

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

1. File Number: <p style="text-align: center; font-size: 1.2em;">50,272</p>	2. Status Change Date: <p style="text-align: center; color: purple;">1/29/2021</p>	3. Field Office: <p style="text-align: center; font-size: 1.2em;">02</p>	4. GMD: <p style="text-align: center; font-size: 1.2em;">02</p>
---	---	--	---

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) Person ID **66814**
New to system Add Seq# _____

EDWARD A & CORLISS A MIES REV TRUST
256613 S CENTENNIAL ROAD
PRETTY PRAIRIE KS 67570

7b. Landowner(s) Person ID _____
New to system Add Seq# _____

7a

7c. Landowner(s) Person ID _____
New to system Add Seq# _____

7d. Misc. Person ID _____
New to system Add Seq# _____

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

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: ~~12/31/2021~~ **22** 11. Perfection Date: **12/31/2026** 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: **12/31/2021** Date WLMD Installed: _____

Date Prepared: **11/5/20** By: **JNE**
Date Entered: 2/2/2021 By: LMoody

File No. **50,272** 15. Formation Code: ~~140~~ **100** Drainage Basin: **N F NINNESCAH** County: **RN** Special Use: Stream:

16. Points of Diversion											
MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	
MOD			87633	NW LOT 4	6	26S	8W	3	6392 6494	4544	GEOC
MOD			87634	NW LOT 4	6	26S	8W	4	6500	4669	1 OF 4
MOD			87635	NW LOT 4	6	26S	8W	5	6284	4669	2 OF 4
MOD			87636	NW LOT 4	6	26S	8W	6	6500	4419	3 OF 4
MOD			87637	NW LOT 4	6	26S	8W	7	6692	4419	4 OF 4

17. Rate and Quantity				
Authorized		Additional		Overlap PD Files
Rate gpm/cfs	Quantity af/mgy	Rate gpm/cfs	Quantity af/mgy	
800	224	0 800	0 224	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? Yes No To be installed by 12/31/2021 ²⁰²² Date Acceptable Meter Installed _____

21. Place of Use										Total	Owner	Chg? NO	Overlap Files															
MOD	DEL	ENT	PUSE	S	T	R	ID	NE 1/4						LOT 4				SW 1/4				SE 1/4						
								NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4					
CHK			69564	6	26S	8W	3					91.55		73.41											164.96	7A	no	NONE
												Lot 3		Lot 4														

Comments: 1/19/2021
KAB

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

MEMORANDUM

TO: File

DATE: October 12, 2020

FROM: Jessica Engelbrecht

RE: Application, File No. 50,272

Edward A Mies and Corliss A Mies Revocable Trust has filed the referenced application to appropriate groundwater for irrigation use, requesting a battery of four (4) wells, a quantity of 224 acre-feet, and a diversion rate of 800 gallons per minute. The proposed well is to be located in the Northwest of Lot 4 (~~NW 5~~) of Section 6, more particularly described as being near a point **6,494** feet North and 4,544 feet West of the Southeast corner of said Section, in Township 26 South, Range 8 West, Reno County, within the North Fork Ninnescah drainage basin. The proposed point of diversion is located within the boundaries of Equus Beds Groundwater Management District No. 2. There are no other water rights overlapping the proposed point of diversion or place of use. The proposed place of use is owned by the ~~Meschberger Trust.~~ **Mies Revocable Trust**

There are no domestic wells within a half-mile of the proposed well and no non-domestic wells. According to the WRIS database, the nearest non-domestic point of diversion (Water Right, File No. 37,164) is located 4,462 feet away. Based on the site map the nearest domestic well is approximately 2,700 feet away (from geo-center to driveway). The proposed point of diversion meets minimum well spacing to all existing wells. Per the requirements in K.A.R. 5-25-2(a) for wells located within Equus Beds Groundwater Management District No. 2, the minimum well spacing should be 1,320 feet to all other non-domestic wells and 660 feet to domestic wells.

A driller's test log shows top soil from 0 to 3, clay from 3 to 12 feet, and gravel from 12 to 61 feet. Static water level was listed at 20 feet which provides a saturated thickness of 41 feet.

