

File No. ~~50,405~~ **50406** 15. Formation Code: **100** Drainage Basin: **Arkansas River** County: **SG** Special Use: Stream:

16. Points of Diversion

| MOD | DEL | ENT | PDIV | Qualifier | S | T | R | ID | 'N | 'W |
|------------|-------------|-----------|-----------|-----------|-----------|------------|-----------|----------|-------------|-------------|
| MOD | 6783 | SE | NW | NE | 18 | 26S | 1W | 7 | 4573 | 4192 |
| | | | | NW | | | | | | |

17. Rate and Quantity

| Authorized | | Additional | | |
|-----------------|-------------|------------|-------------|------------------|
| Rate gpm | Quantity af | Rate gpm | Quantity af | Overlap PD Files |
| Nat Evap | 7.78 | | | |
| NE | 7.78 | NE | 7.78 | 41572 |

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 _____ Date Acceptable Meter Installed _____

21. Place of Use

| MOD | DEL | ENT | PUSE | S | T | R | ID | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | Total | Owner | Chg? NO | 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 | | | | | | |
| MOD | 4772 | 18 | 26S | 1W | 6 | Groundwater Pit in NE1/4 of NW1/4 of the NE1/4 of Section 18 | | | | | | | | | | | | | | | | | | | | | 7b. 7c | NO | 41572 |
| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

4.67 ac GW pit (NE NW NW)

Comments: **41572 is to be dismissed upon approval of this new app**

12/9/2020
KAB

12/21/2020
KJN

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: October 8, 2020

FROM: Jessica Engelbrecht

RE: Application, File No. 50,406

Kevin Rempe has filed the referenced application to appropriate groundwater for recreational use. The applicant is requesting a quantity of 7.78 acre-feet of water to cover natural evaporative loss from the surface of the groundwater pit with an exposed surface area size of 4.67 acres. The geographic center of the groundwater pit is located in the Southeast Quarter of the Northwest Quarter of the Northwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 18, more particularly described as being near a point 4,573 feet North and 4,192 feet West of the Southeast corner of said section, in Township 26 South, Range 1 West, Sedgwick County, within the Arkansas River drainage basin.

The point of diversion and place of use overlap with Water Right, File No. 41,572, which is authorized 7 acre-feet at a rate of natural evaporation from a 3-acre groundwater pit. The applicant has filed the new application for additional quantity. The applicant will be using dirt from the groundwater pit to construct a new residence, expanding the groundwater pit to 4.67 acres. Upon approval of 50,406, File No. 41,572 will be dismissed.

The quantity of water requested for the application (7.78 acre-feet) was based on a groundwater pit not to exceed 4.67 in size, as follows: 4.67 acres x 20 inches of evaporation / 12"/foot = 7.78 acre-feet.

The applicant identified 28 domestic wells within one-half mile of the proposed groundwater pit and 1 non-domestic wells/groundwater pits, which WRIS confirmed. Nearby notification letters were sent out on July 1, 2020. No response of any kind was received. According to the WRIS database, the nearest non-domestic point of diversion (File No. 45,397) is located 1,460 feet away. The nearest domestic well would be over 900 feet away (Geo-Center to KGS well location). The proposed point of diversion meets minimum well spacing to all existing wells. Per the requirements in K.A.R. 5-4-4 for all other aquifers, the minimum well spacing should be one-quarter mile to all other non-domestic wells and 660 feet to domestic wells. The proposed point of diversion meets minimum well spacing to all existing wells. Per the requirements in K.A.R. 5-4-4 for all other aquifers, the minimum well spacing should be one 1,320 feet to all other non-domestic wells and 660 feet to domestic wells.

A copy of the application was submitted to Equus Beds Groundwater Management District No. 2 on July 20, 2020. GMD#2 recommended approval of the application in a letter received on October 7, 2020. In the letter GMD#2 said the application complies with all the district's rules and Regulations, 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 June 25, 2020.

Jeff Lanterman, Water Commissioner, Stafford Field Office, recommended approval of the referenced application on October 8, 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.

