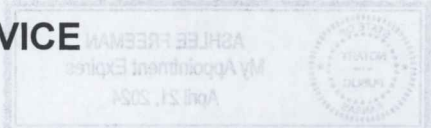
- 1) request an evidentiary hearing before the Chief Engineer, or
- 2) request administrative review by the Secretary of Agriculture.

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

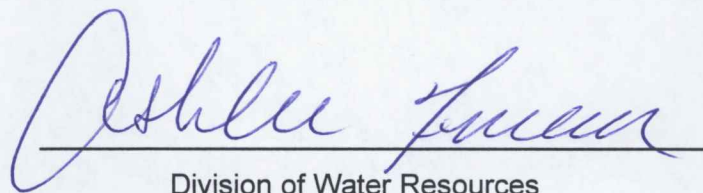


On this 9 day of November, 2020, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,266, dated 29 October 2020 was mailed postage prepaid, first class, US mail to the following:

ALWAYS SUNNY HEMP & BEE FARM LLC
27304 W MORGAN AVE
PLEVNA, KS 67568

With photocopies to:

Stafford Field Office
Big Bend GMD No. 5



Division of Water Resources