The requested quantity of water, 224 acre-feet, is to irrigate the proposed 164.96 acres identified in the application. This comes out to 1.36 acre-feet per acre which is the slightly below the maximum allowable of 1.4 acre-feet per acre for Reno County, Kansas.

A copy of the application was submitted to Equus Bends Groundwater Management District No. 2 on May 1, 2020. GMD #2 recommended approval of the application in a letter, received via email, on October 9, 2020. In the letter they said the application complies with K.A.R. 5-22-1 through 5-22-17 and recommended approval of the application.

The proposed application is subject to minimum desirable streamflow requirements. The applicant signed, notarized, and returned the required form to our office on July 23, 2019.

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. A water level measurement tube is required because this is a proposed new well exceeding 100 gpm.

Jeff Lanterman, Water Commissioner, Stafford Field Office, recommended approval of the referenced application on October 30, 2020. Based on the above discussion, well spacing and safe yield criteria are met, and approval of the application will not impair senior water rights nor prejudicially or unreasonably affect the public interest, it is recommended that the referenced application be approved.

JEFF WINTER, PRESIDENT
VIN KISSICK, VICE PRESIDENT
DAVID BOGNER, SECRETARY
MIKE MCGINN, TREASURER
TIM BOESE, MANAGER
THOMAS A. ADRIAN, ATTORNEY



DIRECTORS:
JOE BERGKAMP
ALAN BURGHART
DALE SCHMIDT
BOB SEILER
DAVID STROBERG

EQUUS BEDS GROUNDWATER MANAGEMENT DISTRICT NO. 2

313 SPRUCE STREET • HALSTEAD, KANSAS 67056-1925 • PHONE (316) 835-2224 • FAX (316) 835-2225 • equusbeds@gmd2.org • www.gmd2.org

October 9, 2020

Chief Engineer, Division of Water Resources
Attn: Jessica Engelbrecht
300 S. Main Street
Stafford, KS 67578

Re: Appropriation Application No. 50272 – Edward A. & Corliss A. Mies Rev. Trust

Dear Ms. Engelbrecht:

The Equus Beds Groundwater Management District No. 2 reviewed the referenced new application on October 9, 2020, using the District's Revised Management Program (effective May 1, 1995), and Rules and Regulations K.A.R. 5-22-1 through 5-22-17.

The new application complies with the Revised Aquifer Management program approved by the Chief Engineer and with the District's Rules and Regulations K.A.R. 5-22-1 through 5-22-17. Therefore, the new application is recommended for approval by the Equus Beds Groundwater Management District No. 2.

A District decision may be appealed to the District Board of Directors by submitting a written petition to the District office within 30 days from date of this notification, pursuant to K.A.R. 5-22-12.

Sincerely,
EQUUS BEDS GROUNDWATER
MANAGEMENT DISTRICT NO. 2

Tim Boese
Manager
TDB/db



Enclosures

pc: Edward A. & Corliss A. Mies Rev. Trust, Applicant and Landowner

EQUUS BEDS GROUNDWATER MANAGEMENT DISTRICT NO. 2 FINAL APPLICATION REVIEW CHECKLIST

1) Application No. 50272 Date filed: 7/23/19
 2) Applicant: Edward A. and Corliss A. Mies Rev. Trust County: Reno
 3) Proposed maximum quantity: 224 acre-feet/year Rate: 800 GPM
 4) Proposed Use: Irrigation
 5) P/D location: NW Lot 4 6-26S-8W Geo Center: North 6494 ft, West 4544 ft
 6) Number and type of points of diversion listed on the application 4 well battery

7) Meter required K.A.R. 5-22-4a or K.A.R. 5-22-8? Yes No, Why _____

8) Meets Safe Yield K.A.R. 5-22-7? Yes No N/A

(a) Total allowable appropriations: 310.67 af/yr
 (b) Total existing appropriations: 224 af/yr
 (c) Total small user exemptions: 0.00 af/yr
 (d) Total non-consumptive use: 0.00 af/yr
 (e) Total consumptive use: 224.00 af/yr
 (Total existing appropriations) – (Total non-consumptive use)
 (f) exempt from regulation? Yes No,
 Cite exemption: _____