Jessica Engelbrecht
Environmental Scientist
Water Appropriations Unit

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



DIRECTORS:
ALAN BURGHART
JOE BERGKAMP
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 7, 2020

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

Re: Appropriation Application No. 50406 – Kevin Rempe

Dear Ms. Engelbrecht:

The Equus Beds Groundwater Management District No. 2 reviewed the referenced application on October 7, 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 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. Based upon the review, the District recommends the application for approval, subject to the following conditions:

1. Water Right No. 41572 is dismissed;
2. A permit condition be added requiring the area around the groundwater pit be bermed or graded, and maintained, to prohibit any surface drainage or storm water runoff from entering the aquifer through the excavated pit; and
3. A sign is permanently posted at the excavation, identifying the excavation as a groundwater pit and stating that dumping or discharges into the pit are prohibited to prevent contamination of the Equus Beds aquifer. The sign must be a minimum of three feet in length by two feet in width, easily visible and of durable construction.

Please contact the District should you have any questions regarding the review or recommendation.

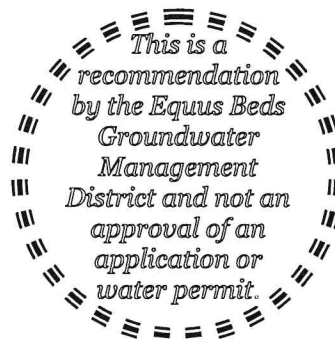
A District decision may be appealed to the District Board of Directors by submitting a written petition to the District office within 30 days from date of this notification, pursuant to K.A.R. 5-22-12.

Sincerely,
EQUUS BEDS GROUNDWATER
MANAGEMENT DISTRICT NO. 2


Tim Boese
Manager
TDB/db

Enclosures

pc: Kevin Rempe, Applicant
West Land Holdings, LLC, Landowner



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

1) Application No. 50406 Date filed: 6/25/20
 2) Applicant: Kevin Rempe County: Sedgwick
 3) Proposed maximum quantity: 7.78 acre-feet/year Rate: Nat. Evap. GPM
 4) Proposed Use: Recreational
 5) P/D location: SE NW NW 18-26S-1W Geo Center: North 4573 ft, West 4192 ft
 6) Number and type of points of diversion listed on the application 1 Groundwater Pit

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

8) Meets Safe Yield K.A.R. 5-22-7? Yes No N/A
 (a) Total allowable appropriations: 4021.00 af/yr
 (b) Total existing appropriations: 21072.75 af/yr
 (c) Total small user exemptions: 0.00 af/yr
 (d) Total non-consumptive use: 17385.87 af/yr
 (e) Total consumptive use: 3686.88 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: >1320 ft
 (c) Non-Domestic well spacing interval: >330 ft

10) Meets Max Reasonable Quantity K.A.R. 5-22-14? Yes No N/A
 (a) Irrigation max quantity: _____ 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: 7.78
 Net evap * pit area/12

11) Reasonable rate for intended use? Yes No N/A
 12) Depth to water: 2.33 bls at observation well: EB246A

13) Date reviewed: October 7, 2020
 14) Reviewed by: T. Boese Title: Manager
 15) District recommendation: Approve Deny Other, see comment

16) Comments and Calculations:

Review completed for an application submitted by Kevin Rempe to obtain water for recreational use in Sedgwick county.

Item #10(f) - (4.67 Acres X 20 inches net Evap) / (12 in/ft) = 7.78 AF

Item #9 - No. 41572 authorizes an existing 3 acre groundwater pit. App. No. 50406 proposes to expand the existing gw pit to the southeast for a total size of 4.67 acres. The north & west edges of the existing pit authorized by No. 41572 are located less than 1,320 feet to the irrigation well authorized by No. 45397. No. 45397 received a well spacing waiver by the GMD2 Board in 2003 and is located less than 1,320 ft to No. 41572 pit edge. The area of the pit to be expanded meets 1,320 feet spacing to non-domestic PDs and 330 feet spacing to domestic wells. Due to the small size of the proposed pit, the spacing evaluation was done from the geo-center using 1,320 ft for non-domestic and 660 ft for domestic, rather than using the edge of the groundwater pit. The existing pit will not be expanded closer to No. 45397 well and No. 41572 will be dismissed if No. 50406 is approved. Therefore, the application complies with the well spacing regulation.

