

File No. 50,481	15. Formation Code: 533	Drainage Basin: Walnut River	County: BU	Special Use:	Stream:																
16. Points of Diversion T MOD DEL ENT			NEW BATT #2265 PDIV Qualifier S T R ID 'N 'W			17. Rate and Quantity Authorized Additional Rate gpm Quantity af Rate gpm Quantity af Overlap PD Files															
MOD 88515			LOT 3 NE NW 4 27S 3E 3 4584 3336			800 86.4		800 86.4		20210069											
DEL 88516																					
MOD 88517			LOT 3 NE NW 4 27S 3E 5 4607 3048																		
MOD 88518			LOT 3 NE NW 4 27S 3E 6 4713 3048																		
MOD 88519			LOT 3 NE NW 4 27S 3E 7 4659 3101 (GEO)																		
88766			DEL 88519																		
18. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft																					
19. Limitation: _____ MG/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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No To be installed by _____ Date Acceptable Meter Installed _____																					
21. Place of Use T MOD DEL ENT		NE 1/4				NW 1/4				SW 1/4				SE 1/4				Total	Owner	Chg? NO	Overlap Files
PUSE S T R ID		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				
MOD 70199		4	27S	3E	1					LOT 3 32			40					72	7a	no	20210069
Comments: 3 WELLS ALREADY EXIST, PREVIOUSLY AUTHORIZED BY THREE TEMPORARY PERMITS (MOST RECENT TEMP: 20210069) <div style="text-align: center; color: red; font-weight: bold; font-size: 1.2em;"> Tweaking PD and PU description - LOT 3 needs to be included* </div> <div style="float: right; border: 1px solid red; padding: 5px; margin-top: 10px;"> 10/5/2021 KJN </div>																					

20210069 EXPIRES 11/1/2021

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: April 30, 2021

FROM: Kris Neuhauser

RE: New Application,
File No. 50,481

LOT 3*

Sunnyland Properties LLC has filed an application to appropriate groundwater for irrigation use (industrial hemp), requesting a battery of three (3) wells, with a quantity of 86.4 acre-feet of water per calendar year, at a diversion rate of 800 gallons per minute. The proposed geocenter of said battery is located in the Northeast Quarter of the Northeast Quarter of the Northwest Quarter (~~NE¹/₄~~*NE¹/₄ NW¹/₄) of Section 4, more particularly described as being near a point 4,659 feet North and 3,101 feet West of the Southeast corner of said section, in Township 27 South, Range 3 East, Butler County, Kansas, within the Walnut River drainage basin.

The proposed place of use is 72 acres in the Northeast Quarter of the Northwest Quarter of Section 4, Township 27 South, Range 3 East, Butler County, Kansas. The place of use does not overlap any existing water rights. The applicant owns the entire place of use and proposed point of diversion. Initially, the application listed the place of use as 80 acres. After creating an updated map and measuring the acreage, it was determined to be 72 acres. In an email on August 2, 2021, Christian Coleman confirmed the change to the place of use (and in turn, the quantity). **The location indicates the point of diversion and place of use contain a correction lot, Lot #3 of 44.13 acres but the proposed PU of 72 acres and if a pivot would be 36 A in Lot 3 and 36 in SE NW li/dwr**

The proposed quantity of 86.4 acre-feet per calendar year provides 1.2 acre-feet per acre, making it the maximum reasonable quantity for Butler County (72 acres x 1.2 = 86.4 acre-feet).

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, which provided an area of consideration of 8,042 acres. With a potential annual recharge of 3.4 inches, and 100% of recharge available for appropriation, safe yield was determined to be 2,278.7 acre-feet. Existing water rights have appropriated 91.4 acre-feet, providing a difference of 2,187.3 acre-feet available for appropriation, and the application requesting 86.4 acre-feet complies with safe yield.

The test hole log submitted with the application, along with a log found via the WWC-5 database, shows top soil from 0-3 feet, clay from 3-20 feet, shale from 20-35 feet, limestone from 35-58 feet, grey shale from 58-65 feet, and shaley lime from 65-87 feet. The static water level was listed at 30 feet. Based on the logs and surrounding area, the source of supply appears to be the Wellington Formation.