9) Meets Well Spacing K.A.R. 5-22-2? Yes No N/A

(a) POD in enhanced well spacing area? Yes No
 (b) Domestic well spacing interval: >960 ft
 (c) Non-Domestic well spacing interval: >1620; >2940 ft

10) Meets Max Reasonable Quantity K.A.R. 5-22-14? Yes No N/A

(a) Irrigation max quantity: 1.36 acre-feet / acre
 application paragraph 3 value (acre-feet) / proposed acres = Q
 (b) Stockwater max quantity: _____ GPD _____ unit
 (c) Industry max quantity: _____ Acre
 Industry standard: _____
 (d) Municipal max quantity: _____ GCD
 Lesser of either 200 GCD or
 $1.10 * (X - Y) * 365 d * (z + t)$
 X - Average of last three years usage in Gallons per Capita per Day (GCD)
 Y - water usage for industries that use over 200,000 gal/yr (GCD)
 Z - Projected population in 20 years
 T - Reasonable projected water use for industries that use over 200,000 gallons per year (GCD)
 (e) Pond max quantity is _____
 (Net evap + seepage)/12 x pond area + any initial fill
 (f) Groundwater pit max Q: _____
 Net evap * pit area/12

11) Reasonable rate for intended use? Yes No N/A
 12) Depth to water: 9.85 ft bls at observation well: GMD5 - WQ34A

13) Date reviewed: October 9, 2020
 14) Reviewed by: T. Boese Title: Manager
 15) District recommendation: Approve Deny Other, see comment

16) Comments and Calculations:

Review completed for a new application submitted by Edward A. & Corliss A. Mies Rev. Trust for irrigation use in Reno County. Nearby water-level data indicates groundwater levels in the area are stable. GMD5 Monitoring well WQ34A located about 0.5 mile west shows water quality is acceptable. See attached water quality laboratory reports from GMD5.