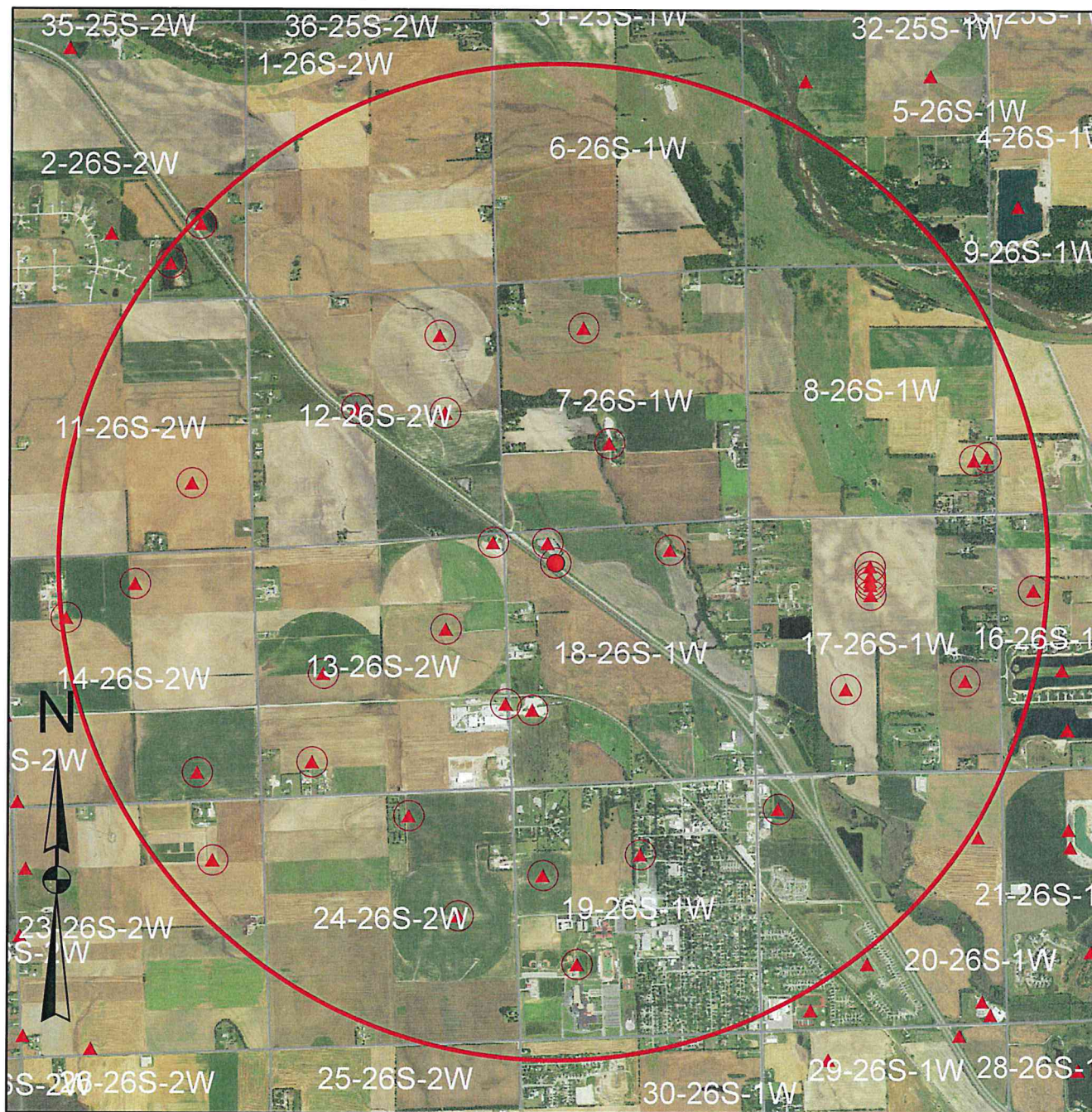
The proposed legal description appears to be in error. According to the footage measurements of the proposed groundwater pit geo-center, it should be SE-NW-NW. Recommend approval, complies with K.A.R. 5-22-1 through 5-22-17, subject to dismissal of No. 41572, installation of a sign, and surface drainage being prohibited from entering the pit

Equus Beds Groundwater Management District No. 2

Safe Yield Evaluation #50406 - Kevin Rempe

SENWNW (4573'N & 4192'W) 18-26S-01W, Sedgwick County

Prepared By: T. Boese Date: 10/6/2020



| | |
|--|--|
| <ul style="list-style-type: none"> ● Proposed Point of Diversion — Area of Consideration Boundary ● Monitoring Wells ▲ Points of Diversion District Boundary | <p style="text-align: center;">Map Legend</p> <ul style="list-style-type: none"> Major Highway Other Roadway Major Stream Other Water Feature County Boundary City Boundary |
| <p>0.45 0.225 0 0.45 Miles</p> | <p>Equus Beds Groundwater Management District No. 2 313 Spruce Street, Halstead, KS 67056 316-835-2224, equusbeds@gmd2.org</p> |