Six domestic wells within one-half mile of the point of diversion were identified by the applicant; and confirmed by the WWC5 database. Nearby letters were sent out on April 30,

2021, notifying of the diversion works proposed. One response was received from Michael K. Ramsey (Attorney – Hope, Mills, Bolin, Collins & Ramsey LLP), who wrote a letter on behalf of Lyndal A. and Lynne L. Foss. The letter requested further information about the application and DWR's review, thus it was treated as an open records request. Not all information requested was available to be provided, but a safe yield report was sent to Mr. Ramsey on June 8, 2021. Neither Mr. Ramsey, nor Lyndal & Lynne Foss have followed up with DWR since.

The closest non-domestic well is 1.75 miles away, authorized by Water Right, File Nos. 44,975 and 48,738. The closest domestic well is roughly 1,500 feet away. Therefore, according to K.A.R. 5-4-4, the required well spacing is met.

In an e-mail conversation on August 18, 2021, Jeff Lanterman, Water Commissioner of the Stafford Field Office, and Cameron Conant, Assistant Water Commissioner of the Stafford Field Office, recommended approval of the application.

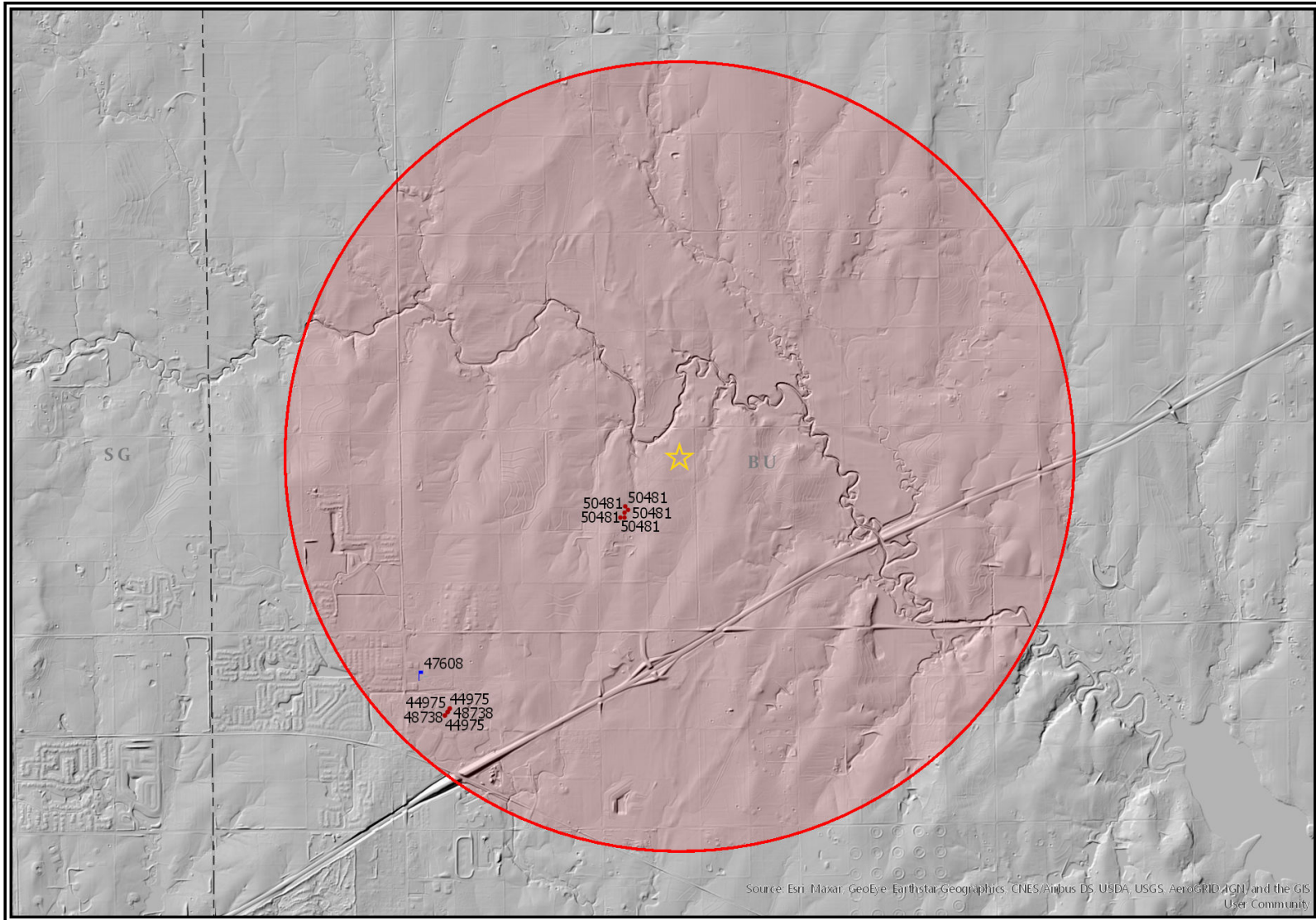
In accordance with K.S.A. 82a-706c, the Chief Engineer retains full authority to require any water user to install meters, gages, or other measuring devices, which devices he or she or his or her agents may read at any time. Water flowmeter requirements are further described in K.A.R. 5-1-4 through K.A.R. 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.