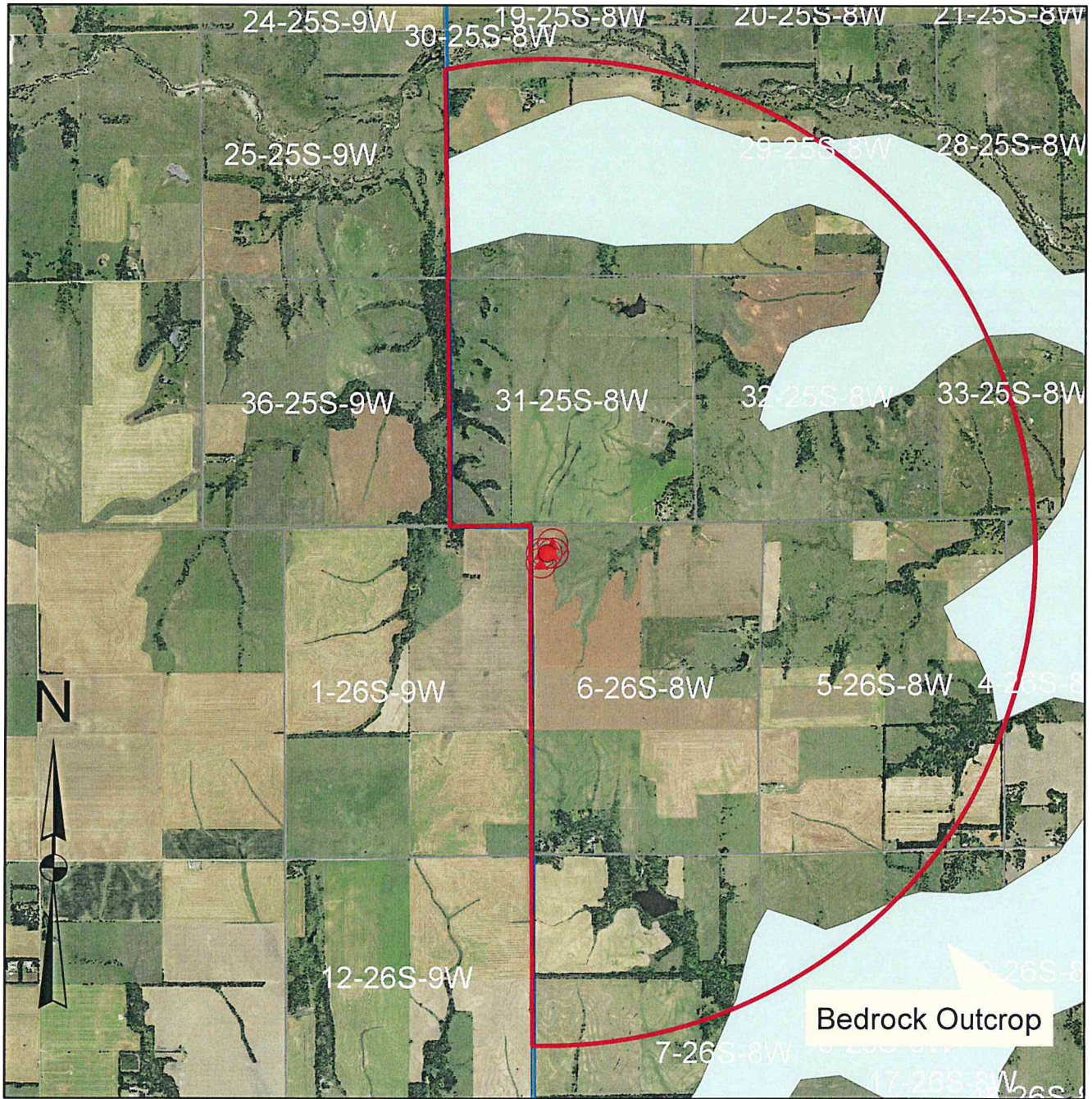
Item 8: Application is located in expansion area of District boundaries approved in 2017. DWR uses approximately 2" recharge rate, with 50% available for appropriation. Therefore, used 1" recharge rate for expansion area for safe yield calculation. Meets safe yield using 1" recharge rate. There are no existing water permits in the area of consideration.













Item 9: Meets minimum well spacing. Although not in the Enhanced well spacing area yet, it is adjacent. Meets the enhanced well spacing area requirements also.

Item 10: $224 \text{ AF} / 164.96 \text{ acres} = 1.36 \text{ AF/A}$

Proposed battery of 4 wells. All 4 wells are within 300' of geo-center. Well log submitted with app from oilfield water supply well drilled in 1991 and indicates "Gravel" from 12 - 61 feet. Other logs in the area indicate a thinner saturated thickness and bedrock shallower. Proposed battery may not yield sufficient rate for center pivot. Recommend Approval. Complies with K.A.R. 5-22-1 through 5-22-17

Equus Beds Groundwater Management District No. 2
 Safe Yield Eval #50272 - Edward A. & Corliss A. Mies Rev. Tr
 NWNWNW (LOT 4) (6494'N & 4544'W) 06-26S-08W, RN Co.
 Prepared By: T. Boese Date:10/8/2020



	Proposed Point of Diversion	Map Legend	
	Area of Consideration Boundary		Major Highway
	Monitoring Wells		Other Roadway
	Points of Diversion		Major Stream
	District Boundary		Other Water Feature
0.45 0.225 0 0.45 Miles			County Boundary
			City Boundary