SAFETYFIELD EVALUATION - NO. 50406 - KEVIN REMPE
LOCATION: SENWNW (4573'N & 4192'W) 18-26S-01W, Sedgwick County
SPECIAL USE AREA: None
EVALUATION DATE:- 10/6/2020

Total Areas: 8,042 acres; Area in 3 inch discharge zone: 0 acres; Area in 6 inch discharge zone: 8,042 acres

| FILE_ID | WELL_ID | TOWNSHIP | RANGE | SECTION | QUALIFIER | USE | AUTHQUANTITY |
|--------------------------------------|-----------------|---------------------------------------|-------|---------|-----------|---------------------------------|---------------|
| A00295400 | 904 | 26S | 02W | 23 | 40281156 | IRR | 67 |
| A00606100 | 970 | 26S | 02W | 14 | 39004100 | IRR | 210 |
| A01081500 | 1786 | 26S | 02W | 14 | 46002630 | MUN | 174 |
| A01287100 | 710 | 26S | 02W | 24 | 48002300 | IRR | 23 |
| A01576300 | 178 | 26S | 02W | 24 | 48002300 | IRR | 84 |
| A01727700 | 1320 | 26S | 02W | 13 | 34401284 | IRR | 63 |
| A01984600 | 460 | 26S | 02W | 24 | 26601280 | IRR | 168 |
| A02450300 | 1654 | 26S | 01W | 19 | 38562490 | MUN | 19.7 |
| A02744400 | 234 | 26S | 02W | 13 | 25003955 | IRR | 94 |
| A028167IR | 311 | 26S | 01W | 19 | 15053920 | IRR | 24 |
| A028167MU | 2772 | 26S | 01W | 19 | 15053920 | MUN | 80 |
| A02865000 | 1791 | 26S | 02W | 14 | 39004100 | IRR | 0 |
| A03063900 | 512 | 26S | 01W | 19 | 34004620 | IRR | 44 |
| A032148D1 | 437 | 26S | 02W | 13 | 6254225 | IRR | 31 |
| A032148D2 | 439 | 26S | 02W | 14 | 5981335 | IRR | 129 |
| A03238900 | 255 | 26S | 02W | 11 | 14541244 | IRR | 120 |
| A03257500 | 137 | 26S | 02W | 13 | 34401284 | IRR | 60 |
| A03894200 | 1806 | 26S | 02W | 13 | 18000063 | IND | 25.8 |
| A04156300 | 2153 | 26S | 02W | 2 | 16200929 | REC | 8.6 |
| A04157100 | 2132 | 26S | 02W | 12 | 28403020 | REC | 8.3 |
| A04157200 | 2133 | 26S | 01W | 18 | 49894352 | REC | 7 |
| A04253600 | 2445 | 26S | 01W | 17 | 39612785 | IRR | 0 |
| A04253600 | 2446 | 26S | 01W | 17 | 37532783 | IRR | 0 |
| A04253600 | 2412 | 26S | 01W | 17 | 40572787 | IRR | 207 |
| A04253600 | 2443 | 26S | 01W | 17 | 43612790 | IRR | 0 |
| A04253600 | 2444 | 26S | 01W | 17 | 41612788 | IRR | 0 |
| A04385900 | 2702 | 26S | 01W | 18 | 14534724 | IND | 9.75 |
| A04461700 | 2860 | 26S | 01W | 7 | 17502950 | REC | 3.34 |
| A04539700 | 3014 | 26S | 02W | 13 | 52350229 | IRR | 121.5 |
| A04561500 | 3078 | 26S | 01W | 20 | 46084851 | REC | 5 |
| A04617900 | 3263 | 26S | 01W | 8 | 12100180 | IND | 1392 |
| A04669000 | 3442 | 26S | 02W | 11 | 14541244 | IRR | 0 |
| A04687200 | 3468 | 26S | 02W | 12 | 25491204 | IRR | 78 |
| A04703700 | 3502 | 26S | 02W | 2 | 8001590 | REC | 17.29 |
| A04813000 | 3915 | 26S | 02W | 12 | 41851300 | IRR | 201.5 |
| A04908700 | 4227 | 26S | 01W | 16 | 36504500 | IRR | 32.5 |
| A04986900 | 4965 | 26S | 01W | 17 | 17623333 | IND | 83.5 |
| A04988400 | 5199 | 26S | 01W | 7 | 40713488 | IRR | 76.67 |
| A05033900P | 5294 | 26S | 01W | 17 | 18970792 | REC | 5 |
| A05040500P | 5296 | 26S | 01W | 18 | 48141745 | REC | 5.65 |
| A05040600P | 5297 | 26S | 01W | 18 | 45734192 | REC | 7.78 |
| A20059016 | 3264 | 26S | 01W | 8 | 11480465 | HYD | 16572 |
| A20159023 | 4845 | 26S | 01W | 8 | 12100180 | HYD | 813.87 |
| Allowable Appropriations | 4,021.00 | Total Existing Appropriation | | | | 21,072.75 | |
| Small User Quantity | 0 | Non Consumptive Appropriations | | | | 17,385.87 | |
| Remaining SUQ | 45 | Consumptive Appropriations | | | | 3,686.88 | |
| Note- Values are in acre-feet | | | | | | Available Appropriations | 334.12 |