Based on the above discussion, the area is open to new appropriations, the application complies with safe yield and well spacing criteria, and 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
New Applications Lead
Water Appropriation Program

Safe Yield Report Sheet
Water Right- Proposed Point of Diversion
Point of Diversion in 04-27S-03E
Footages from SE corner- 4,659 feet North 3,101 feet West



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

Analysis Results

50481 passes SY*

The selected PD is in an area OPEN to new appropriations.

The safe yield based on the variables listed below is 2,278.70 AF.

Total prior appropriations in the circle is ~~187.40 AF~~ **91.5 AF**

Total quantity of water available for appropriation is ~~2,091.30 AF~~ **2,187.2 AF available**

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 3.4 inches.

The percent of recharge available for appropriation is 100%.

Authorized Quantity values are as of 29-APR-2021 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 3 water rights and 8 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 44975 00	IRR	NK	G		SE	SW	NW	3293	4043	08	27	03E	3	WR	9.60	9.60	61.00	61.00
Same	IRR	NK	G		SE	SW	NW	3196	4110	08	27	03E	7	WR				
Same	IRR	NK	G		SE	SW	NW	3098	4177	08	27	03E	8	WR				
A 48738 00	IRR	KE	G		SE	SW	NW	3293	4043	08	27	03E	3	WR	91.50	81.80	61.00	0.00
Same	IRR	KE	G		SE	SW	NW	3196	4110	08	27	03E	7	WR				
Same	IRR	KE	G		SE	SW	NW	3098	4177	08	27	03E	8	WR				
A 50481 00	IRR	AY	G		SW	NE	NW	3336	4584	04	27	03E	3	WR	96.00	96.00	80.00	80.00
Same	IRR	AY	G		SE	NE	NW	3250	4502	04	27	03E	4	WR				
Same	IRR	AY	G		SE	NE	NW	3048	4607	04	27	03E	5	WR				
Same	IRR	AY	G		SE	NE	NW	3048	4713	04	27	03E	6	WR				
Same	IRR	AY	G		SE	SW	NW	3171	4602	04	27	03E	7	WR				

91.5

Limitations

File Number	Seq Num	Limitations
A 48738 00	1	91.50 AF/YR @ 800 GPM COM/W #44975

NEW APPLICATION, FILE NO. 50,481



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

0 0.1 0.2 0.4 0.6 0.8 Miles

- Nearby domestic wells
- ★ Point of Diversion
4,659 ft. N 3,101 ft.
W 4-27S-3E
- ▨ Place of Use: 72 acres

KRIS NEUHAUSER
8/3/2021
DWR HQ - MANHATTAN



From: Christian Coleman
Sent: Thu 9/2/2021 11:01 AM
To: Neuhauser, Kris [KDA];Cody Coleman
Subject: Re: New App 50481 edits

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 that is great news!! Thanks so much for your help. With respect to place of use and quantity, we are good with your updates. Let us know if there's anything more you need from us to get this finalized.