SAFEYIELD EVALUATION - NO. 50272 - EDWARD A & CORLISS A. MIES REV. TRUST

LOCATION: NWNWNW (LOT 4) (6494'N & 4544'W) 06-26S-08W, Reno County

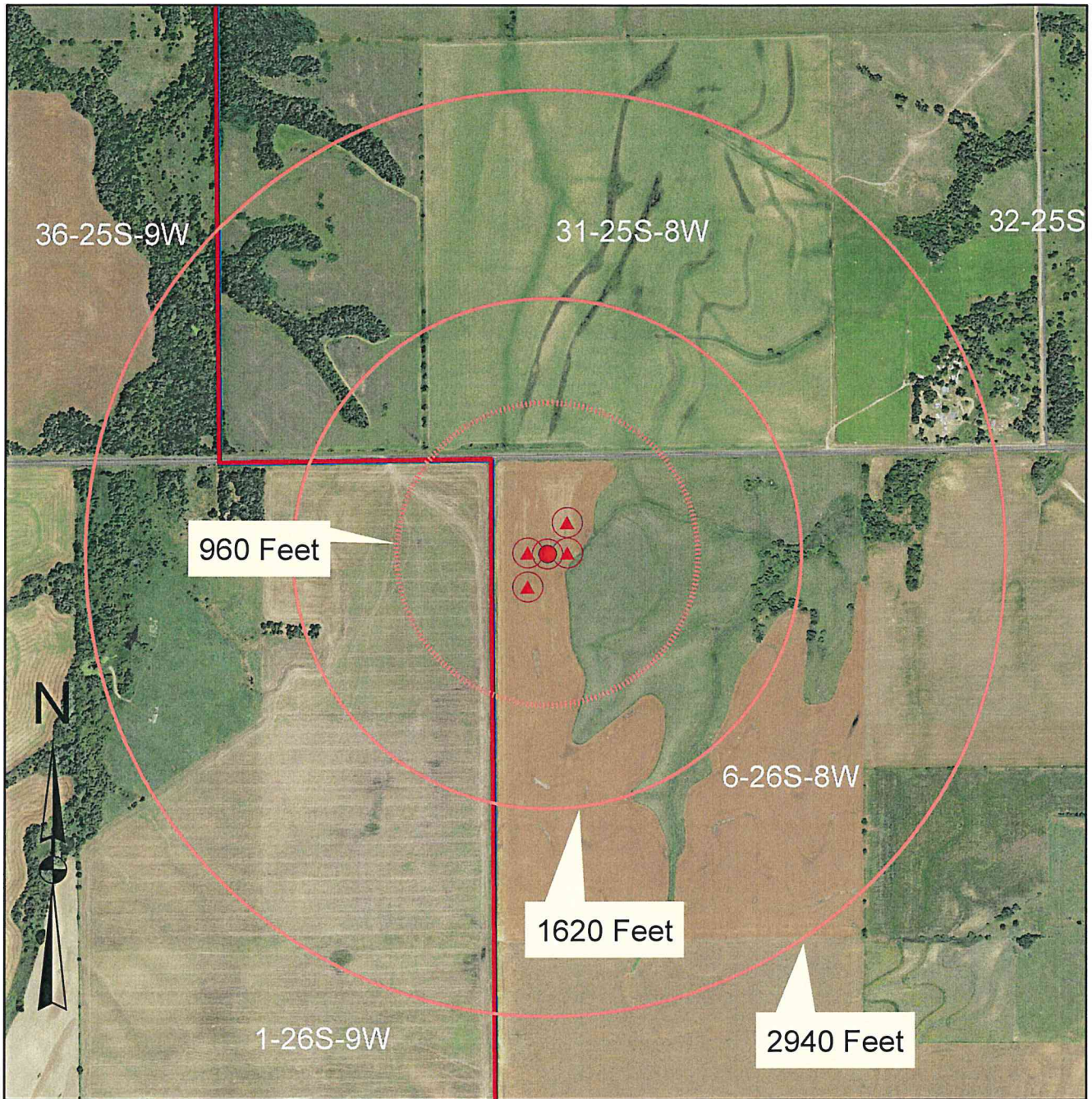
SPECIAL USE AREA: None












EVALUATION DATE:- 10/8/2020

Total Areas: 3,728 acres; Area in 1 inch discharge zone: 3,728 acres


FILE_ID	WELL_ID	TOWNSHIP	RANGE	SECTION	QUALIFIER	USE	AUTHQUANTITY
A05027200P	5287	26S	08W	6	64944544	IRR	224
A05027200P	5288	26S	08W	6	65004669	IRR	0
A05027200P	5289	26S	08W	6	62844669	IRR	0
A05027200P	5290	26S	08W	6	65004419	IRR	0
A05027200P	5291	26S	08W	6	66924419	IRR	0
Allowable Appropriations		310.67		Total Existing Appropriation			224
Small User Quantity		0		Non Consumptive Appropriations			0
Remaining SUQ		45		Consumptive Appropriations			224
Note- Values are in acre-feet				Available Appropriations			86.67