Equus Beds Groundwater Management District No. 2 Spacing Evaluation #50406 - Kevin Rempe SENWNW (4573'N & 4192'W) 18-26S-01W, Sedgwick County Prepared By: T. Boese Date: 10/6/2020



| | |
|--|--|
| <ul style="list-style-type: none"> ● Proposed Point of Diversion — Area of Consideration Boundary ● Monitoring Wells ▲ Points of Diversion District Boundary | <p style="text-align: center;">Map Legend</p> <ul style="list-style-type: none"> Major Highway Other Roadway Major Stream Other Water Feature County Boundary City Boundary |
| <p>0.065 0.0325 0 0.065 Miles</p> | <p>Equus Beds Groundwater Management District No. 2 313 Spruce Street, Halstead, KS 67056 316-835-2224, equusbeds@gmd2.org</p> |

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. 50,406** of the applicant

**KEVIN REMPE
1044 N MURRAY COURT
WICHITA, KS 67212-4031**

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 25, 2020**.
2. That the water sought to be appropriated shall be used for recreational use on land described to replace evaporation losses from one (1) groundwater pit with a maximum surface area of 4.67 acres located in the in the Northeast Quarter of the Northwest Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 18, in Township 26 South, Range 1 West, Sedgwick County, Kansas.
3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of one (1) groundwater pit with a geographical center located in the Southeast Quarter of the Northwest Quarter of the Northwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 18, more particularly described as being near a point 4,573 feet North and 4,192 feet West of the Southeast corner of said section, in Township 26 South, Range 1 West, Sedgwick 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 **natural evaporation** and to a quantity not to exceed **7.78 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, which is currently \$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, 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, 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, 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 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 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.
12. That no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.
13. 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.
14. 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.
15. That the groundwater pit shall be constructed, maintained, and operated in a manner that will prevent degradation to the water quality of the source of supply, which would cause impairment to existing water rights.
16. That the area around the groundwater pit be bermed or graded, and maintained, to prohibit any surface drainage or storm water runoff from entering the aquifer through the excavated pit.
17. That a sign is permanently posted at the excavation, identifying the excavation as a groundwater pit, and stating that dumping or discharges into the pit are prohibited to prevent contamination of the Equus Beds aquifer. The sign must be a minimum of three feet in length by two feet in width, easily visible, and of durable construction.

Ordered this 15 day of January, 2021, in Manhattan, Riley County, Kansas.

Lane P. Letourneau

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

State of Kansas)
County of Riley) SS

The foregoing instrument was acknowledged before me this 15 day of January, 2021, by Lane P. Letourneau, P.G., Water Appropriation 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, Acting Secretary

Laura Kelly, Governor

January 21, 2021

KEVIN REMPE
1044 N MURRAY COURT
WICHITA KS 67212-4031

RE: Application, File No. 50,406

Dear Mr. Rempe:

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 web site 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
Water Appropriation Program

Enclosures

pc: Stafford Field Office
GMD 2
West Land Holdings LLC, 429 S 119th St W, Wichita KS 67235

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 21 day of January, 2021, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,406, dated 15 January was mailed postage prepaid, first class, US mail to the following:

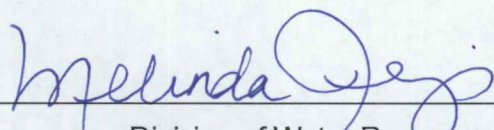
KEVIN REMPE
1044 N MURRAY COURT
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With photocopies to:

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Division of Water Resources