Get [Outlook for iOS](#)

From: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Sent: Thursday, September 2, 2021 10:55:13 AM
To: Christian Coleman <christianc@sunnylandkansas.com>; Cody Coleman <codyc@sunnylandkansas.com>
Subject: RE: New App 50481 edits

Wanted to follow up with you guys on this! Stafford Field Office gave the approval recommendation at the end of August. Have the approval documents pretty well drafted up; just needing you to sign off on the place of use and quantity edits I mentioned in my first email. Let me know if everything looks good to you.

Thank you!

Kris Neuhauser

New Applications Lead
Kansas Department of Agriculture, Division of Water Resources
Phone: 785-564-6643

From: Neuhauser, Kris [KDA]
Sent: Tuesday, August 3, 2021 12:58 PM
To: Christian Coleman <christianc@sunnylandkansas.com>; Cody Coleman <codyc@sunnylandkansas.com>
Subject: New App 50481

Hi guys,

Sorry for the delay on this one! We received a nearby response from an attorney, on behalf of a nearby domestic well owner. They requested a lot of extra information – so it became an open records request, where we have to halt all progress on the application. We have not heard back after supplying said information, so we're getting back on track.

Just wanted to shoot you guys this updated map I created for 50481; I tried to base it off your place of use maps you submitted. When measured, I came up with 72 acres – if this sounds good to you I will go ahead and alter the app from 80 acres to 72 acres. I will also alter the quantity from 96 acre-feet per year to 86.4 acre-feet per year, to meet our maximum reasonable irrigation quantity reg for Butler County (72 acres x 1.2 acre-feet per acre = 86.4 acre-feet).

I have my review of your app done, other than confirming the place of use with you guys. Have just had to wait for the open records request to play out. Next I'll send it to our Stafford Field Office for a final approval/denial recommendation from the water commissioner there.

Let me know if you have questions! 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: Lanterman, Jeff [KDA]
Sent: Wed 8/18/2021 4:33 PM
To: Neuhauser, Kris [KDA]
Cc: Conant, Cameron [KDA]
Subject: FW: 50481 rec request
Attachments: 50481_Memo.doc, 50481map.jpg, 50481_SafeYieldReport.pdf, 2021 well log.pdf, 2020 well log.pdf

Chris;

Cameron assures me that this is a shining example of a good application!

I concur. Meets spacing by a wide margin and is really in a location it shouldn't hurt anyone by its operation.

Please approve it!

Jeff

From: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Sent: Wednesday, August 18, 2021 4:26 PM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Subject: FW: 50481 rec request

Jeff, this is a proposed battery of wells for 800 GPM to be used on 72 acres with a reasonable quantity for Butler county of 86 AF. They have operated these wells under several temporary permits in 2020 and 2021.

This application meets spacing to all nearby wells. 6 domestic wells are within ½ mile and were notified, the closest was over a ¼ mile away. 1 well sent a response via Attorney Michael Ramsey who requested ORR of different documents. We provided what we had (not all he requested), they provided no response so I think it is appropriate to move on with the processing.

I have attached the 2 well logs that are drilled for the existing wells under the temp permits and that will be used to make up the battery of wells proposed by this application. Kris noted these are sourced in the Wellington. These are NOT going to be high producing wells nor are they expected to be and they obviously won't be pumping the requested 800 gpm. But, 800 gpm covers us and them and this will no doubt be reduced at the appropriate time during testing and certification.

For perspective, this project is located about 2 miles NE of Andover schools northern most school wells and over 3 miles NE of Terradyne's wells. I found no nearby annual wells that we measure, but we do kind of have a feel for this area and how it reacts due to large scale pumping of domestics and permitted rights from old transducer readings in Andover schools well and in Terradyne OBS well. It is important to note I don't think we will see those large scale swings in water level during the pumping season at this location because the area is not covered up with domestic wells like in Andover, see attached map.

I think based on our current rules with SY and spacing we can recommend approval of this application. Please pass on to Kris if you agree.