Equus Beds Groundwater Management District No. 2
 Spacing Eval #50272 - Edward A. & Corliss A. Mies Rev. Tr.
 NWNWNW (LOT 4) (6494'N & 4544'W) 06-26S-08W, RN Co.
 Prepared By: T. Boese Date:10/8/2020



	Proposed Point of Diversion	Map Legend
	Area of Consideration Boundary	 Major Highway
	Monitoring Wells	 Other Roadway
	Points of Diversion	 Major Stream
	District Boundary	 Other Water Feature
		 County Boundary
		 City Boundary

0.1 0.05 0 0.1 Miles





Equus Beds Groundwater Management District No. 2
 313 Spruce Street, Halstead, KS 67056
 316-835-2224, equusbeds@gmd2.org



1000 Corey Road
 P.O. Box 886
 Hutchinson, KS 67504-0886
 620-665-5661
 FAX: 620-665-0559
 TOLL FREE: 877-464-0623
 www.sdklabs.com

Sample # 5314.13
 Sample: Water
 Other ID: Sampled by JH WQS-34 Grab

Date Received: 12/18/2013 13:25:00
 Date/Time Sampled: 12/18/2013 10:40:00
 Date Reported: 12/23/2013
 Total Fee: \$35.00

Big Bend GMD#5
 125 South Main Street
 Stafford, Ks 67578

ANALYSIS

Result	Units	Date/Time Analyzed	Analyst
++pH - SM 4500-H+ B	7.77	s.u.	12/18/2013 15:14 SE
++Chloride - SM 4500-Cl B	5.00	mg/L	12/19/2013 08:30 SE
++Total Hardness - SM 2340B	160	mg/L	
++Nitrate-Nitrogen - SM 4500-NO3 D	16.20	mg/L	12/18/2013 14:00 SE
++Calcium - SM 3111B	55.00	mg/L	12/20/2013 08:30 KLW
++Magnesium - SM 3111B	5.44	mg/L	12/20/2013 08:30 KLW
++Sodium - SM 3111B	12.30	mg/L	12/20/2013 08:30 KLW
++Sulfate - SM 4500 SO4 E	15.00	mg/L	12/20/2013 10:00 SE
% Sodium	16.90	%	
SAR-Sodium Absorption Ratio	0.423	s.u.	
++Electrical Conductivity - SM 2510B	388	umhos/cm	12/19/2013 12:30 SE
TDS-Total Dissolved Solids - Calculated	275	mg/L	
Irrigation Quality Rating	AS FOLLOWS		
Light Soil -Salinity Hazard	Low		
Light Soil -Sodium Hazard	Low		
Medium Soil -Salinity Hazard	Low		
Medium Soil -Sodium Hazard	Low		
Heavy Soil -Salinity Hazard	Low		
Heavy Soil -Sodium Hazard	Low		
General Comment:	Excellent to Good		

**Sample receipt temperature = 11.5 degrees C
 **Sample beyond hold time for pH.

* Denotes analysis was subcontracted to another laboratory for state compliance - see attached.

Methods of analysis per EPA-600 or EPA SW-846, 3rd Ed., 1986 or Standard Methods for the Examination of Water and Wastewater, 18th Edition, 1992.

++Denotes NELAP/KOHE Accredited Method. Lab Certificate #E-10152. Results meet all requirements of NELAC unless noted.

Approved By:

M. Hogan
 Quality Assurance Officer

Matt Hogan

Genes





1000 Corey Road
 P.O. Box 886
 Hutchinson, KS 67504-0886
 620-665-5661
 FAX: 620-665-0559
 TOLL FREE: 877-464-0623
 www.sdklabs.com

Sample # 1025.14
 Sample: Water
 Other ID: WQS #34

Date Received: 3/11/2014 13:05:00
 Date/Time Sampled: 3/11/2014 11:25:00
 Date Reported: 03/18/2014
 Total Fee: \$35.00

Big Bend GMD#5
 125 South Main Street
 Stafford, Ks 67578

ANALYSIS

	Result	Units	Date/Time Analyzed	Analyst
++pH - SM 4500-H+ B	7.86	s.u.	3/12/2014 10:46	SE
++Chloride - SM 4500-Cl B	2.50	mg/L	3/11/2014 14:10	SE
++Total Hardness - SM 2340B	163	mg/L		
++Nitrate-Nitrogen - SM 4500-NO3 D	14.80	mg/L	3/11/2014 15:40	SE
++Calcium - SM 3111B	56.80	mg/L	3/13/2014 08:50	KLW
++Magnesium - SM 3111B	5.23	mg/L	3/13/2014 08:50	KLW
++Sodium - SM 3111B	12.10	mg/L	3/13/2014 08:50	KLW
++Sulfate - SM 4500 SO4 E	13.00	mg/L	3/12/2014 09:10	SE
% Sodium	16.30	%		
SAR-Sodium Absorption Ratio	0.411	s.u.		
++Electrical Conductivity - SM 2510B	380	umhos/cm	3/11/2014 16:30	SE
TDS-Total Dissolved Solids - Calculated	270	mg/L		
Irrigation Quality Rating	AS FOLLOWS			
Light Soil -Salinity Hazard	Low			
Light Soil - Sodium Hazard	Low			
Medium Soil -Salinity Hazard	Low			
Medium Soil -Sodium Hazard	Low			
Heavy Soil -Salinity Hazard	Low			
Heavy Soil -Sodium Hazard	Low			
General Comment:	Excellent to Good			

**Sample receipt temperature = 7.3 degrees C
 **Sample beyond hold time for pH
 * Denotes analysis was subcontracted to another laboratory for state compliance - see attached.
 Methods of analysis per EPA-600 or EPA SW-846, 3rd Ed., 1986 or Standard Methods for the Examination of Water and Wastewater, 18th Edition, 1992.
 ++Denotes NELAP/KDHE Accredited Method. Lab Certificate #E-10152. Results meet all requirements of NELAC unless noted.

Approved By:

Matt Hogan
 Quality Assurance Officer

Copies



THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
Earl D. Lewis Jr., Chief Engineer

APPROVAL OF APPLICATION and PERMIT TO PROCEED

(This Is Not a Certificate of Appropriation)

This is to certify that I have examined Application, **File No. 50,272** of the applicant

**EDWARD A AND CORLISS A MIES REVOCABLE TRUST
26613 S CENTENNIAL ROAD
PRETTY PRAIRIE KS 67570**

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 **July 23, 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	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
6	26S	8W					91.55			73.41									164.96
							Lot 3			Lot 4									

3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of a battery of four (4) wells. The proposed point of diversion for 50,272 is the geo-center of the well battery, which will be located in Lot 4 of Section 6, more particularly described as being near a point 6,494 feet North and 4,544 feet West of the Southeast corner of said section, in Township 26 South, Range 8 West, Reno County, located substantially as shown on the topographic map accompanying the application.