Cameron

From: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Sent: Tuesday, August 3, 2021 1:18 PM
To: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>; Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Subject: RE: 50481 rec request

Created a new map for it, attached it above. I measured the PU, looks to be 72 acres, so I adjusted from 80 to 72. Also altered the quantity from 96 AF to 86.4 AF to meet max reasonable. Shot Christian and Cody Coleman an email to sign off on the change (talked to them both a lot already since they've submitted 3 temps prior to 50481). Sure they'll get back to me soon – I can let you know.

Also have a memo attached, so you can consider this my official rec request. If we end up needing to hold off longer due to the ORR, just let me know!

Thanks,

Kris

From: Neuhauser, Kris [KDA]
Sent: Tuesday, August 3, 2021 9:39 AM
To: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>; Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Subject: RE: Open Record Request No. 12912

Right on, doesn't hurt to get one going regardless. Not that I know of or can see in Docuware though, unless Jeff knows of something?

Kris

From: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Sent: Tuesday, August 3, 2021 9:37 AM
To: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>; Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Subject: RE: Open Record Request No. 12912

Might as well, from my quick look at it when that ORR came about, he didn't have much to stand on with his concern and maybe decided to move on after his ORR and contact with the attorney.

The attorney never asked for more time or anything did he?

Cameron

From: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Sent: Tuesday, August 3, 2021 9:26 AM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>; Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Subject: RE: Open Record Request No. 12912

I can get a memo drafted up and send you guys a rec request if you think we are good to roll.

Kris

From: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Sent: Thursday, July 29, 2021 11:48 AM
To: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>; Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Subject: RE: Open Record Request No. 12912

Maybe.

From: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Sent: Thursday, July 29, 2021 11:47 AM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>; Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Subject: RE: Open Record Request No. 12912

Heck, you guys think we are in the clear then since it's been near 2 months since he had that information?

Cameron

From: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Sent: Thursday, July 29, 2021 11:39 AM
To: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>; Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Subject: FW: Open Record Request No. 12912

Fyi on this

From: Michael K. Ramsey <mramsey@hmbcr.com>
Sent: Tuesday, June 8, 2021 10:59 AM
To: Hutton, Ronda [KDA] <Ronda.Hutton@ks.gov>
Cc: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Subject: RE: Open Record Request No. 12912

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Good Morning Ronda,

Thank you for sending the information. If I have questions, I'll call Jeff.

Also, please replace my old email address at sbcglobal with: mramsey@hmbcr.com .

Regards,

Michael K. Ramsey, Attorney
Hope, Mills, Bolin, Collins & Ramsey
P.O. Box 439
607 N. 7th Street
Garden City, KS 67846-0439
Phone: (620) 276-3203
FAX: (620) 276-3300
e-mail: mramsey@hmbcr.com

From: Hutton, Ronda [KDA] <Ronda.Hutton@ks.gov>
Sent: Tuesday, June 08, 2021 9:37 AM
To: ramsey.hmbcr@sbcglobal.net
Cc: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Subject: Open Record Request No. 12912

Good morning Mr. Ramsey,

This email is in response to your open records request/letter requesting the safe yield analysis for a pending new application, file no. 50,481. The safe yield analysis is attached.

In your letter you also requested data or information regarding the minimum desirable streamflow for the Walnut River. The Division of Water Resources does administer minimum desirable streamflow on the Walnut River for surface water rights, however, they do not administer it for groundwater rights.

In addition, DWR does not have a pumping rate or a drawdown analysis to provide.

If you have any further questions, please contact Jeff Lanterman, Water Commissioner, Stafford Field Office, at (620) 268-6030.

Thank you.
Ronda Hutton

Ronda M. Hutton
Legal Assistant
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, KS 66502
Phone: (785) 564-6715
Fax: (785) 564-6777
Email: ronda.hutton@ks.gov
www.agriculture.ks.gov