4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **800 gallons per minute (1.78 c.f.s.)** and to a quantity not to exceed **224 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, 2022** 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, 2026** or any authorized extension thereof. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$100.00.
7. That the applicant shall not be deemed to have acquired a water appropriation for a quantity in excess of the amount approved herein nor in excess of the amount found by the Chief Engineer to have been actually used for the approved purpose during one calendar year subsequent to approval of the application and within the time specified for perfection or any authorized extension thereof.
8. That the use of water herein authorized shall not be made so as to impair any use under existing water rights nor prejudicially and unreasonably affect the public interest.
9. That the right of the appropriator shall relate to a specific quantity of water and such right must allow for a reasonable raising or lowering of the static water level and for the reasonable increase or decrease of the streamflow at the appropriator's point of diversion.
10. That this permit does not constitute authority under K.S.A. 82a-301 through 305a to construct any dam or other obstruction; nor does it grant any right-of-way, or authorize entry upon or injury to, public or private property.
11. That all diversion works constructed under the authority of this permit into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic quick-closing, check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.
12. That an acceptable water flow meter shall be installed and maintained on the diversion works authorized by this permit in accordance with Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. This water flow meter shall be used to provide an accurate quantity of water diverted as required for the annual water use report (including the meter reading at the beginning and end of the report year).
13. That 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.
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.

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.

Ordered this 29 day of January, 2021, in Manhattan, Riley County, Kansas.

Lane P. Letourneau

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

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 29 day of January, 2021, by Lane P. Letourneau, L.G., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Ashlee Freeman

Notary Public

Stafford Field Office
300 S. Main Street
Stafford, KS 67578-1521



Phone: 620-234-5311
Fax: 620-234-6900
www.agriculture.ks.gov

Mike Beam, Secretary

Laura Kelly, Governor

EDWARD A & CORLISS A MIES REV TRUST
256613 S CENTENNIAL ROAD
PTTY RAIRIE KS 67570

February 2, 2021

RE: Application, File No. 50,272

Dear Applicant:

Enclosed is a permit authorizing you to proceed with construction of the proposed diversion works and to appropriate water for beneficial use as set forth in the permit. Your attention is directed to the enclosures and to the terms, conditions, limitations, and requirements specified in this permit.

Notice must be filed on the enclosed form once the diversion works have been completed. Failure to complete the diversion works within the time allowed, or within any authorized extension of time thereof, will result in dismissal of this permit. If you need an extension of time, you must request it before the deadline for completion set forth in the permit. Any request for an extension of time must be accompanied by the statutorily required fee, which is currently \$100.00.

An annual water use report must be filed with the Chief Engineer by March 1, following the end of each calendar year. If a complete annual water use report is not received by the deadline, then a fine may be assessed and all water use under such permit or right may be suspended. Reports submitted in paper form will be assessed a \$20 per file number paper filing fee. In order to avoid this filing fee, you may submit your report online at www.kswaterusereport.org.

The approval of your application constitutes a permit to appropriate water. It does not give authority to construct any dam or other stream obstruction regulated by K.S.A. 82a-301 through 305a. It does not give authority to access any right-of-way or authorize trespassing upon or injury to public or private property. It may also be necessary for you to comply with other local, state or federal requirements.

Enclosed is an informational sheet that sets forth the procedure to obtain a Certificate of Appropriation which will establish the extent of your perfected water right. Additional information and applicable forms may be found on our website at agriculture.ks.gov/divisions-programs/dwr. If you have any questions or need assistance with any of these requirements, please contact our office at 785-564-6640 or your local 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 cursive script that reads "Kristen A. Baum".

Kristen A. Baum
New Applications and Changes Supervisor
Water Appropriation Program

Enclosures

pc: Stafford Field Office
GMD#2

CERTIFICATE OF SERVICE

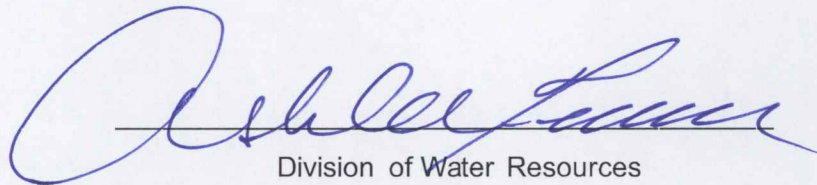
On this 2 day of February, 2021, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,272, dated 29 January 2021 was mailed postage prepaid, first class, US mail to the following:

EDWARD A. & CORLISS A. MIES REV TRUST
26613 S CENTENNIAL ROAD
PRETTY PRAIRIE KS 67570

With photocopies to:

Stafford Field Office

GMD 2



Ashlee Lauer
Division of Water Resources