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To: mramsey@hmbcr.com

Message Score: 5

High (60): **Pass**

From: ronda.hutton@ks.gov

My Spam Blocking Level: Medium

Medium (75): **Pass**

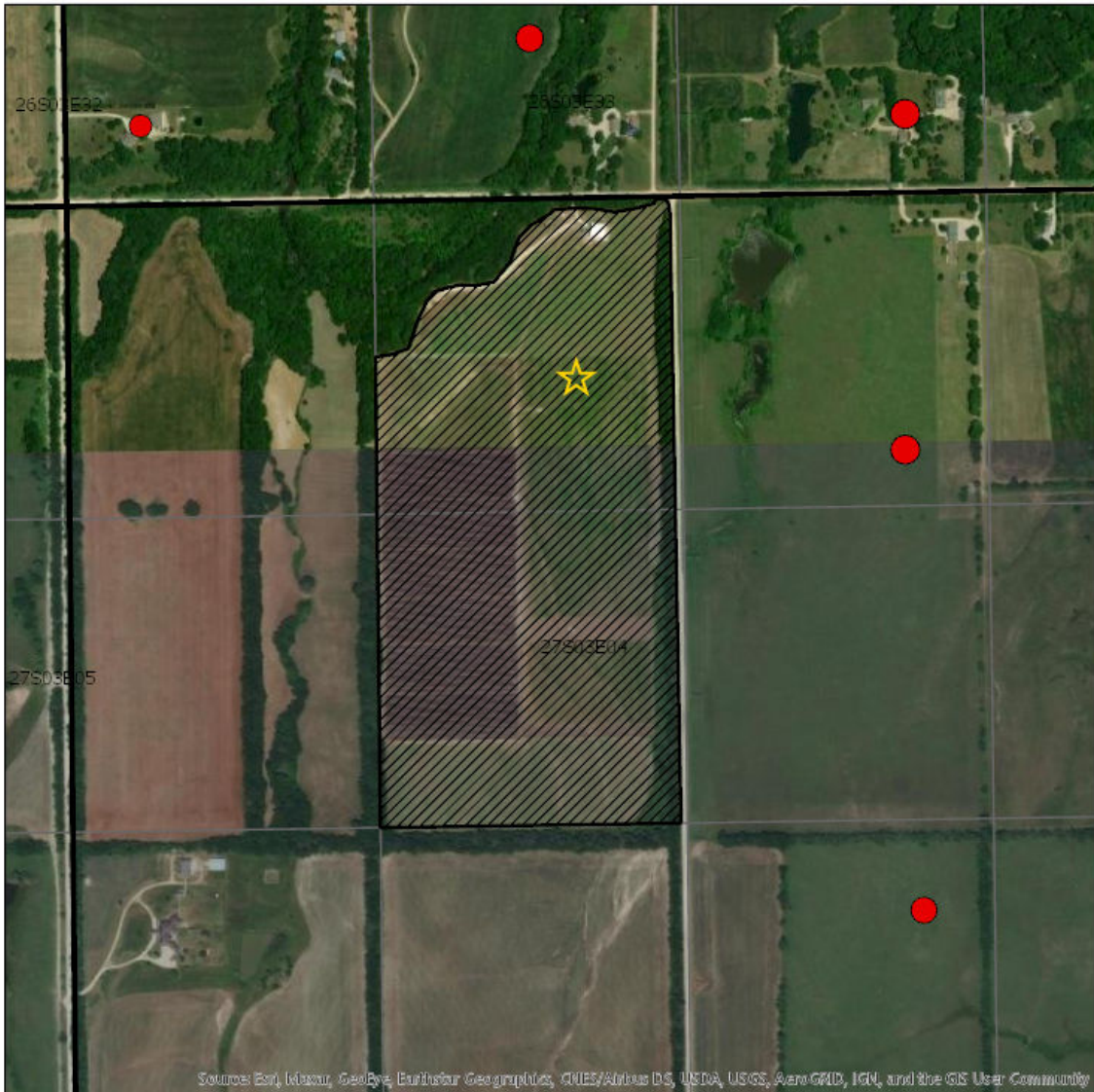
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NEW APPLICATION, FILE NO. 50,481



- Nearby domestic wells
- ★ Point of Diversion
4,659 ft. N 3,101 ft.
W 4-275-3E
- ▨ Place of Use: 72 acres

KRIS NEUHAUSER
8/3/2021
DWR HQ - MANHATTAN

From: Michael K. Ramsey
Sent: Fri 5/14/2021 2:10 PM
To: Neuhauser, Kris [KDA]
Subject: RE: Pending New Application, File No. 50,481

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Thank you. I will watch for the email from the legal department.

Mike Ramsey

From: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Sent: Friday, May 14, 2021 11:53 AM
To: Michael K. Ramsey <mramsey@hmbcr.com>
Subject: RE: Pending New Application, File No. 50,481

Good morning Michael,

Thank you for the email and scanned letter. We won't take any further action on this application until we process an open records request. We've passed your letter on to our legal department to review for the open records process. We will be in touch regarding the information you have requested.

If you have any further questions don't hesitate to reach out. Thank you!

Kris Neuhauser

Environmental Scientist
Water Appropriations Program – Kansas Dept of Agriculture
(785) 564-6643

From: Michael K. Ramsey <mramsey@hmbcr.com>
Sent: Friday, May 14, 2021 11:02 AM
To: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Subject: Pending New Application, File No. 50,481

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.

Hello Kris,

Attached is a copy of the letter mailed to you today. Not knowing when it will arrive on your desk by mail, I am sending a courtesy copy by email.

Regards,

Michael K. Ramsey, Attorney
Hope, Mills, Bolin, Collins & Ramsey
P.O. Box 439
607 N. 7th Street
Garden City, KS 67846-0439
Phone: (620) 276-3203
FAX: (620) 276-3300
e-mail: mramsey@hmbcr.com

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To: mramsey@hmbcr.com
From: kris.neuhauser@ks.gov

Message Score: 1
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High (60): **Pass**
Medium (75): **Pass**
Low (90): **Pass**

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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. 50,481** of the applicant

**SUNNYLAND PROPERTIES LLC
2548 N MAIZE CT SUITE 106
WICHITA, KS 67205**

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 **December 4, 2020**.
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	
4	27S	3E					Lot 3 32.0					40.0							72.0

3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of a battery of three (3) wells, with a geographical center located in the Northwest Quarter of Lot 3 (NE¼ NW¼) of Section 4, more particularly described as being near a point 4,659 feet North and 3,101 feet West of the Southeast corner of said section, in Township 27 South, Range 3 East, Butler County, Kansas, located substantially as shown on the plat 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 **86.4 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 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 acceptable water flow meters 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. These water flow meters 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.

Ordered this 13 day of October, 2021, in Manhattan, Riley County, Kansas.

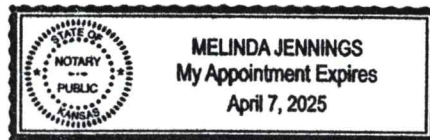
Lane P. Letourneau

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

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 13 day of October, 2021, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.

Melinda Jennings
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

CERTIFICATE OF SERVICE

On this day of , 2021, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,481, dated , 2021, was mailed postage prepaid, first class, US mail to the following:

SUNNYLAND PROPERTIES LLC
2548 N MAIZE CT SUITE 106
WICHITA, KS 67205

With photocopies to:

Stafford Field Office

Division of Water Resources

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

October 18, 2021

SUNNYLAND PROPERTIES LLC
2548 N MAIZE CT SUITE 106
WICHITA, KS 67205

RE: Appropriation of Water, File No. 50,481

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,

Kristen A. Baum
New Applications and Changes Supervisor
Division of Water Resources

KAB: kjn
Enclosure(s)

pc: Stafford Field Office

RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

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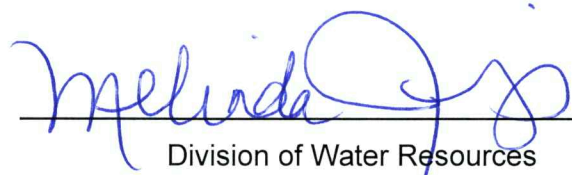
CERTIFICATE OF SERVICE

On this 18 day of October, 2021, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,481, dated 13 October, 2021, was mailed postage prepaid, first class, US mail to the following:

SUNNYLAND PROPERTIES LLC
2548 N MAIZE CT SUITE 106
WICHITA, KS 67205

With photocopies to:

Stafford Field Office



Division of Water Resources